

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 233**  
**HOUSE BILL 2250**

AN ACT

AMENDING SECTION 32-2501, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 24; AMENDING SECTION 32-2504, ARIZONA REVISED STATUTES; AMENDING SECTION 32-2532, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 25; RELATING TO THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2501, Arizona Revised Statutes, as amended by  
3 Laws 2018, first special session, chapter 1, section 24, is amended to  
4 read:

5 32-2501. Definitions

6 In this chapter, unless the context otherwise requires:

7 1. "Active license" means a regular license issued pursuant to this  
8 chapter.

9 2. "Adequate records" means legible medical records containing, at  
10 a minimum, sufficient information to identify the patient, support the  
11 diagnosis, justify the treatment, accurately document the results,  
12 indicate advice and cautionary warnings provided to the patient and  
13 provide sufficient information for another practitioner to assume  
14 continuity of the patient's care at any point in the course of treatment.

15 3. "Advisory letter" means a nondisciplinary letter to notify a  
16 physician assistant that either:

17 (a) While there is insufficient evidence to support disciplinary  
18 action, the board believes that continuation of the activities that led to  
19 the investigation may result in further board action against the licensee.

20 (b) The violation is a minor or technical violation that is not of  
21 sufficient merit to warrant disciplinary action.

22 (c) While the licensee has demonstrated substantial compliance  
23 through rehabilitation or remediation that has mitigated the need for  
24 disciplinary action, the board believes that repetition of the activities  
25 that led to the investigation may result in further board action against  
26 the licensee.

27 4. "Approved program" means a physician assistant educational  
28 program accredited by the accreditation review commission on education for  
29 physician assistants, or one of its predecessor agencies, the committee on  
30 allied health education and accreditation or the commission on the  
31 accreditation of allied health educational programs.

32 5. "Board" means the Arizona regulatory board of physician  
33 assistants.

34 6. "Completed application" means an application for which the  
35 applicant has supplied all required fees, information and correspondence  
36 requested by the board on forms and in a manner acceptable to the board.

37 7. "Immediate family" means the spouse, natural or adopted  
38 children, father, mother, brothers and sisters of the physician assistant  
39 and the natural or adopted children, father, mother, brothers and sisters  
40 of the physician assistant's spouse.

41 8. "Letter of reprimand" means a disciplinary letter that is issued  
42 by the board and that informs the physician assistant that the physician  
43 assistant's conduct violates state or federal law and may require the  
44 board to monitor the physician assistant.

1           9. "Limit" means a nondisciplinary action that is taken by the  
2 board and that alters a physician assistant's practice or medical  
3 activities if there is evidence that the physician assistant is or may be  
4 mentally or physically unable to safely engage in health care tasks.

5           10. "Medically incompetent" means that a physician assistant lacks  
6 sufficient medical knowledge or skills, or both, in performing delegated  
7 health care tasks to a degree likely to endanger the health or safety of  
8 patients.

9           11. "Minor surgery" means those invasive procedures that may be  
10 delegated to a physician assistant by a supervising physician, that are  
11 consistent with the training and experience of the physician assistant,  
12 that are normally taught in courses of training approved by the board and  
13 that have been approved by the board as falling within a scope of practice  
14 of a physician assistant. Minor surgery does not include a surgical  
15 abortion.

16           12. "Physician" means a physician who is licensed pursuant to  
17 chapter 13 or 17 of this title.

18           13. "Physician assistant" means a person who is licensed pursuant  
19 to this chapter and who practices medicine with physician supervision.

20           14. "Regular license" means a valid and existing license that is  
21 issued pursuant to section 32-2521 to perform health care tasks.

22           15. "Restrict" means a disciplinary action that is taken by the  
23 board and that alters a physician assistant's practice or medical  
24 activities if there is evidence that the physician assistant is or may be  
25 medically incompetent or guilty of unprofessional conduct.

26           16. "Supervising physician" means a physician who holds a current  
27 unrestricted license, who supervises a physician assistant and who assumes  
28 legal responsibility for health care tasks performed by the physician  
29 assistant.

30           17. "Supervision" means a physician's opportunity or ability to  
31 provide or exercise direction and control over the services of a physician  
32 assistant. Supervision does not require a physician's constant physical  
33 presence if the supervising physician is or can be easily in contact with  
34 the physician assistant by telecommunication.

35           18. "Unprofessional conduct" includes the following acts by a  
36 physician assistant that occur in this state or elsewhere:

37           (a) Violating any federal or state law or rule that applies to the  
38 performance of health care tasks as a physician assistant. Conviction in  
39 any court of competent jurisdiction is conclusive evidence of a violation.

40           (b) Claiming to be a physician or knowingly permitting another  
41 person to represent that person as a physician.

42           (c) Performing health care tasks that have not been delegated by  
43 the supervising physician.

44           ~~(d) Exhibiting habitual intemperance in the use of alcohol or~~  
45 ~~habitual substance abuse.~~

1 (d) EXHIBITING A PATTERN OF USING OR BEING UNDER THE INFLUENCE OF  
2 ALCOHOL OR DRUGS OR A SIMILAR SUBSTANCE WHILE PERFORMING HEALTH CARE TASKS  
3 OR TO THE EXTENT THAT JUDGMENT MAY BE IMPAIRED AND THE ABILITY TO PERFORM  
4 HEALTH CARE TASKS DETRIMENTALLY AFFECTED.

5 (e) Signing a blank, undated or predated prescription form.

6 (f) Committing gross malpractice, repeated malpractice or any  
7 malpractice resulting in the death of a patient.

8 (g) Representing that a manifestly incurable disease or infirmity  
9 can be permanently cured or that a disease, ailment or infirmity can be  
10 cured by a secret method, procedure, treatment, medicine or device, if  
11 this is not true.

12 (h) Refusing to divulge to the board on demand the means, method,  
13 procedure, modality of treatment or medicine used in the treatment of a  
14 disease, injury, ailment or infirmity.

15 (i) Prescribing or dispensing controlled substances or  
16 prescription-only drugs for which the physician assistant is not approved  
17 or in excess of the amount authorized pursuant to this chapter.

18 (j) Committing any conduct or practice that is or might be harmful  
19 or dangerous to the health of a patient or the public.

20 (k) Violating a formal order, probation or stipulation issued by  
21 the board.

22 (l) Failing to clearly disclose the person's identity as a  
23 physician assistant in the course of the physician assistant's employment.

24 (m) Failing to use and affix the initials "P.A." or "P.A.-C." after  
25 the physician assistant's name or signature on charts, prescriptions or  
26 professional correspondence.

27 (n) Procuring or attempting to procure a physician assistant  
28 license by fraud, misrepresentation or knowingly taking advantage of the  
29 mistake of another.

30 (o) Having professional connection with or lending the physician  
31 assistant's name to an illegal practitioner of any of the healing arts.

32 (p) Failing or refusing to maintain adequate records on a patient.

33 (q) Using controlled substances that have not been prescribed by a  
34 physician, physician assistant, dentist or nurse practitioner for use  
35 during a prescribed course of treatment.

36 (r) Prescribing or dispensing controlled substances to members of  
37 the physician assistant's immediate family.

38 (s) Prescribing, dispensing or administering any controlled  
39 substance or prescription-only drug for other than accepted therapeutic  
40 purposes.

41 (t) Dispensing a schedule II controlled substance that is an  
42 opioid.

43 (u) Knowingly making any written or oral false or fraudulent  
44 statement in connection with the performance of health care tasks or when

1 applying for privileges or renewing an application for privileges at a  
2 health care institution.

3 (v) Committing a felony, whether or not involving moral turpitude,  
4 or a misdemeanor involving moral turpitude. In either case, conviction by  
5 a court of competent jurisdiction or a plea of no contest is conclusive  
6 evidence of the commission.

7 (w) Having a certification or license refused, revoked, suspended,  
8 limited or restricted by any other licensing jurisdiction for the  
9 inability to safely and skillfully perform health care tasks or for  
10 unprofessional conduct as defined by that jurisdiction that directly or  
11 indirectly corresponds to any act of unprofessional conduct as prescribed  
12 by this paragraph.

13 (x) Having sanctions including restriction, suspension or removal  
14 from practice imposed by an agency of the federal government.

15 (y) Violating or attempting to violate, directly or indirectly, or  
16 assisting in or abetting the violation of or conspiring to violate a  
17 provision of this chapter.

18 (z) Using the term "doctor" or the abbreviation "Dr." on a name tag  
19 or in a way that leads the public to believe that the physician assistant  
20 is licensed to practice as an allopathic or an osteopathic physician in  
21 this state.

22 (aa) Failing to furnish legally requested information to the board  
23 or its investigator in a timely manner.

24 (bb) Failing to allow properly authorized board personnel to  
25 examine on demand documents, reports and records of any kind relating to  
26 the physician assistant's performance of health care tasks.

27 (cc) Knowingly making a false or misleading statement on a form  
28 required by the board or in written correspondence or attachments  
29 furnished to the board.

30 (dd) Failing to submit to a body fluid examination and other  
31 examinations known to detect the presence of alcohol or other drugs  
32 pursuant to an agreement with the board or an order of the board.

33 (ee) Violating a formal order, probation agreement or stipulation  
34 issued or entered into by the board or its executive director.

35 (ff) Except as otherwise required by law, intentionally betraying a  
36 professional secret or intentionally violating a privileged  
37 communication.

38 (gg) Allowing the use of the licensee's name in any way to enhance  
39 or permit the continuance of the activities of, or maintaining a  
40 professional connection with, an illegal practitioner of medicine or the  
41 performance of health care tasks by a person who is not licensed pursuant  
42 to this chapter.

43 (hh) Committing false, fraudulent, deceptive or misleading  
44 advertising by a physician assistant or the physician assistant's staff or  
45 representative.

1 (ii) Knowingly failing to disclose to a patient on a form that is  
2 prescribed by the board and that is dated and signed by the patient or  
3 guardian acknowledging that the patient or guardian has read and  
4 understands that the licensee has a direct financial interest in a  
5 separate diagnostic or treatment agency or in nonroutine goods or services  
6 that the patient is being prescribed and if the prescribed treatment,  
7 goods or services are available on a competitive basis. This subdivision  
8 does not apply to a referral by one physician assistant to another  
9 physician assistant or to a doctor of medicine or a doctor of osteopathic  
10 medicine within a group working together.

11 (jj) With the exception of heavy metal poisoning, using chelation  
12 therapy in the treatment of arteriosclerosis or as any other form of  
13 therapy without adequate informed patient consent or without conforming to  
14 generally accepted experimental criteria including protocols, detailed  
15 records, periodic analysis of results and periodic review by a medical  
16 peer review committee, or without approval by the United States food and  
17 drug administration or its successor agency.

18 (kk) Prescribing, dispensing or administering anabolic or  
19 androgenic steroids for other than therapeutic purposes.

20 (ll) Prescribing, dispensing or furnishing a prescription  
21 medication or a prescription-only device as defined in section 32-1901 to  
22 a person unless the licensee first conducts a physical examination of that  
23 person or has previously established a professional relationship with the  
24 person. This subdivision does not apply to:

25 (i) A physician assistant who provides temporary patient care on  
26 behalf of the patient's regular treating licensed health care  
27 professional.

28 (ii) Emergency medical situations as defined in section 41-1831.

29 (iii) Prescriptions written to prepare a patient for a medical  
30 examination.

31 (iv) Prescriptions written or antimicrobials dispensed to a contact  
32 as defined in section 36-661 who is believed to have had significant  
33 exposure risk as defined in section 36-661 with another person who has  
34 been diagnosed with a communicable disease as defined in section 36-661 by  
35 the prescribing or dispensing physician assistant.

36 (mm) Engaging in sexual conduct with a current patient or with a  
37 former patient within six months after the last medical consultation  
38 unless the patient was the licensee's spouse at the time of the contact  
39 or, immediately preceding the professional relationship, was in a dating  
40 or engagement relationship with the licensee. For the purposes of this  
41 subdivision, "sexual conduct" includes:

42 (i) Engaging in or soliciting sexual relationships, whether  
43 consensual or nonconsensual.

1 (ii) Making sexual advances, requesting sexual favors or engaging  
2 in other verbal conduct or physical contact of a sexual nature with a  
3 patient.

4 (iii) Intentionally viewing a completely or partially disrobed  
5 patient in the course of treatment if the viewing is not related to  
6 patient diagnosis or treatment under current practice standards.

7 (nn) Performing health care tasks under a false or assumed name in  
8 this state.

9 Sec. 2. Section 32-2504, Arizona Revised Statutes, is amended to  
10 read:

11 32-2504. Powers and duties; delegation of authority; rules;  
12 subcommittees; immunity

13 A. The board shall:

14 1. As its primary duty, protect the public from unlawful,  
15 incompetent, unqualified, impaired or unprofessional physician assistants.

16 2. License and regulate physician assistants pursuant to this  
17 chapter.

18 3. Order and evaluate physical, psychological, psychiatric and  
19 competency testing of licensees and applicants the board determines is  
20 necessary to enforce this chapter.

21 4. Review the credentials and the abilities of applicants for  
22 licensure whose professional records or physical or mental capabilities  
23 may not meet the requirements of this chapter.

24 5. Initiate investigations and determine on its own motion ~~if~~  
25 ~~WHETHER~~ a licensee has engaged in unprofessional conduct or is or may be  
26 incompetent or mentally or physically unable to safely perform health care  
27 tasks.

28 6. Establish fees and penalties pursuant to section 32-2526.

29 7. Develop and recommend standards governing the profession.

30 8. Engage in the full exchange of information with the licensing  
31 and disciplinary boards and professional associations of other states and  
32 jurisdictions of the United States and foreign countries and a statewide  
33 association for physician assistants.

34 9. Direct the preparation and circulation of educational material  
35 the board determines is helpful and proper for its licensees.

36 10. Discipline and rehabilitate physician assistants pursuant to  
37 this chapter.

38 11. BEGINNING OCTOBER 1, 2018, certify physician assistants for  
39 ~~thirty-day~~ NINETY-DAY prescription privileges for schedule II or schedule  
40 III controlled substances THAT ARE NOT OPIOIDS OR BENZODIAZEPINE if the  
41 physician assistant EITHER:

42 (a) Within the preceding three years of application, completed  
43 forty-five hours in pharmacology or clinical management of drug therapy or  
44 at the time of application is certified by a national commission on the  
45 certification of physician assistants or its successor.

1 (b) Met any other requirement established by board rule.

2 B. THE BOARD MAY DELEGATE TO THE EXECUTIVE DIRECTOR THE BOARD'S  
3 AUTHORITY PURSUANT TO THIS SECTION OR SECTION 32-2551. THE BOARD SHALL  
4 ADOPT A SUBSTANTIVE POLICY STATEMENT PURSUANT TO SECTION 41-1091 FOR EACH  
5 SPECIFIC LICENSING AND REGULATORY AUTHORITY THE BOARD DELEGATES TO THE  
6 EXECUTIVE DIRECTOR.

7 ~~B.~~ C. The board may make and adopt rules necessary or proper for  
8 the administration of this chapter.

9 ~~C.~~ D. The chairperson may establish subcommittees consisting of  
10 board members and define their duties as the chairperson deems necessary  
11 to carry out the functions of the board.

12 ~~D.~~ E. Board employees, including the executive director, temporary  
13 personnel and professional medical investigators, are immune from civil  
14 liability for good faith actions they take to enforce this chapter.

15 ~~E.~~ F. In performing its duties pursuant to subsection A of this  
16 section, the board may receive and review staff reports on complaints,  
17 malpractice cases and all investigations.

18 ~~F.~~ G. The chairperson and ~~vice-chairperson~~ VICE CHAIRPERSON of the  
19 Arizona regulatory board of physician assistants are members of the  
20 committee on executive director selection and retention established by  
21 section 32-1403, subsection G, which is responsible for the appointment of  
22 the executive director pursuant to section 32-1405.

23 Sec. 3. Section 32-2532, Arizona Revised Statutes, as amended by  
24 Laws 2018, first special session, chapter 1, section 25, is amended to  
25 read:

26 32-2532. Prescribing, administering and dispensing drugs;  
27 limits and requirements; notice

28 A. Except as provided in subsection F of this section, a physician  
29 assistant shall not prescribe, dispense or administer:

30 1. A schedule II or schedule III controlled substance as defined in  
31 the federal controlled substances act of 1970 (P.L. 91-513; 84 Stat. 1242;  
32 21 United States Code section 802) without delegation by the supervising  
33 physician, board approval and United States drug enforcement  
34 administration registration.

35 2. A schedule IV or schedule V controlled substance as defined in  
36 the federal controlled substances act of 1970 without United States drug  
37 enforcement administration registration and delegation by the supervising  
38 physician.

39 3. Prescription-only medication without delegation by the  
40 supervising physician.

41 4. Prescription medication intended to perform or induce an  
42 abortion.

43 B. All prescription orders issued by a physician assistant shall  
44 contain the name, address and telephone number of the ~~supervising~~  
45 physician ASSISTANT. A physician assistant shall issue prescription



1 orders for controlled substances under the physician assistant's own  
2 United States drug enforcement administration registration number.

3 C. Unless certified for ~~thirty-day~~ NINETY-DAY prescription  
4 privileges pursuant to section 32-2504, subsection A, a physician  
5 assistant shall not prescribe a schedule II or schedule III controlled  
6 substance for a period exceeding seventy-two hours. For each schedule IV  
7 or schedule V controlled substance, a physician assistant may not  
8 prescribe the controlled substance more than five times in a six-month  
9 period for each patient.

10 D. A prescription for a schedule II or III controlled substance  
11 THAT IS AN OPIOID OR BENZODIAZEPINE is not refillable without the written  
12 consent of the supervising physician.

13 E. Prescription-only drugs shall not be dispensed, prescribed or  
14 refillable for a period exceeding one year.

15 F. Except in an emergency, a physician assistant may dispense  
16 schedule II or schedule III controlled substances for a period of use of  
17 not to exceed seventy-two hours with board approval or any other  
18 controlled substance for a period of use of not to exceed ~~thirty-four~~  
19 NINETY days and may administer controlled substances without board  
20 approval if it is medically indicated in an emergency dealing with  
21 potential loss of life or limb or major acute traumatic pain.  
22 Notwithstanding the authority granted in this subsection, a physician  
23 assistant may not dispense a schedule II controlled substance that is an  
24 opioid, except for an opioid that is for medication-assisted treatment for  
25 substance use disorders.

26 G. Except for samples provided by manufacturers, all drugs  
27 dispensed by a physician assistant shall be:

28 1. Prepackaged in a unit-of-use package by ~~the supervising~~  
29 ~~physician or~~ a pharmacist ~~acting on a written order of the supervising~~  
30 ~~physician.~~

31 2. Labeled to show the name of the ~~supervising physician and~~  
32 physician assistant.

33 H. A physician assistant shall not obtain a drug from any source  
34 other than the supervising physician or a pharmacist ~~acting on a written~~  
35 ~~order of the supervising physician.~~ A physician assistant may receive  
36 manufacturers' samples if ~~allowed~~ DELEGATED to do so by the supervising  
37 physician.

38 I. If a physician assistant is approved by the board to prescribe,  
39 administer or dispense schedule II and schedule III controlled substances,  
40 the physician assistant shall maintain an up-to-date and complete log of  
41 all schedule II and schedule III controlled substances the physician  
42 assistant administers or dispenses. The board may not grant a physician  
43 assistant the authority to dispense schedule II controlled substances that  
44 are opioids, except for opioids that are for medication-assisted treatment  
45 for substance use disorders.

1           J. The board shall advise the Arizona state board of pharmacy and  
2 the United States drug enforcement administration of all physician  
3 assistants who are authorized to prescribe or dispense drugs and any  
4 modification of their authority.

5           K. The Arizona state board of pharmacy shall notify all pharmacies  
6 at least quarterly of physician assistants who are authorized to prescribe  
7 or dispense drugs.

APPROVED BY THE GOVERNOR APRIL 17, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018.