

REFERENCE TITLE: health professionals; unprofessional conduct

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2875

Introduced by
Representative Liguori

AN ACT

AMENDING SECTIONS 32-924, 32-1501 AND 32-2801, ARIZONA REVISED STATUTES;
RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-924, Arizona Revised Statutes, is amended to
3 read:

4 32-924. Grounds for disciplinary action; hearing; civil
5 penalty; definition

6 A. The following are grounds for disciplinary action, regardless of
7 where they occur:

8 1. ~~Employment of~~ EMPLOYING fraud or deception in securing a
9 license.

10 2. Practicing chiropractic under a false or assumed name.

11 3. Impersonating another practitioner.

12 4. ~~Habitual use of~~ HABITUALLY USING alcohol, narcotics or
13 stimulants to the extent of incapacitating the licensee for the
14 performance of professional duties.

15 5. COMMITTING unprofessional or dishonorable conduct of a character
16 likely to deceive or defraud the public or tending to discredit the
17 profession.

18 6. ~~Conviction~~ BEING CONVICTED of a misdemeanor involving moral
19 turpitude or of a felony.

20 7. COMMITTING gross malpractice, repeated malpractice or any
21 malpractice resulting in the death of a patient.

22 8. Representing that a manifestly incurable condition can be
23 permanently cured, or that a curable condition can be cured within a
24 stated time, if this is not true.

25 9. Offering, undertaking or agreeing to cure or treat a condition
26 by a secret means, method, device or instrumentality.

27 10. Refusing to divulge to the board on demand the means, method,
28 device or instrumentality used in the treatment of a condition.

29 11. Giving or receiving or aiding or abetting the giving or
30 receiving of rebates, either directly or indirectly.

31 12. Acting or assuming to act as a member of the board if this is
32 not true.

33 13. Advertising in a false, deceptive or misleading manner.

34 14. Having had a license refused, revoked or suspended by any other
35 state or country, unless it can be shown that the action was not taken for
36 reasons that relate to the ability to safely and skillfully practice
37 chiropractic or to any act of unprofessional conduct.

38 15. COMMITTING any conduct or practice contrary to recognized
39 standards in chiropractic or any conduct or practice that constitutes a
40 danger to the health, welfare or safety of the patient or the public or
41 any conduct, practice or condition that impairs the ability of the
42 licensee to safely and skillfully practice chiropractic.

43 16. Violating or attempting to violate, directly or indirectly, or
44 assisting in or abetting the violation of or conspiring to violate any of
45 the provisions of this chapter or any board order.

1 17. Failing to sign the physician's name, wherever required, in any
2 capacity as "chiropractic doctor", "chiropractic physician" or "doctor of
3 chiropractic" or failing to use and affix the initials "D.C." after the
4 physician's name.

5 18. Failing to place or cause to be placed the word or words
6 "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic
7 physician" in any sign or advertising media.

8 19. Using physical medicine modalities and therapeutic procedures
9 without passing an examination in that subject and without being certified
10 in that specialty by the board.

11 20. Using acupuncture without passing an examination in that subject
12 and without being certified in that specialty by the board.

13 21. Engaging in sexual intercourse or oral sexual contact with a
14 patient in the course of treatment.

15 22. Billing or otherwise charging a patient or third-party payor for
16 services, appliances, tests, equipment, an x-ray examination or other
17 procedures not actually provided.

18 23. Intentionally misrepresenting to or omitting a material fact
19 from the patient or third-party payor concerning charges, services,
20 appliances, tests, equipment, an x-ray examination or other procedures
21 offered or provided.

22 24. Advertising chiropractic services, appliances, tests, equipment,
23 x-ray examinations or other procedures for a specified price without also
24 specifying the services, procedures or items included in the advertised
25 price.

26 25. Advertising chiropractic services, appliances, tests, equipment,
27 x-ray examinations or other procedures as free without also disclosing
28 what services or items are included in the advertised service or item.

29 26. Billing or charging a patient or third-party payor a higher
30 price than the advertised price in effect at the time the services,
31 appliances, tests, equipment, x-ray examinations or other procedures were
32 provided.

33 27. Advertising a specialty or procedure that requires a separate
34 examination or certificate of specialty, unless the licensee has satisfied
35 the applicable requirements of this chapter.

36 28. ~~Solicitation~~ SOLICITING by the licensee or by the licensee's
37 compensated agent ~~of~~ any person who is not previously known by the
38 licensee or the licensee's agent, and who at the time of the solicitation
39 is vulnerable to undue influence, including any person known to have
40 experienced any of the following within the ~~last~~ PRECEDING fifteen days:

41 (a) Involvement in a motor vehicle accident.

42 (b) Involvement in a work-related accident.

43 (c) Injury by, or as the result of actions of, another person.

44 29. DIVIDING A PROFESSIONAL FEE OR OFFERING, PROVIDING OR RECEIVING
45 ANY FORM OF CONSIDERATION FOR PATIENT OR CLIENT REFERRALS BETWEEN A DOCTOR

1 OF CHIROPRACTIC AND ANY OTHER HEALTH PROFESSIONAL, LICENSEE OR BUSINESS
2 UNLESS THE DIVISION OF FEES OCCURS AMONG INDIVIDUALS OR ENTITIES ENGAGED
3 IN A BONA FIDE EMPLOYMENT, PARTNERSHIP OR CORPORATE RELATIONSHIP FOR THE
4 DELIVERY OF PROFESSIONAL SERVICES.

5 30. PRACTICING UNDER THE NAME OF ANOTHER LICENSED DOCTOR OF
6 CHIROPRACTIC, UNDER ANY NAME OTHER THAN THE NAME THAT APPEARS ON THE
7 DOCTOR OF CHIROPRACTIC'S LICENSE OR UNDER ANY TRADE NAME, TITLE OR
8 ABBREVIATION THAT MISREPRESENTS THE PRACTICE OF CHIROPRACTIC.

9 31. HARASSING, EXPLOITING OR RETALIATING AGAINST A PATIENT, FORMER
10 PATIENT, RESEARCH SUBJECT, SUPERVISEE, COWORKER, WITNESS OR COMPLAINANT IN
11 A DISCIPLINARY PROCEEDING INVOLVING A LICENSEE OR CERTIFICATE HOLDER.

12 B. The board on its own motion or on receipt of a complaint may
13 investigate any information that appears to show that a doctor of
14 chiropractic is or may be in violation of this chapter or board rules or
15 is or may be mentally or physically unable to safely engage in the
16 practice of chiropractic. The board shall notify the licensee as to the
17 content of the complaint as soon as is reasonable. Any person who reports
18 or provides information to the board in good faith is not subject to civil
19 damages as a result of that action.

20 C. The board may require a licensee WHO IS under investigation
21 pursuant to this section to be interviewed by the board or its
22 representatives. The board may require a licensee who is under
23 investigation pursuant to this section to undergo, at the licensee's
24 expense, any combination of medical, physical or mental examinations that
25 the board finds necessary to determine the licensee's competence.

26 D. If the board finds based on the information ~~++~~ THE BOARD
27 receives under subsections B and C of this section that the public health,
28 safety or welfare imperatively requires emergency action, ~~—~~ and
29 incorporates a finding to that effect in its order, the board may order a
30 summary suspension of a license pending proceedings for revocation or
31 other action. If the board takes this action, it shall also serve the
32 licensee with a written notice that states the charges and that the
33 licensee is entitled to a formal hearing within sixty days.

34 E. If, after completing its investigation, the board finds that the
35 information provided pursuant to this section is not of sufficient
36 seriousness to merit disciplinary action against the licensee, ~~++~~ THE
37 BOARD may take any of the following actions:

38 1. Dismiss the complaint if in the board's opinion the information
39 is without merit or does not warrant sanction of the licensee.

40 2. Issue an advisory letter. An advisory letter is a
41 nondisciplinary action and is a public document.

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

1 Failure to complete a nondisciplinary order requiring continuing education
2 is a violation of subsection A, paragraph 16 of this section.

3 F. The board may request a formal interview with the licensee
4 concerned. At a formal interview the board may receive and consider
5 pertinent documents and sworn statements of persons who may be called as
6 witnesses in a formal hearing. Legal counsel may be present and
7 participate in the formal interview. If the licensee refuses the request
8 or if the licensee accepts the request and the results of the interview
9 indicate suspension or revocation of the license may be in order, the
10 board shall issue a complaint and order that a hearing be held pursuant to
11 title 41, chapter 6, article 10. If, after the formal interview, the
12 board finds that the information provided pursuant to this section is true
13 but is not of sufficient seriousness to merit suspension or revocation of
14 the license, ~~it~~ THE BOARD may take any of the following actions:

15 1. Dismiss the complaint if in the board's opinion the information
16 is without merit or does not warrant sanction of the licensee.

17 2. Issue an advisory letter. An advisory letter is a
18 nondisciplinary action and is a public document.

19 3. Issue an order to cease and desist.

20 4. Issue a letter of concern.

21 5. Issue an order of censure. An order of censure is an official
22 action against the licensee and may include a requirement for restitution
23 of fees to a patient resulting from a violation of this chapter or board
24 rules.

25 6. Fix a period and terms of probation best adapted to protect the
26 public health and safety and to rehabilitate or educate the licensee. Any
27 costs incidental to the terms of probation are at the licensee's own
28 expense. Probation may include restrictions on the licensee's license to
29 practice chiropractic.

30 7. Impose a civil penalty of not more than ~~one thousand dollars~~
31 \$1,000 for each violation of this chapter.

32 8. Refuse to renew a license.

33 9. Issue a disciplinary or nondisciplinary order requiring the
34 licensee to complete a prescribed number of hours of continuing education
35 in an area or areas prescribed by the board to provide the licensee with
36 the necessary understanding of current developments, skills, procedures or
37 treatment.

38 G. If the board believes the charge is of such magnitude as to
39 warrant suspension or revocation of the license, the board shall
40 immediately initiate formal revocation or suspension proceedings pursuant
41 to title 41, chapter 6, article 10. The board shall notify a licensee of
42 a complaint and hearing by certified mail addressed to the licensee's last
43 known address on record in the board's files. The notice of a complaint
44 and hearing is effective on the date of its deposit in the mail. The

1 board shall hold a formal hearing within one hundred eighty days after
2 that date.

3 H. If the licensee wishes to be present at the formal hearing in
4 person or by representation, or both, the licensee shall file with the
5 board a written answer to the charges in the complaint. A licensee who
6 has been notified of a complaint pursuant to this section shall file with
7 the board a written response not more than twenty days after service of
8 the complaint and the notice of hearing. If the licensee fails to file an
9 answer in writing, it is deemed an admission of the act or acts charged in
10 the complaint and notice of hearing and the board may take disciplinary
11 action pursuant to this chapter without a hearing.

12 I. Any licensee who, after a hearing, is found to be in violation
13 of this chapter or board rules or is found to be mentally or physically
14 unable to safely engage in the practice of chiropractic is subject to any
15 combination of those disciplinary actions identified in subsection F of
16 this section or suspension or revocation of the license. In addition, the
17 board may order the licensee to pay restitution or all costs incurred in
18 the course of the investigation and formal hearing in the matter, or both.

19 J. The board shall report allegations of evidence of criminal
20 wrongdoing to the appropriate criminal justice agency.

21 K. The board may accept the surrender of an active license from a
22 licensee who admits in writing to having violated this chapter or board
23 rules.

24 L. For the purposes of this section, "solicitation" includes
25 contact in person, by telephone, telegraph or telefacsimile or by other
26 communication directed to a specific recipient and includes any written
27 form of communication directed to a specific recipient.

28 Sec. 2. Section 32-1501, Arizona Revised Statutes, is amended to
29 read:

30 32-1501. Definitions

31 In this chapter, unless the context otherwise requires:

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

35 2. "Active license" means a current valid license to practice
36 naturopathic medicine.

37 3. "Adequate medical records" means legible medical records
38 containing, at a minimum, sufficient information to identify the patient,
39 support the diagnosis, describe the treatment, accurately document the
40 results, indicate advice and cautionary warning provided to the patient
41 and provide sufficient information for a similarly qualified practitioner
42 to assume continuity of the patient's care at any point in the course of
43 treatment.

44 4. "Approved clinical training program" or "clinical training
45 program" means a program for naturopathic medical students in which the

1 training occurred or is being conducted by or in conjunction with an
2 approved school of naturopathic medicine.

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

9 6. "Approved postdoctoral training" or "postdoctoral training"
10 means that the program in which the training occurred or is being
11 conducted has been approved for specialty training or for graduate medical
12 education in naturopathic medicine by the board or approved or accredited
13 by an educational or professional association recognized by the board or
14 by another state's or country's licensing agency recognized by the board.

15 7. "Approved preceptorship program" or "preceptorship" means that
16 the program in which the training occurred or is being conducted has been
17 approved for preceptorship training for physicians or for graduates of a
18 school of naturopathic medicine by the board or was approved or accredited
19 by an educational or professional association recognized by the board or
20 by another state's or country's licensing agency recognized by the board.

21 8. "Approved school of naturopathic medicine" or "school of
22 naturopathic medicine" means a school, college or university determined by
23 the board to have an educational program that meets standards prescribed
24 by the council on naturopathic medical education, or its successor agency,
25 and that offers a course of study that, on successful completion, results
26 in the awarding of the degree of doctor of naturopathic medicine and whose
27 course of study is either of the following:

28 (a) Accredited or a candidate for accreditation by an accrediting
29 agency recognized by the United States secretary of education as a
30 specialized accrediting agency for schools of naturopathic medicine or its
31 successor.

32 (b) Accredited or a candidate for accreditation by an accrediting
33 agency recognized by the council for higher education accreditation or its
34 successor.

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

36 10. "Chelation therapy" means an experimental medical therapy to
37 restore cellular homeostasis through the use of intravenous, metal-binding
38 and bioinorganic agents such as ethylene diamine tetraacetic acid.
39 Chelation therapy does not include experimental therapy used to treat
40 heavy metal poisoning.

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

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

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

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

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

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

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

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

18 (i) Vitamins, chelation therapy and drugs used in emergency
19 resuscitation and stabilization.

20 (ii) Minerals.

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

26 (b) Controlled substances listed as schedule I or II controlled
27 substances as defined in the federal controlled substances act of 1970
28 (21 United States Code section 802), except morphine, any drug that is
29 reclassified from schedule III to schedule II after January 1, 2014 and
30 any homeopathic preparations that are also controlled substances.

31 (c) Cancer chemotherapeutics classified as legend drugs.

32 (d) Antipsychotics.

33 16. "General supervision" means that the physician is available for
34 consultation regarding procedures that the physician has authorized and
35 for which the physician remains responsible.

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

39 18. "Letter of concern" means a nondisciplinary advisory letter
40 that is issued by the board to a person who is regulated under this
41 chapter and that states that while there is insufficient evidence to
42 support disciplinary action the board believes that the person should
43 modify or eliminate certain practices and that continuation of the
44 activities that led to the information being submitted to the board may

1 result in action against the person's license, certificate or
2 registration.

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

9 20. "Limit" means taking a nondisciplinary 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 mentally or
12 physically unable to safely engage in the practice of medicine.

13 21. "Medical assistant" or "naturopathic medical assistant" means a
14 person who is certified by the board as a medical assistant, who assists a
15 doctor of naturopathic medicine and who may perform delegated procedures
16 that are commensurate with the assistant's education and training under
17 the direct supervision of a doctor of naturopathic medicine and that do
18 not include diagnosing, designing or modifying established treatment
19 programs or those procedures prohibited by the board or by this chapter.

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

24 23. "Natural substance" means a homeopathic, botanical, nutritional
25 or other supplement that does not require a prescription pursuant to
26 federal law before it is prescribed, dispensed or otherwise furnished to a
27 patient and that is prescribed by a physician who is licensed pursuant to
28 this chapter to enhance health, prevent disease or treat a medical
29 condition diagnosed by the physician.

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

32 25. "Naturopathic medicine" means medicine as taught in approved
33 schools of naturopathic medicine and in clinical, internship,
34 preceptorship and postdoctoral training programs approved by the board and
35 practiced by a recipient of a degree of doctor of naturopathic medicine
36 WHO IS licensed pursuant to this chapter.

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

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

41 28. "Practice of naturopathic medicine" means a medical system of
42 diagnosing and treating diseases, injuries, ailments, infirmities and
43 other conditions of the human mind and body, including by natural means,
44 drugless methods, drugs, nonsurgical methods, devices, physical,

1 electrical, hygienic and sanitary measures and all forms of physical
2 agents and modalities.

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

7 30. "Specialist" means a physician who has successfully completed
8 approved postdoctoral training, who is certified by a specialty board of
9 examiners recognized by the board and who is certified by the board to
10 practice the specialty pursuant to this chapter.

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

13 (a) Intentionally disclosing a professional secret or intentionally
14 disclosing a privileged communication except as either of these may
15 otherwise be required by law.

16 (b) Engaging in any dishonorable conduct reflecting unfavorably on
17 the profession.

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

22 (d) Habitual intemperance in the use of alcohol or any substance
23 abuse.

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

26 (f) Engaging in conduct that the board determines is gross
27 malpractice, repeated malpractice or any malpractice resulting in the
28 death of a patient.

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

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

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

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

39 (k) Representing that a manifestly incurable disease, injury,
40 ailment or infirmity can be permanently cured, or falsely or fraudulently
41 representing that a curable disease, injury, ailment or infirmity can be
42 cured within a stated time.

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

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

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

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

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

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

17 (r) Engaging in any conduct or practice that is contrary to
18 recognized standards of ethics of the naturopathic profession, any conduct
19 or practice that does or might constitute a danger to the health, welfare
20 or safety of the patient or the public, or any conduct, practice or
21 condition that does or might impair the ability to safely and skillfully
22 practice as a doctor of naturopathic medicine.

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

25 (t) Violating or attempting to violate, directly or indirectly, or
26 assisting in or abetting the violation of, or conspiring to violate this
27 chapter or board rules.

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

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

39 (w) Referring a patient to a diagnostic or treatment facility or
40 prescribing goods and services without disclosing in writing to the
41 patient that the physician has a pecuniary interest in the facility, goods
42 or services to which the patient is referred or prescribed. This
43 subdivision does not apply to a referral by one physician or practitioner
44 to another physician or practitioner within a group of physicians or
45 practitioners practicing together.

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

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

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

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

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

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

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

24 (ee) Failing to furnish information in a timely manner to the board
25 or investigators or representatives of the board if this information is
26 legally requested by the board and failing to allow properly authorized
27 board personnel on demand to examine and have access to documents, reports
28 and records maintained by the physician that relate to the physician's
29 medical practice or medically related activities.

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

35 (gg) Conducting or engaging in an internship or preceptorship in
36 naturopathic medicine without being approved and registered by the board
37 for that internship or preceptorship.

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

39 (ii) Engaging in conduct that the board determines is gross
40 negligence, repeated negligence or negligence resulting in harm or death
41 to a patient.

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

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

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

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

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

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

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

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

(rr) Charging or collecting a clearly excessive fee. In determining 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 light of modifying factors such as the time required, the complexity of the service and the skill required to perform the service properly. This subdivision does not apply if there is a clear written contract for a fixed fee between the physician and the patient that was entered into before the service was provided.

(ss) With the exception of heavy metal poisoning, using chelation therapy in the treatment of arteriosclerosis or as any other form of therapy without adequate informed patient consent and without conforming

1 to generally accepted experimental criteria, including protocols, detailed
2 records, periodic analysis of results and periodic review by a medical
3 peer review committee.

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

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

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

11 (ww) Prescribing, dispensing or furnishing a prescription
12 medication or a prescription-only device as defined in section 32-1901 to
13 a person unless the licensee first conducts a physical examination of that
14 person or has previously established a doctor-patient relationship. The
15 physical examination may be conducted through telehealth as defined in
16 section 36-3601 unless the examination is for the purpose of obtaining a
17 written certification from the physician for the purposes of title 36,
18 chapter 28.1. This subdivision does not apply to:

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

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

22 (iii) Prescriptions written to prepare a patient for a medical
23 examination.

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

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

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

38 (xx) If medical treatment is considered experimental or
39 investigational, failing to include in a patient's record a consent to
40 treatment document that is signed by the patient or the patient's parent
41 or legal guardian and that indicates that the patient or the patient's
42 parent or legal guardian has been informed of the risk of any treatment to
43 be provided and the expected cost of that treatment.

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

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

(ii) The written certification.

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

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

(aaa) DIVIDING A PROFESSIONAL FEE OR OFFERING, PROVIDING OR RECEIVING ANY FORM OF CONSIDERATION FOR PATIENT REFERRALS BETWEEN A PHYSICIAN AND ANY OTHER HEALTH PROFESSIONAL, LICENSEE OR BUSINESS UNLESS THE DIVISION OF FEES OCCURS AMONG INDIVIDUALS OR ENTITIES ENGAGED IN A BONA FIDE EMPLOYMENT, PARTNERSHIP OR CORPORATE RELATIONSHIP FOR THE DELIVERY OF PROFESSIONAL SERVICES.

(bbb) PRACTICING UNDER THE NAME OF ANOTHER LICENSED PHYSICIAN, UNDER ANY NAME OTHER THAN THE NAME THAT APPEARS ON THE PHYSICIAN'S LICENSE OR UNDER ANY TRADE NAME, TITLE OR ABBREVIATION THAT MISREPRESENTS THE PRACTICE OF NATUROPATHIC MEDICINE.

(ccc) HARASSING, EXPLOITING OR RETALIATING AGAINST A PATIENT, FORMER PATIENT, RESEARCH SUBJECT, SUPERVISEE, COWORKER, WITNESS OR COMPLAINANT IN A DISCIPLINARY PROCEEDING INVOLVING A LICENSEE OR CERTIFICATE HOLDER.

Sec. 3. Section 32-2801, Arizona Revised Statutes, is amended to read:

32-2801. Definitions

In this chapter, unless the context otherwise requires:

1. "Certificate" means a certificate that is granted and issued by the department.

2. "Certified technologist" means a person holding a certificate that is granted and issued by the department.

3. "Computed tomography technologist" means a person who applies ionizing radiation to a human using a computed tomography machine for diagnostic purposes.

4. "Department" means the department of health services.

5. "Direction" means responsibility for and control of the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

6. "Director" means the director of the department ~~of health services~~.

7. "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles or rays.

1 8. "Leg" means that part of the lower limb between the knee and the
2 foot.

3 9. "Licensed practitioner" means a person who is licensed or
4 otherwise authorized by law to practice medicine, dentistry, osteopathic
5 medicine, podiatry, chiropractic or naturopathic medicine in this state.

6 10. "Mammographic technologist" means a person who applies ionizing
7 radiation to the breasts of a human being for diagnostic purposes.

8 11. "Nuclear medicine technologist" means a person who uses
9 radiopharmaceutical agents on humans for diagnostic or therapeutic
10 purposes as set forth in rules adopted pursuant to section 32-2815.

11 12. "Practical technologist in bone densitometry" means a
12 technologist who holds a certificate to apply ionizing radiation to a
13 person's hips, spine and extremities through the use of a bone density
14 machine.

15 13. "Practical technologist in podiatry" means a person holding a
16 practical technologist in podiatry certificate that is granted and issued
17 by the department.

18 14. "Practical technologist in podiatry certificate" means a
19 certificate that is issued to a person, other than a licensed
20 practitioner, who applies ionizing radiation to the foot and leg for
21 diagnostic purposes while under the specific direction of a licensed
22 practitioner.

23 15. "Practical technologist in radiology" means a person holding a
24 practical technologist in radiology certificate that is granted and issued
25 by the department.

26 16. "Practical technologist in radiology certificate" means a
27 certificate that is issued to a person, other than a licensed
28 practitioner, who applies ionizing radiation to specific parts of the
29 human body for diagnostic purposes while under the specific direction of a
30 licensed practitioner.

31 17. "Radiation therapy technologist" means a person who uses
32 radiation on humans for therapeutic purposes.

33 18. "Radiologic technologist" means a person who holds a
34 certificate that is issued by the department and that allows that person
35 to apply ionizing radiation to individuals at the direction of a licensed
36 practitioner for general diagnostic or therapeutic purposes.

37 19. "Radiologic technology" means the science and art of applying
38 ionizing radiation to human beings for general diagnostic or therapeutic
39 purposes.

40 20. "Radiologic technology certificate" means a certificate that is
41 issued in radiologic technology to a person with at least twenty-four
42 months of full-time study or its equivalent through an approved program
43 and who has successfully completed an examination by a national certifying
44 body.

1 21. "Radiologist" means a licensed practitioner of medicine or
2 osteopathic medicine who has undertaken a course of training that meets
3 the requirements for admission to the examination of the American board of
4 radiology or the American osteopathic board of radiology.

5 22. "Radiologist assistant" means a person who holds a certificate
6 pursuant to section 32-2819 and who performs independent advanced
7 procedures in medical imaging and interventional radiology under the
8 guidance, directions, supervision and discretion of a licensed
9 practitioner of medicine or osteopathic medicine specializing in radiology
10 as set forth in section 32-2819 and the rules adopted pursuant to that
11 section.

12 23. "Unethical professional conduct" means the following acts,
13 whether occurring in this state or elsewhere:

14 (a) Intentionally betraying a professional confidence or
15 ~~intentional violation of~~ INTENTIONALLY VIOLATING a privileged
16 communication except as required by law. This subdivision does not
17 prevent the department from exchanging information with the radiologic
18 licensing and disciplinary boards of other states, territories or
19 districts of the United States or foreign countries.

20 (b) Using controlled substances as defined in section 36-2501,
21 narcotic drugs, dangerous drugs or marijuana as defined in section 13-3401
22 or hypnotic drugs, derivatives or any compounds, mixtures or preparations
23 that may be used for producing hypnotic effects or the use of alcohol to
24 the extent that it affects the ability of the certificate or permit holder
25 to practice his profession.

26 (c) Using drugs for other than accepted therapeutic purposes.

27 (d) Committing gross malpractice.

28 (e) Procuring or attempting to procure a certificate or license by
29 fraud or misrepresentation.

30 (f) Having A professional connection with or lending one's name to
31 an illegal practitioner of radiologic technology or any other health
32 profession.

33 (g) Offering, undertaking or agreeing to correct, cure or treat a
34 condition, disease, injury, ailment or infirmity by a secret means,
35 method, device or instrumentality.

36 (h) Refusing to divulge to the department, on reasonable notice and
37 demand, the means, method, device or instrumentality used ~~in the treatment~~
38 ~~of~~ TO TREAT a condition, disease, injury, ailment or infirmity. This
39 subdivision does not apply to communication between a technologist or
40 permit holder and a patient with reference to a disease, injury, ailment
41 or infirmity, or as to any knowledge obtained by personal examination of
42 the patient.

43 (i) Giving or receiving, or aiding or abetting the giving or
44 receiving, of rebates, either directly or indirectly.

1 (j) Knowingly making any false or fraudulent statement, written or
2 oral, in connection with the practice of radiologic technology.

3 (k) Having a certificate or license refused, revoked or suspended
4 by any other state, territory, district or country for reasons that relate
5 to the person's ability to safely and skillfully practice radiologic
6 technology or to any act of unprofessional conduct.

7 (l) Engaging in any conduct or practice that does or would
8 constitute a danger to the health of the patient or the public.

9 (m) Obtaining a fee by fraud or misrepresentation or wilfully or
10 intentionally filing a fraudulent claim with a third party for services
11 rendered or to be rendered to a patient.

12 (n) Employing uncertified persons to perform or aiding and abetting
13 uncertified persons in the performance of work that can be done legally
14 only by certified persons.

15 (o) Violating or attempting to violate, directly or indirectly, or
16 assisting or abetting the violation of or conspiring to violate this
17 chapter or a rule adopted by the department.

18 (p) DIVIDING A PROFESSIONAL FEE OR OFFERING, PROVIDING OR RECEIVING
19 ANY FORM OF CONSIDERATION FOR PATIENT REFERRALS BETWEEN A RADIOLOGIC
20 TECHNOLOGIST AND ANY OTHER HEALTH PROFESSIONAL, LICENSEE OR BUSINESS
21 UNLESS THE DIVISION OF FEES OCCURS AMONG INDIVIDUALS OR ENTITIES ENGAGED
22 IN A BONA FIDE EMPLOYMENT, PARTNERSHIP OR CORPORATE RELATIONSHIP FOR THE
23 DELIVERY OF PROFESSIONAL SERVICES.

24 (q) PRACTICING UNDER THE NAME OF ANOTHER CERTIFIED RADIOLOGIC
25 TECHNOLOGIST, UNDER ANY NAME OTHER THAN THE NAME THAT APPEARS ON THE
26 RADIOLOGIC TECHNOLOGIST'S CERTIFICATION OR UNDER ANY TRADE NAME, TITLE OR
27 ABBREVIATION THAT MISREPRESENTS THE PRACTICE OF RADIOLOGIC TECHNOLOGY.

28 (r) HARASSING, EXPLOITING OR RETALIATING AGAINST A PATIENT, FORMER
29 PATIENT, RESEARCH SUBJECT, SUPERVISEE, COWORKER, WITNESS OR COMPLAINANT IN
30 A DISCIPLINARY PROCEEDING INVOLVING A LICENSEE OR CERTIFICATE HOLDER.

31 24. "Unlimited practical technologist in radiology" means a person
32 holding an unlimited practical technologist in radiology certificate that
33 is granted and issued by the department.

34 25. "Unlimited practical technologist in radiology certificate"
35 means a certificate that was issued to a person in 1977 or 1978, other
36 than a licensed practitioner, who applies ionizing radiation to the human
37 body for diagnostic purposes while under the specific direction of a
38 licensed practitioner.