

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

# **SB 1553**

Introduced by  
Senator Ortiz: Representatives Abeytia, Liguori

## **AN ACT**

REPEALING SECTIONS 1-219, 13-3603.01, 13-3603.02 AND 13-3605, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-115.01, 32-1401, 32-1408, 32-1451.04, 32-1601, 32-1606, 32-1607, 32-1807, 32-1854, 32-1901, 32-2501, 32-2508, 32-2531, 32-2532, 32-3217, 36-301, 36-402, 36-404 AND 36-427, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES; AMENDING SECTION 36-2151, ARIZONA REVISED STATUTES; REPEALING SECTIONS 36-2153, 36-2153.01, 36-2154, 36-2155, 36-2156, 36-2157, 36-2158, 36-2159 AND 36-2160, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 20, ARTICLE 2, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 23, ARTICLES 1 AND 3, ARIZONA REVISED STATUTES; REPEALING SECTION 36-3604, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-1033, 41-1080.01 AND 41-1093, ARIZONA REVISED STATUTES; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Sections 1-219, 13-3603.01, 13-3603.02 and 13-3605, Arizona Revised  
4 Statutes, are repealed.

5 Sec. 2. Section 15-115.01, Arizona Revised Statutes, is amended to  
6 read:

7 15-115.01. Public educational institution facility;  
8 prohibition; definitions

9 A. A facility that is run by or that operates on the property of a  
10 public educational institution may not perform or provide an abortion,  
11 unless the abortion is necessary to save the life of the woman having the  
12 abortion.

13 B. For the purposes of this section:

14 1. "Abortion" has the same meaning prescribed in section 36-2151.

15 ~~2. "Medical emergency" has the same meaning prescribed in section~~  
16 ~~36-2151.~~

17 ~~3.~~ 2. "Public educational institution" means any of the following:

18 (a) A community college as defined in section 15-1401.

19 (b) A university under the jurisdiction of the Arizona board of  
20 regents.

21 (c) A school district, including its schools.

22 (d) A charter school.

23 (e) An accommodation school.

24 (f) The Arizona state schools for the deaf and the blind.

25 Sec. 3. Section 32-1401, Arizona Revised Statutes, is amended to  
26 read:

27 32-1401. Definitions

28 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 18. "Medical peer review" means:

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

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

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

39 20. "Office-based 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  
23 accreditation council for graduate medical education, the American medical  
24 association, the association of American medical colleges, the royal  
25 college of physicians and surgeons of Canada or a similar body in the  
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, whether  
33 occurring in this state or elsewhere:

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

36 (b) Intentionally disclosing a professional secret or intentionally  
37 disclosing a privileged communication except as either act may otherwise  
38 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.

1 (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.

6 (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.

10 (i) Prescribing, dispensing or administering schedule II controlled  
11 substances as prescribed by section 36-2513 or the rules adopted pursuant  
12 to section 36-2513, including amphetamines and similar schedule II  
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.

16 (j) Prescribing, dispensing or administering any controlled  
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.

21 (l) 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.

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

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

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

1 person from the practice of medicine or restricting that person's ability  
2 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.

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

23 (x) Charging or collecting a clearly excessive fee. In determining  
24 whether a fee is clearly excessive, the board shall consider the fee or  
25 range of fees customarily charged in this state for similar services in  
26 light of modifying factors such as the time required, the complexity of  
27 the service and the skill requisite to perform the service properly. This  
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.

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

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

38 ~~(aa)~~ (z) Engaging in sexual conduct with a current patient or with  
39 a 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.

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

(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.

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

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

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

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

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

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

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

(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.

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

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

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



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

~~(jj)~~ (kk) Failing to dispense drugs and devices in compliance with article 6 of this chapter.

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

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

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

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

~~(pp)~~ (pp) As a physician who is the chief executive officer, the medical 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 a doctor of medicine have been denied, revoked, suspended, supervised or limited because of actions by the doctor of medicine that appear to show that the doctor of medicine is or may be medically incompetent, is or may be guilty of unprofessional conduct or is or may be unable to engage safely in the practice of medicine.

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

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

~~(ss)~~ (ss) Prescribing, dispensing or furnishing a prescription 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 status examination of that person or has previously established a

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.

12 (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.

21 (v) Prescriptions written or antimicrobials dispensed to a contact  
22 as defined in section 36-661 who is believed to have had significant  
23 exposure risk as defined in section 36-661 with another person who has  
24 been diagnosed with a communicable disease as defined in section 36-661 by  
25 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 (ix) Prescriptions written by a licensee through a telehealth  
38 program that is covered by the policies and procedures adopted by the  
39 administrator of a hospital or outpatient treatment center.

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

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

1       ~~(vv)~~ (uu) Practicing medicine under a false or assumed name in  
2 this state.

3       Sec. 4. Section 32-1408, Arizona Revised Statutes, is amended to  
4 read:

5       32-1408. Preceptorship awareness campaign; definitions

6       A. The board shall develop a preceptorship awareness campaign that  
7 educates medical professionals who are licensed pursuant to this chapter  
8 on how to become and the benefits of being a medical preceptor for  
9 students.

10       B. For the purposes of this section:

11       1. "Medical preceptor" means a medical professional who is licensed  
12 pursuant to this chapter and who maintains an active practice in this  
13 state.

14       2. "Preceptorship":

15       ~~(a)~~ means a mentoring experience in which a medical preceptor  
16 provides a program of personalized instruction, training and supervision  
17 to a student, which may include educating the student about dispensing  
18 drugs and devices, to enable the student to obtain a medical professional  
19 degree to become licensed pursuant to this chapter.

20       ~~(b) Does not include mentoring for medical services that are~~  
21 ~~prescribed in section 36-2301.01, subsection C, paragraph 1.~~

22       3. "Student" means an individual who is matriculating at the  
23 graduate level at an accredited institution of higher education in this  
24 state and who is seeking a medical professional degree to become licensed  
25 pursuant to this chapter.

26       Sec. 5. Section 32-1451.04, Arizona Revised Statutes, is amended to  
27 read:

28       32-1451.04. Burden of proof

29       Except for disciplinary matters brought pursuant to section 32-1401,  
30 paragraph 27, subdivision ~~(aa)~~ (z), the board has the burden of proof by  
31 clear and convincing evidence for disciplinary matters brought pursuant to  
32 this chapter.

33       Sec. 6. Section 32-1601, Arizona Revised Statutes, is amended to  
34 read:

35       32-1601. Definitions

36       In this chapter, unless the context otherwise requires:

37       1. "Absolute discharge from the sentence" means completion of any  
38 sentence, including imprisonment, probation, parole, community supervision  
39 or any form of court supervision.

40       2. "Appropriate health care professional" means a licensed health  
41 care professional whose scope of practice, education, experience, training  
42 and accreditation are appropriate for the situation or condition of the  
43 patient who is the subject of a consultation or referral.

1           3. "Approval" means that a regulated training or educational  
2 program to prepare persons for licensure, certification or registration  
3 has met standards established by the board.

4           4. "Board" means the Arizona state board of nursing.

5           5. "Certified nurse midwife" means a registered nurse who:

6           (a) Is certified by the board.

7           (b) Has completed a nurse midwife education program approved or  
8 recognized by the board and educational requirements prescribed by the  
9 board by rule.

10          (c) Holds a national certification as a certified nurse midwife  
11 from a national certifying body recognized by the board.

12          (d) Has an expanded scope of practice in providing health care  
13 services for women from adolescence to beyond menopause, including  
14 antepartum, intrapartum, postpartum, reproductive, gynecologic and primary  
15 care, for normal newborns during the first twenty-eight days of life and  
16 for men for the treatment of sexually transmitted diseases. The expanded  
17 scope of practice under this subdivision includes:

18           (i) Assessing patients, synthesizing and analyzing data and  
19 understanding and applying principles of health care at an advanced level.

20           (ii) Managing the physical and psychosocial health care of  
21 patients.

22           (iii) Analyzing multiple sources of data, identifying alternative  
23 possibilities as to the nature of a health care problem and selecting,  
24 implementing and evaluating appropriate treatment.

25           (iv) Making independent decisions in solving complex patient care  
26 problems.

27           (v) Diagnosing, performing diagnostic and therapeutic procedures  
28 and prescribing, administering and dispensing therapeutic measures,  
29 including legend drugs, medical devices and controlled substances, within  
30 the scope of the certified nurse midwife practice after meeting  
31 requirements established by the board.

32           (vi) Recognizing the limits of the nurse's knowledge and experience  
33 by consulting with or referring patients to other appropriate health care  
34 professionals if a situation or condition occurs that is beyond the  
35 knowledge and experience of the nurse or if the referral will protect the  
36 health and welfare of the patient.

37           (vii) Delegating to a medical assistant pursuant to section  
38 32-1456.

39           (viii) Performing additional acts that require education and  
40 training as prescribed by the board and that are recognized by the nursing  
41 profession as proper to be performed by a certified nurse midwife.

42          6. "Certified nursing assistant" means a person who is registered  
43 on the registry of nursing assistants pursuant to this chapter to provide  
44 or assist in delivering nursing or nursing-related services under the

1 supervision and direction of a licensed nursing staff member. Certified  
2 nursing assistant does not include a person who:

- 3 (a) Is a licensed health care professional.
- 4 (b) Volunteers to provide nursing assistant services without  
5 monetary compensation.
- 6 (c) Is a licensed nursing assistant.

7 7. "Certified registered nurse" means a registered nurse who has  
8 been certified by a national nursing credentialing agency recognized by  
9 the board.

10 8. "Certified registered nurse anesthetist" means a registered  
11 nurse who meets the requirements of section 32-1634.03 and who practices  
12 pursuant to the requirements of section 32-1634.04.

13 9. "Clinical nurse specialist" means a registered nurse who:

- 14 (a) Is certified by the board as a clinical nurse specialist.
- 15 (b) Holds a graduate degree with a major in nursing and completes  
16 educational requirements as prescribed by the board by rule.
- 17 (c) Is nationally certified as a clinical nurse specialist or, if  
18 certification is not available, provides proof of competence to the board.
- 19 (d) Has an expanded scope of practice based on advanced education  
20 in a clinical nursing specialty that includes:
  - 21 (i) Assessing clients, synthesizing and analyzing data and  
22 understanding and applying nursing principles at an advanced level.
  - 23 (ii) Managing directly and indirectly a client's physical and  
24 psychosocial health status.
  - 25 (iii) Analyzing multiple sources of data, identifying alternative  
26 possibilities as to the nature of a health care problem and selecting  
27 appropriate nursing interventions.
  - 28 (iv) Developing, planning and guiding programs of care for  
29 populations of patients.
  - 30 (v) Making independent nursing decisions to solve complex client  
31 care problems.
  - 32 (vi) Using research skills and acquiring and applying critical new  
33 knowledge and technologies to nursing practice.
  - 34 (vii) Prescribing and dispensing durable medical equipment.
  - 35 (viii) Consulting with or referring a client to other health care  
36 providers based on assessment of the client's health status and needs.
  - 37 (ix) Facilitating collaboration with other disciplines to attain  
38 the desired client outcome across the continuum of care.
  - 39 (x) Performing additional acts that require education and training  
40 as prescribed by the board and that are recognized by the nursing  
41 profession as proper to be performed by a clinical nurse specialist.
  - 42 (xi) Prescribing, ordering and dispensing pharmacological agents  
43 subject to the requirements and limits specified in section 32-1651.

44 10. "Conditional license" or "conditional approval" means a license  
45 or approval that specifies the conditions under which the regulated party

1 is allowed to practice or to operate and that is prescribed by the board  
2 pursuant to section 32-1644 or 32-1663.

3 11. "Delegation" means transferring to a competent individual the  
4 authority to perform a selected nursing task in a designated situation in  
5 which the nurse making the delegation retains accountability for the  
6 delegation.

7 12. "Disciplinary action" means a regulatory sanction of a license,  
8 certificate or approval pursuant to this chapter in any combination of the  
9 following:

10 (a) A civil penalty for each violation of this chapter, not to  
11 exceed \$1,000 for each violation.

12 (b) Restitution made to an aggrieved party.

13 (c) A decree of censure.

14 (d) A conditional license or a conditional approval that fixed a  
15 period and terms of probation.

16 (e) Limited licensure.

17 (f) Suspension of a license, a certificate or an approval.

18 (g) Voluntary surrender of a license, a certificate or an approval.

19 (h) Revocation of a license, a certificate or an approval.

20 13. "Health care institution" has the same meaning prescribed in  
21 section 36-401.

22 14. "Licensed health aide" means a person who:

23 (a) Is licensed pursuant to this chapter to provide or to assist in  
24 providing nursing-related services authorized pursuant to section 36-2939.

25 (b) Is the parent, guardian or family member by affinity or  
26 consanguinity of the Arizona long-term care system member receiving  
27 services who may provide licensed health aide services only to that member  
28 and only consistent with that member's plan of care.

29 (c) Has a scope of practice that is the same as a licensed nursing  
30 assistant and may also provide medication administration, tracheostomy  
31 care, enteral care and routine ventilator care and therapy and any other  
32 tasks approved by the board in rule.

33 (d) Has supervision requirements that are the same as a certified  
34 nursing assistant.

35 15. "Licensed nursing assistant" means a person who is licensed  
36 pursuant to this chapter to provide or assist in delivering nursing or  
37 nursing-related services under the supervision and direction of a licensed  
38 nursing staff member. Licensed nursing assistant does not include a  
39 person who:

40 (a) Is a licensed health care professional.

41 (b) Volunteers to provide nursing assistant services without  
42 monetary compensation.

43 (c) Is a certified nursing assistant.

44 16. "Licensee" means a person who is licensed pursuant to this  
45 chapter or in a party state as defined in section 32-1668.

1       17. "Limited license" means a license that restricts the scope or  
2 setting of a licensee's practice.

3       18. "Medication order" means a written or verbal communication  
4 given by a certified registered nurse anesthetist to a health care  
5 professional to administer a drug or medication, including controlled  
6 substances.

7       19. "Practical nurse" means a person who holds a practical nurse  
8 license issued pursuant to this chapter or pursuant to a multistate  
9 compact privilege and who practices practical nursing as defined in this  
10 section.

11       20. "Practical nursing" includes the following activities that are  
12 performed under the supervision of a physician or a registered nurse:

13       (a) Contributing to the assessment of the health status of  
14 individuals and groups.

15       (b) Participating in the development and modification of the  
16 strategy of care.

17       (c) Implementing aspects of the strategy of care within the nurse's  
18 scope of practice.

19       (d) Maintaining safe and effective nursing care that is rendered  
20 directly or indirectly.

21       (e) Participating in the evaluation of responses to interventions.

22       (f) Delegating nursing activities within the scope of practice of a  
23 practical nurse.

24       (g) Performing additional acts that require education and training  
25 as prescribed by the board and that are recognized by the nursing  
26 profession as proper to be performed by a practical nurse.

27       21. "Presence" means within the same health care institution or  
28 office as specified in section 32-1634.04, subsection A, and available as  
29 necessary.

30       22. "Registered nurse" or "professional nurse" means a person who  
31 practices registered nursing and who holds a registered nurse license  
32 issued pursuant to this chapter or pursuant to a multistate compact  
33 privilege.

34       23. "Registered nurse practitioner" means a registered nurse who:

35       (a) Is certified by the board.

36       (b) Has completed a nurse practitioner education program approved  
37 or recognized by the board and educational requirements prescribed by the  
38 board by rule.

39       (c) If applying for certification after July 1, 2004, holds  
40 national certification as a nurse practitioner from a national certifying  
41 body recognized by the board.

42       (d) Has an expanded scope of practice within a specialty area that  
43 includes:

44       (i) Assessing clients, synthesizing and analyzing data and  
45 understanding and applying principles of health care at an advanced level.

1 (ii) Managing the physical and psychosocial health status of  
2 patients.

3 (iii) Analyzing multiple sources of data, identifying alternative  
4 possibilities as to the nature of a health care problem and selecting,  
5 implementing and evaluating appropriate treatment.

6 (iv) Making independent decisions in solving complex patient care  
7 problems.

8 (v) Diagnosing, performing diagnostic and therapeutic procedures,  
9 and prescribing, administering and dispensing therapeutic measures,  
10 including legend drugs, medical devices and controlled substances within  
11 the scope of registered nurse practitioner practice on meeting the  
12 requirements established by the board.

13 (vi) Recognizing the limits of the nurse's knowledge and experience  
14 by consulting with or referring patients to other appropriate health care  
15 professionals if a situation or condition occurs that is beyond the  
16 knowledge and experience of the nurse or if the referral will protect the  
17 health and welfare of the patient.

18 (vii) Delegating to a medical assistant pursuant to section  
19 32-1456.

20 (viii) Performing additional acts that require education and  
21 training as prescribed by the board and that are recognized by the nursing  
22 profession as proper to be performed by a nurse practitioner.

23 24. "Registered nursing" includes the following:

24 (a) Diagnosing and treating human responses to actual or potential  
25 health problems.

26 (b) Assisting individuals and groups to maintain or attain optimal  
27 health by implementing a strategy of care to accomplish defined goals and  
28 evaluating responses to care and treatment.

29 (c) Assessing the health status of individuals and groups.

30 (d) Establishing a nursing diagnosis.

31 (e) Establishing goals to meet identified health care needs.

32 (f) Prescribing nursing interventions to implement a strategy of  
33 care.

34 (g) Delegating nursing interventions to others who are qualified to  
35 do so.

36 (h) Providing for the maintenance of safe and effective nursing  
37 care that is rendered directly or indirectly.

38 (i) Evaluating responses to interventions.

39 (j) Teaching nursing knowledge and skills.

40 (k) Managing and supervising the practice of nursing.

41 (l) Consulting and coordinating with other health care  
42 professionals in the management of health care.

43 (m) Performing additional acts that require education and training  
44 as prescribed by the board and that are recognized by the nursing  
45 profession as proper to be performed by a registered nurse.



25. "Registry of nursing assistants" means the nursing assistants registry maintained by the board pursuant to the omnibus budget reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat. 683).

26. "Regulated party" means any person or entity that is licensed, certified, registered, recognized or approved pursuant to this chapter.

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

(a) Committing fraud or deceit in obtaining, attempting to obtain or renewing a license or a certificate issued pursuant to this chapter.

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

~~(c) Aiding or abetting in a criminal abortion or attempting, agreeing or offering to procure or assist in a criminal abortion.~~

~~(d)~~ (c) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.

~~(e)~~ (d) Being mentally incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a patient or the public.

~~(f)~~ (e) Having a license, certificate, permit or registration to practice a health care profession denied, suspended, conditioned, limited or revoked in another jurisdiction and not reinstated by that jurisdiction.

~~(g)~~ (f) Wilfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter.

~~(h)~~ (g) Committing an act that deceives, defrauds or harms the public.

~~(i)~~ (h) Failing to comply with a stipulated agreement, consent agreement or board order.

~~(j)~~ (i) Violating this chapter or a rule that is adopted by the board pursuant to this chapter.

~~(k)~~ (j) Failing to report to the board any evidence that a registered or practical nurse or a nursing assistant is or may be:

(i) Incompetent to practice.

(ii) Guilty of unprofessional conduct.

(iii) Mentally or physically unable to safely practice nursing or to perform nursing-related duties. A nurse who is providing therapeutic counseling for a nurse who is in a drug rehabilitation program is required to report that nurse only if the nurse providing therapeutic counseling has personal knowledge that patient safety is being jeopardized.

~~(l)~~ (k) Failing to self-report a conviction for a felony or undesignated offense within ten days after the conviction.

1       ~~(m)~~ (l) Cheating or assisting another to cheat on a licensure or  
2 certification examination.

3       Sec. 7. Section 32-1606, Arizona Revised Statutes, is amended to  
4 read:

5       32-1606. Powers and duties of board

6       A. The board may:

7       1. Adopt and revise rules necessary to carry into effect this  
8 chapter.

9       2. Publish advisory opinions regarding registered and practical  
10 nursing practice and nursing education.

11       3. Issue limited licenses or certificates if it determines that an  
12 applicant or licensee cannot function safely in a specific setting or  
13 within the full scope of practice.

14       4. Refer criminal violations of this chapter to the appropriate law  
15 enforcement agency.

16       5. Establish a confidential program for monitoring licensees who  
17 are chemically dependent and who enroll in rehabilitation programs that  
18 meet the criteria established by the board. The board may take further  
19 action if the licensee refuses to enter into a stipulated agreement or  
20 fails to comply with its terms. In order to protect the public health and  
21 safety, the confidentiality requirements of this paragraph do not apply if  
22 the licensee does not comply with the stipulated agreement.

23       6. On the applicant's or regulated party's request, establish a  
24 payment schedule with the applicant or regulated party.

25       7. Provide education regarding board functions.

26       8. Collect or assist in collecting workforce data.

27       9. Adopt rules to conduct pilot programs consistent with public  
28 safety for innovative applications in nursing practice, education and  
29 regulation.

30       10. Grant retirement status on request to retired nurses who are or  
31 were licensed under this chapter, who have no open complaint or  
32 investigation pending against them and who are not subject to discipline.

33       11. Accept and spend federal monies and private grants, gifts,  
34 contributions and devises to assist in carrying out the purposes of this  
35 chapter. These monies do not revert to the state general fund at the end  
36 of the fiscal year.

37       B. The board shall:

38       1. Approve regulated training and educational programs that meet  
39 the requirements of this chapter and rules adopted by the board.

40       2. By rule, establish approval and reapproval processes for nursing  
41 and nursing assistant training programs that meet the requirements of this  
42 chapter and board rules.

43       3. Prepare and maintain a list of approved nursing programs to  
44 prepare registered nurses and practical nurses whose graduates are  
45 eligible for licensing under this chapter as registered nurses or as

1 practical nurses if they satisfy the other requirements of this chapter  
2 and board rules.

3 4. Examine qualified registered nurse and practical nurse  
4 applicants.

5 5. License and renew the licenses of qualified registered nurse and  
6 practical nurse applicants and licensed nursing assistants who are not  
7 qualified to be licensed by the executive director.

8 6. Adopt a seal, which the executive director shall keep.

9 7. Keep a record of all proceedings.

10 8. For proper cause, deny or rescind approval of a regulated  
11 training or educational program for failure to comply with this chapter or  
12 the rules of the board.

13 9. Adopt rules to approve credential evaluation services that  
14 evaluate the qualifications of applicants who graduated from an  
15 international nursing program.

16 10. Determine and administer appropriate disciplinary action  
17 against all regulated parties who are found guilty of violating this  
18 chapter or rules adopted by the board.

19 11. Perform functions necessary to carry out the requirements of  
20 the nursing assistant and nurse aide training and competency evaluation  
21 program as set forth in the omnibus budget reconciliation act of 1987  
22 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic  
23 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall  
24 include:

25 (a) Testing and registering certified nursing assistants.

26 (b) Testing and licensing licensed nursing assistants.

27 (c) Maintaining a list of board-approved training programs.

28 (d) Maintaining a registry of nursing assistants for all certified  
29 nursing assistants and licensed nursing assistants.

30 (e) Assessing fees.

31 12. Adopt rules establishing acts that may be performed by a  
32 registered nurse practitioner or certified nurse midwife, ~~except that the~~  
33 ~~board does not have authority to decide scope of practice relating to~~  
34 ~~abortion as defined in section 36-2151.~~

35 13. Adopt rules that prohibit registered nurse practitioners,  
36 clinical nurse specialists or certified nurse midwives from dispensing a  
37 schedule II controlled substance that is an opioid, except for an  
38 implantable device or an opioid that is for medication-assisted treatment  
39 for substance use disorders or as provided in section 32-3248.03.

40 14. Adopt rules establishing educational requirements to certify  
41 school nurses.

42 15. Publish copies of board rules and distribute these copies on  
43 request.

44 16. Require each applicant for initial licensure or certification  
45 to submit a full set of fingerprints to the board for the purpose of

1 obtaining a state and federal criminal records check pursuant to section  
2 41-1750 and Public Law 92-544. The department of public safety may  
3 exchange this fingerprint data with the federal bureau of investigation.

4 17. Except for a licensee who has been convicted of a felony that  
5 has been designated a misdemeanor pursuant to section 13-604, revoke a  
6 license of a person, revoke the multistate licensure privilege of a person  
7 pursuant to section 32-1669 or not issue a license or renewal to an  
8 applicant who has one or more felony convictions and who has not received  
9 an absolute discharge from the sentences for all felony convictions three  
10 or more years before the date of filing an application pursuant to this  
11 chapter.

12 18. Establish standards to approve and reapprove registered nurse  
13 practitioner and clinical nurse specialist programs and provide for  
14 surveys of registered nurse practitioner and clinical nurse specialist  
15 programs as the board deems necessary.

16 19. Provide the licensing authorities of health care institutions,  
17 facilities and homes with any information the board receives regarding  
18 practices that place a patient's health at risk.

19 20. Limit the multistate licensure privilege of any person who  
20 holds or applies for a license in this state pursuant to section 32-1668.

21 21. Adopt rules to establish competency standards for obtaining and  
22 maintaining a license.

23 22. Adopt rules to qualify and certify clinical nurse specialists.

24 23. Adopt rules to approve and reapprove refresher courses for  
25 nurses who are not currently practicing.

26 24. Maintain a list of approved medication assistant training  
27 programs.

28 25. Test and certify medication assistants.

29 26. Maintain a registry and disciplinary record of medication  
30 assistants who are certified pursuant to this chapter.

31 27. Adopt rules to establish the requirements for a clinical nurse  
32 specialist to prescribe and dispense drugs and devices consistent with  
33 section 32-1651 and within the clinical nurse specialist's population or  
34 disease focus.

35 28. Issue registrations to administer general anesthesia and  
36 sedation in dental offices and dental clinics pursuant to section 32-1272  
37 to certified registered nurse anesthetists who have national board  
38 certification in anesthesiology.

39 C. The board may conduct an investigation on receipt of information  
40 that indicates that a person or regulated party may have violated this  
41 chapter or a rule adopted pursuant to this chapter. Following the  
42 investigation, the board may take disciplinary action pursuant to this  
43 chapter.

44 D. The board may limit, revoke or suspend the privilege of a nurse  
45 to practice in this state granted pursuant to section 32-1668.

1 E. Failure to comply with any final order of the board, including  
2 an order of censure or probation, is cause for suspension or revocation of  
3 a license or a certificate.

4 F. The president or a member of the board designated by the  
5 president may administer oaths in transacting the business of the board.

6 Sec. 8. Section 32-1607, Arizona Revised Statutes, is amended to  
7 read:

8 32-1607. Preceptorship awareness campaign; definitions

9 A. The board shall develop a preceptorship awareness campaign that  
10 educates advance practice registered nurse professionals who are licensed  
11 pursuant to this chapter on how to become and the benefits of being a  
12 preceptor for graduate nursing students.

13 B. For the purposes of this section:

14 1. "Graduate **NURSING** student" means an individual who is  
15 matriculating at the graduate level at an accredited institution of higher  
16 education in this state and who is seeking an advance nursing degree to  
17 become licensed as an advance practice registered nurse pursuant to this  
18 chapter.

19 2. "Nursing preceptor" means a nursing professional who is licensed  
20 pursuant to this chapter and who maintains an active practice in this  
21 state.

22 3. "Preceptorship":-

23 ~~(a)~~ Means a mentoring experience in which a nursing preceptor  
24 provides a program of personalized instruction, training and supervision  
25 to a graduate **NURSING** student to enable the **GRADUATE NURSING** student to  
26 obtain an advance nursing degree to become licensed as an advance practice  
27 registered nurse pursuant to this chapter.

28 ~~(b) Does not include mentoring for medical services that are~~  
29 ~~prescribed in section 36-2301.01, subsection C, paragraph 1.~~

30 Sec. 9. Section 32-1807, Arizona Revised Statutes, is amended to  
31 read:

32 32-1807. Preceptorship awareness campaign; definitions

33 A. The board shall develop a preceptorship awareness campaign that  
34 educates medical professionals who are licensed pursuant to this chapter  
35 on how to become and the benefits of being a medical preceptor for  
36 students.

37 B. For the purposes of this section:

38 1. "Medical preceptor" means a medical professional who is licensed  
39 pursuant to this chapter and who maintains an active practice in this  
40 state.

41 2. "Preceptorship":-

42 ~~(a)~~ means a mentoring experience in which a medical preceptor  
43 provides a program of personalized instruction, training and supervision  
44 to a student, which may include educating the student about dispensing

1 drugs and devices, to enable the student to obtain a medical professional  
2 degree to become licensed pursuant to this chapter.

3 ~~(b) Does not include mentoring for medical services that are~~  
4 ~~prescribed in section 36-2301.01, subsection C, paragraph 1.~~

5 3. "Student" means an individual who is matriculating at the  
6 graduate level at an accredited institution of higher education in this  
7 state and who is seeking a medical professional degree to become licensed  
8 pursuant to this chapter.

9 Sec. 10. Section 32-1854, Arizona Revised Statutes, is amended to  
10 read:

11 32-1854. Definition of unprofessional conduct

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

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

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

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

29 4. Being diagnosed by a physician licensed under this chapter or  
30 chapter 13 of this title or a psychologist licensed under chapter 19.1 of  
31 this title as excessively or illegally using alcohol or a controlled  
32 substance.

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

35 6. Engaging in the practice of medicine in a manner that harms or  
36 may harm a patient or that the board determines falls below the community  
37 standard.

38 7. Impersonating another physician.

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

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

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

1        11. Representing that a manifestly incurable disease, injury,  
2        ailment or infirmity can be permanently cured or that a curable disease,  
3        injury, ailment or infirmity can be cured within a stated time if this is  
4        not true.

5        12. Failing to reasonably disclose and inform the patient or the  
6        patient's representative of the method, device or instrumentality the  
7        licensee uses to treat the patient's disease, injury, ailment or  
8        infirmity.

9        13. Refusing to divulge to the board on demand the means, method,  
10       device or instrumentality used to treat a disease, injury, ailment or  
11       infirmity.

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

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

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

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

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

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

31       20. Violating or attempting to violate, directly or indirectly, or  
32       assisting in or abetting the violation of or conspiring to violate any of  
33       the provisions of this chapter.

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

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

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

43       22. Using controlled substances or prescription-only drugs unless  
44       they are provided by a medical practitioner, as defined in section  
45       32-1901, as part of a lawful course of treatment.

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

4           24. Committing nontherapeutic use of injectable amphetamines.

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

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

10          27. Using experimental forms of therapy without adequate informed  
11 patient consent or without conforming to generally accepted criteria and  
12 complying with federal and state statutes and regulations governing  
13 experimental therapies.

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

22          29. Failing to allow properly authorized board personnel to have,  
23 on presentation of a subpoena, access to any documents, reports or records  
24 that are maintained by the physician and that relate to the physician's  
25 medical practice or medically related activities pursuant to section  
26 32-1855.01.

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

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

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

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

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

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



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

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

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

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

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

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

42. Prescribing, dispensing or administering anabolic-androgenic steroids 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:

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

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

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

~~45.~~ 44. Committing conduct that the board determines constitutes gross negligence, repeated negligence or negligence that results in harm or death of a patient.

~~46.~~ 45. Committing conduct in the practice of medicine that evidences unfitness to practice medicine.

~~47.~~ 46. Engaging in disruptive or abusive behavior in a professional setting.

~~48.~~ 47. 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:

1 (a) The licensee makes the disclosure on a form prescribed by the  
2 board.

3 (b) The patient or the patient's guardian or parent acknowledges by  
4 signing the form that the licensee has disclosed the licensee's direct  
5 financial interest.

6 ~~49.~~ 48. Prescribing, dispensing or furnishing a prescription  
7 medication or a prescription-only device to a person if the licensee has  
8 not conducted a physical or mental health status examination of that  
9 person or has not previously established a physician-patient relationship.  
10 The physical or mental health status examination may be conducted through  
11 telehealth as defined in section 36-3601 with a clinical evaluation that  
12 is appropriate for the patient and the condition with which the patient  
13 presents, unless the examination is for the purpose of obtaining a written  
14 certification from the physician for the purposes of title 36,  
15 chapter 28.1. This paragraph does not apply to:

16 (a) Emergencies.

17 (b) A licensee who provides patient care on behalf of the patient's  
18 regular treating licensed health care professional or provides a  
19 consultation requested by the patient's regular treating licensed health  
20 care professional.

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

26 (d) Prescriptions for epinephrine auto-injectors written or  
27 dispensed for a school district or charter school to be stocked for  
28 emergency use pursuant to section 15-157 or for an authorized entity to be  
29 stocked pursuant to section 36-2226.01.

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

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

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

39 ~~50.~~ 49. If a licensee provides medical care by computer, failing  
40 to disclose the licensee's license number and the board's address and  
41 telephone number.

42 Sec. 11. Section 32-1901, Arizona Revised Statutes, is amended to  
43 read:

44 32-1901. Definitions

45 In this chapter, unless the context otherwise requires:

1           1. "Administer" means directly applying a controlled substance,  
2 prescription-only drug, dangerous drug or narcotic drug, whether by  
3 injection, inhalation, ingestion or any other means, to the body of a  
4 patient or research subject by a practitioner or by the practitioner's  
5 authorized agent or the patient or research subject at the direction of  
6 the practitioner.

7           2. "Advertisement" means all representations that are disseminated  
8 in any manner or by any means other than by labeling for the purpose of  
9 inducing, or that are likely to induce, directly or indirectly, the  
10 purchase of drugs, devices, poisons or hazardous substances.

11           3. "Advisory letter" means a nondisciplinary letter to notify a  
12 licensee or permittee that either:

13           (a) While there is insufficient evidence to support disciplinary  
14 action, the board believes that continuation of the activities that led to  
15 the investigation may result in further board action against the licensee  
16 or permittee.

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

19           (c) While the licensee or permittee has demonstrated substantial  
20 compliance through rehabilitation, remediation or reeducation that has  
21 mitigated the need for disciplinary action, the board believes that  
22 repeating the activities that led to the investigation may result in  
23 further board action against the licensee or permittee.

24           4. "Antiseptic", if a drug is represented as such on its label,  
25 means a representation that it is a germicide, except in the case of a  
26 drug purporting to be, or represented as, an antiseptic for inhibitory use  
27 as a wet dressing, ointment or dusting powder or other use that involves  
28 prolonged contact with the body.

29           5. "Authorized officers of the law" means legally empowered peace  
30 officers, compliance officers of the board of pharmacy and agents of the  
31 division of narcotics enforcement and criminal intelligence of the  
32 department of public safety.

33           6. "Automated prescription-dispensing kiosk" means a mechanical  
34 system that is operated as an extension of a pharmacy, that maintains all  
35 transaction information within the pharmacy operating system, that is  
36 separately permitted from the pharmacy and that performs operations that  
37 either:

38           (a) Accept a prescription or refill order, store prepackaged or  
39 repackaged medications, label and dispense patient-specific prescriptions  
40 and provide counseling on new or refilled prescriptions.

41           (b) Dispense or deliver a prescription or refill that has been  
42 prepared by or on behalf of the pharmacy that oversees the automated  
43 prescription-dispensing kiosk.

44           7. "Board" or "board of pharmacy" means the Arizona state board of  
45 pharmacy.

1           8. "Certificate of composition" means a list of a product's  
2 ingredients.

3           9. "Certificate of free sale" means a document that authenticates a  
4 product that is generally and freely sold in domestic or international  
5 channels of trade.

6           10. "Color additive" means a material that either:

7           (a) Is any dye, pigment or other substance that is made by a  
8 process of synthesis or similar artifice or that is extracted, isolated or  
9 otherwise derived, with or without intermediate or final change of  
10 identity, from any vegetable, animal, mineral or other source.

11           (b) If added or applied to a drug, or to the human body or any part  
12 of the human body, is capable of imparting color, except that color  
13 additive does not include any material that has been or may be exempted  
14 under the federal act. Color includes black, white and intermediate  
15 grays.

16           11. "Compounding" means preparing, mixing, assembling, packaging or  
17 labeling a drug by a pharmacist or an intern or pharmacy technician under  
18 the pharmacist's supervision, for the purpose of dispensing to a patient  
19 based on a valid prescription order. Compounding includes preparing drugs  
20 in anticipation of prescription orders prepared on routine, regularly  
21 observed prescribing patterns and preparing drugs as an incident to  
22 research, teaching or chemical analysis or for administration by a medical  
23 practitioner to the medical practitioner's patient and not for sale or  
24 dispensing. Compounding does not include preparing commercially available  
25 products from bulk compounds or preparing drugs for sale to pharmacies,  
26 practitioners or entities for the purpose of dispensing or distribution.

27           12. "Compressed medical gas distributor" means a person that holds  
28 a current permit issued by the board to distribute compressed medical  
29 gases to compressed medical gas suppliers and other entities that are  
30 registered, licensed or permitted to use, administer or distribute  
31 compressed medical gases.

32           13. "Compressed medical gases" means gases and liquid oxygen that a  
33 compressed medical gas distributor or manufacturer has labeled in  
34 compliance with federal law.

35           14. "Compressed medical gas order" means an order for compressed  
36 medical gases that is issued by a medical practitioner.

37           15. "Compressed medical gas supplier" means a person that holds a  
38 current permit issued by the board to supply compressed medical gases  
39 pursuant to a compressed medical gas order and only to the consumer or the  
40 patient.

41           16. "Controlled substance" means a drug, substance or immediate  
42 precursor that is identified, defined or listed in title 36, chapter 27,  
43 article 2 or the rules adopted pursuant to title 36, chapter 27,  
44 article 2.

1       17. "Corrosive" means any substance that when it comes in contact  
2 with living tissue will cause destruction of the tissue by chemical  
3 action.

4       18. "Counterfeit drug" means a drug that, or the container or  
5 labeling of which, without authorization, bears the trademark, trade name  
6 or other identifying mark, imprint, number or device, or any likeness of  
7 these, of a manufacturer, distributor or dispenser other than the person  
8 that in fact manufactured, distributed or dispensed that drug.

9       19. "Dangerous drug" has the same meaning prescribed in section  
10 13-3401.

11       20. "Day" means a business day.

12       21. "Decree of censure" means an official action that is taken by  
13 the board and that may include a requirement for restitution of fees to a  
14 patient or consumer.

15       22. "Deliver" or "delivery" means the actual, constructive or  
16 attempted transfer from one person to another whether or not there is an  
17 agency relationship.

18       23. "Deputy director" means a pharmacist who is employed by the  
19 board and selected by the executive director to perform duties as  
20 prescribed by the executive director.

21       24. "Device", except as used in paragraph 18 of this section,  
22 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph  
23 15 and subsection C, means an instrument, apparatus or contrivance,  
24 including its components, parts and accessories, including all such items  
25 under the federal act, that is intended either:

26       (a) For use in diagnosing, curing, mitigating, treating or  
27 preventing disease in the human body or other animals.

28       (b) To affect the structure or any function of the human body or  
29 other animals.

30       25. "Director" means the director of the division of narcotics  
31 enforcement and criminal investigation of the department of public safety.

32       26. "Direct supervision of a pharmacist" means that the pharmacist  
33 is present. If relating to the sale of certain items, direct supervision  
34 of a pharmacist means that a pharmacist determines the legitimacy or  
35 advisability of a proposed purchase of those items.

36       27. "Dispense" means to deliver to an ultimate user or research  
37 subject by or pursuant to the lawful order of a practitioner, including  
38 prescribing, administering, packaging, labeling or compounding as  
39 necessary to prepare for that delivery.

40       28. "Dispenser" means a practitioner who dispenses.

41       29. "Distribute" means to deliver, other than by administering or  
42 dispensing.

43       30. "Distributor" means a person who distributes.

44       31. "Drug" means:

1 (a) Articles that are recognized, or for which standards or  
2 specifications are prescribed, in the official compendium.

3 (b) Articles that are intended for use in the diagnosis, cure,  
4 mitigation, treatment or prevention of disease in the human body or other  
5 animals.

6 (c) Articles other than food that are intended to affect the  
7 structure or any function of the human body or other animals.

8 (d) Articles that are intended for use as a component of any  
9 articles specified in subdivision (a), (b) or (c) of this paragraph but  
10 does not include devices or their components, parts or accessories.

11 32. "Drug enforcement administration" means the drug enforcement  
12 administration of the United States department of justice or its successor  
13 agency.

14 33. "Drug or device manufacturing" means producing, preparing,  
15 propagating or processing a drug or device, either directly or indirectly,  
16 by extraction from substances of natural origin or independently by means  
17 of chemical synthesis and includes any packaging or repackaging of  
18 substances or labeling or relabeling of its container and promoting and  
19 marketing the same. Drug or device manufacturing does not include  
20 compounding.

21 34. "Durable medical equipment" means technologically sophisticated  
22 medical equipment as prescribed by the board in rule that a patient or  
23 consumer may use in a home or residence and that may be a  
24 prescription-only device.

25 35. "Durable medical equipment distributor":

26 (a) Means a person that stores or distributes durable medical  
27 equipment other than to the patient or consumer.

28 (b) Includes a virtual durable medical equipment distributor as  
29 prescribed in rule by the board.

30 36. "Durable medical equipment supplier":

31 (a) Means a person that sells, leases or supplies durable medical  
32 equipment to the patient or consumer.

33 (b) Includes a virtual durable medical equipment supplier as  
34 prescribed in rule by the board.

35 37. "Economic poison" means any substance that alone, in chemical  
36 combination with or in formulation with one or more other substances is a  
37 pesticide within the meaning of the laws of this state or the federal  
38 insecticide, fungicide and rodenticide act and that is used in producing,  
39 storing or transporting raw agricultural commodities.

40 38. "Enteral feeding" means nourishment that is provided by means  
41 of a tube inserted into the stomach or intestine.

42 39. "Established name", with respect to a drug or ingredient of a  
43 drug, means any of the following:

44 (a) The applicable official name.

1 (b) If there is no such name and the drug or ingredient is an  
2 article recognized in an official compendium, the official title in an  
3 official compendium.

4 (c) If neither subdivision (a) nor (b) of this paragraph applies,  
5 the common or usual name of the drug.

6 40. "Executive director" means the executive director of the board  
7 of pharmacy.

8 41. "Federal act" means the federal laws and regulations that  
9 pertain to drugs, devices, poisons and hazardous substances and that are  
10 official at the time any drug, device, poison or hazardous substance is  
11 affected by this chapter.

12 42. "Full-service wholesale permittee":

13 (a) Means a permittee who may distribute prescription-only drugs  
14 and devices, controlled substances and over-the-counter drugs and devices  
15 to pharmacies or other legal outlets from a place devoted in whole or in  
16 part to wholesaling these items.

17 (b) Includes a virtual wholesaler as defined in rule by the board.

18 43. "Good manufacturing practice" means a system for ensuring that  
19 products are consistently produced and controlled according to quality  
20 standards and covering all aspects of design, monitoring and control of  
21 manufacturing processes and facilities to ensure that products do not pose  
22 any risk to the consumer or public.

23 44. "Highly toxic" means any substance that falls within any of the  
24 following categories:

25 (a) Produces death within fourteen days in half or more than half  
26 of a group of ten or more laboratory white rats each weighing between two  
27 hundred and three hundred grams, at a single dose of fifty milligrams or  
28 less per kilogram of body weight, when orally administered.

29 (b) Produces death within fourteen days in half or more than half  
30 of a group of ten or more laboratory white rats each weighing between two  
31 hundred and three hundred grams, if inhaled continuously for a period of  
32 one hour or less at an atmospheric concentration of two hundred parts per  
33 million by volume or less of gas or vapor or two milligrams per liter by  
34 volume or less of mist or dust, provided the concentration is likely to be  
35 encountered by humans if the substance is used in any reasonably  
36 foreseeable manner.

37 (c) Produces death within fourteen days in half or more than half  
38 of a group of ten or more rabbits tested in a dosage of two hundred  
39 milligrams or less per kilogram of body weight, if administered by  
40 continuous contact with the bare skin for twenty-four hours or less. If  
41 the board finds that available data on human experience with any substance  
42 indicate results different from those obtained on animals in the dosages  
43 or concentrations prescribed in this paragraph, the human data shall take  
44 precedence.

1       45. "Hospital" means any institution for the care and treatment of  
2 the sick and injured that is approved and licensed as a hospital by the  
3 department of health services.

4       46. "Intern" means a pharmacy intern.

5       47. "Internship" means the practical, experiential, hands-on  
6 training of a pharmacy intern under the supervision of a preceptor.

7       48. "Irritant" means any substance, other than a corrosive, that on  
8 immediate, prolonged or repeated contact with normal living tissue will  
9 induce a local inflammatory reaction.

10       49. "Jurisprudence examination" means a board-approved pharmacy law  
11 examination that is written and administered in cooperation with the  
12 national association of boards of pharmacy or another board-approved  
13 pharmacy law examination.

14       50. "Label" means a display of written, printed or graphic matter  
15 on the immediate container of any article that, unless easily legible  
16 through the outside wrapper or container, also appears on the outside  
17 wrapper or container of the article's retail package. For the purposes of  
18 this paragraph, the immediate container does not include package liners.

19       51. "Labeling" means all labels and other written, printed or  
20 graphic matter that either:

21           (a) Is on any article or any of its containers or wrappers.

22           (b) Accompanies that article.

23       52. "Letter of reprimand" means a disciplinary letter that is a  
24 public document issued by the board and that informs a licensee or  
25 permittee that the licensee's or permittee's conduct violates state or  
26 federal law and may require the board to monitor the licensee or  
27 permittee.

28       53. "Limited service pharmacy" means a pharmacy that is approved by  
29 the board to practice a limited segment of pharmacy as indicated by the  
30 permit issued by the board.

31       54. "Manufacture" or "manufacturer":

32           (a) Means every person who prepares, derives, produces, compounds,  
33 processes, packages or repackages or labels any drug in a place, other  
34 than a pharmacy, that is devoted to manufacturing the drug.

35           (b) Includes a virtual manufacturer.

36       55. "Marijuana" has the same meaning prescribed in section 13-3401.

37       56. "Medical practitioner" means any medical doctor, doctor of  
38 osteopathic medicine, dentist, podiatrist, veterinarian or other person  
39 who is licensed and authorized by law to use and prescribe drugs and  
40 devices to treat sick and injured human beings or animals or to diagnose  
41 or prevent sickness in human beings or animals in this state or any state,  
42 territory or district of the United States.

43       57. "Medication order" means a written or verbal order from a  
44 medical practitioner or that person's authorized agent to administer a  
45 drug or device.



1           58. "Narcotic drug" has the same meaning prescribed in section  
2 13-3401.

3           59. "New drug" means either:

4           (a) Any drug of which the composition is such that the drug is not  
5 generally recognized among experts qualified by scientific training and  
6 experience to evaluate the safety and effectiveness of drugs as safe and  
7 effective for use under the conditions prescribed, recommended or  
8 suggested in the labeling.

9           (b) Any drug of which the composition is such that the drug, as a  
10 result of investigations to determine its safety and effectiveness for use  
11 under such conditions, has become so recognized, but that has not, other  
12 than in the investigations, been used to a material extent or for a  
13 material time under those conditions.

14           60. "Nonprescription drug" or "over-the-counter drug" means any  
15 nonnarcotic medicine or drug that may be sold without a prescription and  
16 that is prepackaged and labeled for use by the consumer in accordance with  
17 the requirements of the laws of this state and federal law.  
18 Nonprescription drug does not include:

19           (a) A drug that is primarily advertised and promoted professionally  
20 to medical practitioners and pharmacists by manufacturers or primary  
21 distributors.

22           (b) A controlled substance.

23           (c) A drug that is required to bear a label that states "Rx only".

24           (d) A drug that is intended for human use by hypodermic injection.

25           61. "Nonprescription drug wholesale permittee":

26           (a) Means a permittee who may distribute only over-the-counter  
27 drugs and devices to pharmacies or other lawful outlets from a place  
28 devoted in whole or in part to wholesaling these items.

29           (b) Includes a virtual wholesaler as defined in rule by the board.

30           62. "Notice" means personal service or the mailing of a copy of the  
31 notice by certified mail and email addressed either to the person at the  
32 person's latest address of record in the board office or to the person and  
33 the person's attorney using the most recent information provided to the  
34 board in the board's licensing database.

35           63. "Nutritional supplementation" means vitamins, minerals and  
36 caloric supplementation. Nutritional supplementation does not include  
37 medication or drugs.

38           64. "Official compendium" means the latest revision of the United  
39 States pharmacopeia and the national formulary or any current supplement.

40           65. "Other jurisdiction" means one of the other forty-nine states,  
41 the District of Columbia, the Commonwealth of Puerto Rico or a territory  
42 of the United States of America.

43           66. "Package" means a receptacle that is defined or described in  
44 the United States pharmacopeia and the national formulary as adopted by  
45 the board.

1           67. "Packaging" means the act or process of placing a drug item or  
2 device in a container for the purpose or intent of dispensing or  
3 distributing the item or device to another.

4           68. "Parenteral nutrition" means intravenous feeding that provides  
5 an individual with fluids and essential nutrients the individual needs  
6 while the individual is unable to receive adequate fluids or feedings by  
7 mouth or by enteral feeding.

8           69. "Person" means an individual, partnership, corporation and  
9 association, and their duly authorized agents.

10          70. "Pharmaceutical care" means the provision of drug therapy and  
11 other pharmaceutical patient care services.

12          71. "Pharmacist" means an individual who is currently licensed by  
13 the board to practice the profession of pharmacy in this state.

14          72. "Pharmacist in charge" means the pharmacist who is responsible  
15 to the board for a licensed establishment's compliance with the laws and  
16 administrative rules of this state and of the federal government  
17 pertaining to the practice of pharmacy, the manufacturing of drugs and the  
18 distribution of drugs and devices.

19          73. "Pharmacist licensure examination" means a board-approved  
20 examination that is written and administered in cooperation with the  
21 national association of boards of pharmacy or any other board-approved  
22 pharmacist licensure examination.

23          74. "Pharmacy" means:

24           (a) Any place where drugs, devices, poisons or related hazardous  
25 substances are offered for sale at retail or where prescription orders are  
26 dispensed by a licensed pharmacist.

27           (b) Any place that displays on or in the place or that displays a  
28 sign on the place the words "pharmaceutical chemist", "apothecary",  
29 "druggist", "pharmacy", "drugstore", "drugs" or "drug sundries", any  
30 combination of these words, or any words of similar meaning in any  
31 language.

32           (c) Any place where the characteristic symbol of pharmacy or the  
33 characteristic prescription sign "Rx" is exhibited.

34           (d) Any building or other structure or portion of a building or  
35 other structure that is leased, used or controlled by a permittee to  
36 conduct the business authorized by the board at the address specified on  
37 the permit issued to the permittee.

38           (e) A remote dispensing site pharmacy.

39           (f) A remote hospital-site pharmacy.

40           (g) A satellite pharmacy.

41          75. "Pharmacy intern" means a person who has all of the  
42 qualifications and experience prescribed in section 32-1923.

43          76. "Pharmacy technician" means a person who is licensed pursuant  
44 to this chapter.

77. "Pharmacy technician trainee" means a person who is ~~licensed~~ REGISTERED pursuant to this chapter.

78. "Poison" or "hazardous substance" includes any of the following if intended and suitable for household use or use by children:

(a) Any substance that, according to standard works on medicine, pharmacology, pharmacognosy or toxicology, if applied to, introduced into or developed within the body in relatively small quantities by its inherent action uniformly produces serious bodily injury, disease or death.

(b) A toxic substance.

(c) A highly toxic substance.

(d) A corrosive substance.

(e) An irritant.

(f) A strong sensitizer.

(g) A mixture of any of the substances described in this paragraph, if the substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(h) A substance that is designated by the board to be a poison or hazardous substance. This subdivision does not apply to radioactive substances, economic poisons subject to the federal insecticide, fungicide and rodenticide act or the state pesticide act, foods, drugs and cosmetics subject to state laws or the federal act or substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a house. This subdivision applies to any substance or article that is not itself an economic poison within the meaning of the federal insecticide, fungicide and rodenticide act or the state pesticide act, but that is a poison or hazardous substance within the meaning of this paragraph by reason of bearing or containing an economic poison or hazardous substance.

79. "Practice of pharmacy" ~~is~~

~~(a)~~ Means furnishing the following health care services as a medical professional:

~~(i)~~ (a) Interpreting, evaluating and dispensing prescription orders in the patient's best interests.

~~(ii)~~ (b) Compounding drugs pursuant to or in anticipation of a prescription order.

~~(iii)~~ (c) Labeling drugs and devices in compliance with state and federal requirements.

~~(iv)~~ (d) Participating in drug selection and drug utilization reviews, drug administration, drug or drug-related research and drug therapy monitoring or management.

~~(v)~~ (e) Providing patient counseling necessary to provide pharmaceutical care.

~~(vi)~~ (f) Properly and safely storing drugs and devices in anticipation of dispensing.

~~(vii)~~ (g) Maintaining required records of drugs and devices.

~~(viii)~~ (h) Offering or performing acts, services, operations or transactions that are necessary to conduct, operate, manage and control a pharmacy.

~~(ix)~~ (i) Providing patient care services pursuant to a collaborative practice agreement with a provider as outlined in section 32-1970.

~~(x)~~ (j) Initiating and administering immunizations or vaccines pursuant to section 32-1974.

~~(b) Does not include initiating a prescription order for any medication, drug or other substance used to induce or cause a medication abortion as defined in section 36-2151.~~

80. "Practitioner" means any physician, dentist, veterinarian, scientific investigator or other person who is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state, or any pharmacy, hospital or other institution that is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

81. "Preceptor" means a pharmacist who is serving as the practical instructor of an intern and who complies with section 32-1923.

82. "Precursor chemical" means a substance that is:

(a) The principal compound that is commonly used or that is produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(b) Listed in section 13-3401, paragraph 26 or 27.

83. "Prescription" means either a prescription order or a prescription medication.

84. "Prescription medication" means any drug, including label and container according to context, that is dispensed pursuant to a prescription order.

85. "Prescription-only device" includes:

(a) Any device that is limited by the federal act to use under the supervision of a medical practitioner.

(b) Any device required by the federal act to bear on its label essentially the legend "Rx only".

86. "Prescription-only drug" does not include a controlled substance but does include:

1 (a) Any drug that because of its toxicity or other potentiality for  
2 harmful effect, the method of its use, or the collateral measures  
3 necessary to its use is not generally recognized among experts, qualified  
4 by scientific training and experience to evaluate its safety and efficacy,  
5 as safe for use except by or under the supervision of a medical  
6 practitioner.

7 (b) Any drug that is limited by an approved new drug application  
8 under the federal act or section 32-1962 to use under the supervision of a  
9 medical practitioner.

10 (c) Every potentially harmful drug, the labeling of which does not  
11 bear or contain full and adequate directions for use by the consumer.

12 (d) Any drug, other than a controlled substance, that is required  
13 by the federal act to bear on its label the legend "Rx only".

14 87. "Prescription order" means any of the following:

15 (a) An order to a pharmacist for drugs or devices that is issued  
16 and signed by a duly licensed medical practitioner in the authorized  
17 course of the practitioner's professional practice.

18 (b) An order that is transmitted to a pharmacist through word of  
19 mouth, telephone or other means of communication directed by that medical  
20 practitioner. Prescription orders received by word of mouth, telephone or  
21 other means of communication shall be maintained by the pharmacist  
22 pursuant to section 32-1964, and the record so made by the pharmacist  
23 constitutes the original prescription order to be dispensed by the  
24 pharmacist. This paragraph does not alter or affect laws of this state or  
25 any federal act requiring a written prescription order.

26 (c) An order that is initiated by a pharmacist pursuant to a  
27 collaborative practice agreement with a provider as outlined in section  
28 32-1970, or immunizations or vaccines administered by a pharmacist  
29 pursuant to section 32-1974.

30 (d) A diet order or an order for enteral feeding, nutritional  
31 supplementation or parenteral nutrition that is initiated by a registered  
32 dietitian or other qualified nutrition professional in a hospital pursuant  
33 to section 36-416.

34 88. "Professionally incompetent" means:

35 (a) Incompetence based on a variety of factors, including a lack of  
36 sufficient pharmaceutical knowledge or skills or experience to a degree  
37 likely to endanger the health of patients.

38 (b) When considered with other indications of professional  
39 incompetence, a pharmacist or pharmacy intern who fails to obtain a  
40 passing score on a board-approved pharmacist licensure examination or a  
41 pharmacy technician or pharmacy technician trainee who fails to obtain a  
42 passing score on a board-approved pharmacy technician licensure  
43 examination.

44 89. "Radioactive substance" means a substance that emits ionizing  
45 radiation.

1           90. "Remote dispensing site pharmacy" means a pharmacy where a  
2 pharmacy technician or pharmacy intern prepares, compounds or dispenses  
3 prescription medications under remote supervision by a pharmacist.

4           91. "Remote hospital-site pharmacy" means a pharmacy located in a  
5 satellite facility that operates under the license issued by the  
6 department of health services to the hospital of which it is a satellite.

7           92. "Remote supervision by a pharmacist" means that a pharmacist  
8 directs and controls the actions of pharmacy technicians and pharmacy  
9 interns through the use of audio and visual technology.

10          93. "Revocation" or "revoke" means the official cancellation of a  
11 license, permit, registration or other approval authorized by the board  
12 for a period of two years unless otherwise specified by the board. A  
13 request or new application for reinstatement may be presented to the board  
14 for review before the conclusion of the specified revocation period upon  
15 review of the executive director.

16          94. "Safely engage in employment duties" means that a permittee or  
17 the permittee's employee is able to safely engage in employment duties  
18 related to the manufacture, sale, distribution or dispensing of drugs,  
19 devices, poisons, hazardous substances, controlled substances or precursor  
20 chemicals.

21          95. "Satellite facility" has the same meaning prescribed in section  
22 36-422.

23          96. "Satellite pharmacy" means a work area located within a  
24 hospital or on a hospital campus that is not separated by other commercial  
25 property or residential property, that is under the direction of a  
26 pharmacist, that is a remote extension of a centrally licensed hospital  
27 pharmacy, that is owned by and dependent on the centrally licensed  
28 hospital pharmacy for administrative control, staffing and drug  
29 procurement and that is not required to be separately permitted.

30          97. "Symbol" means the characteristic symbols that have  
31 historically identified pharmacy, including show globes and mortar and  
32 pestle, and the sign "Rx".

33          98. "Third-party logistics provider" means an entity that provides  
34 or coordinates warehousing or other logistics services for the following  
35 items, but that does not take ownership of the items, and that distributes  
36 those items as directed by a manufacturer, wholesaler, dispenser or  
37 durable medical equipment supplier that is permitted by the board:

38           (a) Narcotic drugs or other controlled substances.

39           (b) Dangerous drugs as defined in section 13-3401.

40           (c) Prescription-only drugs and devices.

41           (d) Nonprescription drugs and devices.

42           (e) Precursor chemicals.

43           (f) Regulated chemicals as defined in section 13-3401.

1        99. "Toxic substance" means a substance, other than a radioactive  
2 substance, that has the capacity to produce injury or illness in humans  
3 through ingestion, inhalation or absorption through any body surface.

4        100. "Ultimate user" means a person who lawfully possesses a drug  
5 or controlled substance for that person's own use, for the use of a member  
6 of that person's household or for administering to an animal owned by that  
7 person or by a member of that person's household.

8        101. "Virtual manufacturer" means an entity that contracts for the  
9 manufacture of a drug or device, including a private label distributor as  
10 defined in 21 Code of Federal Regulations ~~part~~ SECTION 207.1, and that  
11 meets all of the following:

12        (a) Owns either:

13        (i) The new drug application or abbreviated new drug application  
14 number as defined by the United States food and drug administration for a  
15 drug.

16        (ii) The unique device identification number as defined by the  
17 United States food and drug administration for a prescription device.

18        (b) Is not involved in the physical manufacture of the drug or  
19 device.

20        (c) Contracts with a United States food and drug administration  
21 registered manufacturing entity for the physical manufacture of the drug  
22 or device.

23        Sec. 12. Section 32-2501, Arizona Revised Statutes, is amended to  
24 read:

25        32-2501. Definitions

26        In this chapter, unless the context otherwise requires:

27        1. "Active license" means a regular license issued pursuant to this  
28 chapter.

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

35        3. "Advisory letter" means a nondisciplinary letter to notify a  
36 physician assistant that either:

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

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

42        (c) While the licensee has demonstrated substantial compliance  
43 through rehabilitation or remediation that has mitigated the need for  
44 disciplinary action, the board believes that repetition of the activities

1 that led to the investigation may result in further board action against  
2 the licensee.

3 4. "Approved program" means a physician assistant educational  
4 program accredited by the accreditation review commission on education for  
5 physician assistants, or one of its predecessor agencies, the committee on  
6 allied health education and accreditation or the commission on the  
7 accreditation of allied health educational programs.

8 5. "Board" means the Arizona regulatory board of physician  
9 assistants.

10 6. "Collaborating physician or entity" means a physician, physician  
11 group practice, physician private practice or licensed health care  
12 institution that employs or collaborates with a physician assistant who  
13 has at least eight thousand hours of clinical practice as certified by the  
14 board pursuant to section 32-2536 and does not require a supervision  
15 agreement and that designates one or more physicians by name or position  
16 who ~~is~~ ARE responsible for the oversight of the physician assistant.

17 7. "Completed application" means an application for which the  
18 applicant has supplied all required fees, information and correspondence  
19 requested by the board on forms and in a manner acceptable to the board.

20 8. "Immediate family" means the spouse, natural or adopted  
21 children, father, mother, brothers and sisters of the physician assistant  
22 and the natural or adopted children, father, mother, brothers and sisters  
23 of the physician assistant's spouse.

24 9. "Letter of reprimand" means a disciplinary letter that is issued  
25 by the board and that informs the physician assistant that the physician  
26 assistant's conduct violates state or federal law and may require the  
27 board to monitor the physician assistant.

28 10. "Limit" means a nondisciplinary action that is taken by the  
29 board and that alters a physician assistant's practice or medical  
30 activities if there is evidence that the physician assistant is or may be  
31 mentally or physically unable to safely engage in health care tasks.

32 11. "Medically incompetent" means that a physician assistant lacks  
33 sufficient medical knowledge or skills, or both, in performing delegated  
34 health care tasks to a degree likely to endanger the health or safety of  
35 patients.

36 12. "Minor surgery" ~~is~~

37 ~~(a)~~ means those invasive procedures that may be performed by a  
38 physician assistant, that are consistent with the training and experience  
39 of the physician assistant, that are normally taught in courses of  
40 training approved by the board, that have been approved by the board as  
41 falling within the scope of practice of a physician assistant and that are  
42 consistent with the practice setting requirements of the physician  
43 assistant.

44 ~~(b) Does not include a surgical abortion.~~



1           13. "Physician" means a physician who is licensed pursuant to  
2 chapter 13 or 17 of this title.

3           14. "Physician assistant" means a person who is licensed pursuant  
4 to this chapter.

5           15. "Regular license" means a valid and existing license that is  
6 issued pursuant to section 32-2521 to perform health care tasks.

7           16. "Restrict" means a disciplinary action that is taken by the  
8 board and that alters a physician assistant's practice or medical  
9 activities if there is evidence that the physician assistant is or may be  
10 medically incompetent or guilty of unprofessional conduct.

11           17. "Supervising physician" means a physician who holds a current  
12 unrestricted license, who supervises a physician assistant who has less  
13 than eight thousand hours of clinical practice and who assumes legal  
14 responsibility for health care tasks performed by the physician assistant.

15           18. "Supervision" means a physician's opportunity or ability to  
16 provide or exercise direction and control over the services of a physician  
17 assistant. Supervision does not require a physician's constant physical  
18 presence if the supervising physician is or can be easily in contact with  
19 the physician assistant by telecommunication.

20           19. "Supervision agreement" means a written or electronic signed  
21 agreement that both:

22           (a) Describes the scope of practice for a physician assistant who  
23 has less than eight thousand hours of clinical practice.

24           (b) Is between the physician assistant and a physician or the  
25 physician assistant's employer that employs or has on medical staff at  
26 least one physician who may provide oversight, as applicable, and who  
27 holds a current unrestricted license. For the purposes of this  
28 subdivision, "employer" means a physician, physician group practice,  
29 physician private practice or licensed health care institution.

30           20. "Unprofessional conduct" includes the following acts by a  
31 physician assistant that occur in this state or elsewhere:

32           (a) Violating any federal or state law or rule that applies to the  
33 performance of health care tasks as a physician assistant. Conviction in  
34 any court of competent jurisdiction is conclusive evidence of a violation.

35           (b) Claiming to be a physician or knowingly allowing another person  
36 to represent that person as a physician.

37           (c) Performing health care tasks that do not meet the supervision  
38 or collaboration requirements, as applicable, pursuant to section 32-2531.

39           (d) Exhibiting a pattern of using or being under the influence of  
40 alcohol or drugs or a similar substance while performing health care tasks  
41 or to the extent that judgment may be impaired and the ability to perform  
42 health care tasks detrimentally affected.

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

44           (f) Committing gross malpractice, repeated malpractice or any  
45 malpractice resulting in the death of a patient.

1 (g) Representing that a manifestly incurable disease or infirmity  
2 can be permanently cured or that a disease, ailment or infirmity can be  
3 cured by a secret method, procedure, treatment, medicine or device, if  
4 this is not true.

5 (h) Refusing to divulge to the board on demand the means, method,  
6 procedure, modality of treatment or medicine used in treating a disease,  
7 injury, ailment or infirmity.

8 (i) Prescribing or dispensing controlled substances or  
9 prescription-only drugs for which the physician assistant is not approved  
10 or in excess of the amount authorized pursuant to this chapter.

11 (j) Committing any conduct or practice that is or might be harmful  
12 or dangerous to the health of a patient or the public.

13 (k) Violating a formal order, probation or stipulation issued by  
14 the board.

15 (l) Failing to clearly disclose the person's identity as a  
16 physician assistant in the course of the physician assistant's employment.

17 (m) Failing to use and affix the initials "P.A." or "P.A.-C." after  
18 the physician assistant's name or signature on charts, prescriptions or  
19 professional correspondence.

20 (n) Procuring or attempting to procure a physician assistant  
21 license by fraud, misrepresentation or knowingly taking advantage of the  
22 mistake of another.

23 (o) Having professional connection with or lending the physician  
24 assistant's name to an illegal practitioner of any of the healing arts.

25 (p) Failing or refusing to maintain adequate records for a patient.

26 (q) Using controlled substances that have not been prescribed by a  
27 physician, physician assistant, dentist or nurse practitioner for use  
28 during a prescribed course of treatment.

29 (r) Prescribing or dispensing controlled substances to members of  
30 the physician assistant's immediate family.

31 (s) Prescribing, dispensing or administering any controlled  
32 substance or prescription-only drug for other than accepted therapeutic  
33 purposes.

34 (t) Dispensing a schedule II controlled substance that is an  
35 opioid, except as provided in section 32-2532.

36 (u) Knowingly making any written or oral false or fraudulent  
37 statement in connection with the performance of health care tasks or when  
38 applying for privileges or renewing an application for privileges at a  
39 health care institution.

40 (v) Committing a felony, whether or not involving moral turpitude,  
41 or a misdemeanor involving moral turpitude. In either case, conviction by  
42 a court of competent jurisdiction or a plea of no contest is conclusive  
43 evidence of the commission.

44 (w) Having a certification or license refused, revoked, suspended,  
45 limited or restricted by any other licensing jurisdiction for the

1 inability to safely and skillfully perform health care tasks or for  
2 unprofessional conduct as defined by that jurisdiction that directly or  
3 indirectly corresponds to any act of unprofessional conduct as prescribed  
4 by this paragraph.

5 (x) Having sanctions including restriction, suspension or removal  
6 from practice imposed by an agency of the federal government.

7 (y) Violating or attempting to violate, directly or indirectly, or  
8 assisting in or abetting the violation of or conspiring to violate a  
9 provision of this chapter.

10 (z) Using the term "doctor" or the abbreviation "Dr." on a name tag  
11 or in a way that leads the public to believe that the physician assistant  
12 is licensed to practice as an allopathic or osteopathic physician in this  
13 state.

14 (aa) Failing to furnish legally requested information to the board  
15 or its investigator in a timely manner.

16 (bb) Failing to allow properly authorized board personnel to  
17 examine on demand documents, reports and records of any kind relating to  
18 the physician assistant's performance of health care tasks.

19 (cc) Knowingly making a false or misleading statement on a form  
20 required by the board or in written correspondence or attachments  
21 furnished to the board.

22 (dd) Failing to submit to a body fluid examination and other  
23 examinations known to detect the presence of alcohol or other drugs  
24 pursuant to an agreement with the board or an order of the board.

25 (ee) Violating a formal order, probation agreement or stipulation  
26 issued or entered into by the board or its executive director.

27 (ff) Except as otherwise required by law, intentionally betraying a  
28 professional secret or intentionally violating a privileged communication.

29 (gg) Allowing the use of the licensee's name in any way to enhance  
30 or allow the continuance of the activities of, or maintaining a  
31 professional connection with, an illegal practitioner of medicine or the  
32 performance of health care tasks by a person who is not licensed pursuant  
33 to this chapter.

34 (hh) Committing false, fraudulent, deceptive or misleading  
35 advertising by a physician assistant or the physician assistant's staff or  
36 representative.

37 (ii) Knowingly failing to disclose to a patient on a form that is  
38 prescribed by the board and that is dated and signed by the patient or  
39 guardian acknowledging that the patient or guardian has read and  
40 understands that the licensee has a direct financial interest in a  
41 separate diagnostic or treatment agency or in nonroutine goods or services  
42 that the patient is being prescribed and whether the prescribed treatment,  
43 goods or services are available on a competitive basis. This subdivision  
44 does not apply to a referral by one physician assistant to another

1 physician assistant or to a doctor of medicine or a doctor of osteopathic  
2 medicine within a group working together.

3 (jj) With the exception of heavy metal poisoning, using chelation  
4 therapy in the treatment of arteriosclerosis or as any other form of  
5 therapy without adequate informed patient consent or without conforming to  
6 generally accepted experimental criteria, including protocols, detailed  
7 records, periodic analysis of results and periodic review by a medical  
8 peer review committee, or without approval by the United States food and  
9 drug administration or its successor agency.

10 (kk) Prescribing, dispensing or administering anabolic or  
11 androgenic steroids for other than therapeutic purposes.

12 (ll) Prescribing, dispensing or furnishing a prescription  
13 medication or a prescription-only device as defined in section 32-1901 to  
14 a person unless the licensee first conducts a physical examination of that  
15 person or has previously established a professional relationship with the  
16 person. This subdivision does not apply to:

17 (i) A physician assistant who provides temporary patient care on  
18 behalf of the patient's regular treating licensed health care  
19 professional.

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

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

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

28 (mm) Engaging in sexual conduct with a current patient or with a  
29 former patient within six months after the last medical consultation  
30 unless the patient was the licensee's spouse at the time of the contact  
31 or, immediately preceding the professional relationship, was in a dating  
32 or engagement relationship with the licensee. For the purposes of this  
33 subdivision, "sexual conduct" includes:

34 (i) Engaging in or soliciting sexual relationships, whether  
35 consensual or nonconsensual.

36 (ii) Making sexual advances, requesting sexual favors or engaging  
37 in other verbal conduct or physical contact of a sexual nature with a  
38 patient.

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

42 (nn) Performing health care tasks under a false or assumed name in  
43 this state.

1       Sec. 13. Section 32-2508, Arizona Revised Statutes, is amended to  
2 read:

3       32-2508. Preceptorship awareness campaign; definitions

4       A. The board shall develop a preceptorship awareness campaign that  
5 educates medical professionals who are licensed pursuant to this chapter  
6 on how to become and the benefits of being a medical preceptor for  
7 students.

8       B. For the purposes of this section:

9       1. "Medical preceptor" means a medical professional who is licensed  
10 pursuant to this chapter and who maintains an active practice in this  
11 state.

12       2. "Preceptorship":-

13       ~~(a)~~ means a mentoring experience in which a medical preceptor  
14 provides a program of personalized instruction, training and supervision  
15 to a student to enable the student to obtain a medical professional degree  
16 to become licensed pursuant to this chapter.

17       ~~(b) Does not include mentoring for medical services that are~~  
18 ~~prescribed in section 36-2301.01, subsection C, paragraph 1.~~

19       3. "Student" means an individual who is matriculating at the  
20 graduate level at an accredited institution of higher education in this  
21 state and who is seeking a medical professional degree to become licensed  
22 pursuant to this chapter.

23       Sec. 14. Section 32-2531, Arizona Revised Statutes, is amended to  
24 read:

25       32-2531. Physician assistant scope of practice; health care  
26 tasks; supervision agreements; supervising  
27 physician duties; civil penalty

28       A. ~~Except as prohibited in subsection E of this section,~~ A  
29 physician assistant may provide any legal medical service for which the  
30 physician assistant has been prepared by education, training and  
31 experience and that the physician assistant is competent to perform,  
32 including:

33       1. Obtaining comprehensive health histories and performing physical  
34 examinations.

35       2. Evaluating and diagnosing patients and managing and providing  
36 medical treatment and therapeutic interventions.

37       3. Ordering, performing and interpreting diagnostic studies and  
38 therapeutic procedures.

39       4. Educating patients on health promotion and disease prevention  
40 and providing counseling and education to meet patient needs.

41       5. Providing consultation on request.

42       6. Writing medical orders.

43       7. Obtaining informed consent.

44       8. Assisting in surgery.

1           9. Delegating and assigning therapeutic and diagnostic measures to  
2 and supervising licensed or unlicensed personnel.

3           10. Making appropriate referrals.

4           11. Ordering, prescribing, dispensing and administering drugs and  
5 medical devices.

6           12. Prescribing prescription-only medications.

7           13. Prescribing schedule IV or schedule V controlled substances as  
8 defined in the controlled substances act (P.L. 91-513; 84 Stat. 1242; 21  
9 United States Code section 802).

10          14. Prescribing schedule II and schedule III controlled substances  
11 as defined in the controlled substances act.

12          15. Performing minor surgery.

13          16. Performing nonsurgical health care tasks that are normally  
14 taught in courses of training approved by the board and that are  
15 consistent with the physician assistant's education, training and  
16 experience.

17          17. Certifying the health or disability of a patient as required by  
18 any local, state or federal program.

19          18. Ordering home health services.

20          B. Pursuant to the requirements of this chapter and the standard of  
21 care, a physician assistant who has at least eight thousand hours of  
22 clinical practice certified by the board pursuant to section 32-2536 is  
23 not required to practice pursuant to a supervision agreement but shall  
24 continue to collaborate with, consult with or refer to the appropriate  
25 health care professional as indicated by the patient's condition and by  
26 the physician assistant's education, experience and competencies. The  
27 level of collaboration required by this subsection is determined by the  
28 policies of the practice setting at which the physician assistant is  
29 employed, including a physician employer, physician group practice or  
30 health care institution. Collaboration, consultation or a referral  
31 pursuant to this subsection may occur through electronic means and does  
32 not require the physical presence of the appropriate health care  
33 professional at the time or place the physician assistant provides medical  
34 services. This subsection does not prohibit a physician assistant who has  
35 at least eight thousand hours of clinical practice certified by the board  
36 pursuant to section 32-2536 from practicing pursuant to a supervision  
37 agreement.

38          C. A physician assistant who has less than eight thousand hours of  
39 clinical practice certified by the board shall work in accordance with a  
40 supervision agreement that describes the physician assistant's scope of  
41 practice. A physician assistant may not perform health care tasks until  
42 the physician assistant has completed and signed a supervision agreement.  
43 Under a supervision agreement, supervision may occur through electronic  
44 means and does not require the physical presence of the supervising  
45 physician at the time or place the physician assistant provides medical

1 services. The supervision agreement must be kept on file at the main  
 2 location of the physician assistant's practice and, on request, be made  
 3 available to the board or the board's representative. On receipt of board  
 4 certification of the physician assistant's completion of at least eight  
 5 thousand hours of clinical practice, a physician assistant is no longer  
 6 subject to the requirements of this subsection. The board may count  
 7 practice hours earned in another jurisdiction toward the hours of clinical  
 8 practice required by this subsection.

9 D. A physician assistant who does not practice pursuant to a  
 10 supervision agreement is legally responsible for the health care services  
 11 performed by the physician assistant.

12 ~~E. A physician assistant shall not perform surgical abortions as~~  
 13 ~~defined in section 36-2151.~~

14 ~~F.~~ E. A physician assistant may pronounce death and may  
 15 authenticate, by the physician assistant's signature, certification,  
 16 stamp, verification, affidavit or endorsement, any form that may be  
 17 authenticated by a physician's signature, certification, stamp,  
 18 verification, affidavit or endorsement.

19 ~~G.~~ F. The board by rule may prescribe a civil penalty for a  
 20 violation of this article. The penalty shall not exceed \$50 for each  
 21 violation. The board shall deposit, pursuant to sections 35-146 and  
 22 35-147, all monies it receives from this penalty in the state general  
 23 fund. A physician assistant and the supervising physician or  
 24 collaborating physician or entity may contest the imposition of this  
 25 penalty pursuant to board rule. The imposition of a civil penalty is  
 26 public information, and the board may use this information in any future  
 27 disciplinary actions.

28 Sec. 15. Section 32-2532, Arizona Revised Statutes, is amended to  
 29 read:

30 32-2532. Prescribing, administering and dispensing drugs;  
 31 limits and requirements; notice

32 A. Except as provided in subsection G of this section, a physician  
 33 assistant shall not prescribe, dispense or administer:

34 1. A schedule II or schedule III controlled substance as defined in  
 35 the controlled substances act (P.L. 91-513; 84 Stat. 1242; 21 United  
 36 States Code section 802) without board approval and United States drug  
 37 enforcement administration registration. If the physician assistant has  
 38 less than eight thousand clinical practice hours, the supervision  
 39 agreement shall specify the physician assistant's ability to prescribe,  
 40 dispense or administer a schedule II or schedule III controlled substance.

41 2. A schedule IV or schedule V controlled substance as defined in  
 42 the controlled substances act without United States drug enforcement  
 43 administration registration. If the physician assistant has less than  
 44 eight thousand clinical practice hours, the supervision agreement shall

1 specify the physician assistant's ability to prescribe, dispense or  
2 administer a schedule IV or schedule V controlled substance.

3 ~~3. Prescription medication intended to perform or induce an~~  
4 ~~abortion.~~

5 B. If the physician assistant has less than eight thousand clinical  
6 practice hours, the supervision agreement shall specify the physician  
7 assistant's ability to prescribe, dispense or administer prescription-only  
8 medication.

9 C. All prescription orders issued by a physician assistant shall  
10 contain the name, address and telephone number of the physician assistant.  
11 A physician assistant shall issue prescription orders for controlled  
12 substances under the physician assistant's own United States drug  
13 enforcement administration registration number.

14 D. If the physician assistant is certified for prescription  
15 privileges pursuant to section 32-2504, subsection A, initial  
16 prescriptions by the physician assistant for schedule II controlled  
17 substances that are opioids are subject to the limits prescribed in  
18 sections 32-3248 and 32-3248.01. For each schedule IV or schedule V  
19 controlled substance, the physician assistant may not prescribe the  
20 controlled substance more than five times in a six-month period for each  
21 patient.

22 E. A prescription by a physician assistant for a schedule III  
23 controlled substance that is an opioid or benzodiazepine is not refillable  
24 without the written consent of a physician.

25 F. A physician assistant may not dispense, prescribe or refill  
26 prescription-only drugs for a period exceeding one year for each patient.

27 G. Except in an emergency, a physician assistant may dispense  
28 schedule II or schedule III controlled substances for a period of use of  
29 not to exceed seventy-two hours with board approval or any other  
30 controlled substance for a period of use of not to exceed ninety days and  
31 may administer controlled substances without board approval if it is  
32 medically indicated in an emergency dealing with potential loss of life or  
33 limb or major acute traumatic pain. Notwithstanding the authority granted  
34 in this subsection, a physician assistant may not dispense a schedule II  
35 controlled substance that is an opioid, except for an implantable device  
36 or an opioid that is for medication-assisted treatment for substance use  
37 disorders or as provided in section 32-3248.03.

38 H. Except for samples provided by manufacturers, all drugs  
39 dispensed by a physician assistant shall be labeled to show the name of  
40 the physician assistant.

41 I. A physician assistant shall not obtain a drug from any source  
42 other than a physician or a pharmacist. A physician assistant may receive  
43 manufacturers' samples.

44 J. If a physician assistant is approved by the board to prescribe,  
45 administer or dispense schedule II and schedule III controlled substances,



the physician assistant shall maintain an up-to-date and complete log of all schedule II and schedule III controlled substances the physician assistant administers or dispenses. The board may not grant a physician assistant the authority to dispense schedule II controlled substances that are opioids, except for implantable devices or opioids that are for medication-assisted treatment for substance use disorders.

K. The Arizona regulatory board of physician assistants shall advise the Arizona state board of pharmacy and the United States drug enforcement administration of all physician assistants who are authorized to prescribe or dispense drugs and any modification of their authority.

L. The Arizona state board of pharmacy shall notify all pharmacies at least quarterly of physician assistants who are authorized to prescribe or dispense drugs.

Sec. 16. Section 32-3217, Arizona Revised Statutes, is amended to read:

32-3217. Volunteer health services registration; health professionals; free medical clinic

A. A health profession regulatory board in this state may issue a volunteer health services registration to allow a health professional who is not a licensee to practice in this state for a total of up to fourteen days each calendar year if the health professional meets all of the following requirements:

1. Holds an active and unrestricted license in a state, territory or possession of the United States.
2. Has never had a license revoked or suspended.
3. Is not the subject of an unresolved complaint.
4. Applies for registration every two years as prescribed by the board.
5. Agrees to render services at a free medical clinic ~~that does not provide abortions~~ and restricts the health professional's authorized services and duties to the provision of care or service at a free medical clinic.
6. Provides only the care or services that the health professional is licensed or authorized to provide by the health professional's regulatory agency or this state's regulatory board for the same health profession, whichever is more stringent.

B. The fourteen days of practice prescribed by subsection A of this section may be performed consecutively or cumulatively during each calendar year.

C. For the purpose of meeting the requirements of subsection A of this section, an applicant shall provide the appropriate health profession regulatory board the name of each state in which the person is licensed or has held a license and the board shall verify with the applicable regulatory agency of each state that the applicant is licensed or has held

a license, has never had the license revoked or suspended and is not the subject of an unresolved complaint. The board may accept the verification of the information required by subsection A, paragraphs 1, 2 and 3 of this section from each of the other state's regulatory agencies either electronically or by hard copy.

D. A health profession regulatory board issuing a volunteer health services registration pursuant to this section may not charge a fee.

E. A health profession regulatory board may immediately suspend or revoke a registration issued pursuant to this section on receiving proof satisfactory to the health profession regulatory board that the holder of the registration has engaged in practice in this state that is outside the scope of the registration or that grounds exist for action against the holder of the registration under the relevant chapter of this title. The holder of a registration may request a hearing to challenge the suspension or revocation of a registration in the manner permitted for appealable agency actions under title 41, chapter 6, article 10.

Sec. 17. Section 36-301, Arizona Revised Statutes, is amended to read:

36-301. Definitions

In this chapter, unless the context otherwise requires:

1. "Administrative order" means a written decision issued by an administrative law judge or quasi-judicial entity.

2. "Amend" means to make a change, other than a correction, to a registered certificate by adding, deleting or substituting information on that certificate.

3. "Birth" or "live birth" means the complete expulsion or extraction of an unborn child from the child's mother, irrespective of the duration of the pregnancy, that shows evidence of life, with or without a cut umbilical cord or an attached placenta, such as breathing, heartbeat, umbilical cord pulsation or definite voluntary muscle movement after expulsion or extraction of the unborn child.

4. "Certificate" means a record that documents a birth or death.

5. "Certified copy" means a written reproduction of a registered certificate that a local registrar, a deputy local registrar or the state registrar has authenticated as a true and exact written reproduction of a registered certificate.

6. "Correction" means a change made to a registered certificate because of a typographical error, including misspelling and missing or transposed letters or numbers.

7. "Court order" means a written decision issued by:

(a) The superior court, an appellate court or the supreme court or an equivalent court in another state.

(b) A commissioner or judicial hearing officer of the superior court.

(c) A judge of a tribal court in this state.

1           8. "Current care" means that a health care provider has examined,  
2 treated or provided care for a person for a chronic or acute condition  
3 within eighteen months preceding that person's death. Current care does  
4 not include services provided in connection with a single event of  
5 emergency or urgent care. For the purposes of this paragraph, "treated"  
6 includes prescribing medication.

7           9. "Custody" means legal authority to act on behalf of a child.

8           10. "Department" means the department of health services.

9           11. "Electronic" means technology that has electrical, digital,  
10 magnetic, wireless, optical or electromagnetic capabilities or technology  
11 with similar capabilities.

12           12. "Evidentiary document" means written information used to prove  
13 the fact for which the document is presented.

14           13. "Family member" means:

15           (a) A person's spouse, natural or adopted offspring, father,  
16 mother, grandparent, grandchild to any degree, brother, sister, aunt,  
17 uncle or first or second cousin.

18           (b) The natural or adopted offspring, father, mother, grandparent,  
19 grandchild to any degree, brother, sister, aunt, uncle or first or second  
20 cousin of the person's spouse.

21           14. "Fetal death" means the cessation of life before the complete  
22 expulsion or extraction of an unborn child from the child's mother that is  
23 evidenced by the absence of breathing, heartbeat, umbilical cord pulsation  
24 or definite voluntary muscle movement after expulsion or extraction.

25           15. "Final disposition" means the interment, cremation, removal  
26 from this state or other disposition of human remains.

27           16. "Foundling" means:

28           (a) A newborn infant WHO IS left with a safe haven provider  
29 pursuant to section 13-3623.01.

30           (b) A child whose father and mother cannot be determined.

31           17. "Funeral establishment" has the same meaning prescribed in  
32 section 32-1301.

33           18. "Health care institution" has the same meaning prescribed in  
34 section 36-401.

35           19. "Health care provider" means:

36           (a) A physician WHO IS licensed pursuant to title 32, chapter 13  
37 or 17.

38           (b) A doctor of naturopathic medicine WHO IS licensed pursuant to  
39 title 32, chapter 14.

40           (c) A midwife WHO IS licensed pursuant to chapter 6, article 7 of  
41 this title.

42           (d) A nurse midwife WHO IS certified pursuant to title 32,  
43 chapter 15.

44           (e) A nurse practitioner WHO IS licensed and certified pursuant to  
45 title 32, chapter 15.

1 (f) A physician assistant WHO IS licensed pursuant to title 32,  
2 chapter 25.

3 (g) A health care provider who is licensed or certified by another  
4 state or jurisdiction of the United States and who works in a federal  
5 health care facility.

6 20. "Human remains" means a lifeless human body or parts of a human  
7 body that permit a reasonable inference that death occurred.

8 21. "Issue" means:

9 (a) To provide a copy of a registered certificate.

10 (b) An action taken by a court of competent jurisdiction,  
11 administrative law judge or quasi-judicial entity.

12 22. "Legal age" means a person who is at least eighteen years of  
13 age or who is emancipated by a court order.

14 23. "Medical certification of death" means the opinion of the  
15 health care provider who signs the certificate of probable or presumed  
16 cause of death that complies with rules adopted by the state registrar of  
17 vital records and that is based on any of the following that is reasonably  
18 available:

19 (a) Personal examination.

20 (b) Medical history.

21 (c) Medical records.

22 (d) Other reasonable forms of evidence.

23 24. "Medical examiner" means a medical examiner or alternate  
24 medical examiner as defined in section 11-591.

25 25. "Name" means a designation that identifies a person, including  
26 a first name, middle name, last name or suffix.

27 26. "Natural causes" means those causes that are due solely or  
28 nearly entirely to disease or the aging process.

29 27. "Presumptive death" means a determination by a court that a  
30 death has occurred or is presumed to have occurred but the human remains  
31 have not been located or recovered.

32 28. "Register" means to assign an official state number and to  
33 incorporate into the state registrar's official records.

34 29. "Responsible person" means a person listed in section 36-831.

35 30. "Seal" means to bar from access.

36 31. "Submit" means to present, physically or electronically, a  
37 certificate, evidentiary document or form provided for in this chapter to  
38 a local registrar, a deputy local registrar or the state registrar.

39 32. "System of public health statistics" means the processes and  
40 procedures for:

41 (a) Tabulating, analyzing and publishing public health information  
42 derived from vital records data and other sources authorized pursuant to  
43 section 36-125.05 or section 36-132, subsection A, paragraph 3.

44 (b) Performing other activities related to public health  
45 information.

33. "System of vital records" means the statewide processes and procedures for:

(a) Electronically or physically collecting, creating, registering, maintaining, copying and preserving vital records.

(b) Preparing and issuing certified and noncertified copies of vital records.

(c) Performing other activities related to vital records.

~~34. "Unborn child" has the same meaning prescribed in section 36-2151.~~

~~35.~~ 34. "Vital record" means a registered birth certificate or a registered death certificate.

Sec. 18. Section 36-402, Arizona Revised Statutes, is amended to read:

36-402. Exemptions

A. This chapter and the rules adopted by the director pursuant to this chapter do not authorize the licensure, supervision, regulation or control of:

1. The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely on treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination.

2. Establishments, such as motels, hotels and boarding houses, that provide domiciliary and ancillary commercial services but do not provide adaptive, medical, hospital, nursing, behavioral health, health-related or supervisory care services.

3. Private offices and clinics of health care providers licensed under title 32 that are not freestanding urgent care centers, unless:

(a) Patients of the office or clinic are kept overnight as bed patients or treated otherwise under general anesthesia, except when treatment by general anesthesia is regulated by title 32, chapter 11.

~~(b) The office or clinic is an abortion clinic. For the purposes of this subdivision, "abortion clinic" has the same meaning prescribed in section 36-449.01.~~

~~(c)~~ (b) The office or clinic is a pain management clinic. For the purposes of this subdivision, "pain management clinic" has the same meaning prescribed in section 36-448.01.

4. Dispensaries and first aid stations that are located within business or industrial establishments and that are maintained solely for the use of employees if the facility does not contain inpatient beds and is under the supervision of a physician or a registered nurse practitioner.

5. The collection, processing or distribution of whole human blood, blood components, plasma, blood fractions or derivatives that are procured, processed or distributed by federally licensed and regulated blood banks.

1           6. Places where four or fewer adults who are not related to the  
2 administrator or owner receive adult day health services for compensation  
3 on a regular basis.

4           7. Places at which persons receive health-related services only  
5 from relatives or from legal guardians or places that do not purport to be  
6 establishments that regularly provide health-related services and at which  
7 one or two persons receive health-related services on a twenty-four-hour  
8 basis.

9           8. The personal residence of a terminally ill person, or the  
10 personal residence of that person's relative or guardian, where that  
11 person receives hospice services from a hospice service agency.

12           9. All medical and health-related facilities and services that are  
13 provided to inmates who are confined in a state prison. The state  
14 department of corrections shall annually evaluate the medical and  
15 health-related facilities and services that are provided to inmates to  
16 determine that the facilities and services meet the applicable standards  
17 that are adopted by the director of the department of health services.  
18 The state department of corrections shall report the results of its annual  
19 evaluation and the actual findings, including a plan of correction for any  
20 deficiencies, to the director of the department of health services. The  
21 department of health services shall conduct validation surveys on a  
22 percentage of the medical and health-related facilities, the number of  
23 which shall be determined by the state department of corrections and the  
24 department of health services. The director of the state department of  
25 corrections shall maintain the annual evaluation reports. This paragraph  
26 does not apply to licensed behavioral or mental health inpatient treatment  
27 facilities that the state department of corrections operates.

28           10. A facility that provides medical and health services to inmates  
29 who are confined in a county jail. The sheriff shall annually evaluate  
30 the facility to determine if it meets the applicable standards that are  
31 adopted by either a national corrections commission on health care or an  
32 American correctional association, or the sheriff shall annually submit  
33 the facility to a similar separate inspection by an outside agency with  
34 medical standards. The sheriff must submit the certificate of  
35 accreditation or proof of successful inspection to the department annually  
36 and keep a copy of the certificate or proof of inspection.

37           11. Community education, advocacy or recovery support groups that  
38 are not owned or operated by or contracted to provide services with a  
39 health care institution.

40           12. An outpatient treatment center that has the same direct owner or  
41 indirect owner as a hospital licensed pursuant to this chapter, that is  
42 staffed by health care providers who are licensed pursuant to title 32 and  
43 that provides notice to the department of its decision to be exempt from  
44 licensure under this chapter, unless:

1 (a) Patients are kept overnight in the outpatient treatment center  
2 or are treated under general anesthesia, except when the treatment by  
3 general anesthesia is regulated pursuant to title 32, chapter 11.

4 ~~(b) The outpatient treatment center is an abortion clinic as defined~~  
5 ~~in section 36-449.01.~~

6 ~~(c)~~ (b) The outpatient treatment center is a pain management clinic  
7 as defined in section 36-448.01.

8 B. A medical and health-related facility that provides medical and  
9 health services exclusively to persons who are incarcerated, detained or  
10 confined under court order or court jurisdiction is exempt from the  
11 patient-per-room capacity requirements provided in rule if the facility:

- 12 1. Does not exceed its intended medical and custodial purposes.
- 13 2. Adopts policies and procedures to comply with the national
- 14 commission on correctional health care standards, or equivalent standards.
- 15 3. As soon as practicable, becomes accredited by the national
- 16 commission on correctional health care, or by an equivalent organization.
- 17 4. Once accreditation is obtained, submits a certificate of
- 18 accreditation to the department of health services annually.
- 19 5. Maintains a copy of the certificate of accreditation.
- 20 6. Maintains patient and custodial records, including on-site
- 21 current photographs and fingerprints, if permitted by applicable law.
- 22 7. Makes patient lists with inmate identifiers available to the
- 23 state department of corrections on reasonable request.
- 24 8. Provides timely notice of any major incident involving public
- 25 safety to the appropriate law enforcement agency and allows that agency
- 26 access to the facility for the purposes of law enforcement and
- 27 investigation.

28 C. Subsection B of this section does not apply to health care  
29 institutions that exclusively provide behavioral health services.

30 Sec. 19. Section 36-404, Arizona Revised Statutes, is amended to  
31 read:

32 36-404. Limitation of disclosure of information

33 A. Information received and records kept by the department for the  
34 purpose of administering this chapter are available to the public except:

- 35 1. Information obtained for purposes of ~~articles 4 and~~ ARTICLE 5 of  
36 this chapter.
- 37 2. Personally identifiable medical information or any information  
38 from which a patient or the patient's family might be identified.
- 39 3. Sources of information that cause the department to believe that  
40 an inspection of an institution is needed to determine the extent of  
41 compliance with this chapter and rules adopted pursuant to this chapter.
- 42 4. Personally identifiable information of a physician that is  
43 received ~~and any records kept regarding the physician's admitting~~  
44 ~~privileges pursuant to section 36-449.02.~~

B. The department may release information listed under subsection A of this section to an officer of the court pursuant to a court order, a department or agency of this state or the federal government, a law enforcement agency or a county medical examiner if the release of this information is necessary and pertinent to an investigation or proceeding unless the release of this information is prohibited by federal or state law. The recipient shall maintain patient and source name confidentiality.

Sec. 20. Section 36-427, Arizona Revised Statutes, is amended to read:

36-427. Suspension or revocation; intermediate sanctions

A. The director, pursuant to title 41, chapter 6, article 10, may suspend or revoke, in whole or in part, the license of any health care institution if its owners, officers, agents or employees:

1. Violate this chapter or the rules of the department adopted pursuant to this chapter.

2. Knowingly aid, permit or abet the commission of any crime involving medical and health-related services.

3. Have been, are or may continue to be in substantial violation of the requirements for licensure of the institution, as a result of which the health or safety of one or more patients or the general public is in immediate danger.

4. Fail to comply with section 36-2901.08.

~~5. Violate section 36-2302.~~

B. If the licensee, the chief administrative officer or any other person in charge of the institution refuses to permit the department or its employees or agents the right to inspect the institution's premises as provided in section 36-424, such action shall be deemed reasonable cause to believe that a substantial violation under subsection A, paragraph 3 of this section exists.

C. If the director reasonably believes that a violation of subsection A, paragraph 3 of this section has occurred and that life or safety of patients will be immediately affected, the director, on written notice to the licensee, may order the immediate restriction of admissions or readmissions, selected transfer of patients out of the facility, reduction of capacity and termination of specific services, procedures, practices or facilities.

D. The director may rescind, in whole or in part, sanctions imposed pursuant to this section on correction of the violation or violations for which the sanctions were imposed.

Sec. 21. Repeal

Title 36, chapter 4, article 10, Arizona Revised Statutes, is repealed.



1           Sec. 22. Section 36-2151, Arizona Revised Statutes, is amended to  
2 read:

3           ~~36-2151.~~ Definition of abortion

4           In this article, unless the context otherwise requires, ~~the~~

5           ~~1.~~ "abortion":

6           1. Means the use of any means to terminate the clinically  
7 diagnosable pregnancy of a woman with knowledge that the termination by  
8 those means will cause, with reasonable likelihood, the death of the  
9 unborn child. ~~Abortion~~

10          2. Does not include birth control devices, oral contraceptives used  
11 to inhibit or prevent ovulation, conception or the implantation of a  
12 fertilized ovum in the uterus or the use of any means to save the life or  
13 preserve the health of the unborn child, to preserve the life or health of  
14 the child after a live birth, to terminate an ectopic pregnancy or to  
15 remove a dead fetus.

16          ~~2. "Auscultation" means the act of listening for sounds made by~~  
17 ~~internal organs of the unborn child, specifically for a heartbeat, using~~  
18 ~~an ultrasound transducer and fetal heart rate monitor.~~

19          ~~3. "Bodily remains" means the physical remains, corpse or body~~  
20 ~~parts of an unborn child who has been expelled or extracted from his or~~  
21 ~~her mother through abortion.~~

22          ~~4. "Conception" means the fusion of a human spermatozoon with a~~  
23 ~~human ovum.~~

24          ~~5. "Final disposition" has the same meaning prescribed in section~~  
25 ~~36-301.~~

26          ~~6. "Genetic abnormality" has the same meaning prescribed in section~~  
27 ~~13-3603.02.~~

28          ~~7. "Gestational age" means the age of the unborn child as~~  
29 ~~calculated from the first day of the last menstrual period of the pregnant~~  
30 ~~woman.~~

31          ~~8. "Health professional" has the same meaning prescribed in section~~  
32 ~~32-3201.~~

33          ~~9. "Medical emergency" means a condition that, on the basis of the~~  
34 ~~physician's good faith clinical judgment, so complicates the medical~~  
35 ~~condition of a pregnant woman as to necessitate the immediate abortion of~~  
36 ~~her pregnancy to avert her death or for which a delay will create serious~~  
37 ~~risk of substantial and irreversible impairment of a major bodily~~  
38 ~~function.~~

39          ~~10. "Medication abortion" means the use of any medication, drug or~~  
40 ~~other substance that is intended to cause or induce an abortion.~~

41          ~~11. "Physician" means a person who is licensed pursuant to title~~  
42 ~~32, chapter 13 or 17.~~

43          ~~12. "Pregnant" or "pregnancy" means a female reproductive condition~~  
44 ~~of having a developing unborn child in the body and that begins with~~  
45 ~~conception.~~

1       ~~13. "Probable gestational age" means the gestational age of the~~  
2 ~~unborn child at the time the abortion is planned to be performed and as~~  
3 ~~determined with reasonable probability by the attending physician.~~

4       ~~14. "Surgical abortion" means the use of a surgical instrument or a~~  
5 ~~machine to terminate the clinically diagnosable pregnancy of a woman with~~  
6 ~~knowledge that the termination by those means will cause, with reasonable~~  
7 ~~likelihood, the death of the unborn child. Surgical abortion does not~~  
8 ~~include the use of any means to increase the probability of a live birth,~~  
9 ~~to preserve the life or health of the child after a live birth, to~~  
10 ~~terminate an ectopic pregnancy or to remove a dead fetus. Surgical~~  
11 ~~abortion does not include patient care incidental to the procedure.~~

12       ~~15. "Ultrasound" means the use of ultrasonic waves for diagnostic or~~  
13 ~~therapeutic purposes to monitor a developing unborn child.~~

14       ~~16. "Unborn child" means the offspring of human beings from~~  
15 ~~conception until birth.~~

16       Sec. 23. Repeal

17       A. Sections 36-2153, 36-2153.01, 36-2154, 36-2155, 36-2156,  
18 36-2157, 36-2158, 36-2159 and 36-2160, Arizona Revised Statutes, are  
19 repealed.

20       B. Title 36, chapter 20, article 2, Arizona Revised Statutes, is  
21 repealed.

22       C. Title 36, chapter 23, articles 1 and 3, Arizona Revised  
23 Statutes, are repealed.

24       D. Section 36-3604, Arizona Revised Statutes, is repealed.

25       Sec. 24. Section 41-1033, Arizona Revised Statutes, is amended to  
26 read:

27       41-1033. Petition for a rule or review of an agency practice,  
28 substantive policy statement, final rule or unduly  
29 burdensome licensing requirement; notice

30       A. Any person may petition an agency to do either of the following:

31       1. Make, amend or repeal a final rule.

32       2. Review an existing agency practice or substantive policy  
33 statement that the petitioner alleges to constitute a rule.

34       B. An agency shall prescribe the form of the petition and the  
35 procedures for the petition's submission, consideration and disposition.  
36 The person shall state on the petition the rulemaking to review or the  
37 agency practice or substantive policy statement to consider revising,  
38 repealing or making into a rule.

39       C. Not later than sixty days after submission of the petition, the  
40 agency shall either:

41       1. Reject the petition and state its reasons in writing for  
42 rejection to the petitioner.

43       2. Initiate rulemaking proceedings in accordance with this chapter.

44       3. If otherwise lawful, make a rule.

1 D. The agency's response to the petition is open to public  
2 inspection.

3 E. If an agency rejects a petition pursuant to subsection C of this  
4 section, the petitioner has thirty days to appeal to the council to review  
5 whether the existing agency practice or substantive policy statement  
6 constitutes a rule. The petitioner's appeal may not be more than five  
7 double-spaced pages.

8 F. A person may petition the council to request a review of a final  
9 rule based on the person's belief that the final rule does not meet the  
10 requirements prescribed in section 41-1030. A petition submitted under  
11 this subsection may not be more than five double-spaced pages.

12 G. A person may petition the council to request a review of an  
13 existing agency practice, substantive policy statement, final rule or  
14 regulatory licensing requirement that the petitioner alleges is not  
15 specifically authorized by statute, exceeds the agency's statutory  
16 authority, is unduly burdensome or is not demonstrated to be necessary to  
17 specifically fulfill a public health, safety or welfare concern. On  
18 receipt of a properly submitted petition pursuant to this section, the  
19 council shall review the existing agency practice, substantive policy  
20 statement, final rule or regulatory licensing requirement as prescribed by  
21 this section. A petition submitted under this subsection may not be more  
22 than five double-spaced pages. ~~This subsection does not apply to an~~  
23 ~~individual or institution that is subject to title 36, chapter 4, article~~  
24 ~~10 or chapter 20.~~

25 H. If the council receives information that alleges an existing  
26 agency practice or substantive policy statement may constitute a rule,  
27 that a final rule does not meet the requirements prescribed in section  
28 41-1030 or that an existing agency practice, substantive policy statement,  
29 final rule or regulatory licensing requirement exceeds the agency's  
30 statutory authority, is not specifically authorized by statute or does not  
31 meet the guidelines prescribed in subsection G of this section, or if the  
32 council receives an appeal under subsection E of this section, and at  
33 least three council members request of the chairperson that the matter be  
34 heard in a public meeting:

35 1. Within ninety days after receiving the third council member's  
36 request, the council shall determine whether any of the following applies:

37 (a) The agency practice or substantive policy statement constitutes  
38 a rule.

39 (b) The final rule meets the requirements prescribed in section  
40 41-1030.

41 (c) An existing agency practice, substantive policy statement,  
42 final rule or regulatory licensing requirement exceeds the agency's  
43 statutory authority, is not specifically authorized by statute or ~~meets~~  
44 ~~DOES NOT MEET~~ the guidelines prescribed in subsection G of this section.

2. Within ten days after receiving the third council member's request, the council shall notify the agency that the matter has been or will be placed on the council's agenda for consideration on the merits.

3. Not later than thirty days after receiving notice from the council, the agency shall submit a statement of not more than five double-spaced pages to the council that addresses whether any of the following applies:

(a) The existing agency practice or substantive policy statement constitutes a rule.

(b) The final rule meets the requirements prescribed in section 41-1030.

(c) An existing agency practice, substantive policy statement, final rule or regulatory licensing requirement exceeds the agency's statutory authority, is not specifically authorized by statute or meets the guidelines prescribed in subsection G of this section.

I. At the hearing, the council shall allocate the petitioner and the agency an equal amount of time for oral comments not including any time spent answering questions raised by council members. The council may also allocate time for members of the public who have an interest in the issue to provide oral comments.

J. For the purposes of subsection H of this section, the council meeting shall not be scheduled until the expiration of the agency response period prescribed in subsection H, paragraph 3 of this section.

K. An agency practice, substantive policy statement, final rule or regulatory licensing requirement considered by the council pursuant to this section shall remain in effect while under consideration of the council. If the council determines that the agency practice, substantive policy statement or regulatory licensing requirement exceeds the agency's statutory authority, is not authorized by statute or constitutes a rule or that the final rule does not meet the requirements prescribed in section 41-1030, the practice, policy statement, rule or regulatory licensing requirement shall be void. If the council determines that the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern, the council shall modify, revise or declare void any such existing agency practice, substantive policy statement, final rule or regulatory licensing requirement. If an agency decides to further pursue a practice, substantive policy statement or regulatory licensing requirement that has been declared void or has been modified or revised by the council, the agency may do so only pursuant to a new rulemaking.

L. A council decision pursuant to this section shall be made by a majority of the council members who are present and voting on the issue. Notwithstanding any other law, the council may not base any decision concerning an agency's compliance with the requirements of section 41-1030

1 in issuing a final rule or substantive policy statement on whether any  
2 party or person commented on the rulemaking or substantive policy  
3 statement.

4 M. A decision by the council pursuant to this section is not  
5 subject to judicial review, except that, in addition to the procedure  
6 prescribed in this section or in lieu of the procedure prescribed in this  
7 section, a person may seek declaratory relief pursuant to section 41-1034.

8 N. Each agency and the secretary of state shall post prominently on  
9 their websites notice of an individual's right to petition the council for  
10 review pursuant to this section.

11 Sec. 25. Section 41-1080.01, Arizona Revised Statutes, is amended  
12 to read:

13 41-1080.01. Licensing fees; waiver; annual report;  
14 definitions

15 A. Except for an individual who applies for a license pursuant to  
16 title 36, ~~chapter 4, article 10 or~~ chapter 28.1, an agency shall waive any  
17 fee charged for an initial license for any of the following individuals if  
18 the individual is applying for that specific license in this state for the  
19 first time:

20 1. Any individual applicant whose family income does not exceed two  
21 hundred percent of the federal poverty guidelines.

22 2. Any active duty military service member's spouse.

23 3. Any honorably discharged veteran who has been discharged not  
24 more than two years before application.

25 B. On or before March 1 of each year, the department of  
26 administration shall report to the president of the senate, the speaker of  
27 the house of representatives, the joint legislative budget committee and  
28 the governor's office of strategic planning and budgeting the total number  
29 of waived licensing fees by each agency. The report shall specify for  
30 which purpose the fee was waived pursuant to this section.

31 C. For the purposes of this section, "agency" and "license" have  
32 the same meanings prescribed in section 41-1080.

33 Sec. 26. Section 41-1093, Arizona Revised Statutes, is amended to  
34 read:

35 41-1093. Definitions

36 In this article, unless the context otherwise requires:

37 1. "Health, safety or welfare":

38 (a) Means the protection of members of the public against harm,  
39 fraud or loss, including the preservation of public security, order or  
40 health.

41 (b) Does not include the protection of existing businesses or  
42 agencies, whether publicly or privately owned, against competition.

43 2. "Individual" means a natural person.

1           3. "Occupational regulation":

2           (a) Means a rule, regulation, practice or policy that allows an  
3 individual to use an occupational title or work in a lawful occupation,  
4 trade or profession or a cease and desist demand or other regulatory  
5 requirement that prevents an individual from using an occupational title  
6 or working in a lawful occupation, trade or profession.

7           (b) Does not include:

8           (i) A business license, facility license, building permit or zoning  
9 and land use regulation.

10           ~~(ii) Any rule or regulation relating to an institution or~~  
11 ~~individual that is subject to title 36, chapter 4, article 10 or~~  
12 ~~chapter 20.~~

13           ~~(iii)~~ (ii) Any license or regulation that is required by federal  
14 law.

15           ~~(iv)~~ (iii) Any rule or regulation adopted by an agency that is  
16 authorized by statute and has been approved by the council pursuant to  
17 section 41-1052.

18           ~~(v)~~ (iv) Any rule or regulation relating to emergency medical and  
19 transportation services that originated with a public access system or  
20 medical transportation requested by a medical authority or by the patient  
21 for which a certificate of necessity is required under section 36-2233.

22           ~~(vi)~~ (v) Any rule relating to the licensing of a securities  
23 dealer, securities salesman, investment adviser or investment adviser  
24 representative.