

REFERENCE TITLE: chiropractic board; complaints; training; authority.

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

# HB 2227

Introduced by  
Representative Blackman

## AN ACT

AMENDING SECTION 32-900, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-900.01; AMENDING SECTION 32-904, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-904.01; AMENDING SECTIONS 32-905, 32-921, 32-923 AND 32-924, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-924.01; AMENDING SECTIONS 32-929 AND 32-934, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-900, Arizona Revised Statutes, is amended to  
3 read:

4 32-900. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "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) The violation is a minor or technical violation, and while the  
14 licensee has demonstrated substantial compliance through rehabilitation or  
15 remediation that has mitigated the need for disciplinary action, the board  
16 believes that repetition of the activities that led to the investigation  
17 may result in further board action against the licensee.

18 2. "Board" means the state board of chiropractic examiners.

19 3. "Certification" means that a doctor of chiropractic has been  
20 certified by the board in a specialty of chiropractic as provided by law.

21 4. "Chiropractic assistant" means an unlicensed person who has  
22 completed an educational training program approved by the board, who  
23 assists in basic health care duties in the practice of chiropractic under  
24 the supervision of a doctor of chiropractic and who performs delegated  
25 duties commensurate with the chiropractic assistant's education and  
26 training but who does not evaluate, interpret, design or modify  
27 established treatment programs of chiropractic care or violate any  
28 statute.

29 5. "Doctor of chiropractic" OR "CHIROPRACTIC PHYSICIAN" means a  
30 natural person who holds a license to practice chiropractic pursuant to  
31 this chapter.

32 6. "License" means a license to practice chiropractic.

33 7. "MEMBER" INCLUDES A DOCTOR OF CHIROPRACTIC WHO IS EMPLOYED WITH,  
34 CONTRACTED WITH OR OTHERWISE AFFILIATED WITH ANOTHER LICENSEE.

35 8. "PATIENT SAFETY" MEANS ACTIONS ASSOCIATED WITH CHIROPRACTIC CARE  
36 THAT ARE TAKEN TO PREVENT ERRORS AND ADVERSE EFFECTS TO PATIENTS.

37 ~~7.~~ 9. "Physical medicine modalities" means any physical agent  
38 applied to produce therapeutic change to biologic tissues, including  
39 thermal, acoustic, noninvasive light, mechanical or electric energy, hot  
40 or cold packs, ultrasound, galvanism, microwave, diathermy and electrical  
41 stimulation.

42 ~~8.~~ 10. "Therapeutic procedures" means the application of clinical  
43 skills and services, including therapeutic exercise, therapeutic  
44 activities, manual therapy techniques, massage and structural supports, to  
45 improve a patient's neuromusculoskeletal condition.

1           Sec. 2. Title 32, chapter 8, article 1, Arizona Revised Statutes,  
2 is amended by adding section 32-900.01, to read:

3           32-900.01. Unprofessional conduct; board prohibition

4           A. IN THIS CHAPTER, FOR THE PURPOSES OF DISCIPLINING A DOCTOR OF  
5 CHIROPRACTIC, ANY OF THE FOLLOWING WHETHER OCCURRING IN THIS STATE OR  
6 ELSEWHERE CONSTITUTES UNPROFESSIONAL CONDUCT:

7           1. FAILING TO DISCLOSE, IN WRITING, TO A PATIENT OR A THIRD-PARTY  
8 PAYOR THAT THE LICENSEE HAS A FINANCIAL INTEREST IN A DIAGNOSTIC OR  
9 TREATMENT FACILITY, TEST, GOOD OR SERVICE WHEN REFERRING A PATIENT FOR A  
10 PRESCRIBED DIAGNOSTIC TEST, TREATMENT, GOOD OR SERVICE AND THAT THE  
11 DIAGNOSTIC TEST, TREATMENT, GOOD OR SERVICE IS AVAILABLE ON A COMPETITIVE  
12 BASIS FROM ANOTHER HEALTH CARE PROVIDER. THIS PARAGRAPH DOES NOT APPLY TO  
13 A REFERRAL BY ONE LICENSEE TO ANOTHER WITHIN A GROUP OF LICENSEES WHO  
14 PRACTICE TOGETHER. THIS PARAGRAPH APPLIES REGARDLESS OF WHETHER THE  
15 REFERRED SERVICE IS PROVIDED AT THE LICENSEE'S PLACE OF PRACTICE OR AT  
16 ANOTHER LOCATION.

17           2. KNOWINGLY MAKING A FALSE OR MISLEADING STATEMENT TO A PATIENT OR  
18 A THIRD-PARTY PAYOR.

19           3. KNOWINGLY MAKING A FALSE OR MISLEADING STATEMENT, PROVIDING  
20 FALSE OR MISLEADING INFORMATION OR OMITTING MATERIAL INFORMATION IN ANY  
21 ORAL OR WRITTEN COMMUNICATION, INCLUDING ATTACHMENTS, TO THE BOARD, BOARD  
22 STAFF OR A BOARD REPRESENTATIVE OR ON ANY FORM REQUIRED BY THE BOARD.

23           4. KNOWINGLY FILING WITH THE BOARD AN APPLICATION OR OTHER DOCUMENT  
24 THAT CONTAINS FALSE OR MISLEADING INFORMATION.

25           5. FAILING TO CREATE AN ADEQUATE PATIENT RECORD THAT INCLUDES THE  
26 PATIENT'S HEALTH HISTORY, CLINICAL IMPRESSIONS, EXAMINATION FINDINGS,  
27 DIAGNOSTIC RESULTS, X-RAY FILMS OR DIGITAL IMAGING IF TAKEN, X-RAY OR  
28 DIGITAL IMAGING REPORTS, A TREATMENT PLAN, NOTES FOR EACH PATIENT VISIT  
29 AND A BILLING RECORD. THE NOTES FOR EACH PATIENT VISIT MUST INCLUDE THE  
30 PATIENT'S NAME, THE DATE OF SERVICE, THE DOCTOR OF CHIROPRACTIC'S  
31 FINDINGS, A DESCRIPTION OF ANY SERVICE RENDERED AND THE NAME OR INITIALS  
32 OF THE DOCTOR OF CHIROPRACTIC WHO PROVIDED SERVICES TO THE PATIENT.

33           6. FAILING TO MAINTAIN THE INFORMATION REQUIRED BY PARAGRAPH 5 OF  
34 THIS SUBSECTION FOR A PATIENT FOR AT LEAST SIX YEARS AFTER THE LAST  
35 TREATMENT DATE OR, FOR A MINOR, SIX YEARS AFTER THE MINOR'S EIGHTEENTH  
36 BIRTHDAY.

37           7. FAILING TO PROVIDE WRITTEN NOTICE TO THE BOARD ABOUT HOW TO  
38 ACCESS THE PATIENT RECORDS OF A CHIROPRACTIC PRACTICE THAT IS CLOSED BY  
39 PROVIDING, AT A MINIMUM, THE PHYSICAL ADDRESS, TELEPHONE NUMBER AND FULL  
40 NAME OF A PERSON WHO CAN BE CONTACTED REGARDING WHERE THE RECORDS ARE  
41 MAINTAINED FOR AT LEAST SIX YEARS AFTER EACH PATIENT'S LAST TREATMENT DATE  
42 OR A MINOR PATIENT'S EIGHTEENTH BIRTHDAY.

43           8. FAILING TO DO ANY OF THE FOLLOWING:

44           (a) RELEASE A COPY OF ALL REQUESTED PATIENT RECORDS AS PRESCRIBED  
45 IN PARAGRAPH 5 OF THIS SUBSECTION, INCLUDING THE ORIGINAL OR A DIAGNOSTIC

1 QUALITY RADIOGRAPHIC COPY OF X-RAYS OR DIGITAL IMAGING, TO ANOTHER  
2 LICENSED PHYSICIAN, THE PATIENT OR THE PATIENT'S AUTHORIZED AGENT WITHIN  
3 TEN BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO DO SO. THIS  
4 SUBDIVISION DOES NOT REQUIRE THE RELEASE OF A PATIENT'S BILLING RECORD TO  
5 ANOTHER LICENSED PHYSICIAN.

6 (b) RELEASE A COPY OF ANY SPECIFIED PORTION OR ALL OF A PATIENT'S  
7 BILLING RECORD TO THE PATIENT OR THE PATIENT'S AUTHORIZED AGENT WITHIN TEN  
8 BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO DO SO.

9 (c) IN THE CASE OF A PATIENT OR A PATIENT'S AUTHORIZED AGENT WHO  
10 HAS VERBALLY REQUESTED THE PATIENT RECORD, PROVIDE THE PATIENT RECORD.

11 (d) RETURN ORIGINAL X-RAYS OR DIGITAL IMAGING TO A LICENSED  
12 PHYSICIAN WITHIN TEN BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO DO  
13 SO.

14 (e) PROVIDE COPIES OF PATIENT RECORDS TO ANOTHER LICENSED  
15 PHYSICIAN, THE PATIENT OR THE PATIENT'S AUTHORIZED AGENT FREE OF CHARGE IN  
16 VIOLATION OF TITLE 12, CHAPTER 13, ARTICLE 7.1.

17 9. REPRESENTING THAT THE LICENSEE HAS CERTIFICATION IN A SPECIALTY  
18 AREA IN WHICH THE LICENSEE DOES NOT HAVE CERTIFICATION OR HAS ACADEMIC OR  
19 PROFESSIONAL CREDENTIALS THAT THE LICENSEE DOES NOT HAVE.

20 10. FAILING TO PROVIDE TO A PATIENT ON REQUEST DOCUMENTATION OF THE  
21 LICENSEE'S CERTIFICATION BY THE BOARD IN A SPECIALTY AREA OR THE  
22 LICENSEE'S ACADEMIC CERTIFICATION, DEGREE OR PROFESSIONAL CREDENTIALS.

23 11. PRACTICING OR BILLING FOR SERVICES UNDER ANY NAME OTHER THAN  
24 THE NAME BY WHICH THE DOCTOR OF CHIROPRACTIC IS LICENSED BY THE BOARD,  
25 INCLUDING A CORPORATE, BUSINESS OR OTHER LICENSED HEALTH CARE PROVIDER'S  
26 NAME, WITHOUT FIRST NOTIFYING THE BOARD IN WRITING.

27 12. SUGGESTING OR HAVING SEXUAL CONTACT, AS DEFINED IN SECTION  
28 13-1401, IN THE COURSE OF PATIENT TREATMENT OR WITHIN THREE MONTHS AFTER  
29 THE LAST CHIROPRACTIC EXAMINATION, TREATMENT OR CONSULTATION WITH AN  
30 INDIVIDUAL WITH WHOM A CONSENSUAL SEXUAL RELATIONSHIP DID NOT EXIST BEFORE  
31 THE DOCTOR OF CHIROPRACTIC-PATIENT RELATIONSHIP WAS ESTABLISHED.

32 13. INTENTIONALLY VIEWING A COMPLETELY OR PARTIALLY DISROBED  
33 PATIENT IN THE COURSE OF AN EXAMINATION OR TREATMENT IF THE VIEWING IS NOT  
34 RELATED TO THE PATIENT'S COMPLAINT, DIAGNOSIS OR TREATMENT UNDER CURRENT  
35 PRACTICE STANDARDS.

36 14. INTENTIONALLY MISREPRESENTING THE EFFECTIVENESS OF A TREATMENT,  
37 DIAGNOSTIC TEST OR DEVICE.

38 15. PENETRATING A PATIENT'S RECTUM BY A RECTAL PROBE OR DEVICE TO  
39 ADMINISTER AN ULTRASOUND, DIATHERMY OR OTHER MODALITY.

40 16. USING IONIZING RADIATION IN VIOLATION OF SECTION 32-2811.

41 17. PROMOTING OR USING DIAGNOSTIC TESTING OR TREATMENT FOR RESEARCH  
42 OR EXPERIMENTAL PURPOSES WITHOUT DOING BOTH OF THE FOLLOWING:

43 (a) OBTAINING WRITTEN INFORMED CONSENT FROM THE PATIENT OR THE  
44 PATIENT'S AUTHORIZED AGENT BEFORE THE DIAGNOSTIC TEST OR TREATMENT,  
45 INCLUDING DISCLOSING TO THE PATIENT OR AUTHORIZED AGENT ANY RESEARCH

1    PROTOCOL, CONTRACT THE LICENSEE HAS WITH RESEARCHERS, IF APPLICABLE, AND  
2    INFORMATION ON THE INSTITUTIONAL REVIEW COMMITTEE USED TO ESTABLISH  
3    PATIENT PROTECTION.

4           (b) CONFORMING TO GENERALLY ACCEPTED RESEARCH OR EXPERIMENTAL  
5    CRITERIA, INCLUDING FOLLOWING PROTOCOLS, MAINTAINING DETAILED RECORDS,  
6    PERIODICALLY ANALYZING RESULTS AND PERIODICALLY SUBMITTING TO REVIEW BY A  
7    PEER REVIEW COMMITTEE.

8           18. HAVING A PROFESSIONAL CONNECTION WITH AN ILLEGAL PRACTITIONER  
9    OF CHIROPRACTIC, MISREPRESENTING ONESELF AS A CURRENT OR PAST BOARD  
10   MEMBER, A CURRENT OR PAST BOARD STAFF MEMBER OR A CURRENT OR PAST BOARD  
11   CHIROPRACTIC CONSULTANT OR CLAIMING PROFESSIONAL SUPERIORITY IN THE  
12   PRACTICE OF CHIROPRACTIC UNDER SECTION 32-925.

13           19. VIOLATING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY  
14   ACT.

15           20. HABITUALLY USING OR HAVING HABITUALLY USED ALCOHOL, NARCOTICS  
16   OR STIMULANTS TO THE EXTENT OF INCAPACITATING THE LICENSEE IN PERFORMING  
17   PROFESSIONAL DUTIES.

18           21. BEING CONVICTED BY A COURT OF COMPETENT JURISDICTION OF A CLASS  
19   1, 2, 3, 4 OR 5 FELONY.

20           22. IN ANY OTHER JURISDICTION, HAVING AN ACTION TAKEN AGAINST THE  
21   LICENSEE'S PROFESSIONAL LICENSE, HAVING ANY LIMIT OR RESTRICTION PLACED ON  
22   THE LICENSE, HAVING THE LICENSE PLACED ON PROBATION OR SUSPENSION OR  
23   REVOKED OR SURRENDERED AS A DISCIPLINARY MEASURE OR HAVING A LICENSE  
24   APPLICATION OR LICENSE RENEWAL DENIED FOR A REASON RELATED TO  
25   UNPROFESSIONAL CONDUCT.

26           23. DIRECTLY OR INDIRECTLY DIVIDING A PROFESSIONAL FEE FOR PATIENT  
27   REFERRALS AMONG HEALTH CARE PROVIDERS OR HEALTH CARE INSTITUTIONS OR  
28   BETWEEN PROVIDERS AND INSTITUTIONS OR ENTERING INTO A CONTRACTUAL  
29   ARRANGEMENT TO THAT EFFECT. THIS PARAGRAPH DOES NOT PROHIBIT THE MEMBERS  
30   OF ANY REGULARLY AND PROPERLY ORGANIZED BUSINESS ENTITY RECOGNIZED BY LAW  
31   FROM DIVIDING FEES RECEIVED FOR PROFESSIONAL SERVICES AMONG THEMSELVES AS  
32   THEY DETERMINE.

33           24. VIOLATING ANY FEDERAL OR STATE STATUTE, RULE OR REGULATION THAT  
34   APPLIES TO THE PRACTICE OF CHIROPRACTIC.

35           25. FILING AN ANONYMOUS COMPLAINT AGAINST ANOTHER LICENSEE.

36           B. THE BOARD MAY NOT ADOPT RULES THAT ALTER OR AMEND UNPROFESSIONAL  
37   CONDUCT AS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

38           Sec. 3. Section 32-904, Arizona Revised Statutes, is amended to  
39   read:

40           32-904. Powers and duties of the board; rules; removal of  
41           executive director

42           A. The board may administer oaths, summon witnesses and take  
43   testimony on matters within ~~its~~ THE BOARD'S powers and duties.

- 1 B. The board shall:
- 2 1. Adopt a seal, which shall be affixed to licenses issued by the
- 3 board.
- 4 2. Adopt rules that are necessary and proper for the enforcement of
- 5 this chapter.
- 6 3. Adopt rules regarding chiropractic assistants who assist a
- 7 doctor of chiropractic, and the board shall determine the qualifications
- 8 and regulation of chiropractic assistants who are not otherwise licensed
- 9 by law.
- 10 4. At least once each fiscal year and before establishing the
- 11 amount of a fee for the subsequent fiscal year, review the amount of each
- 12 fee authorized in this chapter in a public hearing.
- 13 5. DEVELOP POLICIES AND PROCEDURES FOR DETERMINING WHEN THE BOARD
- 14 WILL REQUIRE A LICENSEE TO UNDERGO PSYCHOSEXUAL EVALUATIONS AND HOW THE
- 15 BOARD WILL USE THE EVALUATION RESULTS.
- 16 C. A copy of the rules ADOPTED PURSUANT TO THIS SECTION shall be
- 17 filed with the secretary of state ~~upon~~ ON adoption as provided by law.
- 18 D. THE BOARD SHALL TERMINATE THE EXECUTIVE DIRECTOR OF THE BOARD
- 19 FOR ANY OF THE FOLLOWING:
- 20 1. SUBPOENAING INFORMATION THAT IS UNRELATED TO A COMPLAINT
- 21 ALLEGATION.
- 22 2. FAILING TO REFER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY A
- 23 COMPLAINT OR INFORMATION INDICATING THAT A LICENSEE OR CERTIFICATE HOLDER
- 24 MAY HAVE COMMITTED A MISDEMEANOR OR FELONY WITHIN TWO BUSINESS DAYS AFTER
- 25 RECEIVING THE COMPLAINT OR INFORMATION.
- 26 3. ADVOCATING IN SUPPORT OF OR AGAINST A LEGISLATIVE PROPOSAL IN
- 27 THE EXECUTIVE DIRECTOR'S OFFICIAL CAPACITY BEFORE THE BOARD HAS TAKEN A
- 28 FORMAL POSITION ON THE PROPOSAL IN A PUBLIC MEETING.
- 29 Sec. 4. Title 32, chapter 8, article 1, Arizona Revised Statutes,
- 30 is amended by adding section 32-904.01, to read:
- 31 32-904.01. Conflict of interest requirements; annual
- 32 trainings on conflict of interest, open meetings
- 33 and board authority
- 34 A. EACH BOARD MEMBER AND EMPLOYEE, ON APPOINTMENT OR HIRE, SHALL
- 35 COMPLETE A CONFLICT-OF-INTEREST DISCLOSURE FORM, INCLUDING AN ATTESTATION
- 36 THAT NO CONFLICT EXISTS, IF APPLICABLE, AND SHALL UPDATE THE DISCLOSURE
- 37 FORM ANNUALLY.
- 38 B. THE BOARD SHALL RETAIN ALL CONFLICT-OF-INTEREST DISCLOSURE FORMS
- 39 AND MAKE THE DISCLOSURE FORMS AND MEETING MINUTES AVAILABLE TO THE PUBLIC
- 40 ON REQUEST.
- 41 C. EACH BOARD MEMBER AND EMPLOYEE, ON HIRE OR APPOINTMENT AND
- 42 ANNUALLY THEREAFTER, SHALL COMPLETE A TRAINING APPROVED BY THE ATTORNEY
- 43 GENERAL'S OFFICE ON THE FOLLOWING:

1 1. CONFLICT-OF-INTEREST REQUIREMENTS, PROCESSES AND DISCLOSURE  
2 FORMS, INCLUDING HOW THIS STATE'S CONFLICT-OF-INTEREST REQUIREMENTS RELATE  
3 TO THEIR INDIVIDUAL ROLES AND RESPONSIBILITIES.

4 2. OPEN MEETINGS LAW REQUIREMENTS.

5 3. THE BOARD'S AUTHORITY TO INVESTIGATE COMPLAINTS AND ISSUE  
6 SUBPOENAS.

7 Sec. 5. Section 32-905, Arizona Revised Statutes, is amended to  
8 read:

9 32-905. Executive director of board; duties; prohibitions;  
10 other personnel; immunity

11 A. Subject to title 41, chapter 4, article 4, the board shall  
12 appoint an executive director who is not a member of the board and who  
13 ~~shall serve~~ SERVES at the pleasure of the board.

14 B. The executive director shall:

15 1. Keep a record of the proceedings of the board.

16 2. Collect all monies due and payable to the board.

17 3. Deposit, pursuant to sections 35-146 and 35-147, all monies  
18 received by the board in the board of chiropractic examiners fund.

19 4. Prepare bills for authorized expenditures of the board and  
20 obtain warrants from the director of the department of administration for  
21 payment of bills.

22 5. Administer oaths.

23 6. Act as custodian of the seal, books, minutes, records and  
24 proceedings of the board.

25 7. At the request of the board, do and perform any other duty not  
26 prescribed for the executive director elsewhere in this chapter.

27 8. ENSURE THAT THE BOARD FOLLOWS ALL APPLICABLE LAWS AND RULES AND  
28 COMPLIES WITH ALL REPORTING REQUIREMENTS.

29 9. ADVISE THE BOARD IF ANY CONTEMPLATED ACTION IS BEYOND THE SCOPE  
30 OF THE AUTHORITY GRANTED TO THE BOARD PURSUANT TO THIS CHAPTER. THE  
31 EXECUTIVE DIRECTOR MAY PROVIDE THE ADVICE IN EXECUTIVE SESSION, BUT IF THE  
32 BOARD DISREGARDS THE ADVICE THE EXECUTIVE DIRECTOR SHALL STATE POTENTIAL  
33 CONCERNS IN AN OPEN MEETING OF THE BOARD.

34 10. PREPARE AND MAINTAIN A DISCIPLINE MATRIX FOR USE BY THE BOARD  
35 TO ENSURE THAT ALL LICENSEES ARE TREATED CONSISTENTLY, TO THE BEST OF THE  
36 BOARD'S ABILITY, BASED ON THE SPECIFIC ALLEGATION AT ISSUE, WHEN THE BOARD  
37 CONTEMPLATES IMPOSING ANY FORM OF DISCIPLINE. THE MATRIX MUST BRIEFLY  
38 OUTLINE MATERIAL FACTS OF ALL PAST CASES IN WHICH DISCIPLINE WAS IMPOSED  
39 WITHOUT IDENTIFYING ANY SPECIFIC LICENSEE OR COMPLAINANT OTHER THAN BY  
40 POTENTIAL FILE NUMBER OR OTHER REFERENCE AND MUST SPECIFY THE LEVEL OF  
41 DISCIPLINE IMPOSED. THE MATRIX MUST BE AVAILABLE TO ANY LICENSEE AGAINST  
42 WHOM A COMPLAINT HAS BEEN FILED AND A FORMAL INVESTIGATION HAS BEEN  
43 OPENED, INCLUDING THE LICENSEE'S COUNSEL.

44 11. CONSISTENT WITH THIS CHAPTER, CLASSIFY EACH COMPLAINT ON  
45 SUBMISSION TO THE BOARD ACCORDING TO POLICIES ADOPTED BY THE BOARD THAT

1 PRIORITIZE THE ALLOCATION OF BOARD RESOURCES AND THE INVESTIGATION AND  
2 ADJUDICATION OF COMPLAINTS.

3 C. THE EXECUTIVE DIRECTOR MAY NOT:

4 1. ADVOCATE IN SUPPORT OF OR AGAINST A LEGISLATIVE PROPOSAL IN THE  
5 EXECUTIVE DIRECTOR'S OFFICIAL CAPACITY UNTIL THE BOARD HAS TAKEN A FORMAL  
6 POSITION ON THE PROPOSAL IN A PUBLIC MEETING.

7 2. ENCOURAGE LICENSEES OR THE PUBLIC TO SUPPORT OR OPPOSE ANY  
8 LEGISLATION.

9 ~~E.~~ D. Subject to title 41, chapter 4, article 4, the board may  
10 employ other personnel as it deems necessary to carry out the purposes of  
11 this chapter.

12 ~~F.~~ E. The executive director and ~~a~~ ANY person acting pursuant to  
13 the executive director's direction ~~is~~ ARE personally immune from civil  
14 liability for all actions taken in good faith pursuant to this chapter.

15 Sec. 6. Section 32-921, Arizona Revised Statutes, is amended to  
16 read:

17 32-921. Application for license; qualifications of applicant;  
18 fee; background investigations

19 A. A person who wishes to practice chiropractic in this state shall  
20 submit a complete application to the board at least forty-five days before  
21 the next scheduled examinations on a form and in the manner prescribed by  
22 the board.

23 B. To be eligible for an examination and licensure, the applicant  
24 shall:

25 1. Be a graduate of a chiropractic college that both:

26 (a) Is accredited by or has status with the council on chiropractic  
27 education or is accredited by an accrediting agency recognized by the  
28 United States department of education or the council on postsecondary  
29 accreditation.

30 (b) Teaches a resident course of four years of not less than nine  
31 months each year, or the equivalent of thirty-six months of continuous  
32 study, and that comprises not less than four thousand credit hours of  
33 resident study required to receive a degree of doctor of chiropractic  
34 (D.C.).

35 2. Be physically and mentally able to practice chiropractic  
36 skillfully and safely.

37 3. Have a certificate of attainment for part I and part II and a  
38 score of three hundred seventy-five or more on part III or IV of the  
39 examination conducted by the national board of chiropractic examiners.

40 C. The board may refuse to give an examination or may deny  
41 licensure to an applicant who:

42 1. Fails to qualify for an examination or licensure under  
43 subsection B of this section.

44 2. Has had a license to practice chiropractic refused, revoked,  
45 suspended or restricted by a regulatory board in this or any other

1 jurisdiction for any act that constitutes unprofessional conduct pursuant  
2 to this chapter.

3 3. Is currently under investigation by a regulatory board in this  
4 or any other jurisdiction for an act that constitutes unprofessional  
5 conduct pursuant to this chapter.

6 4. Has surrendered a license to practice chiropractic in lieu of  
7 disciplinary action by a regulatory board in this or any other  
8 jurisdiction for an act that constitutes unprofessional conduct pursuant  
9 to this chapter.

10 5. Has engaged in any conduct that constitutes grounds for  
11 disciplinary action pursuant to section ~~32-924~~ 32-900.01 or board rules.

12 D. On applying, the applicant shall pay to the executive director  
13 of the board a nonrefundable fee of not more than \$325 as established by  
14 the board. The board shall keep a register of all applicants and the  
15 result of each examination.

16 E. In order to determine an applicant's eligibility for examination  
17 and licensure, the board ~~may~~ SHALL require the applicant to submit a full  
18 set of fingerprints to the board. The board shall submit the fingerprints  
19 to the department of public safety for the purpose of obtaining a state  
20 and federal criminal records check pursuant to section 41-1750 and Public  
21 Law 92-544. The department of public safety may exchange this fingerprint  
22 data with the federal bureau of investigation. The board shall charge  
23 each applicant a fee that is necessary to cover the cost of the  
24 investigation. The board shall forward this fee to the department of  
25 public safety.

26 Sec. 7. Section 32-923, Arizona Revised Statutes, is amended to  
27 read:

28 32-923. Change of address; annual renewal fee; failure to  
29 renew; waivers; definition

30 A. ~~Every~~ EACH person who is licensed pursuant to this chapter shall  
31 notify the board in writing of any change in residence or office address  
32 and telephone number within thirty days after that change. The board  
33 shall impose a penalty of \$50 on a licensee who does not notify the board  
34 as required by this subsection.

35 B. Except as provided in section 32-4301, ~~every~~ EACH person who is  
36 licensed to practice chiropractic in this state shall annually make a  
37 renewal application to the board before the last day of the licensee's  
38 birth month after original issuance of a license and shall pay a renewal  
39 license fee of not more than \$225 as established by the board. The  
40 renewal application shall be made on a form and in a manner prescribed by  
41 the board. At least thirty days before the renewal application and  
42 renewal fee are due, the board shall send by first class mail a renewal  
43 application and notice requiring license renewal and payment of the  
44 renewal fee.

1 C. The board shall administratively suspend a license automatically  
2 AFTER NINETY DAYS if the licensee does not submit a complete application  
3 for renewal and pay the renewal license fee as required by this section.  
4 IF THE LICENSEE COMPLETES THE RENEWAL APPLICATION AND PAYS THE RENEWAL  
5 LICENSE FEE WITHIN NINETY DAYS AFTER THE DUE DATE, THE LICENSEE'S RENEWAL  
6 LICENSE SHALL BE BACKDATED TO THE EXPIRATION DATE OF THE LICENSE.

7 D. The board may reinstate a license if the person completes an  
8 application for reinstatement as prescribed by the board, complies with  
9 the continuing education requirements for each year that the license was  
10 suspended, pays the annual renewal license fee for each year that the  
11 license was suspended and pays an additional fee of \$200. An applicant  
12 who does not request reinstatement within two years after the date of  
13 suspension shall apply for a license as a new candidate pursuant to  
14 section 32-921 or 32-922.01.

15 E. The board may waive the annual renewal license fee if a licensee  
16 presents evidence satisfactory to the board that the licensee has  
17 permanently retired from the practice of chiropractic and has paid all  
18 fees required by this chapter before the waiver.

19 F. During the period of waiver the retired licensee shall not  
20 engage in the practice of chiropractic. A violation of this subsection  
21 subjects the retired licensee to the same penalties as are imposed in this  
22 chapter on a person who practices chiropractic without a license.

23 G. The board may reinstate a retired licensee to active practice on  
24 payment of the annual renewal license fee and presentation of evidence  
25 satisfactory to the board that the retired licensee is professionally able  
26 to engage in the practice of chiropractic and still possesses the  
27 professional knowledge required. After a hearing, the board may refuse to  
28 reinstate a retired licensee to active practice under this subsection on  
29 any of the grounds prescribed in section ~~32-924~~ 32-900.01.

30 H. For the purposes of this section, "administratively suspend"  
31 means a nondisciplinary action that is imposed for failure to renew a  
32 license and that requires the licensee to suspend practice until renewal  
33 requirements are met.

34 Sec. 8. Section 32-924, Arizona Revised Statutes, is amended to  
35 read:

36 32-924. Complaints; investigations; hearing; civil penalty

37 ~~A. The following are grounds for disciplinary action, regardless of~~  
38 ~~where they occur:~~

- 39 ~~1. Employment of fraud or deception in securing a license.~~
- 40 ~~2. Practicing chiropractic under a false or assumed name.~~
- 41 ~~3. Impersonating another practitioner.~~
- 42 ~~4. Habitual use of alcohol, narcotics or stimulants to the extent~~  
43 ~~of incapacitating the licensee for the performance of professional duties.~~
- 44 ~~5. Unprofessional or dishonorable conduct of a character likely to~~  
45 ~~deceive or defraud the public or tending to discredit the profession.~~

1           ~~6. Conviction of a misdemeanor involving moral turpitude or of a~~  
2 ~~felony.~~

3           ~~7. Gross malpractice, repeated malpractice or any malpractice~~  
4 ~~resulting in the death of a patient.~~

5           ~~8. Representing that a manifestly incurable condition can be~~  
6 ~~permanently cured, or that a curable condition can be cured within a~~  
7 ~~stated time, if this is not true.~~

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

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

12           ~~11. Giving or receiving or aiding or abetting the giving or~~  
13 ~~receiving of rebates, either directly or indirectly.~~

14           ~~12. Acting or assuming to act as a member of the board if this is~~  
15 ~~not true.~~

16           ~~13. Advertising in a false, deceptive or misleading manner.~~

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

21           ~~15. Any conduct or practice contrary to recognized standards in~~  
22 ~~chiropractic or any conduct or practice that constitutes a danger to the~~  
23 ~~health, welfare or safety of the patient or the public or any conduct,~~  
24 ~~practice or condition that impairs the ability of the licensee to safely~~  
25 ~~and skillfully practice chiropractic.~~

26           ~~16. Violating or attempting to violate, directly or indirectly, or~~  
27 ~~assisting in or abetting the violation of or conspiring to violate any of~~  
28 ~~the provisions of this chapter or any board order.~~

29           ~~17. Failing to sign the physician's name, wherever required, in any~~  
30 ~~capacity as "chiropractic doctor", "chiropractic physician" or "doctor of~~  
31 ~~chiropractic" or failing to use and affix the initials "D.C." after the~~  
32 ~~physician's name.~~

33           ~~18. Failing to place or cause to be placed the word or words~~  
34 ~~"chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic~~  
35 ~~physician" in any sign or advertising media.~~

36           ~~19. Using physical medicine modalities and therapeutic procedures~~  
37 ~~without passing an examination in that subject and without being certified~~  
38 ~~in that specialty by the board.~~

39           ~~20. Using acupuncture without passing an examination in that subject~~  
40 ~~and without being certified in that specialty by the board.~~

41           ~~21. Engaging in sexual intercourse or oral sexual contact with a~~  
42 ~~patient in the course of treatment.~~

43           ~~22. Billing or otherwise charging a patient or third-party payor for~~  
44 ~~services, appliances, tests, equipment, an x-ray examination or other~~  
45 ~~procedures not actually provided.~~

1 ~~23. Intentionally misrepresenting to or omitting a material fact~~  
2 ~~from the patient or third-party payor concerning charges, services,~~  
3 ~~appliances, tests, equipment, an x-ray examination or other procedures~~  
4 ~~offered or provided.~~

5 ~~24. Advertising chiropractic services, appliances, tests, equipment,~~  
6 ~~x-ray examinations or other procedures for a specified price without also~~  
7 ~~specifying the services, procedures or items included in the advertised~~  
8 ~~price.~~

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

12 ~~26. Billing or charging a patient or third-party payor a higher~~  
13 ~~price than the advertised price in effect at the time the services,~~  
14 ~~appliances, tests, equipment, x-ray examinations or other procedures were~~  
15 ~~provided.~~

16 ~~27. Advertising a specialty or procedure that requires a separate~~  
17 ~~examination or certificate of specialty, unless the licensee has satisfied~~  
18 ~~the applicable requirements of this chapter.~~

19 ~~28. Solicitation by the licensee or by the licensee's compensated~~  
20 ~~agent of any person who is not previously known by the licensee or the~~  
21 ~~licensee's agent, and who at the time of the solicitation is vulnerable to~~  
22 ~~undue influence, including any person known to have experienced any of the~~  
23 ~~following within the last fifteen days:~~

24 ~~(a) Involvement in a motor vehicle accident.~~

25 ~~(b) Involvement in a work-related accident.~~

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

27 ~~B.~~ A. The board on its own motion or on receipt of a complaint may  
28 investigate any information that appears to show that a doctor of  
29 chiropractic is or may be in violation of this chapter or board rules or  
30 is or may be mentally or physically unable to safely engage in the  
31 practice of chiropractic. The board shall notify the licensee as to the  
32 content of the complaint as soon as is reasonable. Any person who reports  
33 or provides information to the board in good faith is not subject to civil  
34 damages as a result of that action. THE SCOPE OF AN INVESTIGATION  
35 PURSUANT TO THIS SECTION IS LIMITED TO THE INFORMATION CONTAINED IN THE  
36 INITIAL COMPLAINT OR THE INFORMATION THAT THE BOARD HAS IN ITS POSSESSION  
37 AT THE TIME OF THE BOARD'S MOTION TO INVESTIGATE.

38 ~~C.~~ B. The board may require a licensee WHO IS under investigation  
39 pursuant to this section to be interviewed by the board or its  
40 representatives. The board may require a licensee who is under  
41 investigation pursuant to this section to undergo, at the licensee's  
42 expense, any combination of medical, physical or mental examinations that  
43 the board finds necessary to determine the licensee's competence.

44 ~~D.~~ C. If the board finds based on the information it receives  
45 under subsections ~~B~~ A and ~~C~~ B of this section that the public health,

1 safety or welfare imperatively requires emergency action, and incorporates  
2 a finding to that effect in its order, the board may order a summary  
3 suspension of a license pending proceedings for revocation or other  
4 action. If the board takes this action, ~~it~~ THE BOARD shall also serve the  
5 licensee with a written notice that states the charges and that the  
6 licensee is entitled to a formal hearing within sixty days.

7 ~~F.~~ D. If, after completing its investigation, the board finds that  
8 the information provided pursuant to this section is not of sufficient  
9 seriousness to merit disciplinary action against the licensee, ~~it~~ THE  
10 BOARD may take any of the following actions:

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

13 2. Issue an advisory letter. An advisory letter is a  
14 nondisciplinary action and is a public document.

15 3. Issue a nondisciplinary order requiring the licensee to complete  
16 a prescribed number of hours of continuing education in an area or areas  
17 prescribed by the board to provide the licensee with the necessary  
18 understanding of current developments, skills, procedures or treatment.  
19 ~~Failure to complete a nondisciplinary order requiring continuing education~~  
20 ~~is a violation of subsection A, paragraph 16 of this section.~~

21 ~~F.~~ E. The board may request a formal interview with the licensee  
22 concerned. At a formal interview the board may receive and consider  
23 pertinent documents and sworn statements of persons who may be called as  
24 witnesses in a formal hearing. THE BOARD MAY NOT SUBPOENA INFORMATION  
25 RELATED TO A LICENSEE'S PERSONAL FINANCES. Legal counsel may be present  
26 and participate in the formal interview. If the licensee refuses the  
27 request or if the licensee accepts the request and the results of the  
28 interview indicate suspension or revocation of the license may be in  
29 order, the board shall issue a complaint and order that a hearing be held  
30 pursuant to title 41, chapter 6, article 10. If, after the formal  
31 interview, the board finds that the information provided pursuant to this  
32 section is true but is not of sufficient seriousness to merit suspension  
33 or revocation of the license, ~~it~~ THE BOARD may take any of the following  
34 actions:

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

37 2. Issue an advisory letter. An advisory letter is a  
38 nondisciplinary action and is a public document.

39 3. Issue an order to cease and desist.

40 4. Issue a letter of concern.

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

1           6. Fix a period and terms of probation best adapted to protect the  
2 public health and safety and to rehabilitate or educate the licensee. Any  
3 costs incidental to the terms of probation are at the licensee's own  
4 expense. Probation may include restrictions on the licensee's license to  
5 practice chiropractic.

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

8           8. Refuse to renew a license.

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

14           F. THE BOARD MAY EXTEND THE TIME TO INVESTIGATE A LICENSEE IF  
15 EITHER OF THE FOLLOWING APPLIES:

16           1. THE COMPLAINT RELATES TO THE IMPROPER SEXUAL CONDUCT OF THE  
17 LICENSEE.

18           2. BOTH OF THE FOLLOWING APPLY:

19           (a) THE LICENSEE AGREES TO THE PROPOSED EXTENSION.

20           (b) THE BOARD HAS DILIGENTLY PURSUED AN INVESTIGATION WITHIN THE  
21 TIME FRAME PRESCRIBED PURSUANT TO THIS CHAPTER FOR COMPLAINTS INVOLVING  
22 ALLEGATIONS OR VIOLATIONS OF UNPROFESSIONAL CONDUCT OR MALPRACTICE THAT  
23 IMPLICATES PATIENT SAFETY.

24           G. UNLESS THE BOARD EXTENDS THE TIME TO INVESTIGATE PURSUANT TO  
25 SUBSECTION F OF THIS SECTION, AN INVESTIGATION AND INITIAL REVIEW OF A  
26 COMPLAINT SHALL BE COMPLETED WITHIN NINETY DAYS AFTER THE COMPLAINT IS  
27 FILED. IF THE BOARD DETERMINES THAT A FORMAL HEARING IS REQUIRED, THE  
28 BOARD SHALL MAKE A FINAL DECISION WITHIN TWO HUNDRED TWENTY DAYS AFTER THE  
29 COMPLAINT IS FILED. IF THE BOARD HAS NOT MADE A FINAL DECISION ON A  
30 COMPLAINT AFTER TWO HUNDRED TWENTY DAYS, THE COMPLAINT IS DEEMED  
31 ADMINISTRATIVELY CLOSED.

32           ~~G.~~ H. If the board believes the charge is of such magnitude as to  
33 warrant suspension or revocation of the license, the board shall  
34 immediately initiate formal revocation or suspension proceedings pursuant  
35 to title 41, chapter 6, article 10. The board shall notify a licensee of  
36 a complaint and hearing by certified mail addressed to the licensee's last  
37 known address on record in the board's files. The notice of a complaint  
38 and hearing is effective on the date of its deposit in the mail. The  
39 board shall hold a formal hearing within one hundred eighty days after  
40 that date.

41           ~~H.~~ I. If the licensee wishes to be present at the formal hearing  
42 in person or by representation, or both, the licensee shall file with the  
43 board a written answer to the charges in the complaint. A licensee who  
44 has been notified of a complaint pursuant to this section shall file with  
45 the board a written response not more than twenty days after service of

1 the complaint and the notice of hearing. If the licensee fails to file an  
2 answer in writing, it is deemed an admission of the act or acts charged in  
3 the complaint and notice of hearing and the board may take disciplinary  
4 action pursuant to this chapter without a hearing.

5 ~~I.~~ J. Any licensee who, after a hearing, is found to be in  
6 violation of this chapter or board rules or is found to be mentally or  
7 physically unable to safely engage in the practice of chiropractic is  
8 subject to any combination of those disciplinary actions identified in  
9 subsection F of this section or suspension or revocation of the license.  
10 In addition, the board may order the licensee to pay restitution or all  
11 costs incurred in the course of the investigation and formal hearing in  
12 the matter, or both.

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

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

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

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

28 Sec. 9. Title 32, chapter 8, article 2, Arizona Revised Statutes,  
29 is amended by adding section 32-924.01, to read:

30 32-924.01. Criminal complaints; referrals; time frame; board  
31 notification

32 A. IF THE BOARD RECEIVES A COMPLAINT OR INFORMATION INDICATING THAT  
33 A LICENSEE OR CERTIFICATE HOLDER MAY HAVE COMMITTED A MISDEMEANOR OR  
34 FELONY OFFENSE, THE BOARD SHALL REFER THE MATTER TO THE APPROPRIATE LAW  
35 ENFORCEMENT AGENCY WITHIN TWO BUSINESS DAYS AFTER RECEIVING THE COMPLAINT  
36 OR INFORMATION. THE BOARD DOES NOT NEED TO OBTAIN THE COMPLAINANT'S  
37 CONSENT OR SUBSTANTIATE THE COMPLAINT BEFORE REFERRING THE COMPLAINT TO  
38 LAW ENFORCEMENT. IF THE BOARD FINDS, BASED ON THE COMPLAINT OR  
39 INFORMATION THAT THE BOARD REFERS TO A LAW ENFORCEMENT AGENCY, THAT THE  
40 PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES EMERGENCY ACTION, THE BOARD MAY  
41 RESTRICT, LIMIT OR ORDER A SUMMARY SUSPENSION OF THE LICENSEE'S LICENSE OR  
42 CERTIFICATE HOLDER'S CERTIFICATE PENDING ACTION BY THE LAW ENFORCEMENT  
43 AGENCY.

44 B. THE LAW ENFORCEMENT AGENCY THAT RECEIVES THE COMPLAINT OR  
45 INFORMATION PURSUANT TO SUBSECTION A OF THIS SECTION SHALL INFORM THE

1 BOARD OF THE OUTCOME OF THE LAW ENFORCEMENT AGENCY'S INVESTIGATION AND  
2 WHETHER CHARGES ARE FILED AGAINST THE LICENSEE OR CERTIFICATE HOLDER WHO  
3 IS THE SUBJECT OF THE COMPLAINT. CONCURRENT WITH THE LAW ENFORCEMENT  
4 AGENCY'S INVESTIGATION, THE BOARD MAY INVESTIGATE WHETHER THE COMPLAINT OR  
5 INFORMATION THAT WAS REFERRED TO THE LAW ENFORCEMENT AGENCY CONSTITUTES A  
6 VIOLATION OF UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 32-900.01 AGAINST  
7 THE LICENSEE OR CERTIFICATE HOLDER WHO IS THE SUBJECT OF THE COMPLAINT.

8 Sec. 10. Section 32-929, Arizona Revised Statutes, is amended to  
9 read:

10 32-929. Right to examine and copy evidence; summoning  
11 witnesses and documents; taking testimony; right to  
12 counsel; court orders; confidentiality

13 A. EXCEPT AS PROVIDED IN SECTION 32-924, SUBSECTION E, in  
14 connection with an investigation by the board on its own motion, the board  
15 or its duly authorized agents or employees shall at all reasonable times  
16 have access to, for the purpose of examination, and the right to copy any  
17 documents, reports, records or any other physical evidence of any person  
18 being investigated, or the reports, records and any other documents  
19 maintained by and in possession of any hospital, clinic, physician's  
20 office, laboratory, pharmacy or any other public or private agency, and  
21 any health care institution as defined in section 36-401, if such  
22 documents, reports, records or evidence relate to chiropractic competence,  
23 unprofessional conduct or the mental or physical ability of a doctor of  
24 chiropractic to safely practice chiropractic.

25 B. For the purpose of all investigations and proceedings conducted  
26 by the board:

27 1. EXCEPT AS PROVIDED IN SECTION 32-924, SUBSECTION E, the board on  
28 its own initiative, or ~~upon~~ ON application of any person involved in the  
29 investigation, may issue subpoenas compelling the attendance and testimony  
30 of witnesses, ~~or~~ or demanding the production for examination or copying of  
31 documents or any other physical evidence if such evidence relates to  
32 chiropractic competence, unprofessional conduct or the mental or physical  
33 ability of a doctor of chiropractic to safely practice chiropractic.  
34 Within five days after the service of a subpoena on any person requiring  
35 the production of any evidence in ~~his~~ THE PERSON'S possession or under ~~his~~  
36 THE PERSON'S control, ~~such~~ THE person may petition the board to revoke,  
37 limit or modify the subpoena. The board shall revoke, limit or modify  
38 such A subpoena if in its opinion the evidence required does not relate to  
39 unlawful practices covered by this chapter, is not relevant to the charge  
40 ~~which~~ THAT is the subject matter of the hearing or investigation or does  
41 not describe with sufficient particularity the physical evidence whose  
42 production is required.

43 2. Any person appearing before the board may be represented by  
44 counsel.

1           3. The superior court, ~~upon~~ ON application by the board or by the  
2 person subpoenaed, shall have jurisdiction to issue an order either:

3           (a) Requiring ~~such~~ THE person to appear before the board or the  
4 duly authorized agent to produce evidence relating to the matter under  
5 investigation.

6           (b) Revoking, limiting or modifying the subpoena if in the court's  
7 opinion the evidence demanded does not relate to unlawful practices  
8 covered by this chapter, is not relevant to the grounds for censure,  
9 suspension, revocation, fines or refusal to issue a license pursuant to  
10 section ~~32-924~~ which 32-900.01 THAT is the subject matter of the hearing  
11 or investigation, or does not describe with sufficient particularity the  
12 evidence whose production is required. Any failure to obey such AN order  
13 of the court may be punished by ~~such~~ THE court as contempt.

14           C. Patient records, including clinical records, medical reports,  
15 laboratory statements and reports, any file, film, any other report or  
16 oral statement relating to examinations, findings or treatment of  
17 patients, any information from which a patient or ~~his~~ THE PATIENT'S family  
18 might be identified or information received and records kept by the board  
19 as a result of the investigation procedure outlined in this chapter are  
20 not available to the public.

21           D. ~~Nothing in~~ This section ~~or~~ AND any other provision of law making  
22 THAT MAKES communications between a chiropractic physician and ~~his~~ THE  
23 CHIROPRACTIC PHYSICIAN'S patient a privileged communication ~~applies~~ DO NOT  
24 APPLY to investigations or proceedings conducted pursuant to this  
25 chapter. The board and its employees, agents and representatives shall  
26 keep in confidence the names of any patients whose records are reviewed  
27 during the course of investigations and proceedings pursuant to this  
28 chapter.

29           Sec. 11. Section 32-934, Arizona Revised Statutes, is amended to  
30 read:

31           32-934. Business entities; registration; fees; medical  
32                                   records protocol; civil penalty; exemptions;  
33                                   violation; classification

34           A. A business entity may not offer chiropractic services pursuant  
35 to this chapter unless:

36           1. The entity is registered with the board pursuant to this section  
37 and rules adopted pursuant to this chapter.

38           2. The services are conducted by a doctor of chiropractic ~~who is~~  
39 ~~licensed pursuant to this chapter.~~

40           B. The business entity must file a registration application and pay  
41 a fee as prescribed by the board by rule.

42           C. Registration expires on June 1 of each year. A business entity  
43 that wishes to renew a registration must submit an application for renewal  
44 as prescribed by the board on an annual basis before the expiration date  
45 and pay a renewal fee as prescribed by the board by rule. The board shall

1 prorate the renewal fee for the first year registration renewal based on  
2 the first day of the month that the business entity was registered with  
3 the board. An entity that fails to renew the registration before the  
4 expiration date is subject to a late fee as prescribed by the board by  
5 rule.

6 D. A business entity must notify the board in writing within thirty  
7 days after any change:

- 8 1. In the entity's name, address or telephone number.
- 9 2. In the entity's officers or directors.
- 10 3. In the name of any doctor of chiropractic who is authorized to  
11 provide and who is responsible for providing or supervising the provision  
12 of chiropractic services in any facility.

13 E. The board shall impose a civil penalty as prescribed by the  
14 board by rule on a business entity that does not notify the board as  
15 required by subsection D of this section.

16 F. A business entity must comply with this chapter and board rules.

17 G. A business entity must establish a written protocol for the  
18 secure storage, transfer and access of the medical records of the business  
19 entity's patients. This protocol must include, at a minimum, procedures  
20 for:

- 21 1. Notifying patients of the future locations of their records if  
22 the business entity terminates or sells the practice.
- 23 2. Disposing of unclaimed medical records.
- 24 3. The timely response to requests by patients or their  
25 representatives for copies of their records.

26 H. A business entity must notify the board within thirty days after  
27 the entity's dissolution or the closing or relocation of any facility and  
28 must disclose to the board the entity's procedure by which its patients  
29 may obtain their records.

30 I. The board may impose discipline consistent with this chapter if  
31 an entity violates any statute or board rule.

32 J. The board shall deposit, pursuant to sections 35-146 and 35-147,  
33 civil penalties collected pursuant to this section in the state general  
34 fund.

35 K. This section does not apply to:

- 36 1. A facility, BUSINESS ENTITY, PARTNERSHIP OR OTHER FORM OF  
37 BUSINESS, THE MAJORITY OWNERSHIP OF WHICH IS owned by a person who is  
38 licensed pursuant to this chapter.
- 39 2. A sole proprietorship or partnership that consists of persons  
40 who are licensed pursuant to this chapter.
- 41 3. A professional corporation or professional limited liability  
42 company, the shares of which are owned by persons who are licensed  
43 pursuant to this chapter.
- 44 4. An administrator or executor of the estate of a deceased doctor  
45 of chiropractic or a person who is legally authorized to act for a doctor

1 of chiropractic who has been adjudicated to be mentally incompetent for  
2 not more than one year after the date of the doctor of chiropractic's  
3 death or incapacitation.

4 5. A health care institution that is licensed pursuant to title 36.

5 6. A health professional who is not licensed pursuant to this  
6 chapter but who acts within the scope of practice as prescribed by the  
7 health professional's regulatory board.

8 L. A BUSINESS ENTITY THAT IS EXEMPT PURSUANT TO SUBSECTION K OF  
9 THIS SECTION MAY SUBMIT BILLS UNDER EITHER THE CONTROLLING LICENSEE'S  
10 INDIVIDUAL NAME OR THE BUSINESS ENTITY'S NAME WITHOUT NOTIFYING THE BOARD.

11 ~~L.~~ M. A business entity that offers chiropractic services pursuant  
12 to this chapter without complying with the registration requirements of  
13 this section is guilty of a class 6 felony.

14 Sec. 12. Legislative intent

15 A. The legislature intends to hold the state board of chiropractic  
16 examiners accountable for its failure to protect the health, welfare and  
17 safety of the public by enforcing the statutes governing chiropractic  
18 practice.

19 B. The legislature affirms that the primary function of the state  
20 board of chiropractic examiners is to safeguard the public from potential  
21 harm. Activities beyond this mandate should be managed by the private  
22 sector or other state agencies with the appropriate authority, and any  
23 deviation from this mandate will not be tolerated.

24 C. This act aligns with the auditor general's special audit  
25 findings from December 20, 2024, following a resolution by the joint  
26 legislative audit committee on February 12, 2024, that include:

27 1. Ensuring that subpoenas for complaint investigations are  
28 relevant to the complaint.

29 2. Consistently enforcing statutes and rules.

30 3. Properly managing and reporting criminal allegations.

31 4. Efficiently addressing complaints.

32 5. Ensuring that board practices and communication with licensees  
33 and the public are lawful and do not include legal advice or  
34 misinformation.

35 6. Eliminating redundancies by streamlining functions to reduce  
36 overlap with other state agencies.

37 7. Terminating abuses of power and mismanagement, ensuring  
38 accountability.

39 8. Requiring immediate reporting of criminal misconduct to law  
40 enforcement with penalties for noncompliance.

41 9. Ensuring that the board operates transparently and strictly  
42 adheres to its mandate of public protection.