Senate Engrossed

school personnel; emergency glucagon administration.

State of Arizona Senate Fifty-sixth Legislature Second Regular Session 2024

## **SENATE BILL 1535**

## 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)

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    Be it enacted by the Legislature of the State of Arizona:
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         Section 1. Section 15-344.01, Arizona Revised Statutes, is amended
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   to read:
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         15-344.01. Diabetes management; policies and procedures;
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                       emergency administration of glucagon; voluntary
                       diabetes care assistants; standing orders for
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glucagon: civil immunity

The school district governing board and the charter school 8 Α. 9 governing body may adopt policies and procedures for pupils who have been diagnosed with diabetes by a health professional who is licensed pursuant 10 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 title 32, chapter 13, 14, 17 or 25, nurse practitioner who is licensed 15 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 section and all decisions made and actions taken that are based on good 23 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 The parent or guardian shall annually submit a diabetes medical 1. 31 management plan to the pupil's school that authorizes the pupil to carry appropriate medications and monitoring equipment and that acknowledges 32 that the pupil is capable of self-administration of those medications and 33 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 pursuant to title 32, chapter 18 and who is practicing pursuant to section 38 32-1970, and shall state that the pupil is capable of self-monitoring 39 40 blood glucose and shall list the medications, monitoring equipment and 41 nutritional needs that are medically appropriate for the pupil to self-administer and that have been prescribed or authorized for that 42 43 pupil.

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

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

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

C. In addition to the policies and procedures adopted pursuant to 15 16 subsections A and B of this section, the school district governing board and the charter school governing body may adopt policies and procedures to 17 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:

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

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

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

39 (b) THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS OBTAINED GLUCAGON40 PURSUANT TO A STANDING ORDER AS PROVIDED IN SUBSECTION E OF THIS SECTION.

3. The volunteer VOLUNTARY diabetes care assistant has provided to the school a written statement signed by a health professional who is licensed pursuant to title 32, chapter 13, 14, 15, 17, 18 or 25 ATTESTING that the voluntary diabetes care assistant has received proper training in the administration of ADMINISTERING glucagon. 4. If the voluntary diabetes care assistant is authorized to administer insulin, the parent or guardian of the pupil has provided insulin and all equipment and supplies that are necessary for insulin 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:

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(a) An overview of all types of diabetes.

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(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.

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(e) Techniques on administering glucagon.

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

19 A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING Ε. 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 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS 23 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 SCHOOL SITES FOR EMERGENCY ADMINISTRATION TO A PUPIL BY A SCHOOL NURSE, A 28 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 PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25 OR A 32 VOLUNTARY DIABETES CARE ASSISTANT WHO IS DESIGNATED PURSUANT TO SUBSECTION 33 34 C OF THIS SECTION. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ACCEPT MONETARY DONATIONS FOR OR APPLY FOR GRANTS TO PURCHASE GLUCAGON OR MAY 35 36 PARTICIPATE IN THIRD-PARTY PROGRAMS TO OBTAIN GLUCAGON AT NO COST, AT A 37 FAIR MARKET PRICE OR AT A REDUCED PRICE.

F. IN ADDITION TO THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO 38 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 UNDER CONTRACT WITH THE SCHOOL DISTRICT OR CHARTER SCHOOL, A PHYSICIAN WHO 42 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 PURSUANT TO TITLE 32, CHAPTER 13, 14, 15, 17, 18 OR 25 ATTESTING THAT THE 10 11 EMPLOYEE HAS RECEIVED THE TRAINING PRESCRIBED BY SUBSECTION C, PARAGRAPH 5 OF THIS SECTION. 12

13 E. G. A School district DISTRICTS, a charter school SCHOOLS, employees of a school district or a charter school, and volunteer health 14 professionals THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH 15 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 subsection C of this section are immune from civil liability for the 23 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 29 32-1401. <u>Definitions</u>

In this chapter, unless the context otherwise requires:

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

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

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

(a) While there is insufficient evidence to support disciplinary
action, the board believes that continuation of the activities that led to
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 council for graduate medical education, the association of American 10 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.

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

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6. "Board" means the Arizona medical board.

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

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

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

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

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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 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 of a doctor of medicine, physician assistant or nurse practitioner and 19 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.

17. "Medically incompetent" means a person who the board determinesis 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.

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

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.

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

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

44 22. "Practice of medicine":

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

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

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

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

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

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

32 27. "Unprofessional conduct" includes the following, whether33 occurring in this state or elsewhere:

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

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

39 (c) Committing false, fraudulent, deceptive or misleading 40 advertising by a doctor of medicine or the doctor of medicine's staff, 41 employer or representative.

42 (d) Committing a felony, whether or not involving moral turpitude, 43 or a misdemeanor involving moral turpitude. In either case, conviction by 44 any court of competent jurisdiction or a plea of no contest is conclusive 45 evidence of the commission. (e) Failing or refusing to maintain adequate records on a patient.

2 (f) Exhibiting a pattern of using or being under the influence of 3 alcohol or drugs or a similar substance while practicing medicine or to 4 the extent that judgment may be impaired and the practice of medicine 5 detrimentally affected.

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(g) Using controlled substances except if prescribed by another 7 physician for use during a prescribed course of treatment.

8 (h) Prescribing or dispensing controlled substances to members of 9 the physician's immediate family.

(i) Prescribing, dispensing or administering schedule II controlled 10 11 substances as prescribed by section 36-2513 or the rules adopted pursuant to section 36-2513, including amphetamines and similar schedule II 12 13 sympathomimetic drugs in the treatment of exogenous obesity for a period 14 in excess of thirty days in any one year, or the nontherapeutic use of 15 injectable amphetamines.

controlled 16 (j) Prescribing, dispensing or administering any 17 substance or prescription-only drug for other than accepted therapeutic 18 purposes.

19 (k) Dispensing a schedule II controlled substance that is an 20 opioid, except as provided in sections 32-1491 and 32-3248.03.

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

22 (m) Committing conduct that the board determines is gross 23 malpractice, repeated malpractice or any malpractice resulting in the 24 death of a patient.

(n) Representing that a manifestly incurable disease or infirmity 25 26 can be permanently cured, or that any disease, ailment or infirmity can be cured by a secret method, procedure, treatment, medicine or device, if 27 28 this is not true.

29 (o) Refusing to divulge to the board on demand the means, method, procedure, modality of treatment or medicine used in the treatment of a 30 31 disease, injury, ailment or infirmity.

(p) Having action taken against a doctor of medicine by another 32 33 licensing or regulatory jurisdiction due to that doctor of medicine's mental or physical inability to engage safely in the practice of medicine 34 or the doctor of medicine's medical incompetence or for unprofessional 35 36 conduct as defined by that jurisdiction and that corresponds directly or 37 indirectly to an act of unprofessional conduct prescribed by this The action taken may include refusing, denying, revoking or 38 paragraph. 39 suspending a license by that jurisdiction or a surrendering of a license 40 to that jurisdiction, otherwise limiting, restricting or monitoring a 41 licensee by that jurisdiction or placing a licensee on probation by that 42 jurisdiction.

43 (q) Having sanctions imposed by an agency of the federal 44 government, including restricting, suspending, limiting or removing a person from the practice of medicine or restricting that person's ability to obtain financial remuneration.

3 (r) Committing any conduct or practice that is or might be harmful 4 or dangerous to the health of the patient or the public.

5 (s) Violating a formal order, probation, consent agreement or 6 stipulation issued or entered into by the board or its executive director 7 under this chapter.

8 (t) Violating or attempting to violate, directly or indirectly, or 9 assisting in or abetting the violation of or conspiring to violate any 10 provision of this chapter.

11 (u) Knowingly making any false or fraudulent statement, written or 12 oral, in connection with the practice of medicine or if applying for 13 privileges or renewing an application for privileges at a health care 14 institution.

15 (v) Charging a fee for services not rendered or dividing a 16 professional fee for patient referrals among health care providers or 17 health care institutions or between these providers and institutions or a 18 contractual arrangement that has the same effect. This subdivision does 19 not apply to payments from a medical researcher to a physician in 20 connection with identifying and monitoring patients for a clinical trial 21 regulated by the United States food and drug administration.

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

(x) Charging or collecting a clearly excessive fee. In determining 23 24 whether a fee is clearly excessive, the board shall consider the fee or range of fees customarily charged in this state for similar services in 25 26 light of modifying factors such as the time required, the complexity of the service and the skill requisite to perform the service properly. This 27 28 subdivision does not apply if there is a clear written contract for a 29 fixed fee between the physician and the patient that has been entered into 30 before the provision of the service.

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

32 (z) Using experimental forms of diagnosis and treatment without 33 adequate informed patient consent, and without conforming to generally 34 accepted experimental criteria, including protocols, detailed records, 35 periodic analysis of results and periodic review by a medical peer review 36 committee as approved by the United States food and drug administration or 37 its successor agency.

38 (aa) Engaging in sexual conduct with a current patient or with a 39 former patient within six months after the last medical consultation 40 unless the patient was the licensee's spouse at the time of the contact 41 or, immediately preceding the physician-patient relationship, was in a 42 dating or engagement relationship with the licensee. For the purposes of 43 this subdivision, "sexual conduct" includes:

44 (i) Engaging in or soliciting sexual relationships, whether 45 consensual or nonconsensual. 1 (ii) Making sexual advances, requesting sexual favors or engaging 2 in any other verbal conduct or physical contact of a sexual nature.

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

6 (bb) Procuring or attempting to procure a license to practice 7 medicine or a license renewal by fraud, by misrepresentation or by 8 knowingly taking advantage of the mistake of another person or an agency.

9 (cc) Representing or claiming to be a medical specialist if this is 10 not true.

11 (dd) Maintaining a professional connection with or lending one's 12 name to enhance or continue the activities of an illegal practitioner of 13 medicine.

14 (ee) Failing to furnish information in a timely manner to the board 15 or the board's investigators or representatives if legally requested by 16 the board.

17 (ff) Failing to allow properly authorized board personnel on demand 18 to examine and have access to documents, reports and records maintained by 19 the physician that relate to the physician's medical practice or medically 20 related activities.

21 (gg) Knowingly failing to disclose to a patient on a form that is 22 prescribed by the board and that is dated and signed by the patient or 23 guardian acknowledging that the patient or guardian has read and 24 understands that the doctor has a direct financial interest in a separate diagnostic or treatment agency or in nonroutine goods or services that the 25 26 patient is being prescribed if the prescribed treatment, goods or services 27 are available on a competitive basis. This subdivision does not apply to 28 a referral by one doctor of medicine to another doctor of medicine within 29 a group of doctors of medicine practicing together.

30 (hh) Using chelation therapy in the treatment of arteriosclerosis 31 or as any other form of therapy, with the exception of treatment of heavy 32 metal poisoning, without:

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(i) Adequate informed patient consent.

(ii) Conforming to generally accepted experimental criteria,
 including protocols, detailed records, periodic analysis of results and
 periodic review by a medical peer review committee.

37 (iii) Approval by the United States food and drug administration or 38 its successor agency.

39 (ii) Prescribing, dispensing or administering anabolic-androgenic
 40 steroids to a person for other than therapeutic purposes.

41 (jj) Exhibiting a lack of or inappropriate direction, collaboration 42 or direct supervision of a medical assistant or a licensed, certified or 43 registered health care provider employed by, supervised by or assigned to 44 the physician. 1 (kk) Knowingly making a false or misleading statement to the board 2 or on a form required by the board or in a written correspondence, 3 including attachments, with the board.

4 (11) Failing to dispense drugs and devices in compliance with 5 article 6 of this chapter.

6 (mm) Committing conduct that the board determines is gross 7 negligence, repeated negligence or negligence resulting in harm to or the 8 death of a patient.

9 (nn) Making a representation by a doctor of medicine or the doctor 10 of medicine's staff, employer or representative that the doctor of 11 medicine is boarded or board certified if this is not true or the standing 12 is not current or without supplying the full name of the specific agency, 13 organization or entity granting this standing.

14 (oo) Refusing to submit to a body fluid examination or any other examination known to detect the presence of alcohol or other drugs as 15 16 required by the board pursuant to section 32-1452 or pursuant to a board 17 investigation into a doctor of medicine's alleged substance abuse.

18 (pp) Failing to report in writing to the Arizona medical board or 19 the Arizona regulatory board of physician assistants any evidence that a 20 doctor of medicine or a physician assistant is or may be medically 21 incompetent, guilty of unprofessional conduct or mentally or physically 22 unable to safely practice medicine or to perform as a physician assistant.

(qq) As a physician who is the chief executive officer, the medical 23 24 director or the medical chief of staff of a health care institution, failing to report in writing to the board that the hospital privileges of 25 26 a doctor of medicine have been denied, revoked, suspended, supervised or 27 limited because of actions by the doctor of medicine that appear to show 28 that the doctor of medicine is or may be medically incompetent, is or may 29 be guilty of unprofessional conduct or is or may be unable to engage 30 safely in the practice of medicine.

31 (rr) Claiming to be a current member of the board or its staff or a 32 board medical consultant if this is not true.

33 (ss) Failing to make patient medical records in the physician's 34 possession promptly available to a physician assistant, a nurse 35 practitioner, a person licensed pursuant to this chapter or a podiatrist, 36 chiropractor, naturopathic physician, osteopathic physician or homeopathic physician licensed under chapter 7, 8, 14, 17 or 29 of this title on 37 receipt of proper authorization to do so from the patient, a minor 38 patient's parent, the patient's legal guardian or the patient's authorized 39 40 representative or failing to comply with title 12, chapter 13. 41 article 7.1.

42 (tt) Prescribing, dispensing or furnishing prescription а 43 medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical or mental health 44 45 status examination of that person or has previously established a

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

8 (i) A physician who provides temporary patient supervision on 9 behalf of the patient's regular treating licensed health care professional 10 or provides a consultation requested by the patient's regular treating 11 licensed health care professional.

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

13 (iii) Prescriptions written to prepare a patient for a medical 14 examination.

15 (iv) Prescriptions written or prescription medications issued for 16 use by a county or tribal public health department for immunization 17 programs or emergency treatment or in response to an infectious disease 18 investigation, public health emergency, infectious disease outbreak or act 19 of bioterrorism. For the purposes of this item, "bioterrorism" has the 20 same meaning prescribed in section 36-781.

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

26 (vi) Prescriptions written or prescription medications issued for 27 administration of immunizations or vaccines listed in the United States 28 centers for disease control and prevention's recommended immunization 29 schedule to a household member of a patient.

30 (vii) Prescriptions for epinephrine auto-injectors written or 31 dispensed for a school district or charter school to be stocked for 32 emergency use pursuant to section 15-157 or for an authorized entity to be 33 stocked pursuant to section 36-2226.01.

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

37 (viii) (ix) Prescriptions written by a licensee through a 38 telehealth program that is covered by the policies and procedures adopted 39 by the administrator of a hospital or outpatient treatment center.

40 (ix) (x) Prescriptions for naloxone hydrochloride or any other 41 opioid antagonist approved by the United States food and drug 42 administration that are written or dispensed for use pursuant to section 43 36-2228 or 36-2266.

44 (uu) Performing office-based surgery using sedation in violation of 45 board rules.

1 (vv) Practicing medicine under a false or assumed name in this 2 state. 3 Sec. 3. Section 32-1854, Arizona Revised Statutes, is amended to 4 read: 5 32-1854. Definition of unprofessional conduct 6 For the purposes of this chapter, "unprofessional conduct" includes 7 the following acts, whether occurring in this state or elsewhere: 8 Knowingly betraying a professional secret or wilfully violating 1. 9 a privileged communication except as either of these may otherwise be required by law. This paragraph does not prevent members of the board 10 11 from exchanging information with the licensing and disciplinary boards of 12 other states, territories or districts of the United States or with 13 foreign countries or with osteopathic medical organizations located in this state or in any state, district or territory of this country or in 14 15 any foreign country. 16 2. Committing a felony or a misdemeanor involving moral turpitude. 17 In either case conviction by any court of competent jurisdiction is 18 conclusive evidence of the commission of the offense. 19 3. Practicing medicine while under the influence of alcohol, a 20 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs 21 or any substance that impairs or may impair the licensee's ability to 22 safely and skillfully practice medicine. 23 4. Being diagnosed by a physician licensed under this chapter or 24 chapter 13 of this title or a psychologist licensed under chapter 19.1 of 25 this title as excessively or illegally using alcohol or a controlled 26 substance. 27 5. Prescribing, dispensing or administering controlled substances 28 or prescription-only drugs for other than accepted therapeutic purposes. 29 6. Engaging in the practice of medicine in a manner that harms or 30 may harm a patient or that the board determines falls below the community 31 standard. 32 7. Impersonating another physician. 33 8. Acting or assuming to act as a member of the board if this is 34 not true. 35 9. Procuring, renewing or attempting to procure or renew a license 36 to practice osteopathic medicine by fraud or misrepresentation. 37 10. Having professional connection with or lending one's name to an 38 illegal practitioner of osteopathic medicine or any of the other healing 39 arts. 40 Representing that a manifestly incurable disease, injury, 11. 41 ailment or infirmity can be permanently cured or that a curable disease, 42 injury, ailment or infirmity can be cured within a stated time if this is 43 not true.

44 12. Failing to reasonably disclose and inform the patient or the 45 patient's representative of the method, device or instrumentality the 1 licensee uses to treat the patient's disease, injury, ailment or 2 infirmity.

3 13. Refusing to divulge to the board on demand the means, method, 4 device or instrumentality used to treat a disease, injury, ailment or 5 infirmity.

6 14. Charging a fee for services not rendered or dividing a 7 professional fee for patient referrals. This paragraph does not apply to 8 payments from a medical researcher to a physician in connection with 9 identifying and monitoring patients for clinical trial regulated by the 10 United States food and drug administration.

15. Knowingly making any false or fraudulent statement, written or 12 oral, in connection with the practice of medicine or when applying for or 13 renewing privileges at a health care institution or a health care program.

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

15 17. Representing or claiming to be an osteopathic medical 16 specialist if the physician has not satisfied the applicable requirements 17 of this chapter or board rules.

18. Having a license denied or disciplinary action taken against a 19 license by any other state, territory, district or country, unless it can 20 be shown that this occurred for reasons that did not relate to the 21 person's ability to safely and skillfully practice osteopathic medicine or 22 to any act of unprofessional conduct as provided in this section.

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

25 20. Violating or attempting to violate, directly or indirectly, or 26 assisting in or abetting the violation of or conspiring to violate any of 27 the provisions of this chapter.

28 21. Failing or refusing to establish and maintain adequate records29 on a patient as follows:

30 (a) If the patient is an adult, for at least six years after the 31 last date the licensee provided the patient with medical or health care 32 services.

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

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

40 23. Prescribing controlled substances to members of one's immediate 41 family unless there is no other physician available within fifty miles to 42 treat a member of the family and an emergency exists.

24. Committing nontherapeutic use of injectable amphetamines.

44 25. Violating a formal order, probation or a stipulation issued by 45 the board under this chapter. 1 26. Charging or collecting an inappropriate fee. This paragraph 2 does not apply to a fee that is fixed in a written contract between the 3 physician and the patient and entered into before treatment begins.

4 27. Using experimental forms of therapy without adequate informed 5 patient consent or without conforming to generally accepted criteria and 6 complying with federal and state statutes and regulations governing 7 experimental therapies.

8 28. Failing to make patient medical records in the physician's 9 possession promptly available to a physician assistant, a nurse practitioner, a person licensed pursuant to this chapter or a podiatrist, 10 11 chiropractor, naturopathic physician, physician or homeopathic physician 12 licensed under chapter 7, 8, 13, 14 or 29 of this title on receipt of 13 proper authorization to do so from the patient, a minor patient's parent, 14 the patient's legal guardian or the patient's authorized representative or 15 failing to comply with title 12, chapter 13, article 7.1.

16 29. Failing to allow properly authorized board personnel to have, 17 on presentation of a subpoena, access to any documents, reports or records 18 that are maintained by the physician and that relate to the physician's 19 medical practice or medically related activities pursuant to section 20 32-1855.01.

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

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

23 32. Failing to report to the board an osteopathic physician and 24 surgeon who is or may be guilty of unprofessional conduct or is or may be 25 mentally or physically unable safely to engage in the practice of 26 medicine.

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

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

37 35. Violating a federal law, a state law or a rule applicable to 38 the practice of medicine.

39 36. Prescribing or dispensing controlled substances or 40 medications prescription-only without establishing and maintaining 41 adequate patient records.

42 37. Dispensing a schedule II controlled substance that is an 43 opioid, except as provided in sections 32-1871 and 32-3248.03.

44 38. Failing to dispense drugs and devices in compliance with 45 article 4 of this chapter. 1 39. Committing any conduct or practice that endangers a patient's 2 or the public's health or may reasonably be expected to do so.

3 40. Committing any conduct or practice that impairs the licensee's 4 ability to safely and skillfully practice medicine or that may reasonably 5 be expected to do so.

6 41. With the exception of heavy metal poisoning, using chelation 7 therapy in the treatment of arteriosclerosis or as any other form of 8 therapy without adequate informed patient consent and without conforming 9 to generally accepted experimental criteria, including protocols, detailed 10 records, periodic analysis of results and periodic review by a medical 11 peer review committee.

42. Prescribing, dispensing or administering anabolic-androgenicsteroids to a person for other than therapeutic purposes.

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

20 (a) Engaging in or soliciting sexual relationships, whether 21 consensual or nonconsensual.

(b) Making sexual advances, requesting sexual favors or engaging inany other verbal conduct or physical conduct of a sexual nature.

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

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

28 46. Committing conduct in the practice of medicine that evidences 29 unfitness to practice medicine.

30 47. Engaging in disruptive or abusive behavior in a professional 31 setting.

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

39 (a) The licensee makes the disclosure on a form prescribed by the 40 board.

41 (b) The patient or the patient's guardian or parent acknowledges by 42 signing the form that the licensee has disclosed the licensee's direct 43 financial interest.

44 49. Prescribing, dispensing or furnishing a prescription medication 45 or a prescription-only device to a person if the licensee has not 1 conducted a physical or mental health status examination of that person or 2 has not previously established a physician-patient relationship. The 3 physical or mental health status examination may be conducted through 4 telehealth as defined in section 36-3601 with a clinical evaluation that 5 is appropriate for the patient and the condition with which the patient 6 presents, unless the examination is for the purpose of obtaining a written 7 certification from the physician for the purposes of title 36. 8 chapter 28.1. This paragraph does not apply to:

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(a) Emergencies.

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

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

19 (d) Prescriptions for epinephrine auto-injectors written or 20 dispensed for a school district or charter school to be stocked for 21 emergency use pursuant to section 15-157 or for an authorized entity to be 22 stocked pursuant to section 36-2226.01.

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

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

29 (f) (g) Prescriptions for naloxone hydrochloride or any other 30 opioid antagonist approved by the United States food and drug 31 administration that are written or dispensed for use pursuant to section 32 36-2228 or 36-2266.

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

36 Sec. 4. Section 32-1901.01, Arizona Revised Statutes, is amended to 37 read:

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32-1901.01. <u>Definition of unethical conduct and</u> <u>unprofessional conduct; permittees; licensees</u>

40 A. In this chapter, unless the context otherwise requires, for the 41 purposes of disciplining a permittee, "unethical conduct" means the 42 following, whether occurring in this state or elsewhere:

Committing a felony, whether or not involving moral turpitude,
 or a misdemeanor involving moral turpitude or any drug-related offense.

In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.

2. Committing an act that is substantially related to the qualifications, functions or duties of a permittee and that demonstrates an actual or potential unfitness to hold a permit in light of the public's safety.

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3. Working under the influence of alcohol or other drugs.

8 4. Using alcohol or other drugs to such a degree as to render the 9 permittee unfit to perform the permittee's employment duties.

10 5. Violating a federal or state law or administrative rule relating 11 to the manufacture, sale or distribution of drugs, devices, poisons, 12 hazardous substances or precursor chemicals.

6. Violating a federal or state law or administrative rule relating
 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
 controlled substances or precursor chemicals.

16 7. Violating state or federal reporting or recordkeeping 17 requirements on transactions relating to precursor chemicals.

8. Intending to sell, transfer or distribute, or to offer for sale, transfer or distribution, or selling, transferring, distributing or dispensing or offering for sale, transfer or distribution an imitation controlled substance, imitation over-the-counter drug or imitation prescription-only drug as defined in section 13-3451.

9. Having the permittee's permit to manufacture, sell, distribute
 or dispense drugs, devices, poisons, hazardous substances or precursor
 chemicals denied or disciplined in another jurisdiction.

26 10. Committing an offense in another jurisdiction that if committed 27 in this state would be grounds for discipline.

28 11. Obtaining or attempting to obtain a permit or a permit renewal 29 by fraud, by misrepresentation or by knowingly taking advantage of the 30 mistake of another person or an agency.

12. Wilfully making a false report or record that is required by this chapter, that is required by federal or state laws pertaining to drugs, devices, poisons, hazardous substances or precursor chemicals or that is required to pay for drugs, devices, poisons or hazardous substances or precursor chemicals or for services pertaining to such drugs or substances.

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

39 14. 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 15. Violating or attempting to violate, directly or indirectly, or 43 assisting in or abetting the violation of, or conspiring to violate this 44 chapter. 1 16. 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 17. Failing to comply with a board subpoena or failing to comply in a timely manner with a board subpoena without providing any explanation to the board for not complying with the subpoena.

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7 18. Failing to provide the board or its employees or agents or an 8 authorized federal or state official conducting a site investigation, 9 inspection or audit with access to any place for which a permit has been issued or for which an application for a permit has been submitted. 10

11 19. Failing to notify the board of a change of ownership, 12 management or pharmacist in charge.

13 20. Failing to promptly produce on the request of the official 14 conducting a site investigation, inspection or audit any book, record or 15 document.

16 21. Overruling or attempting to overrule a pharmacist in matters of 17 pharmacy ethics or interpreting laws pertaining to the practice of 18 pharmacy or the distribution of drugs or devices.

19 22. Distributing premiums or rebates of any kind in connection with the sale of prescription medication, other than to the prescription 20 21 medication recipient.

22 23. Failing to maintain effective controls against the diversion of 23 controlled substances or precursor chemicals to unauthorized persons or 24 entities.

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Fraudulently claiming to have performed a service. 24.

25. Fraudulently charging a fee for a service.

26. Advertising drugs or devices, or services pertaining to drugs 27 28 or devices, in a manner that is untrue or misleading in any particular, 29 and that is known, or that by the exercise of reasonable care should be 30 known, to be untrue or misleading.

31 B. In this chapter, unless the context otherwise requires, for the 32 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional 33 conduct" means the following, whether occurring in this state or 34 elsewhere:

1. Using alcohol or other drugs to such a degree as to render the 35 36 licensee unfit to practice the profession of pharmacy.

37 2. Violating any federal or state law, rule or regulation relating 38 to the manufacture or distribution of drugs and devices or the practice of 39 pharmacy.

40 3. Dispensing a different drug or brand of drug in place of the 41 drug or brand of drug ordered or prescribed without the express permission in each case of the orderer, or in the case of a prescription order, the 42 43 medical practitioner. The conduct prohibited by this paragraph does not 44 apply to substitutions authorized pursuant to section 32-1963.01.

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

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

6 7

disciplined in another jurisdiction. 6. Claiming professional superiority in compounding or dispensing prescription orders.

8 7. Failing to comply with the mandatory continuing professional 9 pharmacy education requirements of sections 32-1936 and 32-1937 and rules 10 adopted by the board.

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

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

10. Violating a federal or state law or administrative rule 17 relating to marijuana, prescription-only drugs, narcotics, dangerous 18 drugs, controlled substances or precursor chemicals when determined by the 19 board or by conviction in a federal or state court.

20 11. Knowingly dispensing a drug without a valid prescription order 21 as required pursuant to section 32-1968, subsection A.

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

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

30 (b) Made in an emergency medical situation as defined in 31 section 41-1831.

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

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

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

44 (f) Written or the prescription medications were issued for 45 administering immunizations or vaccines listed in the United States 1 centers for disease control and prevention's recommended immunization 2 schedule to a household member of a patient.

3 (g) For epinephrine auto-injectors that are written or dispensed 4 for a school district or charter school and that are to be stocked for 5 emergency use pursuant to section 15-157 or for an authorized entity to be 6 stocked pursuant to section 36-2226.01.

7 (h) FOR GLUCAGON THAT IS WRITTEN OR DISPENSED FOR A SCHOOL DISTRICT 8 OR CHARTER SCHOOL AND THAT IS TO BE STOCKED FOR EMERGENCY USE PURSUANT TO 9 SECTION 15-344.01.

10 (h) (i) Written by a licensee through a telehealth program that is 11 covered by the policies and procedures adopted by the administrator of a 12 hospital or outpatient treatment center.

13 (i) (j) Written pursuant to a physical or mental health status 14 examination that was conducted through telehealth as defined in section 15 36-3601 and consistent with federal law.

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

19 13. Failing to report in writing to the board any evidence that a 20 pharmacist or pharmacy intern is or may be professionally incompetent, is 21 or may be guilty of unprofessional conduct or is or may be mentally or 22 physically unable to safely engage in the practice of pharmacy.

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

29 15. Failing to report in writing to the board any evidence that a 30 permittee or a permittee's employee is or may be guilty of unethical 31 conduct or is or may be violating this chapter or a rule adopted under 32 this chapter.

33 16. Committing an offense in another jurisdiction that if committed 34 in this state would be grounds for discipline.

35 17. Knowingly filing with the board any application, renewal or 36 other document that contains false or misleading information.

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

40 19. Violating or attempting to violate, directly or indirectly, or 41 assisting in or abetting in the violation of, or conspiring to violate 42 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.

the board for not complying with the subpoena.
22. Refusing without just cause to allow authorized agents of the
board to examine documents that are required to be kept pursuant to this
chapter or title 36.

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 rebates18 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 23 26. Fraudulently claiming to have performed a professional service.

27. Fraudulently charging a fee for a professional service.

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

27 29. Failing to report a change in the licensee's residency status28 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:

Using alcohol or other drugs to such a degree as to render the
 licensee OR REGISTRANT unfit to perform the licensee's OR REGISTRANT'S
 employment duties.

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

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

4. Having the licensee's license to practice as a pharmacy
 technician denied or disciplined in another jurisdiction.

5. Failing to comply with the mandatory continuing professional education requirements of section 32-1925, subsection H and rules adopted by the board.

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.

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7. Working under the influence of alcohol or other drugs.

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

9. Failing to report in writing to the board any evidence that a pharmacist or pharmacy intern is or may be professionally incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or 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 committed30 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.

14. Providing false or misleading information or omitting material information in any communication to the board or the board's employees or agents.

15. Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate 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. 1 17. Failing to comply with a board subpoena or failing to comply in 2 a timely manner with a board subpoena without providing any explanation to 3 the board for not complying with the subpoena.

4 18. Failing to report a change of the licensee's OR REGISTRANT'S 5 home address, contact information, employer or employer's address as 6 required by section 32-1926.

7 19. Failing to report a change in the licensee's OR REGISTRANT'S 8 residency status as required by section 32-1926.01.