

REFERENCE TITLE: naturopathic physicians; board; investigations; scope

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

## **SB 1588**

Introduced by  
Senator Shamp

AN ACT

AMENDING SECTIONS 32-1504, 32-1509, 32-1522, 32-1551 AND 32-1551.01,  
ARIZONA REVISED STATUTES; RELATING TO THE NATUROPATHIC PHYSICIANS MEDICAL  
BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1504, Arizona Revised Statutes, is amended to  
3 read:

4 32-1504. Powers and duties

5 A. The board shall:

6 1. Adopt rules that are necessary or proper for the administration  
7 of this chapter.

8 2. Administer and enforce all provisions of this chapter and all  
9 rules adopted by the board under the authority granted by this chapter.

10 3. Adopt rules regarding the qualifications of medical assistants  
11 who assist doctors of naturopathic medicine and shall determine the  
12 qualifications of medical assistants who are not otherwise regulated.

13 4. Adopt rules for the approval of schools of naturopathic  
14 medicine. The board may incorporate by reference the accrediting standards  
15 for naturopathic medical schools published by accrediting agencies  
16 recognized by the United States department of education or recognized by  
17 the council for higher education accreditation.

18 5. Adopt rules relating to clinical, internship, preceptorship and  
19 postdoctoral training programs, naturopathic graduate medical education  
20 and naturopathic continuing medical education programs. The rules for  
21 naturopathic continuing medical education programs shall require at least  
22 ten hours each year directly related to pharmacotherapeutics.

23 6. Periodically inspect and evaluate clinical, internship,  
24 preceptorship and postdoctoral training programs and naturopathic graduate  
25 medical education programs and randomly evaluate naturopathic continuing  
26 medical education programs.

27 7. Adopt rules relating to the dispensing of natural substances,  
28 drugs and devices.

29 8. Adopt rules necessary for the safe administration of intravenous  
30 nutrients. These rules shall identify and exclude substances that do not  
31 meet the criteria of nutrients suitable for intravenous administration.

32 9. Adopt and use a seal.

33 10. Have the full and free exchange of information with the  
34 licensing and disciplinary boards of other states and countries and with  
35 the American association of naturopathic physicians, the Arizona  
36 naturopathic medical association, the association of naturopathic medical  
37 colleges, the federation of naturopathic medical licensing boards and the  
38 naturopathic medical societies of other states, districts and territories  
39 of the United States or other countries.

40 B. The board may:

41 1. Adopt rules that prescribe annual continuing medical education  
42 for the renewal of licenses issued under this chapter.

43 2. Employ permanent or temporary personnel it deems necessary to  
44 carry out the purposes of this chapter and designate their duties.

1           3. Adopt rules relating to naturopathic medical specialties and  
2 determine the qualifications of doctors of naturopathic medicine who may  
3 represent or hold themselves out as being specialists.

4           4. If reasonable cause exists to believe that the competency of an  
5 applicant or a person who is regulated by the board is in question,  
6 require that person to undergo any combination of physical, mental,  
7 biological fluid and laboratory tests.

8           5. Be a dues paying member of national organizations that support  
9 licensing agencies in their licensing and regulatory duties and pay the  
10 travel expenses involved for a designated board member or the executive  
11 director to represent the board at the annual meeting of these  
12 organizations.

13           6. Adopt rules for conducting licensing examinations required by  
14 this chapter.

15           7. Delegate to the executive director the board's authority  
16 pursuant to sections 32-1509 and 32-1551.

17           C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE BOARD  
18 IS NOT ENTITLED TO A NATUROPATHIC DOCTOR'S PROPRIETARY FORMULA OR TRADE  
19 SECRET AS DEFINED IN SECTION 44-401 FOR THE PURPOSES OF IMPLEMENTING OR  
20 ENFORCING ANY PROVISION OF THIS CHAPTER. THE BOARD SHALL CONFORM ITS  
21 RULES TO BE CONSISTENT WITH THIS SUBSECTION. THIS SUBSECTION DOES NOT  
22 PREVENT A PATIENT FROM HAVING ACCESS TO THE LIST OF INGREDIENTS FOR ANY  
23 METHOD OF TREATMENT PROVIDED TO THE PATIENT.

24           Sec. 2. Section 32-1509, Arizona Revised Statutes, is amended to  
25 read:

26           32-1509. Executive director; compensation; duties

27           A. Subject to title 41, chapter 4, article 4, the board shall  
28 appoint an executive director who serves at the pleasure of the  
29 board. The executive director shall not be a board member and shall not  
30 have any financial interests in the practice of naturopathic medicine or  
31 the training of naturopathic physicians. The board may authorize the  
32 executive director to represent the board and to vote on behalf of the  
33 board at meetings of national organizations of which the board is a dues  
34 paying member.

35           B. The executive director and other board staff are eligible to  
36 receive compensation as determined pursuant to section 38-611.

37           C. The executive director or that person's designee shall:

38           1. Subject to title 41, chapter 4, article 4 and, as applicable,  
39 articles 5 and 6, employ, evaluate, dismiss, discipline and direct  
40 professional, clerical, technical, investigative and administrative  
41 personnel necessary to carry on the work of the board.

42           2. As directed by the board, prepare and submit recommendations to  
43 the board for amendments to this chapter for consideration by the  
44 legislature.

1           3. Subject to title 41, chapter 4, article 4, employ medical  
2 consultants and agents necessary to conduct investigations, gather  
3 information and perform those duties the executive director determines are  
4 necessary and appropriate to enforce this chapter.

5           4. Issue licenses and certificates pursuant to section 32-1526 to  
6 applicants who meet the requirements of this chapter.

7           5. Maintain a record of board actions and proceedings, including  
8 the issuance, denial, renewal, suspension or revocation of licenses and  
9 certificates.

10          6. Manage the board's offices.

11          7. Prepare minutes, records, reports, registries, directories,  
12 books and newsletters and record all board transactions and orders.

13          8. Collect all monies due and payable to the board.

14          9. Pay all bills for authorized expenditures of the board and its  
15 staff.

16          10. Prepare an annual budget.

17          11. Submit a copy of the budget each year to the governor, the  
18 speaker of the house of representatives and the president of the senate.

19          12. Initiate an investigation if evidence appears to demonstrate  
20 that a person licensed or certified by the board may be engaged in  
21 unprofessional conduct or may be medically incompetent or mentally or  
22 physically unable to safely practice medicine.

23          13. Issue subpoenas if necessary to compel the attendance and  
24 testimony of witnesses and the production of books, records, documents and  
25 other evidence.

26          14. Sign and execute and provide assistance to the attorney general  
27 in preparing disciplinary orders, rehabilitative orders and notices of  
28 hearings as directed by the board.

29          15. Enter into contracts for goods and services pursuant to title  
30 41, chapter 23 that are necessary to carry out board policies and  
31 directives.

32          16. Execute board directives.

33          17. Represent the board with the federal government, other states  
34 or jurisdictions of the United States, this state, political subdivisions  
35 of this state, the news media and the public.

36          18. Maintain a roster of all persons who are licensed or certified  
37 under this chapter that indicates:

38           (a) The person's name.

39           (b) The person's current address of record.

40           (c) The date of issuance and the number of the person's license or  
41 certificate.

42           (d) The status of the person's license or certificate.

43          19. Maintain an accurate account of all receipts, expenditures and  
44 refunds granted pursuant to this chapter.

1           20. Report dispensing and prescribing restrictions imposed by the  
2 board against doctors of naturopathic medicine to other state and federal  
3 regulatory agencies.

4           21. Affix the seal of the board to necessary documents. The  
5 imprint of the seal with the signature of the executive director is  
6 evidence of official board action.

7           22. On behalf of the board, enter into stipulated agreements with  
8 persons who are under the jurisdiction of the board for the treatment,  
9 rehabilitation and monitoring of chemical substance abuse or misuse.

10          23. Review all complaints filed pursuant to section 32-1551. If  
11 delegated by the board, the executive director may dismiss complaints.

12          24. If delegated by the board, refer cases directly to a formal  
13 interview or a formal hearing.

14          25. If delegated by the board, enter into a consent agreement if  
15 there is evidence of danger to the public health and safety.

16          26. If delegated by the board, grant uncontested requests for  
17 retired status or cancellation of a license.

18          27. Perform all other duties required by the board.

19          D. Medical consultants and agents appointed pursuant to subsection  
20 C, paragraph 3 of this section are eligible to receive compensation  
21 determined by the executive director of not more than \$200 for each day of  
22 service.

23          E. A person who is aggrieved by an action taken by the executive  
24 director may request a board review of that action by filing with the  
25 board a written request within thirty days after that person has been  
26 notified of the action. Notification shall be by personal delivery or  
27 certified mail to the person's last known address on file with the board.  
28 The board shall review the decision at its next regularly scheduled  
29 meeting and either approve, modify or reject the executive director's  
30 action.

31          F. THE EXECUTIVE DIRECTOR SHALL:

32           1. ENSURE THAT THE BOARD FOLLOWS ALL APPLICABLE LAWS AND RULES AND  
33 COMPLIES WITH ALL REPORTING REQUIREMENTS.

34           2. ADVISE THE BOARD IF ANY CONTEMPLATED ACTION IS BEYOND THE SCOPE  
35 OF THE AUTHORITY GRANTED TO THE BOARD PURSUANT TO THIS CHAPTER. THE  
36 EXECUTIVE DIRECTOR MAY PROVIDE THE ADVICE IN EXECUTIVE SESSION, BUT IF THE  
37 INFORMATION IS DISREGARDED BY THE BOARD THE EXECUTIVE DIRECTOR SHALL STATE  
38 POTENTIAL CONCERNS IN AN OPEN MEETING OF THE BOARD.

39           3. PREPARE AND MAINTAIN A DISCIPLINE MATRIX FOR USE BY THE BOARD TO  
40 ENSURE THAT ALL LICENSEES ARE TREATED CONSISTENTLY, TO THE BEST OF THE  
41 BOARD'S ABILITY, BASED ON THE SPECIFIC ALLEGATION AT ISSUE, WHEN THE BOARD  
42 CONTEMPLATES IMPOSING ANY FORM OF DISCIPLINE. THE MATRIX MUST BRIEFLY  
43 OUTLINE MATERIAL FACTS OF ALL PAST CASES IN WHICH DISCIPLINE WAS IMPOSED  
44 WITHOUT IDENTIFYING ANY SPECIFIC LICENSEE OR COMPLAINANT OTHER THAN BY  
45 POTENTIAL FILE NUMBER OR OTHER REFERENCE AND MUST SPECIFY THE LEVEL OF

DISCIPLINE IMPOSED. THE MATRIX MUST BE AVAILABLE TO ANY LICENSEE AGAINST WHOM A COMPLAINT HAS BEEN FILED AND A FORMAL INVESTIGATION HAS BEEN OPENED, INCLUDING THE LICENSEE'S COUNSEL.

4. CONSISTENT WITH THIS CHAPTER, CLASSIFY EACH COMPLAINT ON SUBMISSION TO THE BOARD ACCORDING TO POLICIES ADOPTED BY THE BOARD THAT PRIORITIZE THE ALLOCATION OF BOARD RESOURCES AND THE INVESTIGATION AND ADJUDICATION OF COMPLAINTS.

Sec. 3. Section 32-1522, Arizona Revised Statutes, is amended to read:

32-1522. Basic qualifications for license

A. To be eligible for a license to practice naturopathic medicine pursuant to this chapter, the applicant shall:

1. Be a graduate of an approved school of naturopathic medicine.
2. Have satisfactorily completed an approved internship, preceptorship or clinical training program in naturopathic medicine.
3. Be physically and mentally fit to practice as a doctor of naturopathic medicine.
4. Not be guilty of any act of unprofessional conduct or any other conduct that would be grounds for refusal, suspension or revocation of a license under this chapter.
5. Not have had a license to practice any profession refused, revoked or suspended by any other state, district or territory of the United States or another country for reasons that relate to the applicant's ability to skillfully and safely practice as a physician in this state.
6. File a completed application pursuant to section 32-1524 and meet the examination requirements provided for in section 32-1525.

B. The board may ~~not~~

~~1. require an applicant to submit credentials or other written or oral proof.~~

~~2. Make investigations it deems proper to adequately advise itself with respect to the qualifications of an applicant.~~

C. Within ninety days after it receives a completed application for initial licensure, the board shall issue a license if the application demonstrates to the board's satisfaction that the applicant complies with this chapter and board rules.

Sec. 4. Section 32-1551, Arizona Revised Statutes, is amended to read:

32-1551. Disciplinary action; duty to report; investigatory powers; immunity; hearing; appeal; notice; restitution

A. The board on its own motion may investigate any evidence that appears to show that a doctor of naturopathic medicine is or may be medically incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or physically unable to engage safely in the practice

1 of naturopathic medicine. Any person may, and a doctor of naturopathic  
2 medicine, the Arizona naturopathic medical association, a component  
3 society of that association and any health care institution shall, report  
4 to the board any information that appears to show that a doctor of  
5 naturopathic medicine is or may be medically incompetent, is or may be  
6 guilty of unprofessional conduct or is or may be mentally or physically  
7 unable to engage safely in the practice of naturopathic medicine. The  
8 board or the executive director shall notify the doctor as to the content  
9 of the complaint as soon as reasonable. Any person or entity that reports  
10 or provides information to the board in good faith is not subject to an  
11 action for civil damages. If requested, the board shall not disclose the  
12 name of a person who supplies information regarding a licensee's drug or  
13 alcohol impairment. It is an act of unprofessional conduct for any doctor  
14 of naturopathic medicine to fail to report as required by this  
15 section. The board shall report any health care institution that fails to  
16 report as required by this section to that institution's licensing agency.

17 **B. THE SCOPE OF AN INVESTIGATION PURSUANT TO THIS SECTION IS**  
18 **LIMITED TO THE INFORMATION CONTAINED IN THE INITIAL COMPLAINT OR THE**  
19 **INFORMATION THAT THE BOARD HAS IN ITS POSSESSION AT THE TIME OF THE**  
20 **BOARD'S MOTION TO INVESTIGATE.**

21 ~~B.~~ **C.** The board or, if delegated by the board, the executive  
22 director shall require any combination of mental, physical or oral or  
23 written medical competency examinations and conduct necessary  
24 investigations including investigational interviews between  
25 representatives of the board and the doctor to fully inform itself with  
26 respect to any information filed with the board under this section. These  
27 examinations may include biological fluid testing and psychological or  
28 psychiatric evaluation. The board or, if delegated by the board, the  
29 executive director may require the doctor, at the doctor's expense, to  
30 undergo assessment by a board approved rehabilitative, retraining or  
31 assessment program.

32 ~~C.~~ **D.** If the board finds, based on the information it receives  
33 under this section, that the public health, safety or welfare imperatively  
34 requires emergency action, and incorporates a finding to that effect in  
35 its order, the board may restrict, limit or order a summary suspension of  
36 a license pending proceedings for revocation or other action. If the  
37 board takes action pursuant to this subsection it shall also serve the  
38 licensee with a written notice that states the charges and that the  
39 licensee is entitled to a formal hearing before the board or an  
40 administrative law judge.

41 ~~D.~~ **E.** If, after completing its investigation, the board finds that  
42 the information provided pursuant to subsection A of this section is not  
43 of sufficient seriousness to merit disciplinary action against the license  
44 of the doctor, the board may take any of the following actions:

1           1. Dismiss if, in the opinion of the board, the information is  
2 without merit.

3           2. File a letter of concern.

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

8           ~~F.~~ F. If the board finds that it can take rehabilitative or  
9 disciplinary action without the presence of the doctor at a formal  
10 interview, it may enter into a consent agreement with the doctor to limit  
11 or restrict the doctor's practice or to rehabilitate the doctor in order  
12 to protect the public and ensure the doctor's ability to safely engage in  
13 the practice of naturopathic medicine. The board may also require the  
14 doctor to successfully complete a board approved rehabilitative,  
15 retraining or assessment program.

16           ~~F.~~ G. If after completing its investigation the board believes  
17 that the information is or may be true, it may request a formal interview  
18 with the doctor. If the doctor refuses the invitation or accepts and the  
19 results indicate that grounds may exist for revocation or suspension of  
20 the doctor's license for more than twelve months, the board may issue a  
21 formal complaint and order that a hearing be held pursuant to title 41,  
22 chapter 6, article 10. If after completing a formal interview the board  
23 finds the information provided under this section is not of sufficient  
24 seriousness to merit suspension for more than twelve months or revocation  
25 of the license, it may take the following actions:

26           1. Dismiss if, in the opinion of the board, the complaint is  
27 without merit.

28           2. File a letter of concern.

29           3. File a letter of reprimand.

30           4. Issue a decree of censure. A decree of censure is an official  
31 action against the doctor's license and may include a requirement for  
32 restitution of fees to a patient resulting from violations of this chapter  
33 or rules adopted under this chapter.

34           5. Fix a period and terms of probation best adapted to protect the  
35 public health and safety and rehabilitate or educate the doctor  
36 concerned. Probation may include temporary license suspension for not to  
37 exceed twelve months, restriction of the doctor's license to practice  
38 naturopathic medicine; ~~OR~~ OR a requirement for ~~restitution of fees to a~~  
39 ~~patient or~~ education or rehabilitation at the licensee's own expense. If  
40 a licensee fails to comply with the terms of probation, the board shall  
41 serve the licensee with a written notice that states that the licensee is  
42 subject to a formal hearing based on the information considered by the  
43 board at the formal interview and any other acts or conduct alleged to be  
44 in violation of this chapter or rules adopted by the board pursuant to

1 this chapter including noncompliance with the terms of probation, a  
2 consent agreement or a stipulated agreement.

3 6. Enter into an agreement with the doctor to restrict or limit the  
4 doctor's practice or medical activities in order to rehabilitate, retrain  
5 or assess the doctor, protect the public and ensure the physician's  
6 ability to safely engage in the practice of naturopathic medicine. The  
7 board may also require the doctor to successfully complete a board  
8 approved rehabilitative, retraining or assessment program at the doctor's  
9 own expense pursuant to subsection ~~F~~ F of this section.

10 7. Issue a nondisciplinary order requiring the licensee to complete  
11 a prescribed number of hours of continuing education in an area or areas  
12 prescribed by the board to provide the licensee with the necessary  
13 understanding of current developments, skills, procedures or treatment.

14 ~~G~~ H. If the board finds that the information provided in an  
15 investigation warrants suspension or revocation of a license issued under  
16 this chapter, it must initiate formal proceedings pursuant to title 41,  
17 chapter 6, article 10.

18 ~~H~~ I. Any doctor of naturopathic medicine who after a formal  
19 hearing is found by the board to be guilty of unprofessional conduct, to  
20 be mentally or physically unable to safely engage in the practice of  
21 naturopathic medicine or to be medically incompetent is subject to  
22 censure, probation as provided in this section, suspension or revocation  
23 of a license or any combination of these under any conditions as the board  
24 deems appropriate for the protection of the public health and safety and  
25 just in the circumstance. The board may charge the costs of formal  
26 hearings to the licensee who it finds to be in violation of this chapter.

27 ~~I~~ J. If the naturopathic physicians ~~of medical~~ MEDICAL board  
28 ~~examiners~~ acts to modify any doctor's prescription writing privileges, it  
29 shall immediately notify the Arizona state board of pharmacy of the  
30 modification.

31 ~~J~~ K. If the board, during the course of any investigation,  
32 determines that a criminal violation may have occurred involving the  
33 delivery of health care, ~~it~~ THE BOARD shall make the evidence of  
34 violations available to the appropriate criminal justice agency for its  
35 consideration ~~WITHIN FORTY-EIGHT HOURS AFTER THE DETERMINATION~~.

36 ~~K~~ L. The board shall deposit, pursuant to sections 35-146 and  
37 35-147, all monies collected from civil penalties paid pursuant to this  
38 chapter in the state general fund.

39 ~~L~~ M. Notice of a complaint and hearing is effective by a true  
40 copy of it being sent by certified mail to the doctor's last known address  
41 of record in the board's files. Notice of the complaint and hearing is  
42 complete on the date of its deposit in the mail.

43 ~~M~~ N. The board may accept the surrender of an active license from  
44 a person who admits in writing to any of the following:

1 1. Being unable to safely engage in the practice of naturopathic  
2 medicine.

3 2. Having committed an act of unprofessional conduct.

4 3. Having violated this chapter or a board rule.

5 ~~H.~~ 0. The board may administer the oath to all witnesses and shall  
6 keep a written transcript of all oral testimony submitted at the hearing  
7 and the original or a copy of all other evidence submitted. The board may  
8 waive the technical rules of evidence at any hearing conducted under this  
9 section.

10 ~~O.~~ P. Except as provided in section 41-1092.08, subsection H, an  
11 appeal to the superior court in Maricopa county may be taken from  
12 decisions of the board pursuant to title 12, chapter 7, article 6.

13 Q. IF A COURT OF COMPETENT JURISDICTION FINDS THAT THE BOARD ACTED  
14 CAPRICIOUSLY AGAINST A LICENSEE WITHOUT MERIT AND IN VIOLATION OF THIS  
15 CHAPTER, THE RULES ADOPTED PURSUANT TO THIS CHAPTER OR THE BOARD'S  
16 POLICIES OR PROCEDURES, THE LICENSEE IS ENTITLED TO RESTITUTION FOR ALL  
17 COSTS INCURRED RELATING TO THE MATTER IN THE COURSE OF THE INVESTIGATION  
18 OR THE FORMAL HEARING PROCESS, OR BOTH.

19 Sec. 5. Section 32-1551.01, Arizona Revised Statutes, is amended to  
20 read:

21 32-1551.01. Right to examine and copy evidence; witnesses;  
22 documents; testimony; representation

23 A. In connection with the investigation by the board on its own  
24 motion, or as the result of information received pursuant to section  
25 32-1551, the board or its duly authorized agents or employees at all  
26 reasonable times may examine and copy any documents, reports, records or  
27 other physical evidence of the person it is investigating or that is in  
28 possession of any hospital, clinic, physician's office, laboratory,  
29 pharmacy, public or private agency, health care institution as defined in  
30 section 36-401 and health care provider and that relates to medical  
31 competence, unprofessional conduct or the mental or physical ability of a  
32 licensee to safely practice naturopathic medicine.

33 B. For the purpose of all investigations and proceedings conducted  
34 by the board:

35 1. THE SCOPE OF AN INVESTIGATION PURSUANT TO THIS SECTION IS  
36 LIMITED TO THE INFORMATION CONTAINED IN THE INITIAL COMPLAINT OR THE  
37 INFORMATION THAT THE BOARD HAS IN ITS POSSESSION AT THE TIME OF THE  
38 BOARD'S MOTION TO INVESTIGATE.

39 ~~I.~~ 2. The board on its own initiative or on application of any  
40 person involved in the investigation may issue subpoenas to require the  
41 attendance and testimony of witnesses or to demand the production for  
42 examination or copying of documents or any other physical evidence that  
43 relates to medical competence, unprofessional conduct or the mental or  
44 physical ability of a licensee to safely practice naturopathic medicine.  
45 Within five days after a person is served with a subpoena that person may

petition the board to revoke, limit or modify the subpoena. The board shall do so if in its opinion the evidence required does not relate to unlawful practices covered by this chapter, is not relevant to the charge that is the subject matter of the hearing or investigation or does not describe with sufficient particularity the physical evidence required to be produced. Any member of the board or any agent designated by the board may administer oaths or affirmations, examine witnesses and receive evidence.

~~2.~~ 3. Any person appearing before the board may be represented by counsel.

~~3.~~ 4. On application by the board or by the person subpoenaed, the superior court may issue an order to either:

(a) Require the subpoenaed person to appear before the board or the duly authorized agent to produce evidence relating to the matter under investigation.

(b) Revoke, limit or modify the subpoena if in the court's opinion the evidence demanded does not relate to unlawful practices covered by this chapter, is not relevant to the charge that is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence whose production is required.

C. Patient records, including clinical records, medical reports, laboratory statements and reports, any file, film, other report or oral statement relating to diagnostic findings or treatment of patients, any information from which a patient or the patient's family might be identified and any information received and records or reports kept by the board as a result of the investigation procedure outlined in this chapter are not available to the public.

D. This section and any other law making communications between a physician and a physician's patient privileged does not apply to investigations or proceedings conducted pursuant to this chapter. The board and its employees, agents and representatives must keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this chapter.

E. Hospital records, medical staff records, medical staff review committee records and testimony concerning these records and proceedings related to the creation of these records are not available to the public, must be kept confidential by the board and are subject to the same provisions concerning discovery and use in legal actions as are the original records in the possession and control of hospitals, their medical staffs and their medical staff review committees. The board shall use such records and testimony during the course of investigations and proceedings pursuant to this chapter.

F. The court may find a person who does not comply with a subpoena issued pursuant to this section in contempt of court.