

House Engrossed Senate Bill

epinephrine delivery systems

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

CHAPTER 104
SENATE BILL 1440

AN ACT

AMENDING SECTIONS 15-157, 15-189.04, 15-203, 15-341, 32-1401, 32-1706, 32-1854, 32-1901.01, 36-2201, 36-2226.01 AND 36-2226.02, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY MEDICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-157, Arizona Revised Statutes, is amended to
3 read:

4 15-157. Emergency administration; epinephrine delivery
5 systems; trained personnel; immunity

6 Pursuant to a standing order issued by the chief medical officer of
7 the department of health services, the chief medical officer of a county
8 health department, a doctor of medicine licensed pursuant to title 32,
9 chapter 13, a doctor of naturopathic medicine licensed pursuant to title
10 32, chapter 14, a doctor of osteopathic medicine licensed pursuant to title
11 32, chapter 17, a nurse practitioner licensed pursuant to title 32,
12 chapter 15 or a physician assistant licensed pursuant to title 32, chapter
13 25, an employee of a school district or charter school who is trained in
14 the administration of epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS may
15 administer or assist in the administration of epinephrine ~~auto-injectors~~
16 DELIVERY SYSTEMS to a pupil or an adult whom the employee believes in good
17 faith to be exhibiting symptoms of anaphylactic shock while at school or
18 at A school-sponsored ~~activities~~ ACTIVITY. Each school district and
19 charter school may stock two or more juvenile doses and two or more adult
20 doses of epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS at each school
21 pursuant to a standing order issued by the chief medical officer of the
22 department of health services, the chief medical officer of a county
23 health department, a doctor of medicine licensed pursuant to title 32,
24 chapter 13, a doctor of naturopathic medicine licensed pursuant to title
25 32, chapter 14, a doctor of osteopathic medicine licensed pursuant to title
26 32, chapter 17, a nurse practitioner licensed pursuant to title 32,
27 chapter 15 or a physician assistant licensed pursuant to title 32,
28 chapter 25. A school district or charter school may accept monetary
29 donations for or apply for grants ~~for the~~ TO purchase ~~of~~ epinephrine
30 ~~auto-injectors~~ DELIVERY SYSTEMS or may participate in third-party programs
31 to obtain epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS at fair market, free
32 or reduced prices. The chief medical officer of the department of health
33 services, the chief medical officer of a county health department, a
34 doctor of medicine licensed pursuant to title 32, chapter 13, a doctor of
35 naturopathic medicine licensed pursuant to title 32, chapter 14, a doctor
36 of osteopathic medicine licensed pursuant to title 32, chapter 17, a nurse
37 practitioner licensed pursuant to title 32, chapter 15 or a physician
38 assistant licensed pursuant to title 32, chapter 25, a school district, a
39 charter school and employees of a school district or charter school are
40 immune from civil liability with respect to all decisions made and actions
41 taken that are based on good faith implementation of the requirements of
42 this section, except in cases of gross negligence, wilful misconduct or
43 intentional wrongdoing.

1 Sec. 2. Section 15-189.04, Arizona Revised Statutes, is amended to
2 read:

3 **15-189.04. Policies and procedures; emergency administration;**
4 **epinephrine and inhalers**

5 The governing body of each charter school shall prescribe and
6 enforce policies and procedures for the emergency administration of
7 epinephrine ~~auto-injectors~~ **DELIVERY SYSTEMS** by a trained employee of the
8 charter school pursuant to section 15-157 and may prescribe and enforce
9 policies and procedures for the emergency administration of inhalers by a
10 trained employee of the charter school or a nurse who is under contract
11 with the charter school pursuant to section 15-158.

12 Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to
13 read:

14 **15-203. Powers and duties: definition**

15 A. The state board of education shall:

16 1. Exercise general supervision over and regulate the conduct of
17 the public school system and adopt any rules and policies it deems
18 necessary to accomplish this purpose.

19 2. Keep a record of its proceedings.

20 3. Make rules for its own government.

21 4. Determine the policy and work undertaken by it.

22 5. Subject to title 41, chapter 4, article 4, employ staff.

23 6. Prescribe and supervise the duties of its employees pursuant to
24 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

25 7. Delegate to the superintendent of public instruction the
26 execution of board policies and rules.

27 8. Recommend to the legislature changes or additions to the
28 statutes pertaining to schools.

29 9. Prepare, publish and distribute reports concerning the
30 educational welfare of this state.

31 10. Prepare a budget for expenditures necessary for proper
32 maintenance of the board and accomplishment of its purposes and present
33 the budget to the legislature.

34 11. Aid in the enforcement of laws relating to schools.

35 12. Prescribe a minimum course of study in the common schools,
36 minimum competency requirements for the promotion of pupils from the third
37 grade and minimum course of study and competency requirements for the
38 promotion of pupils from the eighth grade. The state board of education
39 shall prepare a fiscal impact statement of any proposed changes to the
40 minimum course of study or competency requirements and, on completion,
41 shall send a copy to the director of the joint legislative budget
42 committee and the director of the school facilities division within the
43 department of administration. The state board of education shall not
44 adopt any changes in the minimum course of study or competency

1 requirements in effect on July 1, 1998 that will have a fiscal impact on
2 school capital costs.

3 13. Prescribe minimum course of study and competency requirements
4 for the graduation of pupils from high school. The state board of
5 education shall prepare a fiscal impact statement of any proposed changes
6 to the minimum course of study or competency requirements and, on
7 completion, shall send a copy to the director of the joint legislative
8 budget committee and the director of the school facilities division within
9 the department of administration. The state board of education shall not
10 adopt any changes in the minimum course of study or competency
11 requirements in effect on July 1, 1998 that will have a fiscal impact on
12 school capital costs.

13 14. Pursuant to section 15-501.01, supervise and control the
14 certification of persons engaged in instructional work directly as any
15 classroom, laboratory or other teacher or indirectly as a supervisory
16 teacher, speech therapist, principal or superintendent in a school
17 district, including school district preschool programs, or any other
18 educational institution below the community college, college or university
19 level, and prescribe rules for certification.

20 15. Adopt a list of approved tests for determining special
21 education assistance to gifted pupils as defined in and as provided in
22 chapter 7, article 4.1 of this title. The adopted tests shall provide
23 separate scores for quantitative reasoning, verbal reasoning and nonverbal
24 reasoning and shall be capable of providing reliable and valid scores at
25 the highest ranges of the score distribution.

26 16. Adopt rules governing the methods for the administration of all
27 proficiency examinations.

28 17. Adopt proficiency examinations for its use and determine the
29 passing score for the proficiency examinations.

30 18. Include within its budget the cost of contracting for the
31 purchase, distribution and scoring of the examinations as provided in
32 paragraphs 16 and 17 of this subsection.

33 19. Supervise and control the qualifications of professional
34 nonteaching school personnel and prescribe standards relating to
35 qualifications. The standards shall not require the business manager of a
36 school district to obtain certification from the state board of education.

37 20. Impose such disciplinary action, including disciplinary action
38 pursuant to section 15-505 or the issuance of a letter of censure,
39 suspension, suspension with conditions or revocation of a certificate, on
40 a finding of immoral or unprofessional conduct.

41 21. Establish an assessment, data gathering and reporting system
42 for pupil performance as prescribed in chapter 7, article 3 of this title,
43 including qualifying examinations for the college credit by examination
44 incentive program pursuant to section 15-249.06.

1 22. Adopt a rule to promote braille literacy pursuant to section
2 15-214.

3 23. Adopt rules prescribing procedures for the state board of
4 education to investigate every written complaint alleging that a
5 certificated person, a person seeking certification or a noncertificated
6 person has engaged in immoral or unprofessional conduct.

7 24. For purposes of federal law, serve as the state board for
8 vocational and technological education and meet at least four times each
9 year solely to execute the powers and duties of the state board for
10 vocational and technological education.

11 25. Develop and maintain a handbook for use in the schools of this
12 state that provides guidance for the teaching of moral, civic and ethical
13 education. The handbook shall promote existing curriculum frameworks and
14 shall encourage school districts to recognize moral, civic and ethical
15 values within instructional and programmatic educational development
16 programs for the general purpose of instilling character and ethical
17 principles in pupils in kindergarten programs and grades one through
18 twelve.

19 26. Require pupils to recite the following passage from the
20 declaration of independence for pupils in grades four through six at the
21 commencement of the first class of the day in the schools, except that a
22 pupil shall not be required to participate if the pupil or the pupil's
23 parent or guardian objects:

24 We hold these truths to be self-evident, that all men
25 are created equal, that they are endowed by their creator with
26 certain unalienable rights, that among these are life, liberty
27 and the pursuit of happiness. That to secure these rights,
28 governments are instituted among men, deriving their just
29 powers from the consent of the governed. . . .

30 27. Adopt rules that provide for certification reciprocity pursuant
31 to section 15-501.01.

32 28. Adopt rules that provide for the presentation of an honorary
33 high school diploma to a person who has never obtained a high school
34 diploma and who meets both of the following requirements:

35 (a) Currently resides in this state.

36 (b) Provides documented evidence from the department of veterans'
37 services that the person enlisted in the armed forces of the United States
38 and served in World War I, World War II, the Korean conflict or the
39 Vietnam conflict.

40 29. Cooperate with the Arizona-Mexico commission in the governor's
41 office and with researchers at universities in this state to collect data
42 and conduct projects in the United States and Mexico on issues that are
43 within the scope of the duties of the department of education and that
44 relate to quality of life, trade and economic development in this state in
45 a manner that will help the Arizona-Mexico commission to assess and

1 enhance the economic competitiveness of this state and of the
2 Arizona-Mexico region.

3 30. Adopt rules to define and provide guidance to schools as to the
4 activities that would constitute immoral or unprofessional conduct of
5 certificated and noncertificated persons.

6 31. Adopt guidelines to encourage pupils in grades nine, ten,
7 eleven and twelve to volunteer for twenty hours of community service
8 before graduation from high school. A school district that complies with
9 the guidelines adopted pursuant to this paragraph is not liable for
10 damages resulting from a pupil's participation in community service unless
11 the school district is found to have demonstrated wanton or reckless
12 disregard for the safety of the pupil and other participants in community
13 service. For the purposes of this paragraph, "community service" may
14 include service learning. The guidelines shall include the following:

15 (a) A list of the general categories in which community service may
16 be performed.

17 (b) A description of the methods by which community service will be
18 monitored.

19 (c) A consideration of risk assessment for community service
20 projects.

21 (d) Orientation and notification procedures of community service
22 opportunities for pupils entering grade nine, including the development of
23 a notification form. The notification form shall be signed by the pupil
24 and the pupil's parent or guardian, except that a pupil shall not be
25 required to participate in community service if the parent or guardian
26 notifies the principal of the pupil's school in writing that the parent or
27 guardian does not wish the pupil to participate in community service.

28 (e) Procedures for a pupil in grade nine to prepare a written
29 proposal that outlines the type of community service that the pupil would
30 like to perform and the goals that the pupil hopes to achieve as a result
31 of community service. The pupil's written proposal shall be reviewed by a
32 faculty advisor, a guidance counselor or any other school employee who is
33 designated as the community service program coordinator for that school.
34 The pupil may alter the written proposal at any time before performing
35 community service.

36 (f) Procedures for a faculty advisor, a guidance counselor or any
37 other school employee who is designated as the community service program
38 coordinator to evaluate and certify the completion of community service
39 performed by pupils.

40 32. To facilitate the transfer of military personnel and their
41 dependents to and from the public schools of this state, pursue, in
42 cooperation with the Arizona board of regents, reciprocity agreements with
43 other states concerning the transfer credits for military personnel and
44 their dependents. A reciprocity agreement entered into pursuant to this
45 paragraph shall:

1 (a) Address procedures for each of the following:
2 (i) Transferring student records.
3 (ii) Awarding credit for completed coursework.
4 (iii) Allowing a student to satisfy the graduation requirements
5 prescribed in section 15-701.01 through the successful performance on
6 comparable exit-level assessment instruments administered in another
7 state.

8 (b) Include appropriate criteria developed by the state board of
9 education and the Arizona board of regents.

10 33. Adopt guidelines that school district governing boards shall
11 use in identifying pupils who are eligible for gifted programs and in
12 providing gifted education programs and services. The state board of
13 education shall adopt any other guidelines and rules that it deems
14 necessary in order to carry out the purposes of chapter 7, article 4.1 of
15 this title.

34. For each of the alternative textbook formats of human-voiced audio, large-print and braille, designate alternative media producers to adapt existing standard print textbooks or to provide specialized textbooks, or both, for pupils with disabilities in this state. Each alternative media producer shall be capable of producing alternative textbooks in all relevant subjects in at least one of the alternative textbook formats. The board shall post the designated list of alternative media producers on its website.

24 35. Adopt a list of approved professional development training
25 providers for use by school districts as provided in section 15-107,
26 subsection J. The professional development training providers shall meet
27 the training curriculum requirements determined by the state board of
28 education in at least the areas of school finance, governance, employment,
29 staffing, inventory and human resources, internal controls and
30 procurement.

31 36. Adopt rules to prohibit a person who violates the notification
32 requirements prescribed in section 15-183, subsection C, paragraph 8 or
33 section 15-550, subsection D from certification pursuant to this title
34 until the person is no longer charged or is acquitted of any offenses
35 listed in section 41-1758.03, subsection B. The state board shall also
36 adopt rules to prohibit a person who violates the notification
37 requirements, certification surrender requirements or fingerprint
38 clearance card surrender requirements prescribed in section 15-183,
39 subsection C, paragraph 9 or section 15-550, subsection E from
40 certification pursuant to this title for at least ten years after the date
41 of the violation.

42 37. Adopt rules for the alternative certification of teachers of
43 nontraditional foreign languages that allow for the passing of a
44 nationally accredited test to substitute for the education coursework
45 required for certification.

1 38. Adopt rules to define competency-based educational pathways for
2 college and career readiness that may be used by schools. The rules shall
3 include the following components:

4 (a) The establishment of learning outcomes that will be expected
5 for students in a particular subject, beginning with math.

6 (b) ~~On or before December 31, 2022~~, A mechanism to allow pupils in
7 grades seven through twelve who have demonstrated competency in a subject
8 to immediately obtain credit for the mastery of that subject. The rules
9 shall include a list of applicable subjects.

10 39. In consultation with the department of health services, the
11 department of education, medical professionals, school health
12 professionals, school administrators and an organization that represents
13 school nurses in this state, adopt rules that prescribe the following for
14 school districts and charter schools:

15 (a) Annual training in the administration of ~~auto-injectable~~
16 epinephrine **DELIVERY SYSTEMS** for designated medical and nonmedical school
17 personnel. The annual training prescribed in this subdivision is optional
18 during any fiscal year in which a school does not stock epinephrine
19 ~~auto-injectors~~ **DELIVERY SYSTEMS** at the school during that fiscal year.

20 (b) Annual training for all school site personnel on the
21 recognition of anaphylactic shock symptoms and the procedures to follow
22 when anaphylactic shock occurs, following the national guidelines of the
23 American academy of pediatrics. The annual training prescribed in this
24 subdivision is optional during any fiscal year in which a school does not
25 stock epinephrine ~~auto-injectors~~ **DELIVERY SYSTEMS** at the school during
26 that fiscal year.

27 (c) Procedures for the administration of epinephrine ~~auto-injectors~~
28 **DELIVERY SYSTEMS** in emergency situations.

29 (d) Procedures for annually requesting a standing order for
30 epinephrine ~~auto-injectors~~ **DELIVERY SYSTEMS** pursuant to section 15-157
31 from the chief medical officer of the department of health services, the
32 chief medical officer of a county health department, a doctor of medicine
33 licensed pursuant to title 32, chapter 13, a doctor of naturopathic
34 medicine licensed pursuant to title 32, chapter 14 or a doctor of
35 osteopathic medicine licensed pursuant to title 32, chapter 17.

36 (e) Procedures for reporting the use of epinephrine ~~auto-injectors~~
37 **DELIVERY SYSTEMS** to the department of health services.

38 40. In consultation with the department of education, medical
39 professionals, school health professionals, school administrators and an
40 organization that represents school nurses in this state, adopt rules that
41 prescribe the following for school districts and charter schools that
42 elect to administer inhalers:

43 (a) Annual training in the recognition of respiratory distress
44 symptoms and the procedures to follow when respiratory distress occurs, in
45 accordance with good clinical practice, and the administration of

1 inhalers, as directed on the prescription protocol, by designated medical
2 and nonmedical school personnel.

3 (b) Requirements for school districts and charter schools that
4 elect to administer inhalers to designate at least two employees at each
5 school to be trained in the recognition of respiratory distress symptoms
6 and the procedures to follow when respiratory distress occurs, in
7 accordance with good clinical practice, and at least two employees at each
8 school to be trained in the administration of inhalers, as directed on the
9 prescription protocol.

10 (c) Procedures for the administration of inhalers in emergency
11 situations, as directed on the prescription protocol.

12 (d) Procedures for annually requesting a standing order for
13 inhalers and spacers or holding chambers pursuant to section 15-158 from
14 the chief medical officer of a county health department, a physician
15 licensed pursuant to title 32, chapter 13, 14 or 17 or a nurse
16 practitioner licensed pursuant to title 32, chapter 15.

17 (e) Procedures for notifying a parent once an inhaler has been
18 administered.

19 41. Adopt rules for certification that allow substitute teachers
20 who can demonstrate primary teaching responsibility in a classroom as
21 defined by the state board of education to use the time spent in that
22 classroom toward the required capstone experience for standard teaching
23 certification.

24 42. For the purposes of Sandra Day O'Connor civics celebration day
25 instruction under section 15-710.01, develop a list of recommended
26 resources relating to civics education that align with the academic
27 standards prescribed by the state board of education in social studies
28 pursuant to sections 15-701 and 15-701.01. The state board shall
29 establish a process that allows public schools to recommend resources for
30 addition to the list.

31 43. Direct and oversee the work of all investigators related to
32 investigating certificated persons, persons seeking certification and
33 noncertificated persons for immoral or unprofessional conduct under this
34 title and rules adopted pursuant to this title. The investigators shall
35 be housed within and are employees of the state board of education.

36 44. Establish best practices for social media and cellular
37 telephone use between students and school personnel, including teachers,
38 coaches and counselors, and encourage school district governing boards and
39 charter school governing bodies to adopt policies that implement these
40 best practices. The state board of education shall make these best
41 practices available to both public and private schools.

42 45. For the purposes of 9/11 education day instruction under
43 section 15-710.02, develop a list of recommended resources relating to
44 age-appropriate education on the terrorist attacks of September 11, 2001
45 that align with the academic standards prescribed by the state board

1 pursuant to sections 15-701 and 15-701.01. The state board shall
2 establish a process that allows public schools to recommend resources for
3 addition to the list.

4 B. The state board of education may:

5 1. Contract.

6 2. Sue and be sued.

7 3. Distribute and score the tests prescribed in chapter 7, article
8 3 of this title.

9 4. Provide for an advisory committee or hearing officers to conduct
10 hearings and screenings to determine whether grounds exist to impose
11 disciplinary action against a certificated person, whether grounds exist
12 to reinstate a revoked or surrendered certificate, whether grounds exist
13 to approve or deny an initial application for certification or a request
14 for renewal of a certificate and whether grounds exist to impose or lift
15 disciplinary action against a noncertificated person. The board may
16 delegate its responsibility to conduct hearings and screenings to its
17 advisory committee or hearing officers. Hearings shall be conducted
18 pursuant to title 41, chapter 6, article 6.

19 5. Proceed with the disposal of any complaint requesting
20 disciplinary action against a noncertificated person after the board has
21 imposed disciplinary action pursuant to section 15-505 or against a person
22 holding a certificate as prescribed in subsection A, paragraph 14 of this
23 section after the suspension or expiration of the certificate or surrender
24 of the certificate by the holder.

25 6. Assess costs and reasonable attorney fees against a person who
26 files a frivolous complaint or who files a complaint in bad faith. Costs
27 assessed pursuant to this paragraph shall not exceed the expenses incurred
28 by the state board of education in the investigation of the complaint.

29 7. Issue subpoenas to compel the attendance and testimony of
30 witnesses and production of documents or any physical evidence in
31 connection with an investigation or hearing of an allegation that a
32 certificated person, a person seeking certification or a noncertificated
33 person has engaged in immoral or unprofessional conduct. If a subpoena
34 issued by the board is disobeyed, the board may petition the superior
35 court to enforce the subpoena. Any failure to obey an order of the court
36 pursuant to this paragraph may be punished by the court as contempt.

37 C. For the purposes of this section, "noncertificated person" has
38 the same meaning prescribed in section 15-505.

39 Sec. 4. Section 15-341, Arizona Revised Statutes, is amended to
40 read:

41 15-341. General powers and duties: immunity: delegation

42 A. ~~The~~ EACH SCHOOL DISTRICT governing board shall:

43 1. Prescribe and enforce policies and procedures to govern the
44 schools that are not inconsistent with the laws or rules prescribed by the
45 state board of education.

1 2. Exclude from schools all books, publications, papers or
2 audiovisual materials of a sectarian, partisan or denominational
3 character. This paragraph does not prohibit the elective course allowed
4 by section 15-717.01.

5 3. Manage and control the school property within its district,
6 except that a district may enter into a partnership with an entity,
7 including a charter school, another school district or a military base, to
8 operate a school or offer educational services in a district building,
9 including at a vacant or partially used building, or in any building on
10 the entity's property pursuant to a written agreement between the parties.

11 4. Acquire school furniture, apparatus, equipment, library books
12 and supplies for the schools to use.

13 5. Prescribe the curricula and criteria for the promotion and
14 graduation of pupils as provided in sections 15-701 and 15-701.01.

15 6. Furnish, repair and insure, at full insurable value, the school
16 property of the district.

17 7. Construct school buildings on approval by a vote of the district
18 electors.

19 8. In the name of the district, convey property belonging to the
20 district and sold by the board.

21 9. Purchase school sites when authorized by a vote of the district
22 at an election conducted as nearly as practicable in the same manner as
23 the election provided in section 15-481 and held on a date prescribed in
24 section 15-491, subsection E, but such authorization shall not necessarily
25 specify the site to be purchased and such authorization shall not be
26 necessary to exchange unimproved property as provided in section 15-342,
27 paragraph 23.

28 10. Construct, improve and furnish buildings used for school
29 purposes when such buildings or premises are leased from the national park
30 service.

31 11. Purchase school sites or construct, improve and furnish school
32 buildings from the proceeds of the sale of school property only on
33 approval by a vote of the district electors.

34 12. Hold pupils to strict account for disorderly conduct on school
35 property.

36 13. Discipline students for disorderly conduct on the way to and
37 from school.

38 14. Except as provided in section 15-1224, deposit all monies
39 received by the district as gifts, grants and devises with the county
40 treasurer who shall credit the deposits as designated in the uniform
41 system of financial records. If not inconsistent with the terms of the
42 gifts, grants and devises given, any balance remaining after expenditures
43 for the intended purpose of the monies have been made shall be used to
44 reduce school district taxes for the budget year, except that in the case
45 of accommodation schools the county treasurer shall carry the balance

1 forward for use by the county school superintendent for accommodation
2 schools for the budget year.

3 15. Provide that, if a parent or legal guardian chooses not to
4 accept a decision of the teacher as provided in paragraph 42 of this
5 subsection, the parent or legal guardian may request in writing that the
6 governing board review the teacher's decision. This paragraph does not
7 release school districts from any liability relating to a child's
8 promotion or retention.

9 16. Provide for adequate supervision over pupils in instructional
10 and noninstructional activities by certificated or noncertificated
11 personnel.

12 17. Use school monies received from the state and county school
13 apportionment exclusively to pay salaries of teachers and other employees
14 and contingent expenses of the district.

15 18. Annually report to the county school superintendent on or
16 before October 1 in the manner and form and on the blanks prescribed by
17 the superintendent of public instruction or county school superintendent.
18 The board shall also report directly to the county school superintendent
19 or the superintendent of public instruction whenever required.

20 19. Deposit all monies received by school districts other than
21 student activities monies or monies from auxiliary operations as provided
22 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
23 the school district except as provided in paragraph 20 of this subsection
24 and sections 15-1223 and 15-1224, and the board shall spend the monies as
25 provided by law for other school funds.

26 20. Establish bank accounts in which the board during a month may
27 deposit miscellaneous monies received directly by the district. The board
28 shall remit monies deposited in the bank accounts at least monthly to the
29 county treasurer for deposit as provided in paragraph 19 of this
30 subsection and in accordance with the uniform system of financial records.

31 21. Prescribe and enforce policies and procedures for disciplinary
32 action against a teacher who engages in conduct that is a violation of the
33 policies of the governing board but that is not cause for dismissal of the
34 teacher or for revocation of the certificate of the teacher. Disciplinary
35 action may include suspension without pay for a period of time not to
36 exceed ten school days. Disciplinary action shall not include suspension
37 with pay or suspension without pay for a period of time longer than ten
38 school days. The procedures shall include notice, hearing and appeal
39 provisions for violations that are cause for disciplinary action. The
40 governing board may designate a person or persons to act on behalf of the
41 board on these matters.

42 22. Prescribe and enforce policies and procedures for disciplinary
43 action against an administrator who engages in conduct that is a violation
44 of the policies of the governing board regarding duties of administrators
45 but that is not cause for dismissal of the administrator or for revocation

1 of the certificate of the administrator. Disciplinary action may include
2 suspension without pay for a period of time not to exceed ten school days.
3 Disciplinary action shall not include suspension with pay or suspension
4 without pay for a period of time longer than ten school days. The
5 procedures shall include notice, hearing and appeal provisions for
6 violations that are cause for disciplinary action. The governing board
7 may designate a person or persons to act on behalf of the board on these
8 matters. For violations that are cause for dismissal, the provisions of
9 notice, hearing and appeal in chapter 5, article 3 of this title apply.
10 The filing of a timely request for a hearing suspends the imposition of a
11 suspension without pay or a dismissal pending completion of the hearing.

12 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
13 enforce policies and procedures that prohibit a person from carrying or
14 possessing a weapon on school grounds unless the person is a peace officer
15 or has obtained specific authorization from the school administrator.

16 24. Prescribe and enforce policies and procedures relating to the
17 health and safety of all pupils participating in district-sponsored
18 practice sessions or games or other interscholastic athletic activities,
19 including:

20 (a) The provision of water.

21 (b) Guidelines, information and forms, developed in consultation
22 with a statewide private entity that supervises interscholastic
23 activities, to inform and educate coaches, pupils and parents of the
24 dangers of concussions and head injuries and the risks of continued
25 participation in athletic activity after a concussion. The policies and
26 procedures shall require that, before a pupil participates in an athletic
27 activity, the pupil and the pupil's parent sign an information form at
28 least once each school year that states that the parent is aware of the
29 nature and risk of concussion. The policies and procedures shall require
30 that a pupil who is suspected of sustaining a concussion in a practice
31 session, game or other interscholastic athletic activity be immediately
32 removed from the athletic activity and that the pupil's parent or guardian
33 be notified. A coach from the pupil's team or an official or a licensed
34 health care provider may remove a pupil from play. A team parent may also
35 remove the parent's own child from play. A pupil may return to play on
36 the same day if a health care provider rules out a suspected concussion at
37 the time the pupil is removed from play. On a subsequent day, the pupil
38 may return to play if the pupil has been evaluated by and received written
39 clearance to resume participation in athletic activity from a health care
40 provider who has been trained in evaluating and managing concussions and
41 head injuries. A health care provider who is a volunteer and who provides
42 clearance to participate in athletic activity on the day of the suspected
43 injury or on a subsequent day is immune from civil liability with respect
44 to all decisions made and actions taken that are based on good faith
45 implementation of the requirements of this subdivision, except in cases of

1 gross negligence or wanton or wilful neglect. A school district, school
2 district employee, team coach, official or team volunteer or a parent or
3 guardian of a team member is not subject to civil liability for any act,
4 omission or policy undertaken in good faith to comply with the
5 requirements of this subdivision or for a decision made or an action taken
6 by a health care provider. A group or organization that uses property or
7 facilities owned or operated by a school district for athletic activities
8 shall comply with the requirements of this subdivision. A school district
9 and its employees and volunteers are not subject to civil liability for
10 any other person or organization's failure or alleged failure to comply
11 with the requirements of this subdivision. This subdivision does not
12 apply to teams that are based in another state and that participate in an
13 athletic activity in this state. For the purposes of this subdivision,
14 athletic activity does not include dance, rhythmic gymnastics,
15 competitions or exhibitions of academic skills or knowledge or other
16 similar forms of physical noncontact activities, civic activities or
17 academic activities, whether engaged in for the purposes of competition or
18 recreation. For the purposes of this subdivision, "health care provider"
19 means a physician who is licensed pursuant to title 32, chapter 13, 14 or
20 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,
21 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and
22 a physician assistant who is licensed pursuant to title 32, chapter 25.

23 (c) Guidelines, information and forms that are developed in
24 consultation with a statewide private entity that supervises
25 interscholastic activities to inform and educate coaches, pupils and
26 parents of the dangers of heat-related illnesses, sudden cardiac death and
27 prescription opioid use. Before a pupil participates in any
28 district-sponsored practice session or game or other interscholastic
29 athletic activity, the pupil and the pupil's parent must be provided with
30 information at least once each school year on the risks of heat-related
31 illnesses, sudden cardiac death and prescription opioid addiction.

32 25. Establish an assessment, data gathering and reporting system as
33 prescribed in chapter 7, article 3 of this title.

34 26. Provide special education programs and related services
35 pursuant to section 15-764, subsection A to all children with disabilities
36 as defined in section 15-761.

37 27. Administer competency tests prescribed by the state board of
38 education for the graduation of pupils from high school.

39 28. Ensure that insurance coverage is secured for all construction
40 projects for purposes of general liability, property damage and workers'
41 compensation and secure performance and payment bonds for all construction
42 projects.

43 29. Collect and maintain information about each current and former
44 teacher's educational and teaching background and experience in a
45 particular academic content subject area. A school district shall either

1 post the information on the school district's website or make the
2 information available for inspection on request of parents and guardians
3 of pupils enrolled at a school. This paragraph does not require any
4 school to release personally identifiable information in relation to any
5 teacher, including the teacher's address, salary, social security number
6 or telephone number.

7 30. Report to local law enforcement agencies any suspected crime
8 against a person or property that is a serious offense as defined in
9 section 13-706 or that involves a deadly weapon or dangerous instrument or
10 serious physical injury and any conduct that poses a threat of death or
11 serious physical injury to employees, students or anyone on the property
12 of the school. This paragraph does not limit or preclude the reporting by
13 a school district or an employee of a school district of suspected crimes
14 other than those required to be reported by this paragraph. For the
15 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
16 "serious physical injury" have the same meanings prescribed in section
17 13-105.

18 31. In conjunction with local law enforcement agencies and
19 emergency response agencies, develop an emergency response plan for each
20 school in the school district in accordance with minimum standards
21 developed jointly by the department of education and the division of
22 emergency management within the department of emergency and military
23 affairs. Any emergency response plan developed pursuant to this paragraph
24 must address how the school and emergency responders will communicate with
25 and provide assistance to students with disabilities.

26 32. Provide written notice to the parents or guardians of all
27 students enrolled in the school district at least ten days before a public
28 meeting to discuss closing a school within the school district. The
29 notice shall include the reasons for the proposed closure and the time and
30 place of the meeting. The governing board shall fix a time for a public
31 meeting on the proposed closure not less than ten days before voting in a
32 public meeting to close the school. The school district governing board
33 shall give notice of the time and place of the meeting. At the time and
34 place designated in the notice, the school district governing board shall
35 hear reasons for or against closing the school. The school district
36 governing board is exempt from this paragraph if the governing board
37 determines that the school shall be closed because it poses a danger to
38 the health or safety of the pupils or employees of the school. A
39 governing board may consult with the division of school facilities within
40 the department of administration for technical assistance and for
41 information on the impact of closing a school. The information provided
42 from the division of school facilities within the department of
43 administration shall not require the governing board to take or not take
44 any action.

1 33. Incorporate instruction on Native American history into
2 appropriate existing curricula.

3 34. Prescribe and enforce policies and procedures:

4 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
5 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
6 25 or by a registered nurse practitioner licensed and certified pursuant
7 to title 32, chapter 15 to carry and self-administer emergency
8 medications, including epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS, while
9 at school and at school-sponsored activities. The pupil's name on the
10 prescription label on the medication container or on the medication device
11 and annual written documentation from the pupil's parent or guardian to
12 the school that authorizes possession and self-administration is
13 sufficient proof that the pupil is entitled to possess and self-administer
14 the medication. The policies shall require a pupil who uses an
15 epinephrine ~~auto-injector~~ DELIVERY SYSTEM while at school and at
16 school-sponsored activities to notify the nurse or the designated school
17 staff person of the use of the medication as soon as practicable. A
18 school district and its employees are immune from civil liability with
19 respect to all decisions made and actions taken that are based on good
20 faith implementation of the requirements of this subdivision, except in
21 cases of wanton or wilful neglect.

22 (b) For the emergency administration of epinephrine ~~auto-injectors~~
23 DELIVERY SYSTEMS by a trained employee of a school district pursuant to
24 section 15-157.

25 35. Allow the possession and self-administration of prescription
26 medication for breathing disorders in handheld inhaler devices by pupils
27 who have been prescribed that medication by a health care professional
28 licensed pursuant to title 32. The pupil's name on the prescription label
29 on the medication container or on the handheld inhaler device and annual
30 written documentation from the pupil's parent or guardian to the school
31 that authorizes possession and self-administration is sufficient proof
32 that the pupil is entitled to possess and self-administer the medication.
33 A school district and its employees are immune from civil liability with
34 respect to all decisions made and actions taken that are based on a good
35 faith implementation of the requirements of this paragraph.

36 36. Prescribe and enforce policies and procedures to prohibit
37 pupils from harassing, intimidating and bullying other pupils on school
38 grounds, on school property, on school buses, at school bus stops, at
39 school-sponsored events and activities and through the use of electronic
40 technology or electronic communication on school computers, networks,
41 forums and mailing lists that include the following components:

42 (a) A procedure for pupils, parents and school district employees
43 to confidentially report to school officials incidents of harassment,
44 intimidation or bullying. The school shall make available written forms

1 designed to provide a full and detailed description of the incident and
2 any other relevant information about the incident.

3 (b) A requirement that school district employees report in writing
4 suspected incidents of harassment, intimidation or bullying to the
5 appropriate school official and a description of appropriate disciplinary
6 procedures for employees who fail to report suspected incidents that are
7 known to the employee.

8 (c) A requirement that, at the beginning of each school year,
9 school officials provide all pupils with a written copy of the rights,
10 protections and support services available to a pupil who is an alleged
11 victim of an incident reported pursuant to this paragraph.

12 (d) If an incident is reported pursuant to this paragraph, a
13 requirement that school officials provide a pupil who is an alleged victim
14 of the incident with a written copy of the rights, protections and support
15 services available to that pupil.

16 (e) A formal process for documenting reported incidents of
17 harassment, intimidation or bullying and providing for the
18 confidentiality, maintenance and disposition of this documentation.
19 School districts shall maintain documentation of all incidents reported
20 pursuant to this paragraph for at least six years. The school shall not
21 use that documentation to impose disciplinary action unless the
22 appropriate school official has investigated and determined that the
23 reported incidents of harassment, intimidation or bullying occurred. If a
24 school provides documentation of reported incidents to persons other than
25 school officials or law enforcement, all individually identifiable
26 information shall be redacted.

27 (f) A formal process for the appropriate school officials to
28 investigate suspected incidents of harassment, intimidation or bullying,
29 including procedures for notifying the alleged victim and the alleged
30 victim's parent or guardian when a school official or employee becomes
31 aware of the suspected incident of harassment, intimidation or bullying.

32 (g) Disciplinary procedures for pupils who have admitted or been
33 found to have committed incidents of harassment, intimidation or bullying.

34 (h) A procedure that sets forth consequences for submitting false
35 reports of incidents of harassment, intimidation or bullying.

36 (i) Procedures designed to protect the health and safety of pupils
37 who are physically harmed as the result of incidents of harassment,
38 intimidation and bullying, including, if appropriate, procedures to
39 contact emergency medical services or law enforcement agencies, or both.

40 (j) Definitions of harassment, intimidation and bullying.

41 37. Prescribe and enforce policies and procedures regarding
42 changing or adopting attendance boundaries that include the following
43 components:

44 (a) A procedure for holding public meetings to discuss attendance
45 boundary changes or adoptions that allows public comments.

1 (b) A procedure to notify the parents or guardians of the students
2 affected, including assurance that, if that school remains open as part of
3 the boundary change and capacity is available, students assigned to a new
4 attendance area may stay enrolled in their current school.

5 (c) A procedure to notify the residents of the households affected
6 by the attendance boundary changes.

7 (d) A process for placing public meeting notices and proposed maps
8 on the school district's website for public review, if the school district
9 maintains a website.

10 (e) A formal process for presenting the attendance boundaries of
11 the affected area in public meetings that allows public comments.

12 (f) A formal process for notifying the residents and parents or
13 guardians of the affected area as to the decision of the governing board
14 on the school district's website, if the school district maintains a
15 website.

16 (g) A formal process for updating attendance boundaries on the
17 school district's website within ninety days after an adopted boundary
18 change. The school district shall send a direct link to the school
19 district's attendance boundaries website to the department of real estate.

20 38. If the state board of education determines that the school
21 district has committed an overexpenditure as defined in section 15-107,
22 provide a copy of the fiscal management report submitted pursuant to
23 section 15-107, subsection H on its website and make copies available to
24 the public on request. The school district shall comply with a request
25 within five business days after receipt.

26 39. Ensure that the contract for the superintendent is structured
27 in a manner in which up to twenty percent of the total annual salary
28 included for the superintendent in the contract is classified as
29 performance pay. This paragraph does not require school districts to
30 increase total compensation for superintendents. Unless the school
31 district governing board votes to implement an alternative procedure at a
32 public meeting called for this purpose, the performance pay portion of the
33 superintendent's total annual compensation shall be determined as follows:

34 (a) Twenty-five percent of the performance pay shall be determined
35 based on the percentage of academic gain determined by the department of
36 education of pupils who are enrolled in the school district compared to
37 the academic gain achieved by the highest ranking of the fifty largest
38 school districts in this state. For the purposes of this subdivision, the
39 department of education shall determine academic gain by the academic
40 growth achieved by each pupil who has been enrolled at the same school in
41 a school district for at least five consecutive months measured against
42 that pupil's academic results in the 2008-2009 school year. For the
43 purposes of this subdivision, of the fifty largest school districts in
44 this state, the school district with pupils who demonstrate the highest
45 statewide percentage of overall academic gain measured against academic

1 results for the 2008-2009 school year shall be assigned a score of 100 and
2 the school district with pupils who demonstrate the lowest statewide
3 percentage of overall academic gain measured against academic results for
4 the 2008-2009 school year shall be assigned a score of 0.

5 (b) Twenty-five percent of the performance pay shall be determined
6 by the percentage of parents of pupils who are enrolled at the school
7 district who assign a letter grade of "A" to the school on a survey of
8 parental satisfaction with the school district. The parental satisfaction
9 survey shall be administered and scored by an independent entity that is
10 selected by the governing board and that demonstrates sufficient expertise
11 and experience to accurately measure the results of the survey. The
12 parental satisfaction survey shall use standard random sampling procedures
13 and provide anonymity and confidentiality to each parent who participates
14 in the survey. The letter grade scale used on the parental satisfaction
15 survey shall direct parents to assign one of the following letter grades:

- 16 (i) A letter grade of "A" if the school district is excellent.
- 17 (ii) A letter grade of "B" if the school district is above average.
- 18 (iii) A letter grade of "C" if the school district is average.
- 19 (iv) A letter grade of "D" if the school district is below average.
- 20 (v) A letter grade of "F" if the school district is a failure.

21 (c) Twenty-five percent of the performance pay shall be determined
22 by the percentage of teachers who are employed at the school district and
23 who assign a letter grade of "A" to the school on a survey of teacher
24 satisfaction with the school. The teacher satisfaction survey shall be
25 administered and scored by an independent entity that is selected by the
26 governing board and that demonstrates sufficient expertise and experience
27 to accurately measure the results of the survey. The teacher satisfaction
28 survey shall use standard random sampling procedures and provide anonymity
29 and confidentiality to each teacher who participates in the survey. The
30 letter grade scale used on the teacher satisfaction survey shall direct
31 teachers to assign one of the following letter grades:

- 32 (i) A letter grade of "A" if the school district is excellent.
- 33 (ii) A letter grade of "B" if the school district is above average.
- 34 (iii) A letter grade of "C" if the school district is average.
- 35 (iv) A letter grade of "D" if the school district is below average.
- 36 (v) A letter grade of "F" if the school district is a failure.

37 (d) Twenty-five percent of the performance pay shall be determined
38 by other criteria selected by the governing board.

39 40. Maintain and store permanent public records of the school
40 district as required by law. Notwithstanding section 39-101, the
41 standards adopted by the Arizona state library, archives and public
42 records for the maintenance and storage of school district public records
43 shall allow school districts to elect to satisfy the requirements of this
44 paragraph by maintaining and storing these records either on paper or in
45 an electronic format, or a combination of a paper and electronic format.

1 41. Adopt in a public meeting and implement policies for principal
2 evaluations. Before adopting principal evaluation policies, the school
3 district governing board shall provide opportunities for public discussion
4 on the proposed policies. The governing board shall adopt policies that:
5 (a) Are designed to improve principal performance and improve
6 student achievement.

7 (b) Include the use of quantitative data on the academic progress
8 for all students, which shall account for between twenty percent and
9 thirty-three percent of the evaluation outcomes.

10 (c) Include four performance classifications, designated as highly
11 effective, effective, developing and ineffective.

12 (d) Describe both of the following:

13 (i) The methods used to evaluate the performance of principals,
14 including the data used to measure student performance and job
15 effectiveness.

16 (ii) The formula used to determine evaluation outcomes.

17 42. Prescribe and enforce policies and procedures that define the
18 duties of principals and teachers. These policies and procedures shall
19 authorize teachers to take and maintain daily classroom attendance, make
20 the decision to promote or retain a pupil in a grade in common school or
21 to pass or fail a pupil in a course in high school, subject to review by
22 the governing board in the manner provided in section 15-342,
23 paragraph 11.

24 43. Prescribe and enforce policies and procedures for the emergency
25 administration by an employee of a school district pursuant to section
26 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
27 by the United States food and drug administration.

28 44. In addition to the notification requirements prescribed in
29 paragraph 36 of this subsection, prescribe and enforce reasonable and
30 appropriate policies to notify a pupil's parent or guardian if any person
31 engages in harassing, threatening or intimidating conduct against that
32 pupil. A school district and its officials and employees are immune from
33 civil liability with respect to all decisions made and actions taken that
34 are based on good faith implementation of the requirements of this
35 paragraph, except in cases of gross negligence or wanton or wilful
36 neglect. A person engages in threatening or intimidating if the person
37 threatens or intimidates by word or conduct to cause physical injury to
38 another person or serious damage to the property of another on school
39 grounds. A person engages in harassment if, with intent to harass or with
40 knowledge that the person is harassing another person, the person
41 anonymously or otherwise contacts, communicates or causes a communication
42 with another person by verbal, electronic, mechanical, telephonic or
43 written means in a manner that harasses on school grounds or substantially
44 disrupts the school environment.

1 45. Each fiscal year, provide to each school district employee a
2 total compensation statement that is broken down by category of benefit or
3 payment and that includes, for that employee, at least all of the
4 following:

- 5 (a) Base salary and any additional pay.
- 6 (b) Medical benefits and the value of any employer-paid portions of
7 insurance plan premiums.
- 8 (c) Retirement benefit plans, including social security.
- 9 (d) Legally required benefits.
- 10 (e) Any paid leave.
- 11 (f) Any other payment made to or on behalf of the employee.
- 12 (g) Any other benefit provided to the employee.

13 46. Develop and adopt in a public meeting policies to allow for
14 visits, tours and observations of all classrooms by parents of enrolled
15 pupils and parents who wish to enroll their children in the school
16 district unless a visit, tour or observation threatens the health and
17 safety of pupils and staff. These policies and procedures must be easily
18 accessible from the home page on each school's website.

19 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
20 section, the county school superintendent may construct, improve and
21 furnish school buildings or purchase or sell school sites in the conduct
22 of an accommodation school.

23 C. If any school district acquires real or personal property,
24 whether by purchase, exchange, condemnation, gift or otherwise, the
25 governing board shall pay to the county treasurer any taxes on the
26 property that were unpaid as of the date of acquisition, including
27 penalties and interest. The lien for unpaid delinquent taxes, penalties
28 and interest on property acquired by a school district:

29 1. Is not abated, extinguished, discharged or merged in the title
30 to the property.

31 2. Is enforceable in the same manner as other delinquent tax liens.

32 D. The governing board may not locate a school on property that is
33 less than one-fourth mile from agricultural land regulated pursuant to
34 section 3-365, except that the owner of the agricultural land may agree to
35 comply with the buffer zone requirements of section 3-365. If the owner
36 agrees in writing to comply with the buffer zone requirements and records
37 the agreement in the office of the county recorder as a restrictive
38 covenant running with the title to the land, the school district may
39 locate a school within the affected buffer zone. The agreement may
40 include any stipulations regarding the school, including conditions for
41 future expansion of the school and changes in the operational status of
42 the school that will result in a breach of the agreement.

43 E. A school district, its governing board members, its school
44 council members and its employees are immune from civil liability for the
45 consequences of adopting and implementing policies and procedures pursuant

1 to subsection A of this section and section 15-342. This waiver does not
2 apply if the school district, its governing board members, its school
3 council members or its employees are guilty of gross negligence or
4 intentional misconduct.

5 F. A governing board may delegate in writing to a superintendent,
6 principal or head teacher the authority to prescribe procedures that are
7 consistent with the governing board's policies.

8 G. Notwithstanding any other provision of this title, a school
9 district governing board shall not take any action that would result in a
10 reduction of pupil square footage unless the governing board notifies the
11 school facilities oversight board established by section 41-5701.02 of the
12 proposed action and receives written approval from the school facilities
13 oversight board to take the action. A reduction includes an increase in
14 administrative space that results in a reduction of pupil square footage
15 or sale of school sites or buildings, or both. A reduction includes a
16 reconfiguration of grades that results in a reduction of pupil square
17 footage of any grade level. This subsection does not apply to temporary
18 reconfiguration of grades to accommodate new school construction if the
19 temporary reconfiguration does not exceed one year. The sale of equipment
20 that results in a reduction that falls below the equipment requirements
21 prescribed in section 41-5711, subsection B is subject to commensurate
22 withholding of school district district additional assistance monies
23 pursuant to the direction of the school facilities oversight board.
24 Except as provided in section 15-342, paragraph 10, proceeds from the sale
25 of school sites, buildings or other equipment shall be deposited in the
26 school plant fund as provided in section 15-1102.

27 H. Subsections C through G of this section apply to a county board
28 of supervisors and a county school superintendent when operating and
29 administering an accommodation school.

30 I. A school district governing board may delegate authority in
31 writing to the superintendent of the school district to submit plans for
32 new school facilities to the school facilities oversight board for the
33 purpose of certifying that the plans meet the minimum school facility
34 adequacy guidelines prescribed in section 41-5711.

35 J. For the purposes of subsection A, paragraph 37 of this section,
36 attendance boundaries may not be used to require students to attend
37 certain schools based on the student's place of residence.

38 Sec. 5. Section 32-1401, Arizona Revised Statutes, is amended to
39 read:

40 **32-1401. Definitions**

41 In this chapter, unless the context otherwise requires:

42 1. "Active license" means a valid and existing license to practice
43 medicine.

44 2. "Adequate records" means legible medical records, produced by
45 hand or electronically, containing, at a minimum, sufficient information

1 to identify the patient, support the diagnosis, justify the treatment,
2 accurately document the results, indicate advice and cautionary warnings
3 provided to the patient and provide sufficient information for another
4 practitioner to assume continuity of the patient's care at any point in
5 the course of treatment.

6 3. "Advisory letter" means a nondisciplinary letter to notify a
7 licensee that either:

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

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

13 (c) While the licensee has demonstrated substantial compliance
14 through rehabilitation or remediation that has mitigated the need for
15 disciplinary action, the board believes that repetition of the activities
16 that led to the investigation may result in further board action against
17 the licensee.

18 4. "Approved hospital internship, residency or clinical fellowship
19 program" means a program at a hospital that at the time the training
20 occurred was legally incorporated and that had a program that was approved
21 for internship, fellowship or residency training by the accreditation
22 council for graduate medical education, the association of American
23 medical colleges, the royal college of physicians and surgeons of Canada
24 or any similar body in the United States or Canada approved by the board
25 whose function is that of approving hospitals for internship, fellowship
26 or residency training.

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

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

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

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

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

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

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

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

18 13. "Immediate family" means the spouse, natural or adopted
19 children, father, mother, brothers and sisters of the doctor of medicine
20 and the natural or adopted children, father, mother, brothers and sisters
21 of the doctor of medicine's spouse.

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

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

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

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

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

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

1 18. "Medical peer review" means:

2 (a) The participation by a doctor of medicine in the review and
3 evaluation of the medical management of a patient and the use of resources
4 for patient care.

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

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

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

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

14 22. "Practice of medicine":

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

21 (b) Includes the practice of medicine alone or the practice of
22 surgery alone, or both.

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

27 24. "Special purpose licensing examination" means an examination
28 that is developed by the national board of medical examiners on behalf of
29 the federation of state medical boards for use by state licensing boards
30 to test the basic medical competence of physicians who are applying for
31 licensure and who have been in practice for a considerable period of time
32 in another jurisdiction and to determine the competence of a physician who
33 is under investigation by a state licensing board.

34 25. "Teaching hospital's accredited graduate medical education
35 program" means that the hospital is incorporated and has an internship,
36 fellowship or residency training program that is accredited by the
37 accreditation council for graduate medical education, the American medical
38 association, the association of American medical colleges, the royal
39 college of physicians and surgeons of Canada or a similar body in the
40 United States or Canada that is approved by the board and whose function
41 is that of approving hospitals for internship, fellowship or residency
42 training.

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

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

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

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

8 (c) Committing false, fraudulent, deceptive or misleading
9 advertising by a doctor of medicine or the doctor of medicine's staff,
10 employer or representative.

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

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

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

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

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

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

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

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

35 (l) Signing a blank, undated or predicated prescription form.

36 (m) Committing conduct that the board determines is gross
37 malpractice, repeated malpractice or any malpractice resulting in the
38 death of a patient.

39 (n) Representing that a manifestly incurable disease or infirmity
40 can be permanently cured, or that any disease, ailment or infirmity can be
41 cured by a secret method, procedure, treatment, medicine or device, if
42 this is not true.

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

1 (p) Having action taken against a doctor of medicine by another
2 licensing or regulatory jurisdiction due to that doctor of medicine's
3 mental or physical inability to engage safely in the practice of medicine
4 or the doctor of medicine's medical incompetence or for unprofessional
5 conduct as defined by that jurisdiction and that corresponds directly or
6 indirectly to an act of unprofessional conduct prescribed by this
7 paragraph. The action taken may include refusing, denying, revoking or
8 suspending a license by that jurisdiction or a surrendering of a license
9 to that jurisdiction, otherwise limiting, restricting or monitoring a
10 licensee by that jurisdiction or placing a licensee on probation by that
11 jurisdiction.

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

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

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

21 (t) Violating or attempting to violate, directly or indirectly, or
22 assisting in or abetting the violation of or conspiring to violate any
23 provision of this chapter.

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

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

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

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

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

1 (z) Using experimental forms of diagnosis and treatment without
2 adequate informed patient consent, and without conforming to generally
3 accepted experimental criteria, including protocols, detailed records,
4 periodic analysis of results and periodic review by a medical peer review
5 committee as approved by the United States food and drug administration or
6 its successor agency.

7 (aa) Engaging in sexual conduct with a current patient or with a
8 former patient within six months after the last medical consultation
9 unless the patient was the licensee's spouse at the time of the contact
10 or, immediately preceding the physician-patient relationship, was in a
11 dating or engagement relationship with the licensee. For the purposes of
12 this subdivision, "sexual conduct" includes:

13 (i) Engaging in or soliciting sexual relationships, whether
14 consensual or nonconsensual.

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

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

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

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

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

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

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

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

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

4 (i) Adequate informed patient consent.

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

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

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

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

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

19 (l1) Failing to dispense drugs and devices in compliance with
20 article 6 of this chapter.

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

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

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

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

38 (qq) As a physician who is the chief executive officer, the medical
39 director or the medical chief of staff of a health care institution,
40 failing to report in writing to the board that the hospital privileges of
41 a doctor of medicine have been denied, revoked, suspended, supervised or
42 limited because of actions by the doctor of medicine that appear to show
43 that the doctor of medicine is or may be medically incompetent, is or may
44 be guilty of unprofessional conduct or is or may be unable to engage
45 safely in the practice of medicine.

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

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

12 (tt) 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 or mental health
15 status examination of that person or has previously established a
16 doctor-patient relationship. The physical or mental health status
17 examination may be conducted through telehealth as defined in section
18 36-3601 with a clinical evaluation that is appropriate for the patient and
19 the condition with which the patient presents, unless the examination is
20 for the purpose of obtaining a written certification from the physician
21 for the purposes of title 36, chapter 28.1. This subdivision does not
22 apply to:

23 (i) A physician who provides temporary patient supervision on
24 behalf of the patient's regular treating licensed health care professional
25 or provides a consultation requested by the patient's regular treating
26 licensed health care professional.

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

28 (iii) Prescriptions written to prepare a patient for a medical
29 examination.

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

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

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

1 (vii) Prescriptions for epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS
2 THAT ARE written or dispensed for a school district or charter school to
3 be stocked for emergency use pursuant to section 15-157 or for an
4 authorized entity to be stocked pursuant to section 36-2226.01.

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

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

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

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

16 (vv) Practicing medicine under a false or assumed name in this
17 state.

18 Sec. 6. Section 32-1706, Arizona Revised Statutes, is amended to
19 read:

20 32-1706. Use of pharmaceutical agents

21 A. A licensee may prescribe, dispense and administer
22 over-the-counter pharmaceuticals and topical prescription pharmaceuticals
23 subject to the pharmaceutical agent classifications specified in section
24 32-1728.

25 B. Except as provided in subsection C of this section, a licensee
26 may prescribe, dispense and administer the following oral prescription
27 pharmaceuticals for ~~the treatment of~~ TREATING diseases of the eye and its
28 adnexa for any one patient for each occurrence for a period of not more
29 than the day limit recommended by the manufacturer or the physicians' desk
30 reference, unless otherwise specified in this subsection, subject to the
31 pharmaceutical agent classifications specified in section 32-1728:

32 1. Anti-infectives classified as tetracycline and its derivatives,
33 cephalosporins, penicillin and its derivatives, macrolides,
34 fluoroquinolones and antivirals.

35 2. Antihistamines.

36 3. Nonsteroidal anti-inflammatory agents.

37 4. Agents for ~~the treatment of~~ TREATING angle-closure glaucoma,
38 including carbonic anhydrase inhibitors.

39 5. Steroids in an amount that does not exceed the amount packaged
40 for a single course of therapy of not more than seven days.

41 C. A licensee may not prescribe, dispense or administer an oral
42 pharmaceutical specified in subsection B of this section or a controlled
43 substance as specified in subsection D of this section to a person who is
44 under six years of age.

1 D. A licensee may prescribe, dispense and administer a schedule III
2 controlled substance only if it is an analgesic and may prescribe or
3 administer any controlled substance only if it is an analgesic that is
4 reclassified from schedule III to schedule II after January 1, 2014.

5 E. A licensee shall not prescribe, dispense or administer the
6 following prescription substances:

- 7 1. An oral antifungal.
- 8 2. An oral antimetabolite.
- 9 3. An oral immunosuppressive.
- 10 4. A substance administered intravenously.

11 5. Except as provided in subsection F of this section, substances
12 administered by injection.

13 6. Except as provided in subsection D of this section, a schedule
14 I, II, IV or V controlled substance.

15 F. A licensee may use epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS
16 to counteract an anaphylactic reaction.

17 Sec. 7. Section 32-1854, Arizona Revised Statutes, is amended to
18 read:

19 32-1854. Definition of unprofessional conduct

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

22 1. Knowingly betraying a professional secret or wilfully violating
23 a privileged communication except as either of these may otherwise be
24 required by law. This paragraph does not prevent members of the board
25 from exchanging information with the licensing and disciplinary boards of
26 other states, territories or districts of the United States or with
27 foreign countries or with osteopathic medical organizations located in
28 this state or in any state, district or territory of this country or in
29 any foreign country.

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

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

37 4. Being diagnosed by a physician licensed under this chapter or
38 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
39 this title as excessively or illegally using alcohol or a controlled
40 substance.

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

43 6. Engaging in the practice of medicine in a manner that harms or
44 may harm a patient or that the board determines falls below the community
45 standard.

- 1 7. Impersonating another physician.
- 2 8. Acting or assuming to act as a member of the board if this is
- 3 not true.
- 4 9. Procuring, renewing or attempting to procure or renew a license
- 5 to practice osteopathic medicine by fraud or misrepresentation.
- 6 10. Having professional connection with or lending one's name to an
- 7 illegal practitioner of osteopathic medicine or any of the other healing
- 8 arts.
- 9 11. Representing that a manifestly incurable disease, injury,
- 10 ailment or infirmity can be permanently cured or that a curable disease,
- 11 injury, ailment or infirmity can be cured within a stated time if this is
- 12 not true.
- 13 12. Failing to reasonably disclose and inform the patient or the
- 14 patient's representative of the method, device or instrumentality the
- 15 licensee uses to treat the patient's disease, injury, ailment or
- 16 infirmity.
- 17 13. Refusing to divulge to the board on demand the means, method,
- 18 device or instrumentality used to treat a disease, injury, ailment or
- 19 infirmity.
- 20 14. Charging a fee for services not rendered or dividing a
- 21 professional fee for patient referrals. This paragraph does not apply to
- 22 payments from a medical researcher to a physician in connection with
- 23 identifying and monitoring patients for clinical trial regulated by the
- 24 United States food and drug administration.
- 25 15. Knowingly making any false or fraudulent statement, written or
- 26 oral, in connection with the practice of medicine or when applying for or
- 27 renewing privileges at a health care institution or a health care program.
- 28 16. Advertising in a false, deceptive or misleading manner.
- 29 17. Representing or claiming to be an osteopathic medical
- 30 specialist if the physician has not satisfied the applicable requirements
- 31 of this chapter or board rules.
- 32 18. Having a license denied or disciplinary action taken against a
- 33 license by any other state, territory, district or country, unless it can
- 34 be shown that this occurred for reasons that did not relate to the
- 35 person's ability to safely and skillfully practice osteopathic medicine or
- 36 to any act of unprofessional conduct as provided in this section.
- 37 19. Committing any conduct or practice contrary to recognized
- 38 standards of ethics of the osteopathic medical profession.
- 39 20. Violating or attempting to violate, directly or indirectly, or
- 40 assisting in or abetting the violation of or conspiring to violate any of
- 41 the provisions of this chapter.
- 42 21. Failing or refusing to establish and maintain adequate records
- 43 on a patient as follows:

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

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

8 22. Using controlled substances or prescription-only drugs unless
9 they are provided by a medical practitioner, as defined in section
10 32-1901, as part of a lawful course of treatment.

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

14 24. Committing nontherapeutic use of injectable amphetamines.

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

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

20 27. Using experimental forms of therapy without adequate informed
21 patient consent or without conforming to generally accepted criteria and
22 complying with federal and state statutes and regulations governing
23 experimental therapies.

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

32 29. Failing to allow properly authorized board personnel to have,
33 on presentation of a subpoena, access to any documents, reports or records
34 that are maintained by the physician and that relate to the physician's
35 medical practice or medically related activities pursuant to section
36 32-1855.01.

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

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

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

43 33. Referring a patient to a diagnostic or treatment facility or
44 prescribing goods and services without disclosing that the physician has a
45 direct pecuniary interest in the facility, goods or services to which the

1 patient has been referred or prescribed. This paragraph does not apply to
2 a referral by one physician to another physician within a group of
3 physicians practicing together.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 47. Engaging in disruptive or abusive behavior in a professional
2 setting.

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

10 (a) The licensee makes the disclosure on a form prescribed by the
11 board.

12 (b) The patient or the patient's guardian or parent acknowledges by
13 signing the form that the licensee has disclosed the licensee's direct
14 financial interest.

15 49. Prescribing, dispensing or furnishing a prescription medication
16 or a prescription-only device to a person if the licensee has not
17 conducted a physical or mental health status examination of that person or
18 has not previously established a physician-patient relationship. The
19 physical or mental health status examination may be conducted through
20 telehealth as defined in section 36-3601 with a clinical evaluation that
21 is appropriate for the patient and the condition with which the patient
22 presents, unless the examination is for the purpose of obtaining a written
23 certification from the physician for the purposes of title 36,
24 chapter 28.1. This paragraph does not apply to:

25 (a) Emergencies.

26 (b) A licensee who provides patient care on behalf of the patient's
27 regular treating licensed health care professional or provides a
28 consultation requested by the patient's regular treating licensed health
29 care professional.

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

35 (d) Prescriptions for epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS
36 **THAT ARE** written or dispensed for a school district or charter school to
37 be stocked for emergency use pursuant to section 15-157 or for an
38 authorized entity to be stocked pursuant to section 36-2226.01.

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

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

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

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

7 Sec. 8. Section 32-1901.01, Arizona Revised Statutes, is amended to
8 read:

9 32-1901.01. Definition of unethical conduct and
10 unprofessional conduct; permittees; licensees

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

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

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

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

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

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

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

31 7. Violating state or federal reporting or recordkeeping
32 requirements on transactions relating to precursor chemicals.

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

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

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

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

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

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

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

12 15. Violating or attempting to violate, directly or indirectly, or
13 assisting in or abetting the violation of, or conspiring to violate this
14 chapter.

15 16. Violating a formal order, terms of probation, a consent
16 agreement or a stipulation issued or entered into by the board or its
17 executive director pursuant to this chapter.

18 17. Failing to comply with a board subpoena or failing to comply in
19 a timely manner with a board subpoena without providing any explanation to
20 the board for not complying with the subpoena.

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

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

27 20. Failing to promptly produce on the request of the official
28 conducting a site investigation, inspection or audit any book, record or
29 document.

30 21. Overruling or attempting to overrule a pharmacist in matters of
31 pharmacy ethics or interpreting laws pertaining to the practice of
32 pharmacy or the distribution of drugs or devices.

33 22. Distributing premiums or rebates of any kind in connection with
34 the sale of prescription medication, other than to the prescription
35 medication recipient.

36 23. Failing to maintain effective controls against the diversion of
37 controlled substances or precursor chemicals to unauthorized persons or
38 entities.

39 24. Fraudulently claiming to have performed a service.

40 25. Fraudulently charging a fee for a service.

41 26. Advertising drugs or devices, or services pertaining to drugs
42 or devices, in a manner that is untrue or misleading in any particular,
43 and that is known, or that by the exercise of reasonable care should be
44 known, to be untrue or misleading.

1 B. In this chapter, unless the context otherwise requires, for the
2 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional
3 conduct" means the following, whether occurring in this state or
4 elsewhere:

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

7 2. Violating any federal or state law, rule or regulation relating
8 to the manufacture or distribution of drugs and devices or the practice of
9 pharmacy.

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

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

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

20 6. Claiming professional superiority in compounding or dispensing
21 prescription orders.

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

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

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

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

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

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

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

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

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

8 (e) Written or antimicrobials were dispensed by the prescribing or
9 dispensing physician to a contact as defined in section 36-661 who is
10 believed to have had significant exposure risk as defined in section
11 36-661 with another person who has been diagnosed with a communicable
12 disease as defined in section 36-661.

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

17 (g) For epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS that are
18 written or dispensed for a school district or charter school and that are
19 to be stocked for emergency use pursuant to section 15-157 or for an
20 authorized entity to be stocked pursuant to section 36-2226.01.

21 (h) For glucagon that is written or dispensed for a school district
22 or charter school and that is to be stocked for emergency use pursuant to
23 section 15-344.01.

24 (i) Written by a licensee through a telehealth program that is
25 covered by the policies and procedures adopted by the administrator of a
26 hospital or outpatient treatment center.

27 (j) Written pursuant to a physical or mental health status
28 examination that was conducted through telehealth as defined in section
29 36-3601 and consistent with federal law.

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

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

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

43 15. Failing to report in writing to the board any evidence that a
44 permittee or a permittee's employee is or may be guilty of unethical

1 conduct or is or may be violating this chapter or a rule adopted under
2 this chapter.

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

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

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

10 19. Violating or attempting to violate, directly or indirectly, or
11 assisting in or abetting in the violation of, or conspiring to violate
12 this chapter.

13 20. Violating a formal order, terms of probation, a consent
14 agreement or a stipulation issued or entered into by the board or its
15 executive director pursuant to this chapter.

16 21. Failing to comply with a board subpoena or failing to comply in
17 a timely manner with a board subpoena without providing any explanation to
18 the board for not complying with the subpoena.

19 22. Refusing without just cause to allow authorized agents of the
20 board to examine documents that are required to be kept pursuant to this
21 chapter or title 36.

22 23. Participating in an arrangement or agreement to allow a
23 prescription order or a prescription medication to be left at, picked up
24 from, accepted by or delivered to a place that is not licensed as a
25 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy
26 from using an employee or a common carrier to pick up prescription orders
27 at or deliver prescription medications to the office or home of a medical
28 practitioner, the residence of a patient or a patient's hospital.

29 24. Paying rebates or entering into an agreement for paying rebates
30 to a medical practitioner or any other person in the health care field.

31 25. Providing or causing to be provided to a medical practitioner
32 prescription order blanks or forms bearing the pharmacist's or pharmacy's
33 name, address or other means of identification.

34 26. Fraudulently claiming to have performed a professional service.

35 27. Fraudulently charging a fee for a professional service.

36 28. Failing to report a change of the licensee's home address,
37 contact information, employer or employer's address as required by section
38 32-1926.

39 29. Failing to report a change in the licensee's residency status
40 as required by section 32-1926.01.

41 30. Failing to maintain effective controls against the diversion of
42 controlled substances or precursor chemicals to unauthorized persons or
43 entities.

44 C. In this chapter, unless the context otherwise requires, for the
45 purposes of disciplining a pharmacy technician or pharmacy technician

1 trainee, "unprofessional conduct" means the following, whether occurring
2 in this state or elsewhere:

3 1. Using alcohol or other drugs to such a degree as to render the
4 licensee or registrant unfit to perform the licensee's or registrant's
5 employment duties.

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

8 3. Obtaining or attempting to obtain a pharmacy technician license
9 or license renewal or pharmacy technician trainee registration by fraud,
10 by misrepresentation or by knowingly taking advantage of the mistake of
11 another person or an agency.

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

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

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

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

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

26 9. Failing to report in writing to the board any evidence that a
27 pharmacist or pharmacy intern is or may be professionally incompetent, is
28 or may be guilty of unprofessional conduct or is or may be mentally or
29 physically unable to safely engage in the practice of pharmacy.

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

36 11. Failing to report in writing to the board any evidence that a
37 permittee or a permittee's employee is or may be guilty of unethical
38 conduct or is or may be violating this chapter or a rule adopted under
39 this chapter.

40 12. Committing an offense in another jurisdiction that if committed
41 in this state would be grounds for discipline.

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

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

4 15. Violating or attempting to violate, directly or indirectly, or
5 assisting in or abetting in the violation of, or conspiring to violate
6 this chapter.

7 16. Violating a formal order, terms of probation, a consent
8 agreement or a stipulation issued or entered into by the board or its
9 executive director pursuant to this chapter.

10 17. Failing to comply with a board subpoena or failing to comply in
11 a timely manner with a board subpoena without providing any explanation to
12 the board for not complying with the subpoena.

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

16 19. Failing to report a change in the licensee's or registrant's
17 residency status as required by section 32-1926.01.

18 Sec. 9. Section 36-2201, Arizona Revised Statutes, is amended to
19 read:

20 **36-2201. Definitions**

21 In this chapter, unless the context otherwise requires:

22 1. "Administrative medical direction" means supervision of
23 emergency medical care technicians by a base hospital medical director,
24 administrative medical director or basic life support medical director.
25 For the purposes of this paragraph, "administrative medical director"
26 means a physician who is licensed pursuant to title 32, chapter 13 or 17
27 and who provides direction within the emergency medical services and
28 trauma system.

29 2. "Advanced emergency medical technician" means a person who has
30 been trained in an advanced emergency medical technician program certified
31 by the director or in an equivalent training program and who is certified
32 by the director to render services pursuant to section 36-2205.

33 3. "Advanced life support" means the level of assessment and care
34 identified in the scope of practice approved by the director for the
35 advanced emergency medical technician, emergency medical technician I-99
36 and paramedic.

37 4. "Advanced life support base hospital" means a health care
38 institution that offers general medical and surgical services, that is
39 certified by the director as an advanced life support base hospital and
40 that is affiliated by written agreement with a licensed ambulance service,
41 municipal rescue service, fire department, fire district or health
42 services district for medical direction, evaluation and control of
43 emergency medical care technicians.

1 5. "Ambulance":

2 (a) Means any publicly or privately owned surface, water or air
3 vehicle, including a helicopter, that contains a stretcher and necessary
4 medical equipment and supplies pursuant to section 36-2202 and that is
5 especially designed and constructed or modified and equipped to be used,
6 maintained or operated primarily to transport individuals who are sick,
7 injured or wounded or who require medical monitoring or aid.

8 (b) Does not include a surface vehicle that is owned and operated
9 by a private sole proprietor, partnership, private corporation or
10 municipal corporation for the emergency transportation and in-transit care
11 of its employees or a vehicle that is operated to accommodate an
12 incapacitated person or person with a disability who does not require
13 medical monitoring, care or treatment during transport and that is not
14 advertised as having medical equipment and supplies or ambulance
15 attendants.

16 6. "Ambulance attendant" means any of the following:

17 (a) An emergency medical technician, an advanced emergency medical
18 technician, an emergency medical technician I-99 or a paramedic whose
19 primary responsibility is the care of patients in an ambulance and who
20 meets the standards and criteria adopted pursuant to section 36-2204.

21 (b) An emergency medical responder who is employed by an ambulance
22 service operating under section 36-2202 and whose primary responsibility
23 is driving an ambulance.

24 (c) A physician who is licensed pursuant to title 32, chapter 13
25 or 17.

26 (d) A professional nurse who is licensed pursuant to title 32,
27 chapter 15 and who meets the state board of nursing criteria to care for
28 patients in the prehospital care system.

29 (e) A professional nurse who is licensed pursuant to title 32,
30 chapter 15 and whose primary responsibility is the care of patients in an
31 ambulance during an interfacility transport.

32 7. "Ambulance service" means a person who owns and operates one or
33 more ambulances.

34 8. "Basic life support" means the level of assessment and care
35 identified in the scope of practice approved by the director for the
36 emergency medical responder and emergency medical technician.

37 9. "Bureau" means the bureau of emergency medical services and
38 trauma system in the department.

39 10. "Centralized medical direction communications center" means a
40 facility that is housed within a hospital, medical center or trauma center
41 or a freestanding communication center that meets the following criteria:

42 (a) Has the ability to communicate with ambulance services and
43 emergency medical services providers rendering patient care outside of the
44 hospital setting via radio and telephone.

1 (b) Is staffed twenty-four hours a day seven days a week by at
2 least a physician licensed pursuant to title 32, chapter 13 or 17.

3 11. "Certificate of necessity" means a certificate that is issued
4 to an ambulance service by the department and that describes the
5 following:

- 6 (a) The service area.
- 7 (b) The level of service.
- 8 (c) The type of service.
- 9 (d) The hours of operation.
- 10 (e) The effective date.
- 11 (f) The expiration date.
- 12 (g) The legal name and address of the ambulance service.
- 13 (h) The any limiting or special provisions the director prescribes.

14 12. "Council" means the emergency medical services council.

15 13. "Department" means the department of health services.

16 14. "Director" means the director of the department of health
17 services.

18 15. "Emergency medical care technician" means an individual who has
19 been certified by the department as an emergency medical technician, an
20 advanced emergency medical technician, an emergency medical technician
21 I-99 or a paramedic.

22 16. "Emergency medical responder" as an ambulance attendant, whose
23 primary responsibility is driving an ambulance, means a person who has
24 successfully completed training in an emergency medical responder program
25 that is certified by the director or is approved by the emergency medical
26 services provider's administrative medical director on file with the
27 department or in an equivalent training program.

28 17. "Emergency medical responder program" means a program that has
29 been submitted for review by the department and includes at least the
30 following:

- 31 (a) Emergency vehicle driver training.
- 32 (b) Cardiopulmonary resuscitation certification.
- 33 (c) Automated external defibrillator training.
- 34 (d) Training in the use of noninvasive diagnostic devices,
35 including blood glucose monitors and pulse oximeters.
- 36 (e) Training on obtaining a patient's vital signs, including blood
37 pressure, pulse and respiratory rate.

38 18. "Emergency medical services" means those services required
39 following an accident or an emergency medical situation:

- 40 (a) For on-site emergency medical care.
- 41 (b) To transport the sick or injured by a licensed ground or air
42 ambulance.
- 43 (c) In using emergency communications media.
- 44 (d) In using emergency receiving facilities.

1 (e) In administering initial care and preliminary treatment
2 procedures by emergency medical care technicians.

3 19. "Emergency medical services provider" means any governmental
4 entity, quasi-governmental entity or corporation whether public or private
5 that renders emergency medical services in this state.

6 20. "Emergency medical technician" means a person who has been
7 trained in an emergency medical technician program certified by the
8 director or in an equivalent training program and who is certified by the
9 director as qualified to render services pursuant to section 36-2205.

10 21. "Emergency receiving facility" means a licensed health care
11 institution that offers emergency medical services, is staffed twenty-four
12 hours a day and has a physician on call.

13 22. "EPINEPHRINE DELIVERY SYSTEM" MEANS A SINGLE-USE DEVICE OR
14 PRODUCT THAT CONTAINS A PREMEASURED DOSE OF EPINEPHRINE AND THAT IS
15 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO PREVENT OR
16 TREAT A LIFE-THREATENING ALLERGIC REACTION.

17 22. "Fit and proper" means that the director determines that
18 an applicant for a certificate of necessity or a certificate holder has
19 the expertise, integrity, fiscal competence and resources to provide
20 ambulance service in the service area.

21 23. "Medical record" means any patient record, including
22 clinical records, prehospital care records, medical reports, laboratory
23 reports and statements, any file, film, record or report or oral
24 statements relating to diagnostic findings, treatment or outcome of
25 patients, whether written, electronic or recorded, and any information
26 from which a patient or the patient's family might be identified.

27 24. "National certification organization" means a national
28 organization that tests and certifies the ability of an emergency medical
29 care technician and whose tests are based on national education standards.

30 25. "National education standards" means the emergency medical
31 services education standards of the United States department of
32 transportation or other similar emergency medical services education
33 standards developed by that department or its successor agency.

34 26. "Paramedic" means a person who has been trained in a
35 paramedic program certified by the director or in an equivalent training
36 program and who is certified by the director to render services pursuant
37 to section 36-2205.

38 27. "Physician" means any person licensed pursuant to title
39 32, chapter 13 or 17.

40 28. "Police dog":

41 (a) Means a specially trained dog that is owned or used by a law
42 enforcement department or agency of this state or any political
43 subdivision of this state and that is used in the course of the
44 department's or agency's official work.

1 (b) Includes a search and rescue dog, service dog, accelerant
2 detection canine or other dog that is in use by the law enforcement
3 department or agency for official duties.

4 ~~29.~~ 30. "Stretcher van" means a vehicle that contains a stretcher
5 and that is operated to accommodate an incapacitated person or person with
6 a disability who does not require medical monitoring, aid, care or
7 treatment during transport.

8 ~~30.~~ 31. "Suboperation station" means a physical facility or
9 location at which an ambulance service conducts operations for the
10 dispatch of ambulances and personnel and that may be staffed twenty-four
11 hours a day or less as determined by system use.

12 ~~31.~~ 32. "Trauma center" means any acute care hospital that
13 provides in-house twenty-four-hour daily dedicated trauma surgical
14 services that is designated pursuant to section 36-2225.

15 ~~32.~~ 33. "Trauma registry" means data collected by the department
16 on trauma patients and on the incidence, causes, severity, outcomes and
17 operation of a trauma system and its components.

18 ~~33.~~ 34. "Trauma system" means an integrated and organized
19 arrangement of health care resources having the specific capability to
20 perform triage, transport and provide care.

21 ~~34.~~ 35. "Validated testing procedure" means a testing procedure
22 that includes practical skills, or attests practical skills proficiency on
23 a form developed by the department by the educational training program,
24 identified pursuant to section 36-2204, paragraph 2, that is certified as
25 valid by an organization capable of determining testing procedure and
26 testing content validity and that is recommended by the medical direction
27 commission and the emergency medical services council before the
28 director's approval.

29 ~~35.~~ 36. "Wheelchair van" means a vehicle that contains or that is
30 designed and constructed or modified to contain a wheelchair and that is
31 operated to accommodate an incapacitated person or person with a
32 disability who does not require medical monitoring, aid, care or treatment
33 during transport.

34 Sec. 10. Section 36-2226.01, Arizona Revised Statutes, is amended
35 to read:

36 36-2226.01. Emergency administration of epinephrine;
37 authorized entities; prescriptions; training;
38 immunity; definitions

39 A. A practitioner may prescribe epinephrine ~~auto-injectors~~ DELIVERY
40 SYSTEMS in the name of an authorized entity for use in accordance with
41 this section, and pharmacists and practitioners may dispense epinephrine
42 ~~auto-injectors~~ DELIVERY SYSTEMS pursuant to a prescription issued in the
43 name of an authorized entity. A prescription issued pursuant to this
44 section is valid for two years.

1 B. An authorized entity may acquire and stock a supply of
2 epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS pursuant to a prescription
3 issued in accordance with this section. The epinephrine ~~auto-injectors~~
4 DELIVERY SYSTEMS shall be stored in a location that is readily accessible
5 in an emergency and in accordance with the epinephrine ~~auto-injector's~~
6 DELIVERY SYSTEM'S instructions for use and any additional requirements
7 that may be established by the department. An authorized entity shall
8 designate employees or agents who have completed the training required by
9 subsection D of this section to be responsible for the storage,
10 maintenance, control and general oversight of the epinephrine
11 ~~auto-injectors~~ DELIVERY SYSTEMS acquired by the authorized entity.

12 C. An employee or agent of an authorized entity or another
13 individual who has completed the training required by subsection D of this
14 section may do either of the following:

15 1. Provide an epinephrine ~~auto-injector~~ DELIVERY SYSTEM to any
16 individual who the employee, agent or other individual believes in good
17 faith is experiencing anaphylaxis, or to the parent, guardian or caregiver
18 of the individual, for immediate administration, regardless of whether the
19 individual has a prescription for an epinephrine ~~auto-injector~~ DELIVERY
20 SYSTEM or has previously been diagnosed with an allergy.

21 2. Administer an epinephrine ~~auto-injector~~ DELIVERY SYSTEM to any
22 individual who the employee, agent or other individual believes in good
23 faith is experiencing anaphylaxis, regardless of whether the individual
24 has a prescription for an epinephrine ~~auto-injector~~ DELIVERY SYSTEM or has
25 previously been diagnosed with an allergy.

26 D. An employee, agent or other individual described in subsection B
27 or C of this section shall complete initial anaphylaxis training and, at
28 least every two years thereafter, shall complete subsequent anaphylaxis
29 training. The training shall be conducted by a nationally recognized
30 organization that is experienced in training laypersons in emergency
31 health treatment or an entity or individual approved by the department.
32 The department may approve specific entities or individuals or may approve
33 classes of entities or individuals to conduct this training. Training may
34 be conducted online or in person and, at a minimum, shall cover:

35 1. How to recognize signs and symptoms of severe allergic
36 reactions, including anaphylaxis.

37 2. Standards and procedures for the storage and administration of
38 an epinephrine ~~auto-injector~~ DELIVERY SYSTEM.

39 3. Emergency follow-up procedures.

40 E. The entity, ~~that~~ ORGANIZATION OR INDIVIDUAL WHO conducts the
41 training required by subsection D of this section shall issue a
42 certificate, on a form developed or approved by the department, to each
43 person who successfully completes the anaphylaxis training.

1 F. The administration of an epinephrine ~~auto-injector~~ DELIVERY
2 SYSTEM pursuant to this section is not the practice of medicine or any
3 other profession that otherwise requires licensure.

4 G. A practitioner prescribing epinephrine ~~auto-injectors~~ DELIVERY
5 SYSTEMS in the name of an authorized entity, an authorized entity, an
6 employee or agent of an authorized entity and a person or entity that
7 provides training pursuant to subsection D of this section are immune from
8 civil liability with respect to all decisions made and actions or
9 omissions taken that are based on good faith implementation of the
10 requirements of this section, except in cases of gross negligence, wilful
11 misconduct or intentional wrongdoing.

12 H. The immunity from civil liability provided in subsection G of
13 this section does not affect a manufacturer's product liability regarding
14 the design, manufacturing or instructions for use of an epinephrine
15 ~~auto-injector~~ DELIVERY SYSTEM.

16 I. An authorized entity that possesses and makes available
17 epinephrine ~~auto-injectors~~ DELIVERY SYSTEMS shall submit to the
18 department, on a form developed by the department, a report of each
19 incident that occurs on the authorized entity's premises and that involves
20 the administration of an epinephrine ~~auto-injector~~ DELIVERY SYSTEM
21 pursuant to subsection C of this section.

22 J. For the purposes of this section:

23 1. "Administer" means the direct application of an epinephrine
24 ~~auto-injector~~ DELIVERY SYSTEM to the body of an individual.

25 2. "Authorized entity" means any entity or organization in
26 connection with or at which allergens capable of causing anaphylaxis may
27 be present, including recreation camps, colleges and universities, day
28 care facilities, youth sports leagues, amusement parks, restaurants,
29 places of employment and sports arenas.

30 3. ~~"Epinephrine auto-injector" means a single-use device used for
31 the automatic injection of a premeasured dose of epinephrine into the
32 human body.~~

33 4. 3. "Practitioner" has the SAME meaning prescribed in section
34 32-1901.

35 Sec. 11. Section 36-2226.02, Arizona Revised Statutes, is amended
36 to read:

37 36-2226.02. Administration of epinephrine; immunity;
38 definitions

39 A. A first responder who is trained in administering epinephrine
40 injections may administer an epinephrine injection OR EPINEPHRINE DELIVERY
41 SYSTEM to a person who the first responder believes in good faith is
42 experiencing anaphylaxis pursuant to a standing order issued by any of the
43 following:

44 1. A physician licensed pursuant to title 32, chapter 13 or 17.

1 2. A naturopathic physician licensed pursuant to title 32,
2 chapter 14.

3 3. A physician assistant licensed pursuant to title 32, chapter 25.

4 4. A nurse practitioner licensed pursuant to title 32, chapter 15
5 who is authorized by law to prescribe drugs.

6 B. The following individuals are immune from professional liability
7 and criminal prosecution for any decision made, act or omission or injury
8 that results from that act if the person acts with reasonable care and in
9 good faith, except in cases of wanton or wilful neglect:

10 1. Physicians who are licensed pursuant to title 32, chapter 13 or
11 17 and who issue a standing order.

12 2. Naturopathic physicians who are licensed pursuant to title 32,
13 chapter 14 and who issue a standing order.

14 3. Physician assistants who are licensed pursuant to title 32,
15 chapter 25 and who issue a standing order.

16 4. Nurse practitioners who are licensed pursuant to title 32,
17 chapter 15 and authorized by law to prescribe drugs and who issue a
18 standing order.

19 5. First responders who administer epinephrine injections **OR**
20 **EPINEPHRINE DELIVERY SYSTEMS** pursuant to this section.

21 C. This section does not create a duty to act or standard of care
22 for a first responder to administer an epinephrine injection **OR**
23 **EPINEPHRINE DELIVERY SYSTEM**.

24 D. For the purposes of this section:

25 1. "Ambulance attendant" means either of the following:

26 (a) An emergency medical technician, an advanced emergency medical
27 technician, an emergency medical technician I-99 or a paramedic whose
28 primary responsibility is the care of patients in an ambulance and who
29 meets the standards and criteria adopted pursuant to section 36-2204.

30 (b) An emergency medical responder who is employed by an ambulance
31 service operating under section 36-2202 and whose primary responsibility
32 is the driving of an ambulance.

33 2. "First responder" means a law enforcement officer, a firefighter
34 or an ambulance attendant.

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