

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 182
SENATE BILL 1029

AN ACT

AMENDING SECTIONS 32-1403 AND 32-1803, ARIZONA REVISED STATUTES; RELATING
TO MEDICAL BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1403, Arizona Revised Statutes, is amended to
3 read:

4 32-1403. Powers and duties of the board; compensation;
5 immunity; committee on executive director
6 selection and retention

7 A. The primary duty of the board is to protect the public from
8 unlawful, incompetent, unqualified, impaired or unprofessional
9 practitioners of allopathic medicine through licensure, regulation and
10 rehabilitation of the profession in this state. The powers and duties of
11 the board include:

12 1. Ordering and evaluating physical, psychological, psychiatric and
13 competency testing of licensed physicians and candidates for licensure as
14 may be determined necessary by the board.

15 2. Initiating investigations and determining on its own motion ~~if~~
16 ~~WHETHER~~ a doctor of medicine has engaged in unprofessional conduct or
17 provided incompetent medical care or is mentally or physically unable to
18 engage in the practice of medicine.

19 3. Developing and recommending standards governing the profession.

20 4. Reviewing the credentials and the abilities of applicants whose
21 professional records or physical or mental capabilities may not meet the
22 requirements for licensure or registration as prescribed in article 2 of
23 this chapter in order for the board to make a final determination ~~as to~~
24 whether the applicant meets the requirements for licensure pursuant to
25 this chapter.

26 5. Disciplining and rehabilitating physicians.

27 6. Engaging in a full exchange of information with the licensing
28 and disciplinary boards and medical associations of other states and
29 jurisdictions of the United States and foreign countries and the Arizona
30 medical association and its components.

31 7. Directing the preparation and circulation of educational
32 material the board determines is helpful and proper for licensees.

33 8. Adopting rules regarding the regulation and the qualifications
34 of doctors of medicine.

35 9. Establishing fees and penalties as provided pursuant to section
36 32-1436.

37 10. Delegating to the executive director the board's authority
38 pursuant to section 32-1405 or 32-1451. The board shall adopt substantive
39 policy statements pursuant to section 41-1091 for each specific licensing
40 and regulatory authority the board delegates to the executive director.

41 11. DETERMINING WHETHER A PROSPECTIVE OR CURRENT ARIZONA LICENSED
42 PHYSICIAN HAS THE TRAINING OR EXPERIENCE TO DEMONSTRATE THE PHYSICIAN'S
43 ABILITY TO TREAT AND MANAGE OPIATE-DEPENDENT PATIENTS AS A QUALIFYING
44 PHYSICIAN PURSUANT TO 21 UNITED STATES CODE SECTION 823(g)(2)(G)(ii).

1 B. The board may appoint one of its members to the jurisdiction
2 arbitration panel pursuant to section 32-2907, subsection B.

3 C. There shall be no monetary liability on the part of and no cause
4 of action shall arise against the executive director or such other
5 permanent or temporary personnel or professional medical investigators for
6 any act done or proceeding undertaken or performed in good faith and in
7 furtherance of the purposes of this chapter.

8 D. In conducting its investigations pursuant to subsection A,
9 paragraph 2 of this section, the board may receive and review staff
10 reports relating to complaints and malpractice claims.

11 E. The board shall establish a program that is reasonable and
12 necessary to educate doctors of medicine regarding the uses and advantages
13 of autologous blood transfusions.

14 F. The board may make statistical information on doctors of
15 medicine and applicants for licensure under this article available to
16 academic and research organizations.

17 G. The committee on executive director selection and retention is
18 established consisting of the Arizona medical board and the chairperson
19 and ~~vice-chairperson~~ VICE CHAIRPERSON of the Arizona regulatory board of
20 physician assistants. The committee is a public body and is subject to
21 the requirements of title 38, chapter 3, article 3.1. The committee is
22 responsible for ~~the appointment of~~ APPOINTING the executive director
23 pursuant to section 32-1405. All members of the committee are voting
24 members of the committee. The committee shall elect a chairperson and a
25 ~~vice-chairperson~~ VICE CHAIRPERSON when the committee meets but no more
26 frequently than once a year. The chairperson shall call meetings of the
27 committee as necessary, and the ~~vice-chairperson~~ VICE CHAIRPERSON may call
28 meetings of the committee that are necessary if the chairperson is not
29 available. The presence of eight members of the committee at a meeting
30 constitutes a quorum. The committee meetings may be held using
31 communications equipment that allows all members who are participating in
32 the meeting to hear each other. If any discussions occur in an executive
33 session of the committee, notwithstanding the requirement that discussions
34 made at an executive session be kept confidential as specified in section
35 38-431.03, the chairperson and ~~vice-chairperson~~ VICE CHAIRPERSON of the
36 Arizona regulatory board of physician assistants may discuss this
37 information with the Arizona regulatory board of physician assistants in
38 executive session. This disclosure of executive session information to
39 the Arizona regulatory board of physician assistants does not constitute a
40 waiver of confidentiality or any privilege, including the attorney-client
41 privilege.

42 H. The officers of the Arizona medical board and the Arizona
43 regulatory board of physician assistants shall meet twice a year to
44 discuss matters of mutual concern and interest.

1 I. The board may accept and expend grants, gifts, devises and other
2 contributions from any public or private source, including the federal
3 government. Monies received under this subsection do not revert to the
4 state general fund at the end of a fiscal year.

5 Sec. 2. Section 32-1803, Arizona Revised Statutes, is amended to
6 read:

7 32-1803. Powers and duties

8 A. The board shall:

9 1. Protect the public from unlawful, incompetent, unqualified,
10 impaired and unprofessional practitioners of osteopathic medicine.

11 2. Issue licenses, conduct hearings, place physicians on probation,
12 revoke or suspend licenses, enter into stipulated orders, issue letters of
13 concern or decrees of censure and administer and enforce this chapter.

14 3. Maintain a record of its acts and proceedings, including the
15 issuance, denial, renewal, suspension or revocation of licenses to
16 practice according to this chapter. The board shall delete records of
17 complaints only as follows:

18 (a) If the board dismisses a complaint, the board shall delete the
19 public record of the complaint five years after it dismissed the
20 complaint.

21 (b) If the board has issued a letter of concern but has taken no
22 further action on the complaint, the board shall delete the public record
23 of the complaint five years after it issued the letter of concern.

24 (c) If the board has required additional continuing medical
25 education pursuant to section 32-1855 but has not taken further action,
26 the board shall delete the public record of the complaint five years after
27 the person satisfies this requirement.

28 4. Maintain a public directory of all osteopathic physicians and
29 surgeons who are or were licensed pursuant to this chapter that includes:

30 (a) The name of the physician.

31 (b) The physician's current or last known address of record.

32 (c) The date and number of the license issued to the physician
33 pursuant to this chapter.

34 (d) The date the license is scheduled to expire if not renewed or
35 the date the license expired or was revoked, suspended or canceled.

36 (e) Any disciplinary actions taken against the physician by the
37 board.

38 (f) Letters of concern, remedial continuing medical education
39 ordered and dismissals of complaints against the physician until deleted
40 from the public record pursuant to paragraph 3 of this subsection.

41 5. Adopt rules regarding the regulation and the qualifications of
42 medical assistants.

43 6. Discipline and rehabilitate osteopathic physicians.

44 7. DETERMINE WHETHER A PROSPECTIVE OR CURRENT ARIZONA LICENSED
45 PHYSICIAN HAS THE TRAINING OR EXPERIENCE TO DEMONSTRATE THE PHYSICIAN'S

1 ABILITY TO TREAT AND MANAGE OPIATE-DEPENDENT PATIENTS AS A QUALIFYING
2 PHYSICIAN PURSUANT TO 21 UNITED STATES CODE SECTION 823(g)(2)(G)(ii).
3 B. The public records of the board are open to inspection at all
4 times during office hours.
5 C. The board may:
6 1. Adopt rules necessary or proper ~~for the administration of~~ TO
7 ADMINISTER this chapter.
8 2. Appoint one of its members to the jurisdiction arbitration panel
9 pursuant to section 32-2907, subsection B.
10 3. Accept and spend federal monies and private grants, gifts,
11 contributions and devises. These monies do not revert to the state
12 general fund at the end of a fiscal year.
13 4. Develop and publish advisory opinions and standards governing
14 the profession.
15 D. The board shall adopt and use a seal, the imprint of which,
16 together with the signature of either the president, ~~vice-president~~ VICE
17 PRESIDENT or executive director, is evidence of its official acts.
18 E. In conducting investigations pursuant to this chapter, the board
19 may receive and review confidential internal staff reports relating to
20 complaints and malpractice claims.
21 F. The board may make available to academic and research
22 organizations public records regarding statistical information on doctors
23 of osteopathic medicine and applicants for licensure.

APPROVED BY THE GOVERNOR MAY 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2019.