

House Engrossed

physicians; surgical centers; call coverage

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

CHAPTER 106

HOUSE BILL 2686

AN ACT

AMENDING SECTIONS 32-1401 AND 32-1854, ARIZONA REVISED STATUTES; RELATING TO PHYSICIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1401, Arizona Revised Statutes, is amended to
3 read:

4 32-1401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Active license" means a valid and existing license to practice
7 medicine.

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

15 3. "Advisory letter" means a nondisciplinary letter to notify a
16 licensee that either:

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

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

22 (c) While the licensee has demonstrated substantial compliance
23 through rehabilitation or remediation that has mitigated the need for
24 disciplinary action, the board believes that repetition of the activities
25 that led to the investigation may result in further board action against
26 the licensee.

27 4. "Approved hospital internship, residency or clinical fellowship
28 program" means a program at a hospital that at the time the training
29 occurred was legally incorporated and that had a program that was approved
30 for internship, fellowship or residency training by the accreditation
31 council for graduate medical education, the association of American
32 medical colleges, the royal college of physicians and surgeons of Canada
33 or any similar body in the United States or Canada approved by the board
34 whose function is that of approving hospitals for internship, fellowship
35 or residency training.

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

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

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

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

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

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

17 11. "Full-time faculty member" means a physician who is employed
18 full time as a faculty member while holding the academic position of
19 assistant professor or a higher position at an approved school of
20 medicine.

21 12. "Health care institution" means any facility as defined in
22 section 36-401, any person authorized to transact disability insurance, as
23 defined in title 20, chapter 6, article 4 or 5, any person who is issued a
24 certificate of authority pursuant to title 20, chapter 4, article 9 or any
25 other partnership, association or corporation that provides health care to
26 consumers.

27 13. "Immediate family" means the spouse, natural or adopted
28 children, father, mother, brothers and sisters of the doctor of medicine
29 and the natural or adopted children, father, mother, brothers and sisters
30 of the doctor of medicine's spouse.

31 14. "Letter of reprimand" means a disciplinary letter that is
32 issued by the board and that informs the physician that the physician's
33 conduct violates state or federal law and may require the board to monitor
34 the physician.

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

39 16. "Medical assistant" means an unlicensed person who meets the
40 requirements of section 32-1456, has completed an education program
41 approved by the board, assists in a medical practice under the supervision
42 of a doctor of medicine, physician assistant or nurse practitioner and
43 performs delegated procedures commensurate with the medical assistant's
44 education and training but does not diagnose, interpret, design or modify

1 established treatment programs or perform any functions that would violate
2 any statute applicable to the practice of medicine.

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

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

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

10 18. "Medical peer review" means:

11 (a) The participation by a doctor of medicine in the review and
12 evaluation of the medical management of a patient and the use of resources
13 for patient care.

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

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

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

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

23 22. "Practice of medicine":

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

30 (b) Includes the practice of medicine alone or the practice of
31 surgery alone, or both.

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

36 24. "Special purpose licensing examination" means an examination
37 that is developed by the national board of medical examiners on behalf of
38 the federation of state medical boards for use by state licensing boards
39 to test the basic medical competence of physicians who are applying for
40 licensure and who have been in practice for a considerable period of time
41 in another jurisdiction and to determine the competence of a physician who
42 is under investigation by a state licensing board.

43 25. "Teaching hospital's accredited graduate medical education
44 program" means that the hospital is incorporated and has an internship,
45 fellowship or residency training program that is accredited by the

1 accreditation council for graduate medical education, the American medical
2 association, the association of American medical colleges, the royal
3 college of physicians and surgeons of Canada or a similar body in the
4 United States or Canada that is approved by the board and whose function
5 is that of approving hospitals for internship, fellowship or residency
6 training.

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

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

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

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

17 (c) Committing false, fraudulent, deceptive or misleading
18 advertising by a doctor of medicine or the doctor of medicine's staff,
19 employer or representative.

20 (d) Committing a felony, whether or not involving moral turpitude,
21 or a misdemeanor involving moral turpitude. In either case, conviction by
22 any court of competent jurisdiction or a plea of no contest is conclusive
23 evidence of the commission.

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

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

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

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

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

39 (j) Prescribing, dispensing or administering any controlled
40 substance or prescription-only drug for other than accepted therapeutic
41 purposes.

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

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

1 (m) Committing conduct that the board determines is gross
2 malpractice, repeated malpractice or any malpractice resulting in the
3 death of a patient.

4 (n) Representing that a manifestly incurable disease or infirmity
5 can be permanently cured, or that any disease, ailment or infirmity can be
6 cured by a secret method, procedure, treatment, medicine or device, if
7 this is not true.

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

11 (p) Having action taken against a doctor of medicine by another
12 licensing or regulatory jurisdiction due to that doctor of medicine's
13 mental or physical inability to engage safely in the practice of medicine
14 or the doctor of medicine's medical incompetence or for unprofessional
15 conduct as defined by that jurisdiction and that corresponds directly or
16 indirectly to an act of unprofessional conduct prescribed by this
17 paragraph. The action taken may include refusing, denying, revoking or
18 suspending a license by that jurisdiction or a surrendering of a license
19 to that jurisdiction, otherwise limiting, restricting or monitoring a
20 licensee by that jurisdiction or placing a licensee on probation by that
21 jurisdiction.

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

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

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

31 (t) Violating or attempting to violate, directly or indirectly, or
32 assisting in or abetting the violation of or conspiring to violate any
33 provision of this chapter.

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

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

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

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

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

10 (z) Using experimental forms of diagnosis and treatment without
11 adequate informed patient consent, and without conforming to generally
12 accepted experimental criteria, including protocols, detailed records,
13 periodic analysis of results and periodic review by a medical peer review
14 committee as approved by the United States food and drug administration or
15 its successor agency.

16 (aa) 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 subdivision, "sexual conduct" includes:

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

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

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

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

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

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

37 (ee) Failing to furnish information in a timely manner to the board
38 or the board's investigators or representatives if legally requested by
39 the board.

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

1 (gg) Knowingly failing to disclose to a patient on a form that is
2 prescribed by the board and that is dated and signed by the patient or
3 guardian acknowledging that the patient or guardian has read and
4 understands that the doctor has a direct financial interest in a separate
5 diagnostic or treatment agency or in nonroutine goods or services that the
6 patient is being prescribed if the prescribed treatment, goods or services
7 are available on a competitive basis. This subdivision does not apply to a
8 referral by one doctor of medicine to another doctor of medicine within a
9 group of doctors of medicine practicing together.

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

13 (i) Adequate informed patient consent.

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

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

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

21 (jj) Exhibiting a lack of or inappropriate direction, collaboration
22 or direct supervision of a medical assistant or a licensed, certified or
23 registered health care provider employed by, supervised by or assigned to
24 the physician.

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

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

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

33 (nn) Making a representation by a doctor of medicine or the doctor
34 of medicine's staff, employer or representative that the doctor of
35 medicine is boarded or board certified if this is not true or the standing
36 is not current or without supplying the full name of the specific agency,
37 organization or entity granting this standing.

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

42 (pp) Failing to report in writing to the Arizona medical board or
43 the Arizona regulatory board of physician assistants any evidence that a
44 doctor of medicine or a physician assistant is or may be medically

1 incompetent, guilty of unprofessional conduct or mentally or physically
2 unable to safely practice medicine or to perform as a physician assistant.

3 (qq) As a physician who is the chief executive officer, the medical
4 director or the medical chief of staff of a health care institution,
5 failing to report in writing to the board that the hospital privileges of
6 a doctor of medicine have been denied, revoked, suspended, supervised or
7 limited because of actions by the doctor of medicine that appear to show
8 that the doctor of medicine is or may be medically incompetent, is or may
9 be guilty of unprofessional conduct or is or may be unable to engage
10 safely in the practice of medicine.

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

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

22 (tt) Prescribing, dispensing or furnishing a prescription
23 medication or a prescription-only device as defined in section 32-1901 to
24 a person unless the licensee first conducts a physical or mental health
25 status examination of that person or has previously established a
26 doctor-patient relationship. The physical or mental health status
27 examination may be conducted through telehealth as defined in section
28 36-3601 with a clinical evaluation that is appropriate for the patient and
29 the condition with which the patient presents, unless the examination is
30 for the purpose of obtaining a written certification from the physician
31 for the purposes of title 36, chapter 28.1. This subdivision does not
32 apply to:

33 (i) A physician who provides temporary patient supervision on
34 behalf of the patient's regular treating licensed health care professional
35 or provides a consultation requested by the patient's regular treating
36 licensed health care professional.

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

38 (iii) Prescriptions written to prepare a patient for a medical
39 examination.

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

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

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

10 (vii) Prescriptions for epinephrine delivery systems that are
11 written or dispensed for a school district or charter school to be stocked
12 for emergency use pursuant to section 15-157 or for an authorized entity
13 to be stocked pursuant to section 36-2226.01.

14 (viii) Prescriptions for glucagon written or dispensed for a school
15 district or charter school to be stocked for emergency use pursuant to
16 section 15-344.01.

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

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

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

25 (vv) Practicing medicine under a false or assumed name in this
26 state.

27 (ww) IF A PHYSICIAN PERFORMS SURGERIES AT AN OUTPATIENT SURGICAL
28 CENTER, FAILING TO ANNUALLY PROVIDE THE OUTPATIENT SURGICAL CENTER WITH
29 THE PHYSICIAN'S CALL-COVERAGE PLAN, INCLUDING HOSPITAL CALL COVERAGE IF
30 APPLICABLE. THE PHYSICIAN SHALL PROVIDE THE OUTPATIENT SURGICAL CENTER
31 WITH AN UPDATED CALL-COVERAGE PLAN, INCLUDING HOSPITAL CALL COVERAGE IF
32 APPLICABLE, AS CHANGES ARE MADE.

33 Sec. 2. Section 32-1854, Arizona Revised Statutes, is amended to
34 read:

35 32-1854. Definition of unprofessional conduct

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

38 1. Knowingly betraying a professional secret or wilfully violating
39 a privileged communication except as either of these may otherwise be
40 required by law. This paragraph does not prevent members of the board
41 from exchanging information with the licensing and disciplinary boards of
42 other states, territories or districts of the United States or with
43 foreign countries or with osteopathic medical organizations located in
44 this state or in any state, district or territory of this country or in
45 any foreign country.

- 1 2. Committing a felony or a misdemeanor involving moral turpitude.
2 In either case conviction by any court of competent jurisdiction is
3 conclusive evidence of the commission of the offense.
- 4 3. Practicing medicine while under the influence of alcohol, a
5 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs
6 or any substance that impairs or may impair the licensee's ability to
7 safely and skillfully practice medicine.
- 8 4. Being diagnosed by a physician licensed under this chapter or
9 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
10 this title as excessively or illegally using alcohol or a controlled
11 substance.
- 12 5. Prescribing, dispensing or administering controlled substances
13 or prescription-only drugs for other than accepted therapeutic purposes.
- 14 6. Engaging in the practice of medicine in a manner that harms or
15 may harm a patient or that the board determines falls below the community
16 standard.
- 17 7. Impersonating another physician.
- 18 8. Acting or assuming to act as a member of the board if this is
19 not true.
- 20 9. Procuring, renewing or attempting to procure or renew a license
21 to practice osteopathic medicine by fraud or misrepresentation.
- 22 10. Having professional connection with or lending one's name to an
23 illegal practitioner of osteopathic medicine or any of the other healing
24 arts.
- 25 11. Representing that a manifestly incurable disease, injury,
26 ailment or infirmity can be permanently cured or that a curable disease,
27 injury, ailment or infirmity can be cured within a stated time if this is
28 not true.
- 29 12. Failing to reasonably disclose and inform the patient or the
30 patient's representative of the method, device or instrumentality the
31 licensee uses to treat the patient's disease, injury, ailment or
32 infirmity.
- 33 13. Refusing to divulge to the board on demand the means, method,
34 device or instrumentality used to treat a disease, injury, ailment or
35 infirmity.
- 36 14. Charging a fee for services not rendered or dividing a
37 professional fee for patient referrals. This paragraph does not apply to
38 payments from a medical researcher to a physician in connection with
39 identifying and monitoring patients for clinical trial regulated by the
40 United States food and drug administration.
- 41 15. Knowingly making any false or fraudulent statement, written or
42 oral, in connection with the practice of medicine or when applying for or
43 renewing privileges at a health care institution or a health care program.
- 44 16. Advertising in a false, deceptive or misleading manner.

- 1 17. Representing or claiming to be an osteopathic medical
2 specialist if the physician has not satisfied the applicable requirements
3 of this chapter or board rules.
- 4 18. Having a license denied or disciplinary action taken against a
5 license by any other state, territory, district or country, unless it can
6 be shown that this occurred for reasons that did not relate to the
7 person's ability to safely and skillfully practice osteopathic medicine or
8 to any act of unprofessional conduct as provided in this section.
- 9 19. Committing any conduct or practice contrary to recognized
10 standards of ethics of the osteopathic medical profession.
- 11 20. Violating or attempting to violate, directly or indirectly, or
12 assisting in or abetting the violation of or conspiring to violate any of
13 the provisions of this chapter.
- 14 21. Failing or refusing to establish and maintain adequate records
15 on a patient as follows:
- 16 (a) If the patient is an adult, for at least six years after the
17 last date the licensee provided the patient with medical or health care
18 services.
- 19 (b) If the patient is a child, either for at least three years
20 after the child's eighteenth birthday or for at least six years after the
21 last date the licensee provided that patient with medical or health care
22 services, whichever date occurs later.
- 23 22. Using controlled substances or prescription-only drugs unless
24 they are provided by a medical practitioner, as defined in section
25 32-1901, as part of a lawful course of treatment.
- 26 23. Prescribing controlled substances to members of one's immediate
27 family unless there is no other physician available within fifty miles to
28 treat a member of the family and an emergency exists.
- 29 24. Committing nontherapeutic use of injectable amphetamines.
- 30 25. Violating a formal order, probation or a stipulation issued by
31 the board under this chapter.
- 32 26. Charging or collecting an inappropriate fee. This paragraph
33 does not apply to a fee that is fixed in a written contract between the
34 physician and the patient and entered into before treatment begins.
- 35 27. Using experimental forms of therapy without adequate informed
36 patient consent or without conforming to generally accepted criteria and
37 complying with federal and state statutes and regulations governing
38 experimental therapies.
- 39 28. Failing to make patient medical records in the physician's
40 possession promptly available to a physician assistant, a nurse
41 practitioner, a person licensed pursuant to this chapter or a podiatrist,
42 chiropractor, naturopathic physician, physician or homeopathic physician
43 licensed under chapter 7, 8, 13, 14 or 29 of this title on receipt of
44 proper authorization to do so from the patient, a minor patient's parent,

1 the patient's legal guardian or the patient's authorized representative or
2 failing to comply with title 12, chapter 13, article 7.1.

3 29. Failing to allow properly authorized board personnel to have,
4 on presentation of a subpoena, access to any documents, reports or records
5 that are maintained by the physician and that relate to the physician's
6 medical practice or medically related activities pursuant to section
7 32-1855.01.

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

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

10 32. Failing to report to the board an osteopathic physician and
11 surgeon who is or may be guilty of unprofessional conduct or is or may be
12 mentally or physically unable safely to engage in the practice of
13 medicine.

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

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

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

26 36. Prescribing or dispensing controlled substances or
27 prescription-only medications without establishing and maintaining
28 adequate patient records.

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

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

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

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

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

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

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

7 (a) Engaging in or soliciting sexual relationships, whether
8 consensual or nonconsensual.

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

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

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

15 46. Committing conduct in the practice of medicine that evidences
16 unfitness to practice medicine.

17 47. Engaging in disruptive or abusive behavior in a professional
18 setting.

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

26 (a) The licensee makes the disclosure on a form prescribed by the
27 board.

28 (b) The patient or the patient's guardian or parent acknowledges by
29 signing the form that the licensee has disclosed the licensee's direct
30 financial interest.

31 49. Prescribing, dispensing or furnishing a prescription medication
32 or a prescription-only device to a person if the licensee has not
33 conducted a physical or mental health status examination of that person or
34 has not previously established a physician-patient relationship. The
35 physical or mental health status examination may be conducted through
36 telehealth as defined in section 36-3601 with a clinical evaluation that
37 is appropriate for the patient and the condition with which the patient
38 presents, unless the examination is for the purpose of obtaining a written
39 certification from the physician for the purposes of title 36,
40 chapter 28.1. This paragraph does not apply to:

41 (a) Emergencies.

42 (b) A licensee who provides patient care on behalf of the patient's
43 regular treating licensed health care professional or provides a
44 consultation requested by the patient's regular treating licensed health
45 care professional.

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

6 (d) Prescriptions for epinephrine delivery systems that are written
7 or dispensed for a school district or charter school to be stocked for
8 emergency use pursuant to section 15-157 or for an authorized entity to be
9 stocked pursuant to section 36-2226.01.

10 (e) Prescriptions for glucagon written or dispensed for a school
11 district or charter school to be stocked for emergency use pursuant to
12 section 15-344.01.

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

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

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

22 51. IF A PHYSICIAN PERFORMS SURGERIES AT AN OUTPATIENT SURGICAL
23 CENTER, FAILING TO ANNUALLY PROVIDE THE OUTPATIENT SURGICAL CENTER WITH
24 THE PHYSICIAN'S CALL-COVERAGE PLAN, INCLUDING HOSPITAL CALL COVERAGE IF
25 APPLICABLE. THE PHYSICIAN SHALL PROVIDE THE OUTPATIENT SURGICAL CENTER
26 WITH AN UPDATED CALL-COVERAGE PLAN, INCLUDING HOSPITAL CALL COVERAGE IF
27 APPLICABLE, AS CHANGES ARE MADE.

28 Sec. 3. Effective date

29 This act is effective from and after December 31, 2026.

APPROVED BY THE GOVERNOR JUNE 4, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 5, 2026.