

REFERENCE TITLE: **homeopathic medicine; integrated medicine**

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1075

Introduced by
Senator Brophy McGee

AN ACT

AMENDING SECTIONS 32-2901, 32-2903, 32-2904, 32-2905, 32-2912, 32-2913, 32-2914, 32-2915, 32-2916, 32-2917, 32-2931, 32-2932, 32-2933, 32-2934 AND 32-2935, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2901, Arizona Revised Statutes, is amended to
3 read:

4 32-2901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Acupuncture" means a medical therapy in which ailments are
7 diagnosed and treated by the specific application of needles, heat or
8 physical and electromagnetic impulses or currents to specific anatomic
9 points on the body through any of the following:

10 (a) ~~The diagnosis and treatment of~~ DIAGNOSING AND TREATING ailments
11 according to the systematic principles of traditional Asian medicine.

12 (b) ~~The diagnosis and treatment of~~ DIAGNOSING AND TREATING pain,
13 neuromuscular disorders and other ailments based on the body's biophysics
14 and neuroanatomic structure.

15 (c) ~~The use of~~ USING devices to determine the biologic electrical
16 response pattern of acupuncture points as a guide to diagnose bodily
17 ailments and to guide the prescription of homeopathic substances,
18 orthomolecular therapy or pharmaceutical medicine.

19 2. "Adequate records" means legible medical records that contain at
20 a minimum sufficient information to identify the patient, support the
21 diagnosis, document the treatment, accurately describe the results,
22 indicate advice, cautionary warnings and informed consent discussions with
23 the patient and provide sufficient information for another licensed health
24 care practitioner to assume continuity of the patient's care and to
25 continue or modify the treatment plan.

26 3. "Approved internship" means that the applicant has completed
27 training in a hospital that was approved for internship, fellowship or
28 residency training by the council on medical education in hospitals of the
29 American medical association, the association of American medical
30 colleges, the royal college of physicians and surgeons of Canada, the
31 American osteopathic association or any ~~board-approved~~ BOARD-APPROVED
32 similar body in the United States or Canada that approves hospitals for
33 internship, fellowship or residency training.

34 4. "Approved school of medicine":

35 (a) As it relates to a person who is seeking licensure pursuant to
36 section 32-2912, subsection A, means a school or college that offers a
37 course of study that on successful conclusion results in a degree of
38 doctor of medicine or doctor of ~~osteopathy~~ OSTEOPATHIC MEDICINE and that
39 offers a course of study that is approved or accredited by the association
40 of American medical colleges, the association of Canadian medical
41 colleges, the American medical association, the American osteopathic
42 association or any board-approved similar body in the United States or
43 Canada that accredits this course of study.

1 (b) As it relates to a person who is seeking licensure pursuant to
2 section 32-2912, subsection B, means a school or college that on
3 successful completion results in a degree of doctor of homeopathy and that
4 is approved or accredited by the accreditation commission for homeopathic
5 education in North America or any board-approved similar body that
6 accredits this course of study.

7 5. "APPROVED TRAINING PROGRAM", FOR A PERSON WHO IS SEEKING
8 LICENSURE PURSUANT TO SECTION 32-2912, SUBSECTION B, MEANS THAT THE PERSON
9 BOTH:

10 (a) SUCCESSFULLY COMPLETES A SCHOOL OR COLLEGE RESULTING IN A
11 BACCALAUREATE, MASTER'S OR DOCTORAL DEGREE THAT IS ACCREDITED IN THE
12 UNITED STATES OR BY ANY SIMILAR BOARD-APPROVED ACCREDITING BODY OR HAS
13 EQUIVALENT QUALIFICATIONS AS DETERMINED AND APPROVED BY THE BOARD AND
14 SUCCESSFULLY COMPLETES TRAINING IN ONE OF THE FOLLOWING AREAS:

15 (i) A PROGRAM TO BECOME CERTIFIED OR LICENSED TO PRACTICE AS A
16 NURSE PRACTITIONER, A REGISTERED NURSE, A CHIROPRACTOR, AN ACUPUNCTURIST
17 OR DOCTOR OF ORIENTAL MEDICINE, A NATUROPATHIC PHYSICIAN, A PHYSICIAN
18 ASSISTANT, A PSYCHOLOGIST, A PHYSICAL THERAPIST, AN OCCUPATIONAL
19 THERAPIST, A MIDWIFE OR A MEDIC IN THE UNITED STATES ARMED FORCES.

20 (ii) A PROGRAM TO RECEIVE A DEGREE OR OTHER CERTIFICATION SPECIFIED
21 BY THE BOARD FROM A MEDICAL OR OSTEOPATHIC MEDICAL SCHOOL APPROVED BY THE
22 BOARD, A HOMEOPATHIC MEDICAL SCHOOL APPROVED BY THE BOARD OR A SCHOOL OF
23 NATUROPATHY APPROVED BY THE BOARD.

24 (iii) ANY OTHER MEDICAL OR PROFESSIONAL TRAINING APPROVED BY THE
25 BOARD.

26 (b) MEETS ONE OF THE FOLLOWING:

27 (i) HOLDS, OR PASSED THE EXAMINATION TO HOLD, A CERTIFICATION FROM
28 THE COUNCIL FOR HOMEOPATHIC CERTIFICATION.

29 (ii) COMPLETED FIVE HUNDRED HOURS OF TRAINING UNDER THE SUPERVISION
30 OF A HOMEOPATHIC PHYSICIAN, OF WHICH THREE HUNDRED OF THOSE HOURS MUST
31 INCLUDE THE STUDY OF MATERIA MEDICA, REPERTORY, HOMEOPATHIC CASE TAKING
32 AND POSOLOGY.

33 (iii) COMPLETED A PROGRAM THAT IS APPROVED OR ACCREDITED BY THE
34 ACCREDITATION COMMISSION FOR HOMEOPATHIC EDUCATION IN NORTH AMERICA, OR
35 ITS SUCCESSOR ORGANIZATION, OR ANY SIMILAR BOARD-APPROVED BODY THAT
36 ACCREDITS THIS COURSE OF STUDY.

37 (iv) COMPLETED A PROGRAM THAT IS DEEMED EQUIVALENT BY THE BOARD AND
38 THAT IS DESIGNED TO PREPARE THE PERSON FOR THE PRACTICE OF HOMEOPATHIC
39 MEDICINE.

40 ~~5.~~ 6. "Board" means the board of homeopathic and integrated
41 medicine examiners.

42 ~~6.~~ 7. "Chelation therapy" means an experimental medical therapy to
43 restore cellular homeostasis through the use of intravenous, metal-binding
44 and bioinorganic agents such as ethylene diamine tetraacetic

1 acid. Chelation therapy is not an experimental therapy if it is used to
2 treat heavy metal poisoning.

3 ~~7.~~ 8. "Controlled substance" means a drug or substance or a drug's
4 or substance's immediate precursor that is defined or listed in title 36,
5 chapter 27, article 2.

6 ~~8.~~ 9. "Drug" means a medication or substance that is any of the
7 following:

8 (a) Recognized in the official compendia or for which standards or
9 specifications are prescribed in the official compendia.

10 (b) Intended for use in ~~the diagnosis, cure, mitigation, treatment~~
11 ~~DIAGNOSING, CURING, MITIGATING, TREATING~~ or ~~prevention of~~ PREVENTING human
12 diseases.

13 (c) Articles other than food that are intended to affect the
14 structure or function of the human body.

15 ~~9.~~ 10. "Homeopathic medication" means a substance of animal,
16 vegetable or mineral origin that is prepared according to homeopathic
17 pharmacology and that is given usually in a homeopathic microdosage.

18 ~~10.~~ 11. "Homeopathic microdosage" means a substance prepared so
19 that it is diluted from ten to the minus one to ten to the minus ~~ten~~
20 ~~thousandth~~ TEN-THOUSANDTH or higher of its original concentration.

21 ~~11.~~ 12. "Homeopathy" means a system of medicine that employs
22 homeopathic medication in accordance with the principle that a substance
23 that produces symptoms in a healthy person can cure those symptoms in an
24 ill person.

25 ~~12.~~ 13. "Immediate family" means a person's spouse, natural or
26 adopted children, parents and siblings and the natural or adopted
27 children, parents and siblings of the person's spouse.

28 ~~13.~~ 14. "Letter of concern" means an advisory letter to notify a
29 licensee that, while there is insufficient evidence to support
30 disciplinary action, the board believes the licensee should modify or
31 eliminate certain practices.

32 ~~14.~~ 15. "Licensee" means a person who is licensed pursuant to this
33 chapter.

34 ~~15.~~ 16. "Medical assistant" means an unlicensed person who has
35 completed an educational program approved by the board, who assists in a
36 homeopathic practice under the supervision of a doctor of homeopathy OR
37 DOCTOR OF INTEGRATED MEDICINE and who performs delegated procedures
38 commensurate with the assistant's education and training but who does not
39 diagnose, interpret, design or modify established treatment programs or
40 violate any statute.

41 ~~16.~~ 17. "Medical incompetence" means the lack of sufficient
42 medical knowledge or skill by a licensee to a degree that is likely to
43 endanger a patient's health. Medical incompetence includes the range of
44 knowledge expected for basic licensure pursuant to this chapter or as a
45 medical or osteopathic physician in any professional regulatory

1 jurisdiction of the United States and additional knowledge of homeopathic
2 treatments and modalities expected of persons who are licensed pursuant to
3 this chapter.

4 ~~17.~~ 18. "Minor surgery":

5 (a) Means surgical procedures that are conducted by a licensee who
6 is licensed pursuant to section 32-2912, subsection A in an outpatient
7 setting and that involve the removal or repair of lesions or injuries to
8 the skin, mucous membranes and subcutaneous tissues, the use of topical,
9 local or regional anesthetic agents, the treatment by stabilizing or
10 casting nondisplaced and uncomplicated fractures of the extremities and
11 diagnostic endoscopies of the intestinal tract, nasopharynx and vagina.

12 ~~Minor surgery also~~

13 (b) Includes diagnostic aspiration of joints and subcutaneous
14 cysts, therapeutic injections of muscular trigger points, tendons,
15 ligaments and scars and the subcutaneous implantation of medical
16 therapeutic agents. ~~Minor surgery~~

17 (c) Does not include the use of general, spinal or epidural
18 anesthesia, the opening of body cavities, the repair of blood vessels and
19 nerves or the biopsy by incision, excision or needle aspiration of
20 internal organs, the breast or the prostate.

21 ~~18.~~ 19. "Neuromuscular integration" means musculoskeletal therapy
22 that uses any combination of manual methods, physical agents and physical
23 medicine procedures and devices to improve physiological function by
24 normalizing body structure.

25 ~~19.~~ 20. "Nutrition" means the recommendation by a licensee of
26 therapeutic or preventative dietary measures, food factor concentrates,
27 fasting and cleansing regimens and the rebalancing by a licensee of
28 digestive system function to correct diseases of malnutrition, to resolve
29 conditions of metabolic imbalance and to support optimal vitality.

30 ~~20.~~ 21. "Orthomolecular therapy" means therapy to provide the
31 optimum concentration of substances normally present in the human body
32 such as vitamins, minerals, amino acids and enzymes. Orthomolecular
33 therapy includes the diagnosis of ailments or physiologic stresses that
34 occur as a result of genetic or environmental influences as well as
35 acquired or inherited allergy and hypersensitivity responses.

36 ~~21.~~ 22. "Pharmaceutical medicine" means a drug therapy that uses
37 prescription-only and nonprescription pharmaceutical agents as well as
38 medicinal agents of botanical, biological or mineral origin and that is
39 based on current scientific indications or traditional or historical usage
40 indications.

41 ~~22.~~ 23. "Practice of homeopathic medicine", ~~:-~~

42 ~~(a) For the purposes of a person who is licensed pursuant to~~
43 ~~section 32-2912, subsection A, means the practice of medicine in which a~~
44 ~~person purports to diagnose, treat or correct real or imagined human~~
45 ~~diseases, injuries, ailments, infirmities and deformities of a physical or~~

1 ~~mental origin and includes acupuncture, chelation therapy, homeopathy,~~
2 ~~minor surgery, neuromuscular integration, nutrition, orthomolecular~~
3 ~~therapy and pharmaceutical medicine.~~

4 ~~(b)~~ for the purposes of a person who is licensed pursuant to
5 section 32-2912, subsection B, means the practice of medicine in which
6 ~~a~~ THE person purports to diagnose, treat or correct real or imagined
7 human diseases, injuries, ailments, infirmities and deformities of a
8 physical or mental origin by means of homeopathy or nutrition.

9 24. "PRACTICE OF INTEGRATED MEDICINE", FOR THE PURPOSES OF A PERSON
10 WHO IS LICENSED PURSUANT TO SECTION 32-2912, SUBSECTION A, MEANS THE
11 PRACTICE OF MEDICINE IN WHICH THE PERSON PURPORTS TO DIAGNOSE, TREAT OR
12 CORRECT ACTUAL OR IMAGINED HUMAN DISEASES, INJURIES, AILMENTS, INFIRMITIES
13 AND DEFORMITIES OF A PHYSICAL OR MENTAL ORIGIN USING TREATMENT MODALITIES
14 THAT INCLUDE ACUPUNCTURE, CHELATION THERAPY, HOMEOPATHY, MINOR SURGERY,
15 NEUROMUSCULAR INTEGRATION, NUTRITION, ORTHOMOLECULAR THERAPY AND
16 PHARMACEUTICAL MEDICINE.

17 ~~23.~~ 25. "Preceptorship" means an extended period of individual
18 study with one or more experienced homeopathic physicians or institutions.

19 ~~24.~~ 26. "Prescription-only drug" does not include a controlled
20 substance but does include:

21 (a) A drug that is generally regarded by medical experts to be
22 unsafe if its use and dosage are not supervised by a medical practitioner.

23 (b) A drug that is approved for use under the supervision of a
24 medical practitioner pursuant to the federal new drug application law or
25 section 32-1962.

26 (c) A potentially harmful drug if its labeling does not contain
27 full directions for its use by the patient.

28 (d) A drug that is required by federal law to bear on its label the
29 following words: "Caution: Federal law prohibits dispensing without
30 prescription."

31 ~~25.~~ 27. "Professional negligence" means any of the following:

32 (a) That a licensee administers treatment to a patient in a manner
33 that is contrary to accepted practices and that harms the patient if it
34 can be shown to the board's satisfaction that accepted practices are
35 inherently less hazardous.

36 (b) That a licensee commits an act of unprofessional conduct or
37 displays an unreasonable lack of professional skill or fidelity.

38 (c) That a licensee's negligence, carelessness or disregard of
39 established principles or practice results in a patient's injury,
40 unnecessary suffering or death.

41 ~~26.~~ 28. "Special purpose licensing examination" means an
42 examination developed by the national board of medical examiners on behalf
43 of the federation of state medical boards for use by state licensing
44 boards to test the basic medical competence of physicians who are applying
45 for licensure and who have been in practice in another jurisdiction of the

1 United States and to determine the competence of a physician WHO IS under
2 investigation by a state licensing board.

3 Sec. 2. Section 32-2903, Arizona Revised Statutes, is amended to
4 read:

5 32-2903. Board meetings; organization; compensation

6 A. The board shall hold an annual meeting each September in
7 Maricopa county. At this meeting the board shall elect from its
8 membership a president, ~~vice-president and secretary-treasurer~~ AND A VICE
9 PRESIDENT.

10 B. The board by majority vote may also establish an annual schedule
11 of regular meetings at times and places prescribed by the board.

12 C. The board may hold a special meeting if the president determines
13 that this is necessary to carry out the board's functions. The
14 ~~vice-president~~ VICE PRESIDENT may call a special meeting if the president
15 is unable to do so. At these meetings the board may use communications
16 equipment that allows all participants to hear each other.

17 D. The executive director shall give each board member ten days'
18 written notice of the date and time of each board meeting. On request of
19 the president, the board by majority vote may waive this notification
20 requirement. If the president is absent, the ~~vice-president~~ VICE
21 PRESIDENT may request that the board take this action.

22 E. A majority of board members constitutes a quorum. However, only
23 a majority of the full board may issue a license.

24 F. Board members are eligible to receive compensation in the amount
25 of not more than ~~one hundred fifty dollars~~ \$150 for each day of actual
26 service in the business of the board. Board members are eligible to
27 receive compensation for all expenses necessarily and properly incurred in
28 attending board meetings.

29 G. Medical consultants and agents appointed under section 32-2904
30 are eligible to receive compensation of not more than ~~two hundred dollars~~
31 \$200 for each day of service.

32 Sec. 3. Section 32-2904, Arizona Revised Statutes, is amended to
33 read:

34 32-2904. Powers and duties

35 A. The board shall:

36 1. Conduct all examinations for applicants for a license under this
37 chapter, issue licenses, conduct hearings, regulate the conduct of
38 licensees and administer and enforce this chapter.

39 2. Enforce the standards of practice prescribed by this chapter and
40 board rules.

41 3. Collect and account for all fees under this chapter and deposit,
42 pursuant to sections 35-146 and 35-147, the monies in the appropriate
43 fund.

- 1 4. Maintain a record of its acts and proceedings, including the
2 issuance, refusal to issue, renewal, suspension or revocation of licenses
3 to practice according to this chapter.
- 4 5. Maintain a roster of all persons who are licensed pursuant to
5 this chapter that includes:
- 6 (a) The licensee's name.
7 (b) The current professional office address.
8 (c) The date and number of the license issued under this chapter.
9 (d) Whether the licensee is in good standing.
- 10 6. Adopt and use a seal, the imprint of which, together with the
11 signatures of the president or ~~vice-president~~ VICE PRESIDENT of the board
12 ~~and the secretary-treasurer~~, shall evidence its official acts.
- 13 7. Contract with the department of administration for
14 administrative and ~~record keeping~~ RECORDKEEPING services.
- 15 8. Charge additional fees that do not exceed the cost of the
16 services for services the board deems necessary to carry out its intent
17 and purposes.
- 18 9. Adopt rules regarding the regulation and the qualifications of
19 medical assistants.
- 20 10. Keep board records open to public inspection during normal
21 business hours.
- 22 B. The board may:
- 23 1. Adopt rules necessary or proper ~~for the administration of~~ TO
24 ADMINISTER this chapter.
- 25 2. Subject to title 41, chapter 4, article 4, hire personnel to
26 carry out the purposes of this chapter.
- 27 3. Hire investigators subject to title 41, chapter 4, article 4 or
28 contract with investigators to assist in ~~the investigation of~~
29 INVESTIGATING violations of this chapter and contract with other state
30 agencies if required to carry out this chapter.
- 31 4. Appoint one of its members to the jurisdiction arbitration panel
32 pursuant to section 32-2907, subsection B.
- 33 5. Subject to title 41, chapter 4, article 4, employ consultants to
34 perform duties the board determines are necessary to implement this
35 chapter.
- 36 ~~6. Appoint from its membership a temporary secretary to perform the~~
37 ~~duties of the executive director if that office is vacant. The temporary~~
38 ~~secretary is eligible to receive compensation pursuant to section 38-611.~~
- 39 ~~7.~~ 6. Compile and publish an annual directory.
- 40 ~~8.~~ 7. Adopt rules to establish competency or professional review
41 standards for any minor surgical procedure.
- 42 ~~9.~~ 8. Appoint two or more board members to a subcommittee that
43 reviews and approves applications and issues permits pertaining to
44 homeopathic medical assistants and associated practical educational
45 programs, pursuant to board rules.

1 ~~10.~~ 9. Appoint two or more board members to a subcommittee that
2 reviews and approves applications and issues permits pertaining to drugs
3 and device dispensing practices, pursuant to board rules.

4 Sec. 4. Section 32-2905, Arizona Revised Statutes, is amended to
5 read:

6 32-2905. Executive director; duties

7 ~~A. Subject to title 41, chapter 4, article 4, the board shall~~
8 ~~appoint an executive director from outside its membership. The executive~~
9 ~~director serves at the pleasure of the board and is eligible to receive~~
10 ~~compensation determined pursuant to section 38-611.~~

11 A. THE EXECUTIVE DIRECTOR OF THE ACUPUNCTURE BOARD OF EXAMINERS
12 SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF HOMEOPATHIC AND
13 INTEGRATED MEDICINE EXAMINERS. THE ACUPUNCTURE BOARD OF EXAMINERS' STAFF
14 SHALL CARRY OUT THE ADMINISTRATIVE RESPONSIBILITIES OF THE BOARD OF
15 HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS.

16 B. The executive director shall:

17 1. Collect all monies due and payable to the board.

18 2. Deposit, pursuant to sections 35-146 and 35-147, all monies
19 received by the board in the appropriate fund.

20 3. Prepare bills for authorized expenditures of the board and
21 obtain warrants from the department of administration ~~for payment of bills~~
22 ~~certified by the president or vice-president and secretary-treasurer of~~
23 ~~the board.~~

24 4. Act as custodian of the seal, books, records, minutes and
25 proceedings.

26 5. Perform all duties prescribed by the board.

27 6. PERFORM ALL ADMINISTRATIVE DUTIES OF THE BOARD.

28 7. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY PERSONNEL
29 NECESSARY TO CARRY OUT BOARD FUNCTIONS.

30 Sec. 5. Section 32-2912, Arizona Revised Statutes, is amended to
31 read:

32 32-2912. Qualifications of applicant; applications; scope of
33 practice; fingerprinting

34 A. The board shall grant a license to practice pursuant to this
35 chapter to an applicant who meets all of the following requirements:

36 1. Is a person of good moral character.

37 2. Holds a degree from an approved school of medicine or has
38 received a medical education that the board determines is of equivalent
39 quality.

40 3. Holds a license in good standing to practice medicine or
41 osteopathic medicine that is issued under chapter 13 or 17 of this title
42 or by another state, district or territory of the United States.

1 4. Has a professional record that indicates that the applicant has
2 not had a license to practice medicine refused, revoked, suspended or
3 restricted in any way by any state, territory, district or country for
4 reasons that relate to the applicant's ability to competently and safely
5 practice medicine.

6 5. Has a professional record that indicates that the applicant has
7 not committed any act or engaged in any conduct that would constitute
8 grounds for disciplinary action against a licensee under this chapter.

9 6. Has the physical and mental capacity to safely engage in the
10 practice of medicine.

11 7. Pays all fees and costs required by the board.

12 8. Completes the application required by the board.

13 B. Notwithstanding subsection A, paragraphs 2 and 3 of this
14 section, the board shall issue a license pursuant to this chapter to an
15 applicant who meets the requirements of subsection A, paragraphs 1, 4, 5,
16 6, 7 and 8 of this section and who EITHER holds a degree from an approved
17 school of medicine OR HAS COMPLETED AN APPROVED TRAINING PROGRAM.

18 C. The board may require an applicant to submit additional written
19 or oral information and may conduct additional investigations if it
20 determines that this is necessary to adequately inform itself of the
21 applicant's ability to meet the requirements of this chapter. If an
22 applicant has had a license revoked by or has surrendered a license to
23 another jurisdiction, the applicant may attempt to demonstrate to the
24 board's satisfaction that the applicant is completely rehabilitated with
25 respect to the conduct that was the basis for the revocation or surrender
26 of the license.

27 D. The board shall vacate its previous order to deny or revoke a
28 license if that denial or revocation was based on the applicant's
29 conviction of a felony or an offense involving moral turpitude and that
30 conviction has been reversed on appeal. The applicant may resubmit an
31 application for licensure as soon as the court enters the reversal.

32 E. If the board finds that an applicant has committed an act or
33 engaged in conduct that would constitute grounds for disciplinary action,
34 the board shall determine to its satisfaction that the conduct has been
35 corrected, monitored and resolved. If the matter has not been resolved,
36 before it issues a license the board shall determine to its satisfaction
37 that mitigating circumstances exist that prevent its resolution.

38 F. Except as provided in subsection D of this section, a person
39 shall not submit an application for reinstatement or a new application
40 within five years after the person has completely corrected the conduct
41 and made full legal restitution to the board's satisfaction.

42 G. An applicant shall submit a verified completed application to
43 the board in a form and within a period of time prescribed by the
44 board. The application shall include:

45 1. The application fee.

1 2. Affidavits from three persons who are actively licensed to
2 practice allopathic, osteopathic or homeopathic medicine in any state or
3 district of the United States and who are able to attest to the
4 applicant's good moral character and fitness to practice pursuant to this
5 chapter.

6 3. A diploma or certificate issued by AN APPROVED TRAINING PROGRAM,
7 a homeopathic college or any other educational institution approved by the
8 board or documentation of the applicant's successful completion of
9 preceptorships or formal postgraduate courses approved by the board.

10 4. If the person is applying for licensure pursuant to subsection A
11 of this section, proof that the applicant has served a board-approved
12 internship.

13 5. The applicant's oath that:

14 (a) All of the information contained in the application and the
15 accompanying evidence or other credentials is correct.

16 (b) The applicant submitted the credentials without fraud or
17 misrepresentation and that the applicant is the lawful holder of the
18 credentials.

19 (c) The applicant authorizes the release to the board of any
20 information from any source that the board determines is necessary for it
21 to act on the application.

22 H. The board shall promptly inform an applicant in writing of any
23 deficiency in the application that prevents the board from acting on it.

24 I. The board shall consider an application withdrawn if any of the
25 following is true:

26 1. The applicant submits a written request to withdraw the
27 application.

28 2. The applicant without good cause fails to appear for a board
29 interview.

30 3. The applicant fails to submit information to the board within
31 one year ~~of~~ AFTER the board's request for that information.

32 4. The applicant fails to complete the required examination or
33 personal interview within one year ~~of~~ AFTER submitting the application.

34 J. A person who is issued a license pursuant to subsection B of
35 this section shall practice only within the scope of practice as
36 prescribed by this chapter. A licensee who acts outside that scope of
37 practice commits an act of unprofessional conduct. In addition to all
38 other available remedies, the board may seek injunctive relieve pursuant
39 to section 32-2940.

40 K. BEGINNING JULY 1, 2021, AN APPLICANT SHALL SUBMIT A FULL SET OF
41 FINGERPRINTS TO THE BOARD FOR THE PURPOSES OF OBTAINING A STATE AND
42 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
43 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT
44 DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

1 Sec. 6. Section 32-2913, Arizona Revised Statutes, is amended to
2 read:

3 32-2913. Examination; reexamination

4 A. An applicant for licensure shall successfully pass an
5 examination prescribed by the board.

6 B. ~~IF A PERSON IS SEEKING LICENSURE PURSUANT TO SECTION 32-2912,~~
7 ~~SUBSECTION A, THE~~ examination for a license to practice under this chapter
8 shall include all subjects that are generally accepted as necessary for a
9 thorough knowledge of the practice of ~~homeopathic~~ INTEGRATED medicine.
10 The board shall prescribe rules for conducting the examination and shall
11 set the passing grade. ~~If a person is seeking licensure pursuant to~~
12 ~~section 32-2912, subsection A, the examination may include subjects that~~
13 ~~are unique to that scope of practice.~~

14 C. ~~IF A PERSON IS SEEKING LICENSURE PURSUANT TO SECTION 32-2912,~~
15 ~~SUBSECTION B, THE EXAMINATION FOR A LICENSE TO PRACTICE UNDER THIS CHAPTER~~
16 ~~SHALL INCLUDE ALL SUBJECTS THAT ARE GENERALLY ACCEPTED AS NECESSARY FOR A~~
17 ~~THOROUGH KNOWLEDGE OF THE PRACTICE OF HOMEOPATHIC MEDICINE. THE BOARD~~
18 ~~SHALL PRESCRIBE RULES FOR CONDUCTING THE EXAMINATION AND SHALL SET THE~~
19 ~~PASSING GRADE.~~

20 ~~C.~~ D. The board shall review the examination of any applicant on
21 the applicant's request. A grade on an examination reviewed by the board
22 may be changed only by the majority vote of the members of the board. A
23 person who fails to pass the initial licensure examination may be
24 reexamined within one year after the date of the receipt of the original
25 application fee without payment of additional fees. However, the
26 applicant shall pay all additional fees associated with ~~board-prescribed~~
27 BOARD-PRESCRIBED investigatory examinations such as the special purpose
28 licensing examination.

29 ~~D.~~ E. In a written examination, applicants shall be designated by
30 numbers only and the corresponding names shall be kept secret until after
31 the grading of the examinations.

32 F. ~~THE BOARD SHALL ISSUE A LICENSE WITHOUT EXAMINATION TO AN~~
33 ~~APPLICANT WHO IS SEEKING LICENSURE PURSUANT TO SECTION 32-2912, SUBSECTION~~
34 ~~B IF THE APPLICANT HOLDS, OR HAS PASSED THE EXAMINATION TO HOLD, A~~
35 ~~CERTIFICATION FROM THE COUNCIL FOR HOMEOPATHIC CERTIFICATION.~~

36 Sec. 7. Section 32-2914, Arizona Revised Statutes, is amended to
37 read:

38 32-2914. Fees

39 A. The board by formal vote at its annual meeting shall establish
40 fees and penalties that do not exceed the following:

41 1. ~~Five hundred fifty dollars~~ \$550 for an application for a license
42 to practice homeopathic medicine OR INTEGRATED MEDICINE pursuant to
43 section 32-2912, subsection G, paragraph 1.

44 2. ~~Two hundred fifty dollars~~ \$250 for issuance of an initial
45 license.

- 1 3. ~~Fifty dollars~~ \$50 for issuance of a duplicate license.
2 4. ~~One thousand dollars~~ \$1,000 for annual renewal of a license.
3 5. ~~Three hundred fifty dollars~~ \$350 for late renewal of a license.
4 6. ~~Two hundred dollars~~ \$200 for initial and annual renewal of a
5 permit to dispense drugs and devices.
6 7. ~~Five hundred dollars~~ \$500 for an application for a locum tenens
7 registration.
8 8. ~~Two hundred fifty dollars~~ \$250 for issuance of a locum tenens
9 registration.
10 9. ~~Two hundred dollars~~ \$200 for annual renewal of a homeopathic
11 medical assistant registration.
12 10. ~~Twenty five cents~~ \$.25 per page for copying board records,
13 documents, letters, minutes, applications and files.
14 11. ~~Thirty five dollars~~ \$35 for a copy of an audiotape.
15 12. ~~One hundred dollars~~ \$100 for the sale of computerized tapes or
16 diskettes that do not require programming.
17 13. ~~Two hundred dollars~~ \$200 for supervising a homeopathic medical
18 assistant.
19 14. ~~Three hundred dollars~~ \$300 for each initial application and
20 annual renewal of a registration to conduct a practical educational
21 program for supervised medical assistants.
22 B. The board may charge a licensee with the board's costs to
23 administer a special purpose licensing examination related to its
24 investigation of the licensee's competence.
25 C. The board may charge the actual cost of completing a
26 professional conduct investigation to the licensee who is the subject of
27 the investigation if the board determines that the licensee violated this
28 chapter or a board rule.
29 D. The board shall charge additional fees for services that it is
30 not required to provide under this chapter but that it determines are
31 necessary to carry out its purpose. The board shall charge only the
32 actual cost of providing these services.
33 Sec. 8. Section 32-2915, Arizona Revised Statutes, is amended to
34 read:
35 32-2915. Licensure; issuance; duplicate licenses; renewal;
36 continuing education; expiration; cancellation
37 A. The board shall issue a license to practice homeopathic **MEDICINE**
38 **OR INTEGRATED** medicine in this state if the applicant meets all board
39 requirements for licensure and pays the licensure fee.
40 B. The board may issue a duplicate license to a person who holds a
41 license under this chapter on payment of the duplicate license fee.
42 C. At least thirty days before the first day of the month in which
43 a license was initially issued, the executive director shall notify the
44 licensee of the renewal date and provide a renewal form. ~~The executive~~

~~1 director shall send this notice by first class mail to the address the
2 licensee most recently provided to the board.~~

3 D. Each licensee shall include with the renewal form a statement
4 that the licensee ~~has~~ completed at least twenty hours of board-approved
5 continuing education in the preceding year. The board shall not renew a
6 license if the licensee does not fully document compliance with this
7 subsection. The board may waive the continuing education requirements of
8 this subsection for a period prescribed by the board if the licensee's
9 noncompliance was due to disability, military service, absence from the
10 United States or circumstances beyond the control of the licensee. If a
11 licensee fails to complete the continuing education requirements of this
12 subsection for any other reason, the board may grant an extension of not
13 more than sixty days. A licensee who fails to comply with the continuing
14 education requirements of this subsection and who has not been granted a
15 waiver pursuant to this subsection commits an act of unprofessional
16 conduct and is subject to probation or licensure suspension or revocation.

17 E. A licensee shall submit a completed application for license
18 renewal and the renewal fee each year on or before the last day of the
19 month in which the license was initially issued. A license expires if it
20 is not renewed within sixty days. A licensee who fails to do this by the
21 first day of the following month must also submit a late fee as prescribed
22 by the board. A person who practices homeopathic **MEDICINE OR INTEGRATED**
23 medicine after a license has expired is in violation of this chapter.

24 F. The board may issue a license to a person whose license has
25 expired only if that person applies for a license as prescribed in
26 sections 32-2912 and 32-2913.

27 G. With each application for licensure renewal, the licensee shall
28 include a report of disciplinary actions, restriction and any other action
29 placed on or against the license or practice by any other state regulatory
30 board or agency of the federal government, including the denial of a
31 license for failing a special purpose licensing examination. The report
32 shall include the name and address of the sanctioning agency, the nature
33 of the action taken and a general statement of the charges leading to the
34 action taken.

35 H. On request of a licensee, the board shall cancel that person's
36 license to practice homeopathic **MEDICINE OR INTEGRATED** medicine if the
37 licensee is not the subject of a board investigation or disciplinary
38 proceeding. The board may cancel the license of a person under
39 investigation for violating this chapter or board rules if the licensee
40 admits to the violations in writing and on the board record.

41 Sec. 9. Section 32-2916, Arizona Revised Statutes, is amended to
42 read:

43 32-2916. Directory; change of address; civil penalty; fees

44 A. The board may publish an annual directory containing the
45 following:

- 1 1. The names and addresses of the officers and members of the
2 board.
- 3 2. The names and addresses of all persons certified, licensed or
4 registered by the board.
- 5 3. The current certified board rules.
- 6 4. A copy of this chapter.
- 7 5. A list of approved postgraduate and continuing education courses
8 in the treatment modalities pertinent to the practice of homeopathic
9 medicine **OR THE PRACTICE OF INTEGRATED MEDICINE**.
- 10 6. A list of approved schools of medicine.
- 11 7. Additional information that the board determines is of interest
12 and importance to licensees.
- 13 B. Each licensee shall inform the board in writing of the
14 licensee's home address, **PERSONAL EMAIL ADDRESS**, home telephone number,
15 office address, **WORK EMAIL ADDRESS** and office telephone number as
16 requested by the board and within forty-five days ~~of~~ **AFTER** a change in any
17 of this information. The board shall keep a licensee's home address and
18 home telephone number confidential. The board may assess a licensee who
19 fails to comply with this subsection with the board's costs to locate the
20 licensee. The board may also impose a civil penalty on that licensee of
21 not more than ~~one hundred dollars~~ **\$100**.
- 22 C. The board shall provide each licensee with one copy of the
23 directory free of charge. The board may provide additional copies to the
24 public and licensee for a cost of not more than ~~twenty-five dollars~~ **\$25**
25 for each directory.
- 26 D. The board shall deposit, pursuant to sections 35-146 and 35-147,
27 monies collected under this section in the board of homeopathic and
28 integrated medicine examiners' fund.
- 29 Sec. 10. Section 32-2917, Arizona Revised Statutes, is amended to
30 read:
- 31 **32-2917. Locum tenens registration**
- 32 A. The board president or a person designated by the board may
33 issue locum tenens registration to a person who meets all of the following
34 requirements:
- 35 1. Submits proof satisfactory to the board that the applicant for
36 registration holds an unrestricted license to practice allopathic,
37 osteopathic, **INTEGRATED** or homeopathic medicine in another state, district
38 or territory of the United States, that the license has not been revoked
39 or suspended for any reason and that there are no unresolved complaints or
40 formal charges filed against the applicant with any licensing board.
- 41 2. Submits an application as prescribed by section 32-2912.
- 42 3. The licensee for whom the applicant for registration under this
43 section is substituting or assisting provides the board with a written
44 request for the applicant's registration.
- 45 4. Submits the fees required under section 32-2914.

1 B. The board may authorize the applicant to provide locum tenens
2 services if it is satisfied that the applicant has met the requirements of
3 subsection A of this section.

4 C. Locum tenens registration granted under this section is valid
5 for thirty days. The board may extend registration for an additional
6 thirty days on written request by the person who made the original request
7 for registration. This request shall explain why the extension is
8 necessary and shall include prescribed fees and other information
9 requested by the board.

10 Sec. 11. Section 32-2931, Arizona Revised Statutes, is amended to
11 read:

12 32-2931. Violations; classification

13 A. The following acts are class 5 felonies:

14 1. Practicing medicine as a homeopathic doctor, **DOCTOR OF**
15 **INTEGRATED MEDICINE OR ADVANCED HOMEOPATHIC PRACTITIONER** pursuant to this
16 chapter without being licensed or exempt from licensure pursuant to this
17 chapter.

18 2. Securing a license to engage in the practice of homeopathic
19 medicine **OR THE PRACTICE OF INTEGRATED MEDICINE** pursuant to this chapter
20 by fraud or deceit.

21 3. Impersonating a member of the board.

22 B. The following acts are class 2 misdemeanors:

23 1. Using the designation "doctor of homeopathy", "homeopathic
24 doctor", "medical doctor-homeopathic", "doctor of ~~osteopathy-homeopathic~~
25 **OSTEOPATHIC MEDICINE (HOMEOPATHIC)**" **"ADVANCED HOMEOPATHIC PRACTITIONER"**,
26 **"DOCTOR OF INTEGRATED MEDICINE"** or "homeopathic physician" without being
27 licensed pursuant to this chapter.

28 2. Using any words, initials or symbols that lead the public to
29 believe that a person is licensed to engage in the practice of homeopathic
30 **MEDICINE OR INTEGRATED** medicine in this state if this is not true.

31 Sec. 12. Section 32-2932, Arizona Revised Statutes, is amended to
32 read:

33 32-2932. Use of title or abbreviation by a licensee

34 A. A person who is licensed pursuant to ~~this chapter~~ **SECTION**
35 **32-2912, SUBSECTION A** may use the designation and sign the licensee's
36 name, wherever required, in any capacity, as "homeopathic doctor",
37 **"HOMEOPATHIC PHYSICIAN" OR "DOCTOR OF INTEGRATED MEDICINE"**. If the
38 licensee is a graduate of a ~~board approved~~ **BOARD-APPROVED** allopathic
39 school of medicine, the licensee may also use the designation "medical
40 doctor ~~(homeopathic)~~" ~~or "homeopathic physician"~~. If the licensee is a
41 graduate of a ~~board approved~~ **BOARD-APPROVED** osteopathic school of
42 medicine, the licensee may also use the designation "doctor of
43 ~~osteopathy-homeopathic~~" ~~or "homeopathic physician"~~. ~~If the licensee is a~~
44 ~~graduate of a board approved homeopathic medical school, the licensee~~

1 ~~shall only use the designation "homeopathic doctor" or "doctor of~~
2 ~~homeopathy"~~ OSTEOPATHIC MEDICINE (HOMEOPATHIC)".

3 B. A PERSON WHO IS LICENSED PURSUANT TO SECTION 32-2912, SUBSECTION
4 B MAY USE THE DESIGNATION "DOCTOR OF HOMEOPATHY" OR "HOMEOPATHIC DOCTOR"
5 ONLY IF THE PERSON GRADUATED FROM AN APPROVED HOMEOPATHIC MEDICAL SCHOOL
6 WITH A DOCTORAL DEGREE OR FROM AN APPROVED ALLOPATHIC OR OSTEOPATHIC
7 SCHOOL OF MEDICINE. A PERSON WHO IS LICENSED PURSUANT TO SECTION 32-2912,
8 SUBSECTION B MAY USE THE DESIGNATION "ADVANCED PRACTITIONER OF HOMEOPATHY"
9 OR "HOMEOPATH".

10 C. THE BOARD MAY ADOPT IN RULE ABBREVIATIONS FOR THE TITLES LISTED
11 IN SUBSECTIONS A AND B OF THIS SECTION.

12 Sec. 13. Section 32-2933, Arizona Revised Statutes, is amended to
13 read:

14 32-2933. Definition of unprofessional conduct

15 A. In this chapter, unless the context otherwise requires,
16 "unprofessional conduct" includes the following acts, whether occurring in
17 this state or elsewhere:

18 1. Performing an invasive surgical procedure THAT IS not
19 specifically ~~permitted~~ ALLOWED by this chapter or by board rules or
20 pursuant to a license issued under chapter 13 or 17 of this title.

21 2. Wilfully betraying a professional secret or wilfully violating a
22 privileged communication except as either of these may otherwise be
23 required by law. This paragraph does not prevent members of the board
24 from the full and free exchange of information with the licensing and
25 disciplinary boards of other states, territories or districts of the
26 United States or with foreign countries or with the Arizona homeopathic
27 and integrative medical association or any of its component organizations
28 or with the homeopathic medical organizations of other states, counties,
29 districts or territories or with those of foreign countries.

30 3. Committing a felony, whether or not involving moral turpitude,
31 or a misdemeanor involving moral turpitude. In either case, conviction by
32 any court of competent jurisdiction or a plea of no contest is deemed
33 conclusive evidence of guilt.

34 4. Exhibiting habitual intemperance in the use of alcohol or
35 habitual substance abuse.

36 5. Violating federal, state, county or municipal laws or
37 regulations applicable to the practice of medicine or relating to public
38 health.

39 6. Prescribing a controlled substance for other than accepted
40 therapeutic purposes.

41 7. Committing conduct that the board determines is gross
42 professional negligence, repeated professional negligence or any
43 negligence that causes the death of a patient.

44 8. Impersonating another person licensed pursuant to this chapter.

- 1 9. Acting or assuming to act as a member of the board if this is
2 not true.
- 3 10. Procuring or attempting to procure a license to practice
4 homeopathic **MEDICINE OR INTEGRATED** medicine by fraud, by misrepresentation
5 or by knowingly taking advantage of the mistake of another.
- 6 11. Having professional connection with or lending one's name to an
7 illegal practitioner of homeopathic **MEDICINE OR INTEGRATED** medicine or of
8 any of the other healing arts.
- 9 12. Representing that a manifestly incurable disease, injury,
10 ailment or infirmity can be permanently cured or that a curable disease,
11 injury, ailment or infirmity can be cured within a stated time if this is
12 not true.
- 13 13. Offering, undertaking or agreeing to cure or treat a disease,
14 injury, ailment or infirmity by a secret means, method, device or
15 instrumentality.
- 16 14. Refusing to divulge to the board on demand the means, method,
17 device or instrumentality used in ~~the treatment of~~ **TREATING** a disease,
18 injury, ailment or infirmity.
- 19 15. Giving or receiving or aiding or abetting the giving or
20 receiving of rebates, either directly or indirectly.
- 21 16. Knowingly making any false or fraudulent statement, written or
22 oral, in connection with the practice of homeopathic medicine **OR THE**
23 **PRACTICE OF INTEGRATED MEDICINE** except as the same may be necessary for
24 accepted therapeutic purposes.
- 25 17. Exhibiting immorality or misconduct that tends to discredit the
26 profession.
- 27 18. Being disciplined by another regulatory jurisdiction because of
28 the licensee's mental or physical inability to engage safely in the
29 practice of medicine, medical incompetence or unprofessional conduct as
30 defined by that jurisdiction and that corresponds directly or indirectly
31 with an act of unprofessional conduct prescribed by this section. The
32 disciplinary action may include refusing, denying, revoking or suspending
33 a license, issuing a formal reprimand, issuing a decree of censure or
34 otherwise limiting, restricting or monitoring the licensee or placing the
35 licensee on probation.
- 36 19. Committing any conduct or practice contrary to recognized
37 standards of ethics of the homeopathic **MEDICINE OR INTEGRATED** medical
38 profession, any conduct or practice that does or might constitute a danger
39 to the health, welfare or safety of the patient or the public or any
40 conduct, practice or condition that does or might impair the ability to
41 practice homeopathic **MEDICINE OR INTEGRATED** medicine safely and
42 skillfully.
- 43 20. Failing or refusing to maintain adequate records on a patient
44 or to make patient records promptly available to another licensee on
45 request and receipt of proper authorization.

- 1 21. Advertising in a false, deceptive or misleading manner.
- 2 22. Violating or attempting to violate, directly or indirectly, or
3 assisting in or abetting the violation of or conspiring to violate this
4 chapter or any board rule.
- 5 23. Using a controlled substance unless it is prescribed by a
6 physician for use during a prescribed course of treatment.
- 7 24. Prescribing, dispensing or administering anabolic androgenic
8 steroids for other than therapeutic purposes.
- 9 25. Prescribing or dispensing controlled substances to members of
10 the licensee's immediate family.
- 11 26. Prescribing, dispensing or administering schedule II controlled
12 substances as defined in section 36-2513, including amphetamines and
13 similar schedule II sympathomimetic drugs in ~~the treatment of~~ TREATING
14 exogenous obesity for a period in excess of thirty days in any one year,
15 or the nontherapeutic use of injectable amphetamines.
- 16 27. Dispensing a schedule II controlled substance that is an
17 opioid.
- 18 28. Using experimental forms of diagnosis and treatment without
19 adequate informed patient consent, without a ~~board approved~~ BOARD-APPROVED
20 written disclosure that the form of diagnosis and treatment to be used is
21 experimental and without conforming to generally accepted experimental
22 criteria, including protocols, detailed records, periodic analysis of
23 results and periodic review by a peer review committee.
- 24 29. Engaging in sexual intimacies with a patient.
- 25 30. Using the designation "M.D." or "D.O." in a way that would lead
26 the public to believe that a person is licensed by the Arizona medical
27 board or the board of osteopathic examiners in medicine and surgery in
28 this state if this is not the case.
- 29 31. Falsely or fraudulently representing or holding oneself out as
30 being a homeopathic ~~OR INTEGRATED~~ medical specialist.
- 31 32. Failing to dispense drugs and devices in compliance with
32 article 4 of this chapter.
- 33 33. Violating a formal board order, terms of probation or a
34 stipulation issued or entered into by the board or its designee under this
35 chapter.
- 36 34. Charging a fee for services not rendered or charging and
37 collecting a clearly unreasonable fee. In determining the reasonableness
38 of the fee, the board shall consider the fee customarily charged in this
39 state for similar services in relation to modifying factors such as the
40 time required, the complexity of the service and the skill required to
41 perform the service properly. This paragraph does not apply if there is a
42 clearly written contract for a fixed fee between the licensee and the
43 patient that is entered into before the licensee provides the service.

1 35. Failing to appropriately direct, collaborate with or supervise
2 a licensed, certified or registered health care provider, a homeopathic
3 medical assistant or office personnel employed or assigned to the licensee
4 to assist in the medical care of patients.

5 36. Knowingly making a false or misleading statement on a form
6 required by the board or in written correspondence with the board.

7 37. Failing to furnish legally requested information in a timely
8 manner to the board or its investigators or representatives.

9 38. Failing to allow properly authorized board personnel to examine
10 or have access to a licensee's documents, reports or records that relate
11 to the licensee's medical practice or medically related activities.

12 39. Signing a blank, undated or predated prescription form.

13 40. Refusing to submit to a body fluid examination required under
14 section 32-2941 or pursuant to a board investigation into the licensee's
15 substance abuse.

16 41. Prescribing, dispensing or furnishing a prescription medication
17 or a prescription-only device as defined in section 32-1901 to a person
18 unless the licensee first conducts a comprehensive physical or mental
19 health status examination of that person or has previously established a
20 doctor-patient relationship. This paragraph does not apply to:

21 (a) A licensee who provides temporary patient supervision on behalf
22 of the patient's regular treating licensed health care professional.

23 (b) Emergency medical situations as defined in section 41-1831.

24 (c) Prescriptions written to prepare a patient for a medical
25 examination.

26 (d) Prescriptions written or prescription medications issued for
27 use by a county or tribal public health department for immunization
28 programs or emergency treatment or in response to an infectious disease
29 investigation, a public health emergency, an infectious disease outbreak
30 or an act of bioterrorism. For the purposes of this subdivision,
31 "bioterrorism" has the same meaning prescribed in section 36-781.

32 42. Failing to obtain from a patient before an examination or
33 treatment a signed informed consent that includes language that makes it
34 clear the licensee is providing homeopathic OR INTEGRATED medical
35 treatment instead of or in addition to standard conventional allopathic or
36 osteopathic treatment.

37 B. If a person is licensed pursuant to section 32-2912, subsection
38 B, unprofessional conduct also includes the following:

39 1. Performing an invasive procedure, including performing
40 intravenous therapy, drawing bodily fluids or ordering genetic testing.

41 2. Prescribing, dispensing or administering any controlled
42 substance.

43 3. Prescribing, dispensing or administering a prescription drug.

1 4. Using the title "physician", "medical doctor-homeopathic",
2 "doctor of ~~osteopathy-homeopathic~~ OSTEOPATHIC MEDICINE (HOMEOPATHIC)",
3 "doctor of medicine (homeopathic)" or "homeopathic physician" or otherwise
4 implying that the licensee is a licensed allopathic or osteopathic
5 physician.

6 5. Failing to correct a known misunderstanding regarding the
7 licensee's licensure status.

8 6. Failing to obtain from a patient before an examination or
9 treatment a signed informed consent that includes language that makes it
10 clear the licensee is not an allopathic or osteopathic physician and is
11 providing homeopathic treatment under the limited scope of practice of
12 homeopathic medicine pursuant to this chapter.

13 7. Failing to consult with or refer patients to other health care
14 providers when appropriate.

15 8. Discontinuing or advising a patient to discontinue a physician's
16 treatment or medicine without first consulting the prescribing or treating
17 physician.

18 9. Failing to refer a patient with a life threatening illness to a
19 licensed allopathic or osteopathic physician currently practicing
20 homeopathic, allopathic or osteopathic medicine.

21 Sec. 14. Section 32-2934, Arizona Revised Statutes, is amended to
22 read:

23 32-2934. Grounds for suspension or revocation of license;
24 duty to report; unprofessional conduct hearing;
25 decision of board

26 A. The board on its own motion may investigate any evidence that
27 appears to show that a licensee is or may be medically incompetent, guilty
28 of unprofessional conduct or mentally or physically unable to engage
29 safely in the practice of homeopathic medicine **OR THE PRACTICE OF**
30 **INTEGRATED MEDICINE**. Any licensee, the Arizona homeopathic and
31 integrative medical association or any health care institution as defined
32 in section 36-401 shall, and any other person may, report to the board any
33 information the person may have that appears to show that a licensee is or
34 may be medically incompetent, guilty of unprofessional conduct or mentally
35 or physically unable to engage safely in the practice of homeopathic
36 medicine **OR THE PRACTICE OF INTEGRATED MEDICINE**. The board shall notify
37 the licensee about whom information is received as to the content of the
38 information within one hundred twenty days after receipt of the
39 information. Any person who reports or provides information to the board
40 in good faith is not subject to an action for civil damages as a result of
41 reporting or providing the information. The board may not open an
42 investigation if identifying information regarding the complainant is not
43 provided to the board. It is an act of unprofessional conduct for any
44 licensee to fail to report as required by this section. Any health care

1 institution that fails to report as required by this section shall be
2 reported by the board to the institution's licensing agency.

3 B. If a complainant wishes to have the complainant's identifying
4 information withheld from the licensee against whom the allegation of
5 unprofessional conduct is being made, the board shall enter into a written
6 agreement with the complainant stating that the complainant's identifying
7 information will not be provided to the licensee against whom the
8 allegation of unprofessional conduct is being made to the extent
9 consistent with the administrative appeals process. The board shall post
10 this policy on the board's website where a person would submit a complaint
11 online.

12 C. A health care institution shall inform the board if the
13 privileges of a licensee to practice in the health care institution are
14 denied, revoked, suspended or limited because of actions by the licensee
15 that jeopardized patient health and welfare or if the licensee resigns
16 during pending proceedings for revocation, suspension or limitation of
17 privileges. A report to the board pursuant to this subsection shall
18 contain a general statement of the reasons the health care institution
19 denied or took action to revoke, suspend or limit a licensee's privileges.

20 D. The board may conduct investigations necessary to fully inform
21 itself with respect to any evidence filed with the board under subsection
22 A of this section. As part of this investigation, the board may require
23 the licensee under investigation to be interviewed by board
24 representatives or, at the licensee's expense, to undergo any combination
25 of mental, physical, oral or written medical competency examinations.

26 E. If the information gathered under subsections A and C of this
27 section indicates that the protection of public health requires that the
28 board take emergency action, it may order the summary suspension of a
29 license pending the outcome of a formal disciplinary hearing pursuant to
30 title 41, chapter 6, article 10. The board shall serve the suspended
31 licensee with a written notice of the specific charges and the time and
32 place of the formal hearing. The board shall hold this hearing within
33 sixty days after the suspension unless the board for good reason shown by
34 the licensee grants an extension on the hearing date.

35 F. If, after completing its investigation, the board finds that the
36 information provided pursuant to subsection A of this section is not of
37 sufficient seriousness to merit direct action against the license, it may
38 take any of the following actions:

39 1. Dismiss if, in the opinion of the board, the information is
40 without merit.

41 2. File a letter of concern.

42 3. Issue a nondisciplinary order requiring the licensee to complete
43 a prescribed number of hours of continuing education in an area or areas
44 prescribed by the board to provide the licensee with the necessary
45 understanding of current developments, skills, procedures or treatment.

1 G. If after completing its initial investigation under subsection A
2 of this section the board determines that rehabilitative or disciplinary
3 action can be taken without the presence of the licensee at an informal
4 interview, the board and the licensee may enter into a stipulated
5 agreement to limit or restrict the licensee's practice or to rehabilitate
6 the licensee, protect the public and ensure the licensee's ability to
7 safely engage in the practice of homeopathic medicine OR THE PRACTICE OF
8 INTEGRATED MEDICINE.

9 H. If after completing its investigation the board believes that
10 this information is or may be true, the board may request an informal
11 interview with the licensee. If the licensee refuses the invitation or
12 accepts the invitation and the results of the interview indicate that
13 suspension or revocation of the license may be in order, the board shall
14 issue a formal complaint and conduct a formal hearing pursuant to title
15 41, chapter 6, article 10. If after completing the informal interview the
16 board finds that the information provided under subsection A of this
17 section is not of sufficient seriousness to merit suspension or revocation
18 of the license, it may take the following actions:

19 1. Dismiss if, in the opinion of the board, the information is
20 without merit.

21 2. File a letter of concern.

22 3. Issue a decree of censure. A decree of censure constitutes an
23 official action against the license and may include a requirement for
24 restitution of fees to a patient resulting from violations of this chapter
25 or board rules.

26 4. Fix a period and terms of probation best adapted to protect the
27 public health and safety and rehabilitate or educate the licensee. The
28 probation, if deemed necessary, may include temporary suspension of the
29 license for not to exceed twelve months, restriction of the license to
30 practice homeopathic MEDICINE OR INTEGRATED medicine or a requirement for
31 restitution of fees to a patient resulting from violations of this chapter
32 or board rules. If a licensee fails to comply with the terms of
33 probation, the board may file a summons, complaint and notice of hearing
34 pursuant to title 41, chapter 6, article 10 based on the information
35 considered by the board at the informal interview and any other acts or
36 conduct alleged to be in violation of this chapter or board rules.

37 5. Enter into an agreement with the licensee to restrict or limit
38 the licensee's practice or medical activities in order to rehabilitate the
39 licensee, protect the public and ensure the licensee's ability to safely
40 engage in the practice of homeopathic medicine OR THE PRACTICE OF
41 INTEGRATED MEDICINE.

42 6. Issue a nondisciplinary order requiring the licensee to complete
43 a prescribed number of hours of continuing education in an area or areas
44 prescribed by the board to provide the licensee with the necessary
45 understanding of current developments, skills, procedures or treatment.

1 I. In an informal interview or a formal hearing the board, in
2 addition to any other action that it may take, may impose an
3 administrative penalty in an amount of not less than ~~five hundred dollars~~
4 \$500 but not to exceed ~~two thousand dollars~~ \$2,000 on a licensee who
5 violates this chapter or a board rule. Actions to enforce the collection
6 of these penalties shall be brought in the name of this state by the
7 attorney general or the county attorney in the justice court or the
8 superior court in the county in which the violation occurred. Penalties
9 imposed under this section are in addition to and not in limitation of
10 other penalties imposed pursuant to this chapter.

11 J. If in the opinion of the board it appears that the allegations
12 concerning a licensee are of a magnitude as to warrant suspension or
13 revocation of the license, the board shall serve on the licensee a summons
14 and a complaint fully setting forth the conduct or inability concerned and
15 setting a date, time and place for a hearing pursuant to title 41, chapter
16 6, article 10 to be held before the board in not less than sixty days from
17 the date of the notice.

18 K. A licensee who wishes to be present at the hearing in person or
19 by representation, or both, shall file a verified answer with the board
20 within twenty days after receiving service of the summons and complaint.
21 The licensee may present witnesses at this hearing. A licensee who has
22 been notified of a complaint pursuant to this section shall file with the
23 board a written response not more than twenty days after service of the
24 complaint and the notice of hearing. If the licensee fails to file an
25 answer in writing, it is deemed an admission of the act or acts charged in
26 the complaint and notice of hearing and the board may take disciplinary
27 action pursuant to this chapter without a hearing.

28 L. The board shall issue subpoenas for witnesses as it may need and
29 for witnesses as the licensee may request. Any person refusing to obey a
30 subpoena shall be certified by the board to the superior court in the
31 county in which service was made, and the court may institute proceedings
32 for contempt of court.

33 M. Service of the summons and complaint shall be as required in
34 civil cases.

35 N. Service of subpoenas for witnesses shall be as provided by law
36 for the service of subpoenas generally.

37 O. A licensee who after a hearing is found to be guilty of
38 unprofessional conduct or is found to be mentally or physically unable to
39 engage safely in the practice of homeopathic medicine OR THE PRACTICE OF
40 INTEGRATED MEDICINE is subject to any combination of censure, probation or
41 suspension of license or revocation of the license for a prescribed period
42 of time or permanently and under conditions that the board deems
43 appropriate for the protection of the public health and safety and just in
44 the circumstances.

1 P. If the board acts to modify any licensee's prescription writing
2 privileges, it shall immediately notify the Arizona state board of
3 pharmacy of the modification.

4 Q. Notwithstanding section 32-2906, subsection A, the board shall
5 deposit, pursuant to sections 35-146 and 35-147, all monies collected from
6 administrative penalties paid pursuant to this section in the state
7 general fund.

8 R. A letter of concern is a nondisciplinary public document that
9 the board may use in future disciplinary actions.

10 Sec. 15. Section 32-2935, Arizona Revised Statutes, is amended to
11 read:

12 32-2935. Right to examine and copy evidence; summoning
13 witnesses and documents; taking testimony; right
14 to counsel; court aid; process

15 A. In connection with the investigation by the board on its own
16 motion or as the result of information received pursuant to section
17 32-2934, subsection A, the board or its authorized agents or employees
18 shall at all reasonable times have access to, for the purpose of
19 examination, and the right to copy any documents, reports, records or any
20 other physical evidence of any person being investigated, or the reports,
21 records and any other documents maintained by and in possession of any
22 hospital, clinic, office, laboratory, pharmacy or any other public or
23 private agency, and any health care institution as defined in section
24 36-401, if these documents, reports, records or evidence relate to medical
25 competence, unprofessional conduct or the mental or physical ability of a
26 licensee to practice homeopathic **MEDICINE OR INTEGRATED** medicine safely.

27 B. For the purpose of all investigations and proceedings conducted
28 by the board:

29 1. The board on its own initiative, or on application of any person
30 involved in the investigation, may issue subpoenas compelling the
31 attendance and testimony of witnesses, or demanding the production for
32 examination or copying of documents or any other physical evidence if the
33 evidence relates to medical competence, unprofessional conduct or the
34 mental or physical ability of a licensee to practice homeopathic **MEDICINE**
35 **OR INTEGRATED** medicine safely. Within five days after the service of a
36 subpoena on any person requiring the production of any evidence in that
37 person's possession or under that person's control, the person may
38 petition the board to revoke, limit or modify the subpoena. The board
39 shall revoke, limit or modify the subpoena if in its opinion the evidence
40 required does not relate to unlawful practices covered by this chapter, is
41 not relevant to the charge that is the subject matter of the hearing or
42 investigation or does not describe with sufficient particularity the
43 physical evidence whose production is required. Any member of the board
44 or any agent designated by the board may administer oaths or affirmations,
45 examine witnesses and receive evidence.

1 2. Any person appearing before the board has the right to be
2 represented by counsel.

3 C. The superior court, on application by the board or by the person
4 subpoenaed, may issue an order:

5 1. Requiring the person to appear before the board or the duly
6 authorized agent to produce evidence relating to the matter under
7 investigation. Any failure to obey the order of the court may be punished
8 by the court as a contempt.

9 2. Revoking, limiting or modifying the subpoena if in the court's
10 opinion the evidence demanded does not relate to unlawful practices
11 covered by this chapter, is not relevant to the charge that is the subject
12 matter of the hearing or investigation, or does not describe with
13 sufficient particularity the evidence whose production is required.

14 D. Patient records, including clinical records, medical reports,
15 laboratory statements and reports, any file, film, any other report or
16 oral statement relating to diagnostic findings or treatment of patients,
17 any information from which a patient or the patient's family might be
18 identified or information received and records kept by the board as a
19 result of investigation procedures are not available to the public.

20 E. This section or any other provision of law making communications
21 between a licensee and a patient a privileged communication does not apply
22 to investigations or proceedings conducted pursuant to this chapter. The
23 board and its employees, agents and representatives shall keep in
24 confidence the names of any patients whose records are reviewed during the
25 course of investigations and proceedings pursuant to this chapter.

26 F. Hospital records, medical staff records, medical staff review
27 committee records and testimony concerning these records, and proceedings
28 related to the creation of these records, are not available to the public,
29 shall be kept confidential by the board and are subject to the same
30 provisions concerning discovery and use in legal actions as are the
31 original records in the possession and control of hospitals, their medical
32 staffs and their medical staff review committees. The board shall use
33 records and testimony during the course of investigations and proceedings
34 pursuant to this chapter.