

Senate Engrossed

school personnel; emergency glucagon administration

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

SENATE BILL 1649

AN ACT

AMENDING SECTIONS 15-344.01, 32-1401, 32-1854 AND 32-1901.01, ARIZONA
REVISED STATUTES; RELATING TO SCHOOL SAFETY REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-344.01, Arizona Revised Statutes, is amended
3 to read:

4 15-344.01. Diabetes management; policies and procedures;
5 emergency administration of glucagon; voluntary
6 diabetes care assistants; standing orders for
7 glucagon; civil immunity

8 A. The school district governing board and the charter school
9 governing body may adopt policies and procedures for pupils who have been
10 diagnosed with diabetes by a health professional who is licensed pursuant
11 to title 32, chapter 13, 14, 17 or 25 or a nurse practitioner who is
12 licensed pursuant to title 32, chapter 15 to manage their diabetes in the
13 classroom, on school grounds and at school-sponsored activities as
14 authorized by the primary health professional who is licensed pursuant to
15 title 32, chapter 13, 14, 17 or 25, nurse practitioner who is licensed
16 pursuant to title 32, chapter 15 or pharmacist who is licensed pursuant to
17 title 32, chapter 18 and who is practicing pursuant to section 32-1970.
18 If a school district or charter school follows the policies and procedures
19 adopted pursuant to this section, the employees of the school district or
20 charter school and members of the school district governing board or
21 charter school governing body are immune from civil liability with respect
22 to the actions taken to adopt policies and procedures pursuant to this
23 section and all decisions made and actions taken that are based on good
24 faith compliance with policies and procedures adopted pursuant to this
25 section.

26 B. If a school district governing board or charter school governing
27 body adopts policies and procedures pursuant to subsection A of this
28 section, the policies and procedures shall include the following
29 components:

30 1. The parent or guardian shall annually submit a diabetes medical
31 management plan to the pupil's school that authorizes the pupil to carry
32 appropriate medications and monitoring equipment and that acknowledges
33 that the pupil is capable of self-administration of those medications and
34 equipment. The diabetes medical management plan provided by the parent or
35 guardian shall be signed by a health professional who is licensed pursuant
36 to title 32, chapter 13, 14, 17 or 25, a nurse practitioner who is
37 licensed pursuant to title 32, chapter 15 or a pharmacist who is licensed
38 pursuant to title 32, chapter 18 and who is practicing pursuant to section
39 32-1970, and shall state that the pupil is capable of self-monitoring
40 blood glucose and shall list the medications, monitoring equipment and
41 nutritional needs that are medically appropriate for the pupil to
42 self-administer and that have been prescribed or authorized for that
43 pupil.

1 2. A requirement that the pupil be able to practice proper safety
2 precautions for ~~the~~ handling and ~~disposal~~ DISPOSING of the equipment and
3 medications that the pupil is authorized to use pursuant to this
4 subsection. The pupil's diabetes medical management plan shall specify a
5 method to dispose of equipment and medications in a manner agreed on by
6 the parent or guardian and the school.

7 3. Procedures that enable the school district or charter school to
8 withdraw a pupil's authorization to monitor blood glucose and
9 self-administer diabetes medication pursuant to this subsection if the
10 pupil does not practice proper safety precautions as provided in paragraph
11 2 of this subsection.

12 4. A requirement that any medication administration services
13 specified in the child's diabetes medical management plan shall be
14 provided.

15 C. In addition to the policies and procedures adopted pursuant to
16 subsections A and B of this section, the school district governing board
17 and the charter school governing body may adopt policies and procedures to
18 designate two or more school employees to serve as voluntary diabetes care
19 assistants. The parent or guardian shall have final approval of the
20 voluntary diabetes care assistants. Voluntary diabetes care assistants
21 are allowed to administer insulin, assist the pupil with
22 self-administration of insulin, administer glucagon in an emergency
23 situation to a pupil or perform any combination of these actions if all of
24 the following conditions exist:

25 1. A school nurse or another health professional who is licensed
26 pursuant to title 32, chapter 13, 14, 17 or 25, a nurse practitioner who
27 is licensed pursuant to title 32, chapter 15 or a pharmacist who is
28 licensed pursuant to title 32, chapter 18 and who is practicing pursuant
29 to section 32-1970 is not immediately available to attend to the pupil at
30 the time of the emergency.

31 2. If the voluntary diabetes care assistant is authorized to
32 administer glucagon, EITHER:

33 (a) The parent or guardian of the pupil has provided to the school
34 an unexpired glucagon kit for the school year that is prescribed for that
35 pupil by a health professional who is licensed pursuant to title 32,
36 chapter 13, 14, 17 or 25, a nurse practitioner who is licensed pursuant to
37 title 32, chapter 15 or a pharmacist who is licensed pursuant to title 32,
38 chapter 18 and who is practicing pursuant to section 32-1970.

39 (b) THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS OBTAINED GLUCAGON
40 PURSUANT TO A STANDING ORDER AS PROVIDED IN SUBSECTION E OF THIS SECTION.

41 3. The ~~volunteer~~ VOLUNTARY diabetes care assistant has provided to
42 the school a written statement signed by a health professional who is
43 licensed pursuant to title 32, chapter 13, 14, 15, 17, 18 or 25 ATTESTING
44 that the voluntary diabetes care assistant has received proper training in
45 ~~the administration of~~ ADMINISTERING glucagon.

1 4. If the voluntary diabetes care assistant is authorized to
2 administer insulin, the parent or guardian of the pupil has provided
3 insulin and all equipment and supplies that are necessary for insulin
4 administration by voluntary diabetes care assistants.

5 5. Notwithstanding any other law, the training provided by a health
6 professional who is licensed pursuant to title 32, chapter 13, 14, 15, 17,
7 18 or 25 ~~must include~~ INCLUDES all of the following:

8 (a) An overview of all types of diabetes.

9 (b) The symptoms and treatment of hyperglycemia and hypoglycemia.

10 (c) Techniques for determining the proper dose of insulin in a
11 specific situation based on instructions provided in the orders submitted
12 by the pupil's physician.

13 (d) Techniques for recognizing the symptoms that require the
14 administration of glucagon.

15 (e) Techniques on administering glucagon.

16 D. A school district or charter school employee is not subject to
17 any penalty or disciplinary action for refusing to serve as a voluntary
18 diabetes care assistant pursuant to this section.

19 E. A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING
20 BODY MAY ANNUALLY REQUEST A STANDING ORDER FOR GLUCAGON FROM THE CHIEF
21 MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL
22 OFFICER OF A COUNTY HEALTH DEPARTMENT, A PHYSICIAN WHO IS LICENSED
23 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS
24 LICENSED PURSUANT TO TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS
25 LICENSED PURSUANT TO TITLE 32, CHAPTER 25. IF A SCHOOL DISTRICT GOVERNING
26 BOARD OR CHARTER SCHOOL GOVERNING BODY OBTAINS A STANDING ORDER PURSUANT
27 TO THIS SUBSECTION, THE SCHOOL MAY STOCK ONE OR MORE DOSES OF GLUCAGON AT
28 SCHOOL SITES FOR EMERGENCY ADMINISTRATION TO A PUPIL BY A SCHOOL NURSE, A
29 NURSE WHO IS UNDER CONTRACT WITH THE SCHOOL DISTRICT OR CHARTER SCHOOL, A
30 PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 14 OR 17, A
31 NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15, A
32 PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25 OR A
33 VOLUNTARY DIABETES CARE ASSISTANT WHO IS DESIGNATED PURSUANT TO SUBSECTION
34 C OF THIS SECTION. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ACCEPT
35 MONETARY DONATIONS FOR OR APPLY FOR GRANTS TO PURCHASE GLUCAGON OR MAY
36 PARTICIPATE IN THIRD-PARTY PROGRAMS TO OBTAIN GLUCAGON AT NO COST, AT A
37 FAIR MARKET PRICE OR AT A REDUCED PRICE.

38 F. IN ADDITION TO THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO
39 SUBSECTIONS A, B AND C OF THIS SECTION, A SCHOOL DISTRICT GOVERNING BOARD
40 OR CHARTER SCHOOL GOVERNING BODY MAY ADOPT POLICIES AND PROCEDURES FOR THE
41 EMERGENCY ADMINISTRATION OF GLUCAGON BY A SCHOOL NURSE, A NURSE WHO IS
42 UNDER CONTRACT WITH THE SCHOOL DISTRICT OR CHARTER SCHOOL, A PHYSICIAN WHO
43 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 14 OR 17, A NURSE
44 PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15, A PHYSICIAN
45 ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25 OR AN EMPLOYEE

1 OF THE SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS TRAINED IN ADMINISTERING
2 GLUCAGON TO A PUPIL WHOM THE NURSE, PHYSICIAN, NURSE PRACTITIONER,
3 PHYSICIAN ASSISTANT OR EMPLOYEE BELIEVES IN GOOD FAITH TO BE EXHIBITING
4 SYMPTOMS OF HYPOGLYCEMIA WHILE AT SCHOOL OR AT A SCHOOL-SPONSORED ACTIVITY
5 REGARDLESS OF WHETHER OR NOT THE PUPIL HAS BEEN DIAGNOSED WITH DIABETES OR
6 HAS A DIABETES MEDICAL MANAGEMENT PLAN ON FILE WITH THE SCHOOL. FOR THE
7 PURPOSES OF THIS SUBSECTION, AN EMPLOYEE IS TRAINED IN ADMINISTERING
8 GLUCAGON IF THE EMPLOYEE PROVIDES TO THE SCHOOL DISTRICT OR CHARTER SCHOOL
9 A WRITTEN STATEMENT SIGNED BY A HEALTH PROFESSIONAL WHO IS LICENSED
10 PURSUANT TO TITLE 32, CHAPTER 13, 14, 15, 17, 18 OR 25 ATTESTING THAT THE
11 EMPLOYEE HAS RECEIVED THE TRAINING PRESCRIBED BY SUBSECTION C, PARAGRAPH 5
12 OF THIS SECTION.

13 ~~E. G. A~~ School ~~district~~ DISTRICTS, ~~a~~ charter ~~school~~ SCHOOLS,
14 employees of a school district or a charter school, ~~and volunteer health~~
15 ~~professionals~~ THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH
16 SERVICES, CHIEF MEDICAL OFFICERS OF COUNTY HEALTH DEPARTMENTS, PHYSICIANS
17 who are licensed pursuant to title 32, chapter 13, 14, ~~15,~~ OR 17, ~~18 or~~
18 NURSE PRACTITIONERS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 15,
19 PHYSICIAN ASSISTANTS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 25,
20 PHARMACISTS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 18 AND WHO ARE
21 PRACTICING PURSUANT TO SECTION 32-1970 and VOLUNTEER HEALTH PROFESSIONALS
22 who train ~~volunteer~~ VOLUNTARY diabetes care assistants pursuant to
23 subsection C of this section are immune from civil liability for the
24 consequences of the good faith adoption and implementation of policies and
25 procedures pursuant to this section.

26 Sec. 2. Section 32-1401, Arizona Revised Statutes, is amended to
27 read:

28 32-1401. Definitions

29 In this chapter, unless the context otherwise requires:

30 1. "Active license" means a valid and existing license to practice
31 medicine.

32 2. "Adequate records" means legible medical records, produced by
33 hand or electronically, containing, at a minimum, sufficient information
34 to identify the patient, support the diagnosis, justify the treatment,
35 accurately document the results, indicate advice and cautionary warnings
36 provided to the patient and provide sufficient information for another
37 practitioner to assume continuity of the patient's care at any point in
38 the course of treatment.

39 3. "Advisory letter" means a nondisciplinary letter to notify a
40 licensee that either:

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

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

1 (c) While the licensee has demonstrated substantial compliance
2 through rehabilitation or remediation that has mitigated the need for
3 disciplinary action, the board believes that repetition of the activities
4 that led to the investigation may result in further board action against
5 the licensee.

6 4. "Approved hospital internship, residency or clinical fellowship
7 program" means a program at a hospital that at the time the training
8 occurred was legally incorporated and that had a program that was approved
9 for internship, fellowship or residency training by the accreditation
10 council for graduate medical education, the association of American
11 medical colleges, the royal college of physicians and surgeons of Canada
12 or any similar body in the United States or Canada approved by the board
13 whose function is that of approving hospitals for internship, fellowship
14 or residency training.

15 5. "Approved school of medicine" means any school or college
16 offering a course of study that, on successful completion, results in the
17 degree of doctor of medicine and whose course of study has been approved
18 or accredited by an educational or professional association, recognized by
19 the board, including the association of American medical colleges, the
20 association of Canadian medical colleges or the American medical
21 association.

22 6. "Board" means the Arizona medical board.

23 7. "Completed application" means that the applicant has supplied
24 all required fees, information and correspondence requested by the board
25 on forms and in a manner acceptable to the board.

26 8. "Direct supervision" means that a physician, physician assistant
27 licensed pursuant to chapter 25 of this title or nurse practitioner
28 certified pursuant to chapter 15 of this title is within the same room or
29 office suite as the medical assistant in order to be available for
30 consultation regarding those tasks the medical assistant performs pursuant
31 to section 32-1456.

32 9. "Dispense" means the delivery by a doctor of medicine of a
33 prescription drug or device to a patient, except for samples packaged for
34 individual use by licensed manufacturers or repackagers of drugs, and
35 includes the prescribing, administering, packaging, labeling and security
36 necessary to prepare and safeguard the drug or device for delivery.

37 10. "Doctor of medicine" means a natural person holding a license,
38 registration or permit to practice medicine pursuant to this chapter.

39 11. "Full-time faculty member" means a physician who is employed
40 full time as a faculty member while holding the academic position of
41 assistant professor or a higher position at an approved school of
42 medicine.

43 12. "Health care institution" means any facility as defined in
44 section 36-401, any person authorized to transact disability insurance, as
45 defined in title 20, chapter 6, article 4 or 5, any person who is issued a

1 certificate of authority pursuant to title 20, chapter 4, article 9 or any
2 other partnership, association or corporation that provides health care to
3 consumers.

4 13. "Immediate family" means the spouse, natural or adopted
5 children, father, mother, brothers and sisters of the doctor OF MEDICINE
6 and the natural or adopted children, father, mother, brothers and sisters
7 of the ~~doctor's~~ DOCTOR OF MEDICINE'S spouse.

8 14. "Letter of reprimand" means a disciplinary letter that is
9 issued by the board and that informs the physician that the physician's
10 conduct violates state or federal law and may require the board to monitor
11 the physician.

12 15. "Limit" means taking a nondisciplinary action that alters the
13 physician's practice or professional activities if the board determines
14 that there is evidence that the physician is or may be mentally or
15 physically unable to safely engage in the practice of medicine.

16 16. "Medical assistant" means an unlicensed person who meets the
17 requirements of section 32-1456, has completed an education program
18 approved by the board, assists in a medical practice under the supervision
19 of a doctor of medicine, physician assistant or nurse practitioner and
20 performs delegated procedures commensurate with the MEDICAL assistant's
21 education and training but does not diagnose, interpret, design or modify
22 established treatment programs or perform any functions that would violate
23 any statute applicable to the practice of medicine.

24 17. "Medically incompetent" means a person who the board determines
25 is incompetent based on a variety of factors, including:

26 (a) A lack of sufficient medical knowledge or skills, or both, to a
27 degree likely to endanger the health of patients.

28 (b) When considered with other indications of medical incompetence,
29 failing to obtain a scaled score of at least seventy-five percent on the
30 written special purpose licensing examination.

31 18. "Medical peer review" means:

32 (a) The participation by a doctor of medicine in the review and
33 evaluation of the medical management of a patient and the use of resources
34 for patient care.

35 (b) Activities relating to a health care institution's decision to
36 grant or continue privileges to practice at that institution.

37 19. "Medicine" means allopathic medicine as practiced by the
38 recipient of a degree of doctor of medicine.

39 20. "~~Office-based~~ OFFICE-BASED surgery" means a medical procedure
40 conducted in a physician's office or other outpatient setting that is not
41 part of a licensed hospital or licensed ambulatory surgical center.

42 21. "Physician" means a doctor of medicine who is licensed pursuant
43 to this chapter.

1 22. "Practice of medicine":

2 (a) Means the diagnosis, the treatment or the correction of or the
3 attempt or the claim to be able to diagnose, treat or correct any and all
4 human diseases, injuries, ailments, infirmities or deformities, physical
5 or mental, real or imaginary, by any means, methods, devices or
6 instrumentalities, except as the same may be among the acts or persons not
7 affected by this chapter. ~~The practice of medicine~~

8 (b) Includes the practice of medicine alone or the practice of
9 surgery alone, or both.

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

14 24. "Special purpose licensing examination" means an examination
15 that is developed by the national board of medical examiners on behalf of
16 the federation of state medical boards for use by state licensing boards
17 to test the basic medical competence of physicians who are applying for
18 licensure and who have been in practice for a considerable period of time
19 in another jurisdiction and to determine the competence of a physician who
20 is under investigation by a state licensing board.

21 25. "Teaching hospital's accredited graduate medical education
22 program" means that the hospital is incorporated and has an internship,
23 fellowship or residency training program that is accredited by the
24 accreditation council for graduate medical education, the American medical
25 association, the association of American medical colleges, the royal
26 college of physicians and surgeons of Canada or a similar body in the
27 United States or Canada that is approved by the board and whose function
28 is that of approving hospitals for internship, fellowship or residency
29 training.

30 26. "Teaching license" means a valid license to practice medicine
31 as a full-time faculty member of an approved school of medicine or a
32 teaching hospital's accredited graduate medical education program.

33 27. "Unprofessional conduct" includes the following, whether
34 occurring in this state or elsewhere:

35 (a) Violating any federal or state laws, rules or regulations
36 applicable to the practice of medicine.

37 (b) Intentionally disclosing a professional secret or intentionally
38 disclosing a privileged communication except as either act may otherwise
39 be required by law.

40 (c) Committing false, fraudulent, deceptive or misleading
41 advertising by a doctor of medicine or the ~~doctor's~~ DOCTOR OF MEDICINE'S
42 staff, employer or representative.

43 (d) Committing a felony, whether or not involving moral turpitude,
44 or a misdemeanor involving moral turpitude. In either case, conviction by

1 any court of competent jurisdiction or a plea of no contest is conclusive
2 evidence of the commission.

3 (e) Failing or refusing to maintain adequate records on a patient.

4 (f) Exhibiting a pattern of using or being under the influence of
5 alcohol or drugs or a similar substance while practicing medicine or to
6 the extent that judgment may be impaired and the practice of medicine
7 detrimentally affected.

8 (g) Using controlled substances except if prescribed by another
9 physician for use during a prescribed course of treatment.

10 (h) Prescribing or dispensing controlled substances to members of
11 the physician's immediate family.

12 (i) Prescribing, dispensing or administering schedule II controlled
13 substances as prescribed by section 36-2513 or the rules adopted pursuant
14 to section 36-2513, including amphetamines and similar schedule II
15 sympathomimetic drugs in the treatment of exogenous obesity for a period
16 in excess of thirty days in any one year, or the nontherapeutic use of
17 injectable amphetamines.

18 (j) Prescribing, dispensing or administering any controlled
19 substance or prescription-only drug for other than accepted therapeutic
20 purposes.

21 (k) Dispensing a schedule II controlled substance that is an
22 opioid, except as provided in section 32-1491.

23 (l) Signing a blank, undated or predated prescription form.

24 (m) Committing conduct that the board determines is gross
25 malpractice, repeated malpractice or any malpractice resulting in the
26 death of a patient.

27 (n) Representing that a manifestly incurable disease or infirmity
28 can be permanently cured, or that any disease, ailment or infirmity can be
29 cured by a secret method, procedure, treatment, medicine or device, if
30 this is not true.

31 (o) Refusing to divulge to the board on demand the means, method,
32 procedure, modality of treatment or medicine used in the treatment of a
33 disease, injury, ailment or infirmity.

34 (p) Having action taken against a doctor of medicine by another
35 licensing or regulatory jurisdiction due to that ~~doctor's~~ DOCTOR OF
36 MEDICINE'S mental or physical inability to engage safely in the practice
37 of medicine or the ~~doctor's~~ DOCTOR OF MEDICINE'S medical incompetence or
38 for unprofessional conduct as defined by that jurisdiction and that
39 corresponds directly or indirectly to an act of unprofessional conduct
40 prescribed by this paragraph. The action taken may include refusing,
41 denying, revoking or suspending a license by that jurisdiction or a
42 surrendering of a license to that jurisdiction, otherwise limiting,
43 restricting or monitoring a licensee by that jurisdiction or placing a
44 licensee on probation by that jurisdiction.

1 (q) Having sanctions imposed by an agency of the federal
2 government, including restricting, suspending, limiting or removing a
3 person from the practice of medicine or restricting that person's ability
4 to obtain financial remuneration.

5 (r) Committing any conduct or practice that is or might be harmful
6 or dangerous to the health of the patient or the public.

7 (s) Violating a formal order, probation, consent agreement or
8 stipulation issued or entered into by the board or its executive director
9 under this chapter.

10 (t) Violating or attempting to violate, directly or indirectly, or
11 assisting in or abetting the violation of or conspiring to violate any
12 provision of this chapter.

13 (u) Knowingly making any false or fraudulent statement, written or
14 oral, in connection with the practice of medicine or if applying for
15 privileges or renewing an application for privileges at a health care
16 institution.

17 (v) Charging a fee for services not rendered or dividing a
18 professional fee for patient referrals among health care providers or
19 health care institutions or between these providers and institutions or a
20 contractual arrangement that has the same effect. This subdivision does
21 not apply to payments from a medical researcher to a physician in
22 connection with identifying and monitoring patients for a clinical trial
23 regulated by the United States food and drug administration.

24 (w) Obtaining a fee by fraud, deceit or misrepresentation.

25 (x) Charging or collecting a clearly excessive fee. In determining
26 whether a fee is clearly excessive, the board shall consider the fee or
27 range of fees customarily charged in this state for similar services in
28 light of modifying factors such as the time required, the complexity of
29 the service and the skill requisite to perform the service properly. This
30 subdivision does not apply if there is a clear written contract for a
31 fixed fee between the physician and the patient that has been entered into
32 before the provision of the service.

33 (y) Committing conduct that is in violation of section 36-2302.

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

40 (aa) Engaging in sexual conduct with a current patient or with a
41 former patient within six months after the last medical consultation
42 unless the patient was the licensee's spouse at the time of the contact
43 or, immediately preceding the physician-patient relationship, was in a
44 dating or engagement relationship with the licensee. For the purposes of
45 this subdivision, "sexual conduct" includes:

- 1 (i) Engaging in or soliciting sexual relationships, whether
2 consensual or nonconsensual.
- 3 (ii) Making sexual advances, requesting sexual favors or engaging
4 in any other verbal conduct or physical contact of a sexual nature.
- 5 (iii) Intentionally viewing a completely or partially disrobed
6 patient in the course of treatment if the viewing is not related to
7 patient diagnosis or treatment under current practice standards.
- 8 (bb) Procuring or attempting to procure a license to practice
9 medicine or a license renewal by fraud, by misrepresentation or by
10 knowingly taking advantage of the mistake of another person or an agency.
- 11 (cc) Representing or claiming to be a medical specialist if this is
12 not true.
- 13 (dd) Maintaining a professional connection with or lending one's
14 name to enhance or continue the activities of an illegal practitioner of
15 medicine.
- 16 (ee) Failing to furnish information in a timely manner to the board
17 or the board's investigators or representatives if legally requested by
18 the board.
- 19 (ff) Failing to allow properly authorized board personnel on demand
20 to examine and have access to documents, reports and records maintained by
21 the physician that relate to the physician's medical practice or medically
22 related activities.
- 23 (gg) Knowingly failing to disclose to a patient on a form that is
24 prescribed by the board and that is dated and signed by the patient or
25 guardian acknowledging that the patient or guardian has read and
26 understands that the doctor has a direct financial interest in a separate
27 diagnostic or treatment agency or in nonroutine goods or services that the
28 patient is being prescribed if the prescribed treatment, goods or services
29 are available on a competitive basis. This subdivision does not apply to
30 a referral by one doctor of medicine to another doctor of medicine within
31 a group of doctors of medicine practicing together.
- 32 (hh) Using chelation therapy in the treatment of arteriosclerosis
33 or as any other form of therapy, with the exception of treatment of heavy
34 metal poisoning, without:
- 35 (i) Adequate informed patient consent.
- 36 (ii) Conforming to generally accepted experimental criteria,
37 including protocols, detailed records, periodic analysis of results and
38 periodic review by a medical peer review committee.
- 39 (iii) Approval by the United States food and drug administration or
40 its successor agency.
- 41 (ii) Prescribing, dispensing or administering anabolic-androgenic
42 steroids to a person for other than therapeutic purposes.
- 43 (jj) Exhibiting a lack of or inappropriate direction, collaboration
44 or direct supervision of a medical assistant or a licensed, certified or

1 registered health care provider employed by, supervised by or assigned to
2 the physician.

3 (kk) Knowingly making a false or misleading statement to the board
4 or on a form required by the board or in a written correspondence,
5 including attachments, with the board.

6 (ll) Failing to dispense drugs and devices in compliance with
7 article 6 of this chapter.

8 (mm) Committing conduct that the board determines is gross
9 negligence, repeated negligence or negligence resulting in harm to or the
10 death of a patient.

11 (nn) Making a representation by a doctor of medicine or the
12 ~~doctor's~~ DOCTOR OF MEDICINE'S staff, employer or representative that the
13 doctor OF MEDICINE is boarded or board certified if this is not true or
14 the standing is not current or without supplying the full name of the
15 specific agency, organization or entity granting this standing.

16 (oo) Refusing to submit to a body fluid examination or any other
17 examination known to detect the presence of alcohol or other drugs as
18 required by the board pursuant to section 32-1452 or pursuant to a board
19 investigation into a doctor of medicine's alleged substance abuse.

20 (pp) Failing to report in writing to the Arizona medical board or
21 the Arizona regulatory board of physician assistants any evidence that a
22 doctor of medicine or a physician assistant is or may be medically
23 incompetent, guilty of unprofessional conduct or mentally or physically
24 unable to safely practice medicine or to perform as a physician assistant.

25 (qq) As a physician who is the chief executive officer, the medical
26 director or the medical chief of staff of a health care institution,
27 failing to report in writing to the board that the hospital privileges of
28 a doctor of medicine have been denied, revoked, suspended, supervised or
29 limited because of actions by the doctor OF MEDICINE that appear to show
30 that the doctor is or may be medically incompetent, is or may be guilty of
31 unprofessional conduct or is or may be unable to engage safely in the
32 practice of medicine.

33 (rr) Claiming to be a current member of the board or its staff or a
34 board medical consultant if this is not true.

35 (ss) Failing to make patient medical records in the physician's
36 possession promptly available to a physician assistant, a nurse
37 practitioner, a person licensed pursuant to this chapter or a podiatrist,
38 chiropractor, naturopathic physician, osteopathic physician or homeopathic
39 physician licensed under chapter 7, 8, 14, 17 or 29 of this title on
40 receipt of proper authorization to do so from the patient, a minor
41 patient's parent, the patient's legal guardian or the patient's authorized
42 representative or failing to comply with title 12, chapter 13,
43 article 7.1.

44 (tt) Prescribing, dispensing or furnishing a prescription
45 medication or a prescription-only device as defined in section 32-1901 to

1 a person unless the licensee first conducts a physical or mental health
2 status examination of that person or has previously established a
3 doctor-patient relationship. The physical or mental health status
4 examination may be conducted through telehealth as defined in section
5 36-3601 with a clinical evaluation that is appropriate for the patient and
6 the condition with which the patient presents, unless the examination is
7 for the purpose of obtaining a written certification from the physician
8 for the purposes of title 36, chapter 28.1. This subdivision does not
9 apply to:

10 (i) A physician who provides temporary patient supervision on
11 behalf of the patient's regular treating licensed health care professional
12 or provides a consultation requested by the patient's regular treating
13 licensed health care professional.

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

15 (iii) Prescriptions written to prepare a patient for a medical
16 examination.

17 (iv) Prescriptions written or prescription medications issued for
18 use by a county or tribal public health department for immunization
19 programs or emergency treatment or in response to an infectious disease
20 investigation, public health emergency, infectious disease outbreak or act
21 of bioterrorism. For the purposes of this item, "bioterrorism" has the
22 same meaning prescribed in section 36-781.

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

28 (vi) Prescriptions written or prescription medications issued for
29 administration of immunizations or vaccines listed in the United States
30 centers for disease control and prevention's recommended immunization
31 schedule to a household member of a patient.

32 (vii) Prescriptions for epinephrine auto-injectors written or
33 dispensed for a school district or charter school to be stocked for
34 emergency use pursuant to section 15-157 or for an authorized entity to be
35 stocked pursuant to section 36-2226.01.

36 (viii) PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL
37 DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO
38 SECTION 15-344.01.

39 ~~(viii)~~ (ix) Prescriptions written by a licensee through a
40 telehealth program that is covered by the policies and procedures adopted
41 by the administrator of a hospital or outpatient treatment center.

42 ~~(ix)~~ (x) Prescriptions for naloxone hydrochloride or any other
43 opioid antagonist approved by the United States food and drug
44 administration that are written or dispensed for use pursuant to section
45 36-2228 or 36-2266.

1 (uu) Performing ~~office based~~ OFFICE-BASED surgery using sedation in
2 violation of board rules.

3 (vv) Practicing medicine under a false or assumed name in this
4 state.

5 Sec. 3. Section 32-1854, Arizona Revised Statutes, is amended to
6 read:

7 32-1854. Definition of unprofessional conduct

8 For the purposes of this chapter, "unprofessional conduct" includes
9 the following acts, whether occurring in this state or elsewhere:

10 1. Knowingly betraying a professional secret or wilfully violating
11 a privileged communication except as either of these may otherwise be
12 required by law. This paragraph does not prevent members of the board
13 from exchanging information with the licensing and disciplinary boards of
14 other states, territories or districts of the United States or with
15 foreign countries or with osteopathic medical organizations located in
16 this state or in any state, district or territory of this country or in
17 any foreign country.

18 2. Committing a felony or a misdemeanor involving moral turpitude.
19 In either case conviction by any court of competent jurisdiction is
20 conclusive evidence of the commission of the offense.

21 3. Practicing medicine while under the influence of alcohol, a
22 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs
23 or any substance that impairs or may impair the licensee's ability to
24 safely and skillfully practice medicine.

25 4. Being diagnosed by a physician licensed under this chapter or
26 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
27 this title as excessively or illegally using alcohol or a controlled
28 substance.

29 5. Prescribing, dispensing or administering controlled substances
30 or prescription-only drugs for other than accepted therapeutic purposes.

31 6. Engaging in the practice of medicine in a manner that harms or
32 may harm a patient or that the board determines falls below the community
33 standard.

34 7. Impersonating another physician.

35 8. Acting or assuming to act as a member of the board if this is
36 not true.

37 9. Procuring, renewing or attempting to procure or renew a license
38 to practice osteopathic medicine by fraud or misrepresentation.

39 10. Having professional connection with or lending one's name to an
40 illegal practitioner of osteopathic medicine or any of the other healing
41 arts.

42 11. Representing that a manifestly incurable disease, injury,
43 ailment or infirmity can be permanently cured or that a curable disease,
44 injury, ailment or infirmity can be cured within a stated time if this is
45 not true.

1 12. Failing to reasonably disclose and inform the patient or the
2 patient's representative of the method, device or instrumentality the
3 licensee uses to treat the patient's disease, injury, ailment or
4 infirmity.

5 13. Refusing to divulge to the board on demand the means, method,
6 device or instrumentality used to treat a disease, injury, ailment or
7 infirmity.

8 14. Charging a fee for services not rendered or dividing a
9 professional fee for patient referrals. This paragraph does not apply to
10 payments from a medical researcher to a physician in connection with
11 identifying and monitoring patients for clinical trial regulated by the
12 United States food and drug administration.

13 15. Knowingly making any false or fraudulent statement, written or
14 oral, in connection with the practice of medicine or when applying for or
15 renewing privileges at a health care institution or a health care program.

16 16. Advertising in a false, deceptive or misleading manner.

17 17. Representing or claiming to be an osteopathic medical
18 specialist if the physician has not satisfied the applicable requirements
19 of this chapter or board rules.

20 18. Having a license denied or disciplinary action taken against a
21 license by any other state, territory, district or country, unless it can
22 be shown that this occurred for reasons that did not relate to the
23 person's ability to safely and skillfully practice osteopathic medicine or
24 to any act of unprofessional conduct as provided in this section.

25 19. Committing any conduct or practice contrary to recognized
26 standards of ethics of the osteopathic medical profession.

27 20. Violating or attempting to violate, directly or indirectly, or
28 assisting in or abetting the violation of or conspiring to violate any of
29 the provisions of this chapter.

30 21. Failing or refusing to establish and maintain adequate records
31 on a patient as follows:

32 (a) If the patient is an adult, for at least six years after the
33 last date the licensee provided the patient with medical or health care
34 services.

35 (b) If the patient is a child, either for at least three years
36 after the child's eighteenth birthday or for at least six years after the
37 last date the licensee provided that patient with medical or health care
38 services, whichever date occurs later.

39 22. Using controlled substances or prescription-only drugs unless
40 they are provided by a medical practitioner, as defined in section
41 32-1901, as part of a lawful course of treatment.

42 23. Prescribing controlled substances to members of one's immediate
43 family unless there is no other physician available within fifty miles to
44 treat a member of the family and an emergency exists.

45 24. Committing nontherapeutic use of injectable amphetamines.

1 25. Violating a formal order, probation or a stipulation issued by
2 the board under this chapter.

3 26. Charging or collecting an inappropriate fee. This paragraph
4 does not apply to a fee that is fixed in a written contract between the
5 physician and the patient and entered into before treatment begins.

6 27. Using experimental forms of therapy without adequate informed
7 patient consent or without conforming to generally accepted criteria and
8 complying with federal and state statutes and regulations governing
9 experimental therapies.

10 28. Failing to make patient medical records in the physician's
11 possession promptly available to a physician assistant, a nurse
12 practitioner, a person licensed pursuant to this chapter or a podiatrist,
13 chiropractor, naturopathic physician, physician or homeopathic physician
14 licensed under chapter 7, 8, 13, 14 or 29 of this title on receipt of
15 proper authorization to do so from the patient, a minor patient's parent,
16 the patient's legal guardian or the patient's authorized representative or
17 failing to comply with title 12, chapter 13, article 7.1.

18 29. Failing to allow properly authorized board personnel to have,
19 on presentation of a subpoena, access to any documents, reports or records
20 that are maintained by the physician and that relate to the physician's
21 medical practice or medically related activities pursuant to section
22 32-1855.01.

23 30. Signing a blank, undated or predated prescription form.

24 31. Obtaining a fee by fraud, deceit or misrepresentation.

25 32. Failing to report to the board an osteopathic physician and
26 surgeon who is or may be guilty of unprofessional conduct or is or may be
27 mentally or physically unable safely to engage in the practice of
28 medicine.

29 33. Referring a patient to a diagnostic or treatment facility or
30 prescribing goods and services without disclosing that the physician has a
31 direct pecuniary interest in the facility, goods or services to which the
32 patient has been referred or prescribed. This paragraph does not apply to
33 a referral by one physician to another physician within a group of
34 physicians practicing together.

35 34. Exhibiting a lack of or inappropriate direction, collaboration
36 or supervision of a licensed, certified or registered health care provider
37 or office personnel employed by or assigned to the physician in the
38 medical care of patients.

39 35. Violating a federal law, a state law or a rule applicable to
40 the practice of medicine.

41 36. Prescribing or dispensing controlled substances or
42 prescription-only medications without establishing and maintaining
43 adequate patient records.

44 37. Dispensing a schedule II controlled substance that is an
45 opioid, except as provided in section 32-1871.

1 38. Failing to dispense drugs and devices in compliance with
2 article 4 of this chapter.

3 39. Committing any conduct or practice that endangers a patient's
4 or the public's health or may reasonably be expected to do so.

5 40. Committing any conduct or practice that impairs the licensee's
6 ability to safely and skillfully practice medicine or that may reasonably
7 be expected to do so.

8 41. With the exception of heavy metal poisoning, using chelation
9 therapy in the treatment of arteriosclerosis or as any other form of
10 therapy without adequate informed patient consent and without conforming
11 to generally accepted experimental criteria, including protocols, detailed
12 records, periodic analysis of results and periodic review by a medical
13 peer review committee.

14 42. Prescribing, dispensing or administering anabolic-androgenic
15 steroids to a person for other than therapeutic purposes.

16 43. Engaging in sexual conduct with a current patient or with a
17 former patient within six months after the last medical consultation
18 unless the patient was the licensee's spouse at the time of the contact
19 or, immediately preceding the physician-patient relationship, was in a
20 dating or engagement relationship with the licensee. For the purposes of
21 this paragraph, "sexual conduct" includes:

22 (a) Engaging in or soliciting sexual relationships, whether
23 consensual or nonconsensual.

24 (b) Making sexual advances, requesting sexual favors or engaging in
25 any other verbal conduct or physical conduct of a sexual nature.

26 44. Committing conduct that is in violation of section 36-2302.

27 45. Committing conduct that the board determines constitutes gross
28 negligence, repeated negligence or negligence that results in harm or
29 death of a patient.

30 46. Committing conduct in the practice of medicine that evidences
31 unfitness to practice medicine.

32 47. Engaging in disruptive or abusive behavior in a professional
33 setting.

34 48. Failing to disclose to a patient that the licensee has a direct
35 financial interest in a prescribed treatment, good or service if the
36 treatment, good or service is available on a competitive basis. This
37 paragraph does not apply to a referral by one licensee to another licensee
38 within a group of licensees who practice together. A licensee meets the
39 disclosure requirements of this paragraph if both of the following are
40 true:

41 (a) The licensee makes the disclosure on a form prescribed by the
42 board.

43 (b) The patient or the patient's guardian or parent acknowledges by
44 signing the form that the licensee has disclosed the licensee's direct
45 financial interest.

1 49. Prescribing, dispensing or furnishing a prescription medication
2 or a prescription-only device to a person if the licensee has not
3 conducted a physical or mental health status examination of that person or
4 has not previously established a physician-patient relationship. The
5 physical or mental health status examination may be conducted through
6 telehealth as defined in section 36-3601 with a clinical evaluation that
7 is appropriate for the patient and the condition with which the patient
8 presents, unless the examination is for the purpose of obtaining a written
9 certification from the physician for the purposes of title 36,
10 chapter 28.1. This paragraph does not apply to:

11 (a) Emergencies.

12 (b) A licensee who provides patient care on behalf of the patient's
13 regular treating licensed health care professional or provides a
14 consultation requested by the patient's regular treating licensed health
15 care professional.

16 (c) Prescriptions written or antimicrobials dispensed to a contact
17 as defined in section 36-661 who is believed to have had significant
18 exposure risk as defined in section 36-661 with another person who has
19 been diagnosed with a communicable disease as defined in section 36-661 by
20 the prescribing or dispensing physician.

21 (d) Prescriptions for epinephrine auto-injectors written or
22 dispensed for a school district or charter school to be stocked for
23 emergency use pursuant to section 15-157 or for an authorized entity to be
24 stocked pursuant to section 36-2226.01.

25 (e) PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL
26 DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO
27 SECTION 15-344.01.

28 ~~(e)~~ (f) Prescriptions written by a licensee through a telehealth
29 program that is covered by the policies and procedures adopted by the
30 administrator of a hospital or outpatient treatment center.

31 ~~(f)~~ (g) Prescriptions for naloxone hydrochloride or any other
32 opioid antagonist approved by the United States food and drug
33 administration that are written or dispensed for use pursuant to section
34 36-2228 or 36-2266.

35 50. If a licensee provides medical care by computer, failing to
36 disclose the licensee's license number and the board's address and
37 telephone number.

38 Sec. 4. Section 32-1901.01, Arizona Revised Statutes, is amended to
39 read:

40 32-1901.01. Definition of unethical conduct and
41 unprofessional conduct; permittees; licensees

42 A. In this chapter, unless the context otherwise requires, for the
43 purposes of disciplining a permittee, "unethical conduct" means the
44 following, whether occurring in this state or elsewhere:

- 1 1. Committing a felony, whether or not involving moral turpitude,
2 or a misdemeanor involving moral turpitude or any drug-related offense.
3 In either case, conviction by a court of competent jurisdiction or a plea
4 of no contest is conclusive evidence of the commission.
- 5 2. Committing an act that is substantially related to the
6 qualifications, functions or duties of a permittee and that demonstrates
7 an actual or potential unfitness to hold a permit in light of the public's
8 safety.
- 9 3. Working under the influence of alcohol or other drugs.
- 10 4. Using alcohol or other drugs to such a degree as to render the
11 permittee unfit to perform the permittee's employment duties.
- 12 5. Violating a federal or state law or administrative rule relating
13 to the manufacture, sale or distribution of drugs, devices, poisons,
14 hazardous substances or precursor chemicals.
- 15 6. Violating a federal or state law or administrative rule relating
16 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
17 controlled substances or precursor chemicals.
- 18 7. Violating state or federal reporting or recordkeeping
19 requirements on transactions relating to precursor chemicals.
- 20 8. Intending to sell, transfer or distribute, or to offer for sale,
21 transfer or distribution, or selling, transferring, distributing or
22 dispensing or offering for sale, transfer or distribution an imitation
23 controlled substance, imitation over-the-counter drug or imitation
24 prescription-only drug as defined in section 13-3451.
- 25 9. Having the permittee's permit to manufacture, sell, distribute
26 or dispense drugs, devices, poisons, hazardous substances or precursor
27 chemicals denied or disciplined in another jurisdiction.
- 28 10. Committing an offense in another jurisdiction that if committed
29 in this state would be grounds for discipline.
- 30 11. Obtaining or attempting to obtain a permit or a permit renewal
31 by fraud, by misrepresentation or by knowingly taking advantage of the
32 mistake of another person or an agency.
- 33 12. Wilfully making a false report or record that is required by
34 this chapter, that is required by federal or state laws pertaining to
35 drugs, devices, poisons, hazardous substances or precursor chemicals or
36 that is required to pay for drugs, devices, poisons or hazardous
37 substances or precursor chemicals or for services pertaining to such drugs
38 or substances.
- 39 13. Knowingly filing with the board any application, renewal or
40 other document that contains false or misleading information.
- 41 14. Providing false or misleading information or omitting material
42 information in any communication to the board or the board's employees or
43 agents.

1 15. Violating or attempting to violate, directly or indirectly, or
2 assisting in or abetting the violation of, or conspiring to violate this
3 chapter.

4 16. Violating a formal order, terms of probation, a consent
5 agreement or a stipulation issued or entered into by the board or its
6 executive director pursuant to this chapter.

7 17. Failing to comply with a board subpoena or failing to comply in
8 a timely manner with a board subpoena without providing any explanation to
9 the board for not complying with the subpoena.

10 18. Failing to provide the board or its employees or agents or an
11 authorized federal or state official conducting a site investigation,
12 inspection or audit with access to any place for which a permit has been
13 issued or for which an application for a permit has been submitted.

14 19. Failing to notify the board of a change of ownership,
15 management or pharmacist in charge.

16 20. Failing to promptly produce on the request of the official
17 conducting a site investigation, inspection or audit any book, record or
18 document.

19 21. Overruling or attempting to overrule a pharmacist in matters of
20 pharmacy ethics or interpreting laws pertaining to the practice of
21 pharmacy or the distribution of drugs or devices.

22 22. Distributing premiums or rebates of any kind in connection with
23 the sale of prescription medication, other than to the prescription
24 medication recipient.

25 23. Failing to maintain effective controls against the diversion of
26 controlled substances or precursor chemicals to unauthorized persons or
27 entities.

28 24. Fraudulently claiming to have performed a service.

29 25. Fraudulently charging a fee for a service.

30 26. Advertising drugs or devices, or services pertaining to drugs
31 or devices, in a manner that is untrue or misleading in any particular,
32 and that is known, or that by the exercise of reasonable care should be
33 known, to be untrue or misleading.

34 B. In this chapter, unless the context otherwise requires, for the
35 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional
36 conduct" means the following, whether occurring in this state or
37 elsewhere:

38 1. Using alcohol or other drugs to such a degree as to render the
39 licensee unfit to practice the profession of pharmacy.

40 2. Violating any federal or state law, rule or regulation relating
41 to the manufacture or distribution of drugs and devices or the practice of
42 pharmacy.

43 3. Dispensing a different drug or brand of drug in place of the
44 drug or brand of drug ordered or prescribed without the express permission
45 in each case of the orderer, or in the case of a prescription order, the

1 medical practitioner. The conduct prohibited by this paragraph does not
2 apply to substitutions authorized pursuant to section 32-1963.01.

3 4. Obtaining or attempting to obtain a license to practice pharmacy
4 or a license renewal by fraud, by misrepresentation or by knowingly taking
5 advantage of the mistake of another person or an agency.

6 5. Having the licensee's license to practice pharmacy denied or
7 disciplined in another jurisdiction.

8 6. Claiming professional superiority in compounding or dispensing
9 prescription orders.

10 7. Failing to comply with the mandatory continuing professional
11 pharmacy education requirements of sections 32-1936 and 32-1937 and rules
12 adopted by the board.

13 8. Committing a felony, whether or not involving moral turpitude,
14 or a misdemeanor involving moral turpitude or any drug-related offense.
15 In either case, conviction by a court of competent jurisdiction or a plea
16 of no contest is conclusive evidence of the commission.

17 9. Working under the influence of alcohol or other drugs.

18 10. Violating a federal or state law or administrative rule
19 relating to marijuana, prescription-only drugs, narcotics, dangerous
20 drugs, controlled substances or precursor chemicals when determined by the
21 board or by conviction in a federal or state court.

22 11. Knowingly dispensing a drug without a valid prescription order
23 as required pursuant to section 32-1968, subsection A.

24 12. Knowingly dispensing a drug on a prescription order that was
25 issued in the course of the conduct of business of dispensing drugs
26 pursuant to diagnosis by mail or the internet, unless the order was any of
27 the following:

28 (a) Made by a physician who provides temporary patient supervision
29 on behalf of the patient's regular treating licensed health care
30 professional or provides a consultation requested by the patient's regular
31 treating licensed health care professional.

32 (b) Made in an emergency medical situation as defined in
33 section 41-1831.

34 (c) Written to prepare a patient for a medical examination.

35 (d) Written or the prescription medications were issued for use by
36 a county or tribal public health department for immunization programs or
37 emergency treatment or in response to an infectious disease investigation,
38 a public health emergency, an infectious disease outbreak or an act of
39 bioterrorism. For the purposes of this subdivision, "bioterrorism" has
40 the same meaning prescribed in section 36-781.

41 (e) Written or antimicrobials were dispensed by the prescribing or
42 dispensing physician to a contact as defined in section 36-661 who is
43 believed to have had significant exposure risk as defined in section
44 36-661 with another person who has been diagnosed with a communicable
45 disease as defined in section 36-661.

1 (f) Written or the prescription medications were issued for
2 administering immunizations or vaccines listed in the United States
3 centers for disease control and prevention's recommended immunization
4 schedule to a household member of a patient.

5 (g) For epinephrine auto-injectors that are written or dispensed
6 for a school district or charter school and that are to be stocked for
7 emergency use pursuant to section 15-157 or for an authorized entity to be
8 stocked pursuant to section 36-2226.01.

9 (h) FOR GLUCAGON THAT IS WRITTEN OR DISPENSED FOR A SCHOOL DISTRICT
10 OR CHARTER SCHOOL AND THAT IS TO BE STOCKED FOR EMERGENCY USE PURSUANT TO
11 SECTION 15-344.01.

12 ~~(h)~~ (i) Written by a licensee through a telehealth program that is
13 covered by the policies and procedures adopted by the administrator of a
14 hospital or outpatient treatment center.

15 ~~(i)~~ (j) Written pursuant to a physical or mental health status
16 examination that was conducted through telehealth as defined in section
17 36-3601 and consistent with federal law.

18 ~~(j)~~ (k) For naloxone hydrochloride or any other opioid antagonist
19 approved by the United States food and drug administration and written or
20 dispensed for use pursuant to section 36-2228 or 36-2266.

21 13. Failing to report in writing to the board any evidence that a
22 pharmacist or pharmacy intern is or may be professionally incompetent, is
23 or may be guilty of unprofessional conduct or is or may be mentally or
24 physically unable to safely engage in the practice of pharmacy.

25 14. Failing to report in writing to the board any evidence that a
26 pharmacy technician or pharmacy technician trainee is or may be
27 professionally incompetent, is or may be guilty of unprofessional conduct
28 or is or may be mentally or physically unable to safely engage in the
29 permissible activities of a pharmacy technician or pharmacy technician
30 trainee.

31 15. Failing to report in writing to the board any evidence that a
32 permittee or a permittee's employee is or may be guilty of unethical
33 conduct or is or may be violating this chapter or a rule adopted under
34 this chapter.

35 16. Committing an offense in another jurisdiction that if committed
36 in this state would be grounds for discipline.

37 17. Knowingly filing with the board any application, renewal or
38 other document that contains false or misleading information.

39 18. Providing false or misleading information or omitting material
40 information in any communication to the board or the board's employees or
41 agents.

42 19. Violating or attempting to violate, directly or indirectly, or
43 assisting in or abetting in the violation of, or conspiring to violate
44 this chapter.

1 20. Violating a formal order, terms of probation, a consent
2 agreement or a stipulation issued or entered into by the board or its
3 executive director pursuant to this chapter.

4 21. Failing to comply with a board subpoena or failing to comply in
5 a timely manner with a board subpoena without providing any explanation to
6 the board for not complying with the subpoena.

7 22. Refusing without just cause to allow authorized agents of the
8 board to examine documents that are required to be kept pursuant to this
9 chapter or title 36.

10 23. Participating in an arrangement or agreement to allow a
11 prescription order or a prescription medication to be left at, picked up
12 from, accepted by or delivered to a place that is not licensed as a
13 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy
14 from using an employee or a common carrier to pick up prescription orders
15 at or deliver prescription medications to the office or home of a medical
16 practitioner, the residence of a patient or a patient's hospital.

17 24. Paying rebates or entering into an agreement for paying rebates
18 to a medical practitioner or any other person in the health care field.

19 25. Providing or causing to be provided to a medical practitioner
20 prescription order blanks or forms bearing the pharmacist's or pharmacy's
21 name, address or other means of identification.

22 26. Fraudulently claiming to have performed a professional service.

23 27. Fraudulently charging a fee for a professional service.

24 28. Failing to report a change of the licensee's home address,
25 contact information, employer or employer's address as required by section
26 32-1926.

27 29. Failing to report a change in the licensee's residency status
28 as required by section 32-1926.01.

29 30. Failing to maintain effective controls against the diversion of
30 controlled substances or precursor chemicals to unauthorized persons or
31 entities.

32 C. In this chapter, unless the context otherwise requires, for the
33 purposes of disciplining a pharmacy technician or pharmacy technician
34 trainee, "unprofessional conduct" means the following, whether occurring
35 in this state or elsewhere:

36 1. Using alcohol or other drugs to such a degree as to render the
37 licensee unfit to perform the licensee's employment duties.

38 2. Violating a federal or state law or administrative rule relating
39 to the manufacture or distribution of drugs or devices.

40 3. Obtaining or attempting to obtain a pharmacy technician **LICENSE**
41 **OR LICENSE RENEWAL** or pharmacy technician trainee ~~license or a pharmacy~~
42 ~~technician license renewal~~ **REGISTRATION** by fraud, by misrepresentation or
43 by knowingly taking advantage of the mistake of another person or an
44 agency.

- 1 4. Having the licensee's license to practice as a pharmacy
2 technician denied or disciplined in another jurisdiction.
- 3 5. Failing to comply with the mandatory continuing professional
4 education requirements of section 32-1925, subsection H and rules adopted
5 by the board.
- 6 6. Committing a felony, whether or not involving moral turpitude,
7 or a misdemeanor involving moral turpitude or any drug-related
8 offense. In either case, conviction by a court of competent jurisdiction
9 or a plea of no contest is conclusive evidence of the commission.
- 10 7. Working under the influence of alcohol or other drugs.
- 11 8. Violating a federal or state law or administrative rule relating
12 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
13 controlled substances or precursor chemicals when determined by the board
14 or by conviction in a federal or state court.
- 15 9. Failing to report in writing to the board any evidence that a
16 pharmacist or pharmacy intern is or may be professionally incompetent, is
17 or may be guilty of unprofessional conduct or is or may be mentally or
18 physically unable to safely engage in the practice of pharmacy.
- 19 10. Failing to report in writing to the board any evidence that a
20 pharmacy technician or pharmacy technician trainee is or may be
21 professionally incompetent, is or may be guilty of unprofessional conduct
22 or is or may be mentally or physically unable to safely engage in the
23 permissible activities of a pharmacy technician or pharmacy technician
24 trainee.
- 25 11. Failing to report in writing to the board any evidence that a
26 permittee or a permittee's employee is or may be guilty of unethical
27 conduct or is or may be violating this chapter or a rule adopted under
28 this chapter.
- 29 12. Committing an offense in another jurisdiction that if committed
30 in this state would be grounds for discipline.
- 31 13. Knowingly filing with the board any application, renewal or
32 other document that contains false or misleading information.
- 33 14. Providing false or misleading information or omitting material
34 information in any communication to the board or the board's employees or
35 agents.
- 36 15. Violating or attempting to violate, directly or indirectly, or
37 assisting in or abetting in the violation of, or conspiring to violate
38 this chapter.
- 39 16. Violating a formal order, terms of probation, a consent
40 agreement or a stipulation issued or entered into by the board or its
41 executive director pursuant to this chapter.
- 42 17. Failing to comply with a board subpoena or failing to comply in
43 a timely manner with a board subpoena without providing any explanation to
44 the board for not complying with the subpoena.

1 18. Failing to report a change of the licensee's OR REGISTRANT'S
2 home address, contact information, employer or employer's address as
3 required by section 32-1926.

4 19. Failing to report a change in the licensee's OR REGISTRANT'S
5 residency status as required by section 32-1926.01.