

Senate Engrossed

naturopathic physicians medical board

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1218

AN ACT

AMENDING SECTIONS 32-1501, 32-1509, 32-1521, 32-1523, 32-1524, 32-1526, 32-1527, 32-1555 AND 32-1560, ARIZONA REVISED STATUTES; RELATING TO THE NATUROPATHIC PHYSICIANS MEDICAL BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1501, Arizona Revised Statutes, is amended to
3 read:

4 32-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accepted therapeutic purpose" means treatment of a disease,
7 injury, ailment or infirmity that is competent and generally recognized as
8 safe and effective.

9 2. "Active license" means a current valid license to practice
10 naturopathic medicine.

11 3. "Adequate medical records" means legible medical records
12 containing, at a minimum, sufficient information to identify the patient,
13 support the diagnosis, describe the treatment, accurately document the
14 results, indicate advice and cautionary warning provided to the patient
15 and provide sufficient information for a similarly qualified practitioner
16 to assume continuity of the patient's care at any point in the course of
17 treatment.

18 4. "Approved clinical training program" or "clinical training
19 program" means a program for naturopathic medical students in which the
20 training occurred or is being conducted by or in conjunction with an
21 approved school of naturopathic medicine.

22 5. "Approved internship program" or "internship" means that the
23 program in which the training occurred or is being conducted has been
24 approved for internship training for physicians or for graduates of a
25 school of naturopathic medicine by the board or was approved or accredited
26 by an educational or professional association recognized by the board or
27 by another state's or country's licensing agency recognized by the board.

28 6. "Approved postdoctoral training" or "postdoctoral training"
29 means that the program in which the training occurred or is being
30 conducted has been approved for specialty training or for graduate medical
31 education in naturopathic medicine by the board or approved or accredited
32 by an educational or professional association recognized by the board or
33 by another state's or country's licensing agency recognized by the board.

34 7. "Approved preceptorship program" or "preceptorship" means that
35 the program in which the training occurred or is being conducted has been
36 approved for preceptorship training for physicians or for graduates of a
37 school of naturopathic medicine by the board or was approved or accredited
38 by an educational or professional association recognized by the board or
39 by another state's or country's licensing agency recognized by the board.

40 8. "Approved school of naturopathic medicine" or "school of
41 naturopathic medicine" means a school, ~~or~~ college OR UNIVERSITY determined
42 by the board to have an educational program that meets standards
43 prescribed by the council on naturopathic medical education, or its
44 successor agency, and that offers a course of study that, on successful
45 completion, results in the awarding of the degree of doctor of

1 naturopathic medicine and whose course of study is either of the
2 following:

3 (a) Accredited or a candidate for accreditation by an accrediting
4 agency recognized by the United States secretary of education as a
5 specialized accrediting agency for schools of naturopathic medicine or its
6 successor.

7 (b) Accredited or a candidate for accreditation by an accrediting
8 agency recognized by the council for higher education accreditation or its
9 successor.

10 9. "Board" means the naturopathic physicians medical board.

11 10. "Chelation therapy" means an experimental medical therapy to
12 restore cellular homeostasis through the use of intravenous, metal-binding
13 and bioinorganic agents such as ethylene diamine tetraacetic acid.
14 Chelation therapy does not include experimental therapy used to treat
15 heavy metal poisoning.

16 11. "Completed application" means that the applicant paid the
17 required fees and supplied all documents and information as requested by
18 the board and in a manner acceptable to the board.

19 12. "Controlled substance" means a drug, substance or immediate
20 precursor in schedules I through V of title 36, chapter 27, article 2 or
21 the rules adopted pursuant to title 36, chapter 27, article 2.

22 13. "Direct supervision" means that a physician who is licensed
23 pursuant to this chapter or chapter 13, 17 or 29 of this title:

24 (a) Is physically present and within sight or sound of the person
25 supervised and is available for consultation regarding procedures that the
26 physician has authorized and for which the physician remains responsible.

27 (b) Has designated a person licensed pursuant to this chapter or
28 chapter 13, 17 or 29 of this title to provide direct supervision in the
29 physician's absence.

30 14. "Doctor of naturopathic medicine" or "doctor" means a natural
31 person who is licensed to practice naturopathic medicine under this
32 chapter.

33 15. "Drug" has the same meaning prescribed in section 32-1901 but
34 does not include:

35 (a) Intravenous administration of legend drugs, except for:

36 (i) Vitamins, chelation therapy and drugs used in emergency
37 resuscitation and stabilization.

38 (ii) Minerals.

39 (iii) Nutrients. For the purposes of this item, "nutrient" means a
40 substance that provides nourishment for growth or metabolism and that is
41 manufactured and supplied for intravenous use by a manufacturer registered
42 with the United States food and drug administration or compounded by a
43 pharmacy licensed by the Arizona state board of pharmacy.

44 (b) Controlled substances listed as schedule I or II controlled
45 substances as defined in the federal controlled substances act of 1970

1 (21 United States Code section 802), except morphine, any drug that is
2 reclassified from schedule III to schedule II after January 1, 2014 and
3 any homeopathic preparations that are also controlled substances.

4 (c) Cancer chemotherapeutics classified as legend drugs.

5 (d) Antipsychotics.

6 16. "General supervision" means that the physician is available for
7 consultation regarding procedures that the physician has authorized and
8 for which the physician remains responsible.

9 17. "Legend drug" means any drug that is defined by section 503(b)
10 of the federal food, drug, and cosmetic act and under which definition its
11 label is required to bear the statement "Rx only".

12 18. "Letter of concern" means a nondisciplinary advisory letter
13 that is issued by the board to a person who is regulated under this
14 chapter and that states that while there is insufficient evidence to
15 support disciplinary action the board believes that the person should
16 modify or eliminate certain practices and that continuation of the
17 activities that led to the information being submitted to the board may
18 result in action against the person's license, certificate or
19 registration.

20 19. "Letter of reprimand" means a disciplinary letter that is
21 issued by the board and that informs a person who is regulated under this
22 chapter that the person's conduct violates state or federal law but does
23 not require the board to restrict the person's license, certificate or
24 registration because the person's conduct did not result in harm to a
25 patient or to the public.

26 20. "Limit" means taking a nondisciplinary action that alters the
27 physician's practice or professional activities if the board determines
28 that there is evidence that the physician is or may be mentally or
29 physically unable to safely engage in the practice of medicine.

30 21. "Medical assistant" or "naturopathic medical assistant" means a
31 person who is certified by the board as a medical assistant, who assists a
32 doctor of naturopathic medicine and who may perform delegated procedures
33 that are commensurate with the assistant's education and training under
34 the direct supervision of a doctor of naturopathic medicine and that do
35 not include diagnosing, designing or modifying established treatment
36 programs or those procedures prohibited by the board or by this chapter.

37 22. "Medically incompetent" means a person who is licensed,
38 certified or registered pursuant to this chapter and who lacks sufficient
39 naturopathic medical knowledge or skills, or both, to a degree that is
40 likely to endanger the health of patients.

41 23. "Natural substance" means a homeopathic, botanical, nutritional
42 or other supplement that does not require a prescription pursuant to
43 federal law before it is prescribed, dispensed or otherwise furnished to a
44 patient and that is prescribed by a physician who is licensed pursuant to

1 this chapter to enhance health, prevent disease or treat a medical
2 condition diagnosed by the physician.

3 24. "Naturopathic medical student" means a person who is enrolled
4 in a course of study at an approved school of naturopathic medicine.

5 25. "Naturopathic medicine" means medicine as taught in approved
6 schools of naturopathic medicine and in clinical, internship,
7 preceptorship and postdoctoral training programs approved by the board and
8 practiced by a recipient of a degree of doctor of naturopathic medicine
9 licensed pursuant to this chapter.

10 26. "Nurse" means a person who is licensed pursuant to chapter 15
11 of this title.

12 27. "Physician" means a doctor of naturopathic medicine who is
13 licensed pursuant to this chapter.

14 28. "Practice of naturopathic medicine" means a medical system of
15 diagnosing and treating diseases, injuries, ailments, infirmities and
16 other conditions of the human mind and body, including by natural means,
17 drugless methods, drugs, nonsurgical methods, devices, physical,
18 electrical, hygienic and sanitary measures and all forms of physical
19 agents and modalities.

20 29. "Restrict" means taking a disciplinary action that alters the
21 physician's practice or professional activities if the board determines
22 that there is evidence that the physician is or may be medically
23 incompetent or guilty of unprofessional conduct.

24 30. "Specialist" means a physician who has successfully completed
25 approved postdoctoral training, who is certified by a specialty board of
26 examiners recognized by the board and who is certified by the board to
27 practice the specialty pursuant to this chapter.

28 31. "Unprofessional conduct" includes the following, whether
29 occurring in this state or elsewhere:

30 (a) Intentionally disclosing a professional secret or intentionally
31 disclosing a privileged communication except as either of these may
32 otherwise be required by law.

33 (b) Engaging in any dishonorable conduct reflecting unfavorably on
34 the profession.

35 (c) Committing a felony, whether or not involving moral turpitude,
36 or a misdemeanor involving moral turpitude. In either case conviction by
37 any court of competent jurisdiction or a plea of no contest is conclusive
38 evidence of the commission of the felony or misdemeanor.

39 (d) Habitual intemperance in the use of alcohol or any substance
40 abuse.

41 (e) Engaging in the illegal use of any narcotic or hypnotic drugs,
42 or illegal substances.

43 (f) Engaging in conduct that the board determines is gross
44 malpractice, repeated malpractice or any malpractice resulting in the
45 death of a patient.

1 (g) Impersonating another doctor of naturopathic medicine or any
2 other practitioner of the healing arts.

3 (h) Falsely acting or assuming to act as a member, an employee or
4 an authorized agent of the board.

5 (i) Procuring or attempting to procure a license or a certificate
6 pursuant to this chapter by fraud, by misrepresentation or by knowingly
7 taking advantage of the mistake of another person or agency.

8 (j) Having professional connection with or lending one's name to
9 enhance or continue the activities of an illegal physician or an illegal
10 practitioner of any healing art.

11 (k) Representing that a manifestly incurable disease, injury,
12 ailment or infirmity can be permanently cured, or falsely or fraudulently
13 representing that a curable disease, injury, ailment or infirmity can be
14 cured within a stated time.

15 (l) Offering, undertaking or agreeing to cure or treat a disease,
16 injury, ailment or infirmity by a secret means, method, treatment,
17 medicine, substance, device or instrumentality.

18 (m) Refusing to divulge to the board on demand the means, method,
19 treatment, medicine, substance, device or instrumentality used in the
20 treatment of a disease, injury, ailment or infirmity.

21 (n) Giving or receiving, or aiding or abetting the giving or
22 receiving of, rebates, either directly or indirectly.

23 (o) Knowingly making any false or fraudulent statement, written or
24 oral, in connection with the practice of naturopathic medicine or any
25 naturopathic treatment method.

26 (p) Engaging in immorality or misconduct that tends to discredit
27 the naturopathic profession.

28 (q) Having a license refused, revoked or suspended by any other
29 state, district or territory of the United States or any other country,
30 unless it can be shown that this action was not due to reasons that relate
31 to the ability to safely and skillfully practice as a doctor of
32 naturopathic medicine or to any act of unprofessional conduct in this
33 paragraph.

34 (r) Engaging in any conduct or practice that is contrary to
35 recognized standards of ethics of the naturopathic profession, any conduct
36 or practice that does or might constitute a danger to the health, welfare
37 or safety of the patient or the public, or any conduct, practice or
38 condition that does or might impair the ability to safely and skillfully
39 practice as a doctor of naturopathic medicine.

40 (s) Failing to observe any federal, state, county or municipal law
41 relating to public health as a physician in this state.

42 (t) Violating or attempting to violate, directly or indirectly, or
43 assisting in or abetting the violation of, or conspiring to violate this
44 chapter or board rules.

1 (u) Committing false, fraudulent, deceptive or misleading
2 advertising or advertising the quality of a medical or health care service
3 by a physician or by the physician's staff, employer or representative.

4 (v) Failing or refusing to maintain adequate medical records on a
5 patient or failing or refusing to make medical records in the physician's
6 possession promptly available to another physician or health care provider
7 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title
8 on request and receipt of proper authorization to do so from the patient,
9 a minor patient's parent, the patient's legal guardian or the patient's
10 authorized representative or failing to comply with title 12, chapter 13,
11 article 7.1.

12 (w) Referring a patient to a diagnostic or treatment facility or
13 prescribing goods and services without disclosing in writing to the
14 patient that the physician has a pecuniary interest in the facility, goods
15 or services to which the patient is referred or prescribed. This
16 subdivision does not apply to a referral by one physician or practitioner
17 to another physician or practitioner within a group of physicians or
18 practitioners practicing together.

19 (x) Engaging in sexual intimacies with a patient in the course of
20 direct treatment.

21 (y) Failing to dispense drugs and devices in compliance with
22 article 4 of this chapter.

23 (z) Administering, dispensing or prescribing any drug or a device
24 for other than an accepted therapeutic purpose.

25 (aa) Falsely representing or holding oneself out as being a
26 specialist or representation by a doctor of naturopathic medicine or the
27 doctor's staff, employer or representative that the doctor is boarded or
28 board certified if this is not true or that standing is not current.

29 (bb) Delegating professional duties and responsibilities to a
30 person if the person has not been approved or qualified by licensure or by
31 certification to perform these duties or responsibilities.

32 (cc) Failing to appropriately supervise a naturopathic medical
33 student, a nurse, a medical assistant, a health care provider or a
34 technician who is employed by or assigned to the physician during the
35 performance of delegated professional duties and responsibilities.

36 (dd) Using experimental forms of diagnosis or treatment without
37 adequate informed consent of the patient or the patient's legal guardian
38 and without conforming to experimental criteria, including protocols,
39 detailed records, periodic analysis of results and periodic review by a
40 medical peer review committee as approved by the United States food and
41 drug administration or its successor agency.

42 (ee) Failing to furnish information in a timely manner to the board
43 or investigators or representatives of the board if this information is
44 legally requested by the board and failing to allow properly authorized
45 board personnel on demand to examine and have access to documents, reports

1 and records maintained by the physician that relate to the physician's
2 medical practice or medically related activities.

3 (ff) Failing to report in writing to the board evidence that a
4 person who is licensed, certified or registered pursuant to this chapter
5 is or may be medically incompetent, guilty of unprofessional conduct or
6 mentally or physically unable to safely practice or assist in the practice
7 of naturopathic medicine.

8 (gg) Conducting or engaging in an internship, ~~OR~~ preceptorship
9 ~~or clinical training program~~ in naturopathic medicine without being
10 approved and registered by the board for that internship, ~~OR~~
11 preceptorship ~~or clinical training program~~.

12 (hh) Signing a blank, undated or predated prescription form.

13 (ii) Engaging in conduct that the board determines is gross
14 negligence, repeated negligence or negligence resulting in harm or death
15 to a patient.

16 (jj) Knowingly making a false or misleading statement in oral
17 testimony to the board on a form required by the board or in written
18 correspondence to the board, including attachments to that correspondence.

19 (kk) The failure of a physician who is the chief medical officer,
20 the executive officer or the chief of staff of an internship, a
21 preceptorship or a clinical training program to report in writing to the
22 board that the privileges of a doctor of naturopathic medicine, a
23 naturopathic medical student or a medical assistant have been denied,
24 limited, revoked or suspended because that doctor's, student's or
25 assistant's actions appear to indicate that the person is or may be
26 medically incompetent, is or may be guilty of unprofessional conduct or is
27 or may be unable to safely engage or assist in the practice of
28 naturopathic medicine.

29 (ll) Having action taken against a doctor of naturopathic medicine
30 by a licensing or regulatory board in another jurisdiction due to that
31 doctor's mental or physical inability to engage safely in the practice of
32 naturopathic medicine or the doctor's medical incompetence or for
33 unprofessional conduct as defined by that licensing or regulatory board
34 and that corresponds directly or indirectly to an act of unprofessional
35 conduct prescribed by this paragraph. The action taken may include
36 refusing, denying, revoking or suspending a license, otherwise limiting,
37 restricting or monitoring a licensee or placing a licensee on probation by
38 that licensing or regulatory board.

39 (mm) Having sanctions imposed by an agency of the federal
40 government, including restricting, suspending, limiting or removing a
41 person from the practice of naturopathic medicine or restricting that
42 person's ability to obtain financial remuneration.

43 (nn) Violating any formal order, probation, consent agreement or
44 stipulation issued or entered into by the board pursuant to this chapter.

1 (oo) Refusing to submit to a body fluid examination pursuant to a
2 board investigation of alleged substance abuse by a doctor of naturopathic
3 medicine.

4 (pp) Charging a fee for services not rendered or dividing a
5 professional fee for patient referrals among health care providers or
6 health care institutions or between these providers and institutions or a
7 contractual arrangement that has this effect.

8 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

9 (rr) Charging or collecting a clearly excessive fee. In
10 determining whether a fee is clearly excessive, the board shall consider
11 the fee or range of fees customarily charged in this state for similar
12 services, in light of modifying factors such as the time required, the
13 complexity of the service and the skill required to perform the service
14 properly. This subdivision does not apply if there is a clear written
15 contract for a fixed fee between the physician and the patient that was
16 entered into before the service was provided.

17 (ss) With the exception of heavy metal poisoning, using chelation
18 therapy in the treatment of arteriosclerosis or as any other form of
19 therapy without adequate informed patient consent and without conforming
20 to generally accepted experimental criteria, including protocols, detailed
21 records, periodic analysis of results and periodic review by a medical
22 peer review committee.

23 (tt) Using a controlled substance unless it is prescribed by
24 another physician for use during a prescribed course of treatment.

25 (uu) Prescribing, dispensing or administering anabolic androgenic
26 steroids for other than therapeutic purposes.

27 (vv) Except in an emergency or urgent care situation, prescribing
28 or dispensing a controlled substance to a member of the naturopathic
29 physician's immediate family.

30 (ww) Prescribing, dispensing or furnishing a prescription
31 medication or a prescription-only device as defined in section 32-1901 to
32 a person unless the licensee first conducts a physical examination of that
33 person or has previously established a doctor-patient relationship. The
34 physical examination may be conducted ~~during a real-time telemedicine~~
35 ~~encounter with audio and video capability~~ THROUGH TELEHEALTH AS DEFINED IN
36 SECTION 36-3601 unless the examination is for the purpose of obtaining a
37 written certification from the physician for the purposes of title 36,
38 chapter 28.1. This subdivision does not apply to:

39 (i) A licensee who provides temporary patient supervision on behalf
40 of the patient's regular treating licensed health care professional.

41 (ii) An emergency medical situation as defined in section 41-1831.

42 (iii) Prescriptions written to prepare a patient for a medical
43 examination.

44 (iv) Prescriptions written or prescription medications issued for
45 use by a county or tribal public health department for immunization

1 programs or emergency treatment or in response to an infectious disease
2 investigation, a public health emergency, an infectious disease outbreak
3 or an act of bioterrorism. For the purposes of this item, "bioterrorism"
4 has the same meaning prescribed in section 36-781.

5 (v) Prescriptions written or antimicrobials dispensed to a contact
6 as defined in section 36-661 who is believed to have had significant
7 exposure risk as defined in section 36-661 with another person who has
8 been diagnosed with a communicable disease as defined in section 36-661 by
9 the prescribing or dispensing physician.

10 (vi) Prescriptions written by a licensee through a ~~telemedicine~~
11 ~~TELEHEALTH~~ program that is covered by the policies and procedures adopted
12 by the administrator of a hospital or outpatient treatment center.

13 (xx) If medical treatment is considered experimental or
14 investigational, failing to include in a patient's record a consent to
15 treatment document that is signed by the patient or the patient's parent
16 or legal guardian and that indicates that the patient or the patient's
17 parent or legal guardian has been informed of the risk of any treatment to
18 be provided and the expected cost of that treatment.

19 (yy) When issuing a written certification as defined in section
20 36-2801, failing or refusing to include in the adequate medical records of
21 a patient a copy of all of the following:

22 (i) The medical records relied on by the physician to support the
23 diagnosis or confirmed diagnosis of the patient's debilitating medical
24 condition.

25 (ii) The written certification.

26 (iii) The patient's profile on the Arizona board of pharmacy
27 controlled substances prescription monitoring program database.

28 (zz) Dispensing a schedule II controlled substance that is an
29 opioid.

30 Sec. 2. Section 32-1509, Arizona Revised Statutes, is amended to
31 read:

32 32-1509. Executive director; compensation; duties

33 A. Subject to title 41, chapter 4, article 4, the board shall
34 appoint an executive director who serves at the pleasure of the
35 board. The executive director shall not be a board member and shall not
36 have any financial interests in the practice of naturopathic medicine or
37 the training of naturopathic physicians. The board may authorize the
38 executive director to represent the board and to vote on behalf of the
39 board at meetings of national organizations of which the board is a dues
40 paying member.

41 B. The executive director and other board staff are eligible to
42 receive compensation as determined pursuant to section 38-611.

43 C. The executive director or that person's designee shall:

44 1. Subject to title 41, chapter 4, article 4 and, as applicable,
45 articles 5 and 6, employ, evaluate, dismiss, discipline and direct

1 professional, clerical, technical, investigative and administrative
2 personnel necessary to carry on the work of the board.

3 2. As directed by the board, prepare and submit recommendations to
4 the board for amendments to this chapter for consideration by the
5 legislature.

6 3. Subject to title 41, chapter 4, article 4, employ medical
7 consultants and agents necessary to conduct investigations, gather
8 information and perform those duties the executive director determines are
9 necessary and appropriate to enforce this chapter.

10 4. Issue licenses and certificates pursuant to section 32-1526 to
11 applicants who meet the requirements of this chapter.

12 5. Maintain a record of board actions and proceedings, including
13 the issuance, denial, renewal, suspension or revocation of licenses and
14 certificates.

15 6. Manage the board's offices.

16 7. Prepare minutes, records, reports, registries, directories,
17 books and newsletters and record all board transactions and orders.

18 8. Collect all monies due and payable to the board.

19 9. Pay all bills for authorized expenditures of the board and its
20 staff.

21 10. Prepare an annual budget.

22 11. Submit a copy of the budget each year to the governor, the
23 speaker of the house of representatives and the president of the senate.

24 12. Initiate an investigation if evidence appears to demonstrate
25 that a person licensed or certified by the board may be engaged in
26 unprofessional conduct or may be medically incompetent or mentally or
27 physically unable to safely practice medicine.

28 13. Issue subpoenas if necessary to compel the attendance and
29 testimony of witnesses and the production of books, records, documents and
30 other evidence.

31 14. Sign and execute and provide assistance to the attorney general
32 in preparing disciplinary orders, rehabilitative orders and notices of
33 hearings as directed by the board.

34 15. Enter into contracts for goods and services pursuant to title
35 41, chapter 23 that are necessary to carry out board policies and
36 directives.

37 16. Execute board directives.

38 17. Represent the board with the federal government, other states
39 or jurisdictions of the United States, this state, political subdivisions
40 of this state, the news media and the public.

41 18. Maintain a roster of all persons who are licensed or certified
42 under this chapter that indicates:

43 (a) The person's name.

44 (b) The person's current address of record.

1 (c) The date of issuance and the number of the person's license or
2 certificate.

3 (d) The status of the person's license or certificate.

4 19. Maintain an accurate account of all receipts, expenditures and
5 refunds granted pursuant to this chapter.

6 20. ~~Conduct periodic inspection of the dispensing practices and the~~
7 ~~prescribing practices of doctors of naturopathic medicine and~~ Report
8 dispensing and prescribing restrictions imposed by the board against
9 doctors of naturopathic medicine to other state and federal regulatory
10 agencies.

11 21. Affix the seal of the board to necessary documents. The
12 imprint of the seal with the signature of the executive director is
13 evidence of official board action.

14 22. On behalf of the board, enter into stipulated agreements with
15 persons who are under the jurisdiction of the board for the treatment,
16 rehabilitation and monitoring of chemical substance abuse or misuse.

17 23. Review all complaints filed pursuant to section 32-1551. If
18 delegated by the board, the executive director may dismiss complaints.

19 24. If delegated by the board, refer cases directly to a formal
20 interview or a formal hearing.

21 25. If delegated by the board, enter into a consent agreement if
22 there is evidence of danger to the public health and safety.

23 26. If delegated by the board, grant uncontested requests for
24 retired status or cancellation of a license.

25 27. Perform all other duties required by the board.

26 D. Medical consultants and agents appointed pursuant to subsection
27 C, paragraph 3 of this section are eligible to receive compensation
28 determined by the executive director of not more than ~~two hundred dollars~~
29 \$200 for each day of service.

30 E. A person who is aggrieved by an action taken by the executive
31 director may request a board review of that action by filing with the
32 board a written request within thirty days after that person has been
33 notified of the action. Notification shall be by personal delivery or
34 certified mail to the person's last known address on file with the board.
35 The board shall review the decision at its next regularly scheduled
36 meeting and either approve, modify or reject the executive director's
37 action.

38 Sec. 3. Section 32-1521, Arizona Revised Statutes, is amended to
39 read:

40 32-1521. Persons and acts not affected by this chapter

41 This chapter does not apply to:

42 1. The lawful practice of any other method, system or science of
43 healing by a person licensed under the laws of this state.

44 2. Any student of naturopathic medicine in the course of taking an
45 approved clinical training program ~~if the student complies with the~~

1 ~~application requirements of this chapter and pays the required fees.~~ This
2 exemption does not exempt the student from article 3 of this chapter.

3 3. Any out-of-state physician licensed by another state or country,
4 if in consultation requested by a doctor of naturopathic medicine.

5 4. A person who is not licensed or certified by the board and who
6 sells food articles to supplement the diet of a person or who sells a
7 natural substance that does not require a prescription.

8 5. A person who is a graduate of an approved school of naturopathic
9 medicine and has been awarded the degree of doctor of naturopathic
10 medicine and who, in the course of taking an approved internship training
11 program, an approved preceptorship training program or an approved
12 postdoctoral training program under the direct supervision of a physician,
13 complies with the application requirements of this chapter for the
14 training program and pays the required fees. This exemption does not
15 exempt that person from article 3 of this chapter.

16 Sec. 4. Section 32-1523, Arizona Revised Statutes, is amended to
17 read:

18 32-1523. Qualifications for license to practice by
19 endorsement; restrictions

20 A. To be eligible for a license to practice naturopathic medicine
21 pursuant to this chapter by endorsement, the applicant shall:

22 1. Qualify under section 32-1522.

23 2. Be licensed to practice as a doctor of naturopathic medicine by
24 either:

25 (a) Another state, district or territory of the United States.

26 (b) Another country that requires a written examination that is
27 substantially equivalent to the written examination provided for in
28 section 32-1525.

29 3. Be ~~continuously~~ active, for at least three years immediately
30 preceding the application, in one or more of the following:

31 (a) Active practice as a doctor of naturopathic medicine.

32 (b) An approved internship, preceptorship or clinical training
33 program in naturopathic medicine.

34 (c) An approved postdoctoral training program in naturopathic
35 medicine.

36 (d) The resident study of naturopathic medicine at an approved
37 school of naturopathic medicine.

38 4. Pass the examinations provided for in section 32-1525.

39 B. If an applicant for licensure pursuant to this section is
40 licensed in another state, district or territory of the United States or
41 another country that does not require that competency be shown in the same
42 elective practice areas as this state, the applicant shall be required to
43 successfully complete examinations in these elective practice areas or, if
44 otherwise qualified, be issued a license that does not include these
45 elective practice areas.

1 Sec. 5. Section 32-1524, Arizona Revised Statutes, is amended to
2 read:

3 32-1524. Application; deficiencies in application; interview;
4 withdrawal; release of information

5 A. Each applicant for licensure or certification shall file a
6 verified completed application in the form and style required and supplied
7 by the board ~~AND~~ accompanied by the appropriate application fee prescribed
8 in section 32-1527. The filing of an application grants the board the
9 authority to obtain information from any licensing board or agency in any
10 state, district, territory or county of the United States or another
11 country, from the Arizona criminal justice information system in the
12 department of public safety and from the federal bureau of investigation.
13 The fingerprints submitted shall be used to obtain a state and federal
14 criminal records check pursuant to section 41-1750 and ~~P.L.~~ PUBLIC LAW
15 92-544. The department of public safety is authorized to exchange this
16 fingerprint data with the federal bureau of investigation.

17 B. The application shall require the applicant to submit evidence,
18 credentials and other proof necessary to satisfy the board that the
19 applicant meets the requirements of a completed application.

20 C. The application shall contain the oath of the applicant that:

21 1. All information contained in the application and evidence
22 submitted with it are true and correct.

23 2. The credentials submitted were not procured by fraud or
24 misrepresentation or any mistake of which the applicant is aware.

25 3. The applicant is the lawful holder of the credentials.

26 D. All applications submitted to the board and any attendant
27 evidence, credentials or other proof submitted with an application are the
28 property of the board and part of the permanent record of the board and
29 shall not be returned to a withdrawing applicant.

30 E. The board shall promptly inform an applicant, in writing, of the
31 deficiencies, if any, in the application ~~which~~ THAT prevent it from being
32 considered by the board as a completed application.

33 F. The board may interview the applicant to determine whether the
34 application is sufficient or whether the applicant otherwise qualifies for
35 licensure or for a certificate.

36 G. Applications are considered withdrawn on ~~THE OCCURRENCE OF~~ any
37 of the following ~~conditions~~:

38 1. ~~THE~~ request of the applicant.

39 2. Failure of the applicant to appear for an interview with the
40 board except for good cause ~~being shown~~.

41 3. Failure ~~OF THE APPLICANT~~ to submit a completed application
42 within one year ~~from~~ AFTER the date of the mailing by the board of a
43 statement to the applicant of the deficiencies in the application under
44 subsection E of this section.

1 4. Failure OF THE APPLICANT to show, within one year ~~from~~ AFTER the
2 interview provided for in subsection F of this section, that the completed
3 application is true and correct.

4 H. Applicants for a license or for a certificate to engage in
5 ~~a clinical training program,~~ a preceptorship training program or an
6 internship training program shall submit a fingerprint card in the manner
7 required by the board.

8 ~~I. The executive director may issue a temporary certificate to~~
9 ~~engage in a clinical training program to an applicant whose application is~~
10 ~~complete except for the completion of a fingerprint check and criminal~~
11 ~~background analysis. If the criminal background analysis shows the~~
12 ~~applicant has not been convicted of any felony or any misdemeanor~~
13 ~~involving a crime of moral turpitude, the executive director shall convert~~
14 ~~the temporary certificate into a certificate to engage in a clinical~~
15 ~~training program without any further action by the applicant. The board~~
16 ~~shall not charge a fee for a temporary certificate.~~

17 Sec. 6. Section 32-1526, Arizona Revised Statutes, is amended to
18 read:

19 32-1526. Licenses; certificates; issuance; renewal; failure
20 to renew

21 A. The board shall issue licenses and certificates to applicants
22 who are qualified under this chapter. The board shall only issue licenses
23 under this chapter on the vote of a majority of the full board. Subject
24 to review by the board at its next board meeting, the executive director
25 may issue temporary licenses pursuant to section 32-1522.01, license
26 renewals and certificates to qualified applicants.

27 B. Except as provided in section 32-4301, a license or certificate
28 issued by the board expires unless renewed each year.

29 C. Each physician who holds an active license to practice
30 naturopathic medicine in this state shall renew the license on or before
31 January 1 of each year by supplying the executive director with
32 information the board determines is necessary and payment of the annual
33 renewal fee prescribed in section 32-1527.

34 D. A person who holds a certificate issued by the board ~~other than~~
35 ~~as provided in subsection F of this section~~ shall renew the certificate on
36 or before July 1 of each year by supplying the executive director with
37 information the board determines is necessary and payment of the annual
38 fee prescribed in section 32-1527.

39 E. A licensee or certificate holder whose license or certificate is
40 current and who is not currently the subject of a probationary order or
41 licensure suspension by the board may request, at any time, and shall be
42 granted cancellation of the license or certificate.

43 ~~F. Except as provided in section 32-4301, a naturopathic medical~~
44 ~~student who holds a certificate to engage in a clinical training program~~
45 ~~shall renew the certificate for each year of the student's clinical~~

~~training by supplying the executive director with information the board determines is necessary and paying the annual renewal fee prescribed in section 32-1527. The initial annual renewal date shall be one year after the board approved the application for the clinical training program.~~

~~F.~~ F. A person who fails to renew a license or certificate by the due date shall pay a late renewal fee as prescribed in section 32-1527. Except as provided in section 32-4301, a license or certificate automatically expires if not renewed within sixty days after the due date.

~~H.~~ G. The board may reinstate a license or certificate on payment of all renewal and penalty fees as prescribed in section 32-1527 and, if requested by the board, presentation of evidence satisfactory to the board that the applicant for reinstatement of an expired license is professionally able to engage or assist in the practice of naturopathic medicine and still possesses the professional knowledge required. If an applicant for reinstatement of an expired license has not been licensed and actively practicing in a jurisdiction of the United States or Canada in the three years immediately preceding the application, the board may issue a limited license that requires a period of general supervision by another licensed naturopathic physician not to exceed one year.

~~I.~~ H. After a hearing, the board may refuse to reinstate a license or certificate for any grounds prescribed in section 32-1551.

~~J.~~ I. The board and the executive director may prorate initial annual fees when a new application is approved by dividing the annual amount by twelve and multiplying the results by the number of months remaining until the next annual renewal date.

Sec. 7. Section 32-1527, Arizona Revised Statutes, is amended to read:

32-1527. Fees

A. The board by a formal vote at an open public meeting shall establish fees, except as provided in section 32-1530, that the board determines are necessary to provide monies to conduct its business and ~~which~~ THAT do not exceed the following:

1. For application for a license to practice naturopathic medicine and for certification to practice as a specialist, ~~four hundred dollars~~ \$400.

2. For application for a certificate to dispense, ~~four hundred dollars~~ \$400.

3. For issuance of a duplicate license or certificate, ~~one hundred dollars~~ \$100.

4. For endorsement of an Arizona license or certificate for the purpose of applying for a license, certificate or registration in another state or country, ~~fifty dollars~~ \$50.

5. For initial issuance of a license or a certificate, ~~fifty dollars~~ \$50.

1 6. For any annual renewal of a license or a certificate, ~~four~~
2 ~~hundred dollars~~ \$400.

3 7. For any late renewal of a license or an additional certificate,
4 ~~a fee of two hundred dollars~~ \$200.

5 8. For an initial application to conduct or engage in an
6 internship, a preceptorship, ~~a clinical training program~~ or a postdoctoral
7 training program, ~~one hundred dollars~~ \$100.

8 9. For examination of applicants, the cost of giving the
9 examination to each applicant.

10 10. For an initial application to be certified as a naturopathic
11 medical assistant, ~~one hundred dollars~~ \$100.

12 ~~11. For application for examination without a licensure application~~
13 ~~by a naturopathic medical student, one hundred dollars.~~

14 ~~12.~~ 11. For a copy of the minutes of board meetings during the
15 calendar year, ~~twenty-five dollars~~ \$25 for each set of minutes.

16 ~~13.~~ 12. For copying records, documents, letters, minutes,
17 applications and files, ~~twenty-five cents~~ \$.25 per page.

18 ~~14.~~ 13. For a copy of tapes or computerized diskettes not
19 requiring programming, ~~one hundred dollars~~ \$100.

20 ~~15.~~ 14. For written verification of a certificate or license, ~~five~~
21 ~~dollars~~ \$5.

22 ~~16.~~ 15. For submitting fingerprint cards to the department of
23 public safety, the cost required by that department.

24 B. The board may charge a fee for services ~~which~~ THAT it is not required
25 to provide pursuant to this chapter but ~~which~~ THAT the board determines
26 are appropriate to carry out the intent and purpose of this chapter. A
27 fee imposed pursuant to this subsection shall not exceed the board's costs
28 of rendering the service.

29 Sec. 8. Section 32-1555, Arizona Revised Statutes, is amended to
30 read:

31 32-1555. Unlawful acts; investigations

32 A. It is unlawful for any person:

33 1. To practice, attempt to practice or claim to practice as a
34 doctor of naturopathic medicine or any branch of naturopathic medicine
35 without complying with this chapter.

36 2. Not licensed under this chapter to use the designation "doctor
37 of naturopathic medicine", or the abbreviation "N.M.D.", "doctor of
38 naturopathy", or the abbreviation "N.D.", or "naturopathic physician" or
39 to use any other words, initials, symbols or combination of these that
40 would lead the public to believe that person is licensed to practice
41 naturopathic medicine.

42 3. To sell or fraudulently obtain or furnish any naturopathic
43 degree or diploma.

1 4. To operate a school, college or educational institution granting
2 a degree, diploma or certificate in the practice of naturopathic medicine
3 unless it has been approved by the board.

4 5. To represent that a school, college or educational institution
5 granting a degree, diploma or certificate in naturopathic medicine is
6 approved by the board if the school, college or educational institution
7 has not been approved by the board.

8 6. To secure or attempt to secure a license, certificate or
9 registration under this chapter by fraud or deceit.

10 7. To work as a naturopathic medical assistant except under the
11 direct supervision of a doctor of naturopathic medicine licensed pursuant
12 to this chapter.

13 8. To use the title "medical assistant" or a related abbreviation
14 unless the person is working as a medical assistant under the direct
15 supervision of a doctor of naturopathic medicine.

16 9. To conduct or engage in an internship, a preceptorship or a
17 clinical training program or a postdoctoral training program in
18 naturopathic medicine unless the internship, preceptorship, clinical
19 training program or postdoctoral training program is approved ~~by the~~
20 ~~board.~~

21 10. To use the title "naturopathic student physician",
22 "naturopathic student intern" or "naturopathic student preceptee" or a
23 related title or abbreviation while engaged in an internship or a
24 preceptorship unless the person is approved and registered by the board
25 for the internship or the preceptorship program.

26 ~~11. To use the title "naturopathic medical student" while engaged~~
27 ~~in a clinical training program unless the person is approved and~~
28 ~~registered by the board for the clinical training program.~~

29 B. The board may investigate any person to determine if that person
30 is engaged in the unlawful practice of naturopathic medicine. If an
31 investigation indicates that a person may be practicing naturopathic
32 medicine unlawfully, the board shall inform the person of the alleged
33 violation. The board may refer the matter for prosecution regardless of
34 whether the person ceases the unlawful practice of naturopathic medicine.

35 Sec. 9. Section 32-1560, Arizona Revised Statutes, is amended to
36 read:

37 32-1560. Rules; treatment procedures; students; direct
38 supervision

39 ~~A. A naturopathic medical student who wishes to engage in a~~
40 ~~clinical training program in naturopathic medicine shall submit an~~
41 ~~application for a certificate as prescribed in section 32-1524.~~

42 ~~B. A naturopathic medical student issued a certificate by the board~~
43 ~~to engage in an approved clinical training program shall be under the~~
44 ~~direct supervision of a physician licensed under this chapter or by a~~

1 ~~physician licensed pursuant to chapter 13, 17 or 29 of this title when the~~
2 ~~student is engaged in clinical training.~~

3 ~~C.~~ A. The board by rule may prescribe naturopathic medical
4 treatment procedures that naturopathic medical students may perform under
5 the direct supervision of a physician licensed under this chapter if the
6 board determines that these procedures:

- 7 1. May be competently performed by the student.
8 2. Do not exceed the procedures that the supervising physician has
9 been licensed by this state to perform.

10 ~~D.~~ B. A naturopathic medical student may do clerical tasks without
11 direct supervision if the tasks do not involve diagnosing or treating a
12 patient's condition.

13 ~~E. A person shall not use the title "naturopathic medical student"~~
14 ~~or a related title or abbreviation while engaged in a clinical training~~
15 ~~program unless that person holds a certificate issued by the board to~~
16 ~~engage in that clinical training program.~~

17 ~~F. If a student of naturopathic medicine ceases to be enrolled in~~
18 ~~an approved school of naturopathic medicine, the certificate to engage in~~
19 ~~clinical training held by that student is automatically canceled.~~
20