

~~midwives; medication administration; advisory committee~~
(now: midwifery; prescriptions; naturopathic medical board)

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

HOUSE BILL 2251

AN ACT

AMENDING SECTIONS 12-910, 20-3151 AND 32-1502, ARIZONA REVISED STATUTES; AMENDING SECTION 32-1505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2024, CHAPTER 222, SECTION 17; AMENDING SECTION 32-1505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2024, CHAPTER 222, SECTION 18; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTIONS 32-1591, 32-1591.02, 32-1591.04, 32-1591.05, 32-1591.06, 32-1591.08, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 32, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED, BY ADDING SECTIONS 32-1591.11, 32-1591.12 AND 32-1591.13; AMENDING SECTIONS 32-3101, 32-3201, 36-301, 36-422, 36-425 AND 36-3601, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO MIDWIFERY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-910, Arizona Revised Statutes, is amended to
3 read:

4 12-910. Scope of review

5 A. An action to review a final administrative decision shall be
6 heard and determined with convenient speed. If requested by a party to an
7 action within thirty days after filing a notice of appeal, the court shall
8 hold an evidentiary hearing, including testimony and argument, to the
9 extent necessary to make the determination required by subsection F of
10 this section. The court may hear testimony from witnesses who testified
11 at the administrative hearing and witnesses who were not called to testify
12 at the administrative hearing.

13 B. Relevant and admissible exhibits and testimony that were not
14 offered during the administrative hearing shall be admitted, and
15 objections that a party failed to make to evidence offered at the
16 administrative hearing shall be considered, unless either of the following
17 is true:

18 1. The exhibit, testimony or objection was withheld for purposes of
19 delay, harassment or other improper purpose.

20 2. Allowing admission of the exhibit or testimony or consideration
21 of the objection would cause substantial prejudice to another party.

22 C. For review of final administrative decisions of agencies that
23 are exempt from sections 41-1092.03, 41-1092.04, 41-1092.05, 41-1092.06,
24 41-1092.07, 41-1092.08, 41-1092.09, 41-1092.10, and 41-1092.11, pursuant
25 to section 41-1092.02, the trial shall be de novo if trial de novo is
26 demanded in the notice of appeal or motion of an appellee other than the
27 agency and if a hearing was not held by the agency or the proceedings
28 before the agency were not stenographically reported or mechanically
29 recorded so that a transcript might be made. On demand of any party, if a
30 trial de novo is available under this section, it may be with a jury,
31 except that a trial of an administrative decision under section 25-522
32 shall be to the court.

33 D. For review of final administrative decisions of agencies that
34 regulate a profession or occupation pursuant to title 32, title 36,
35 chapter 4, article 6, ~~title 36, chapter 6, article 7~~ or title 36, chapter
36 17, the trial shall be de novo if trial de novo is demanded in the notice
37 of appeal or motion of an appellee other than the agency.

38 E. The record in the superior court shall consist of the record of
39 the administrative proceeding, and the record of any evidentiary hearing,
40 or the record of the trial de novo.

41 F. After reviewing the administrative record and supplementing
42 evidence presented at the evidentiary hearing, the court may affirm,
43 reverse, modify or vacate and remand the agency action. The court shall
44 affirm the agency action unless the court concludes that the agency's
45 action is contrary to law, is not supported by substantial evidence, is

1 arbitrary and capricious or is an abuse of discretion. In a proceeding
2 brought by or against the regulated party, the court shall decide all
3 questions of law, including the interpretation of a constitutional or
4 statutory provision or a rule adopted by an agency, without deference to
5 any previous determination that may have been made on the question by the
6 agency. In a proceeding brought by or against the regulated party, the
7 court shall decide all questions of fact without deference to any previous
8 determination that may have been made on the question by the agency.
9 Notwithstanding any other law, this subsection applies in any action for
10 judicial review of any agency action that is authorized by law.

11 G. Notwithstanding subsection F of this section, if the action
12 arises out of title 20, chapter 15, article 2, the court shall affirm the
13 agency action unless after reviewing the administrative record and
14 supplementing evidence presented at the evidentiary hearing the court
15 concludes that the action is not supported by substantial evidence, is
16 contrary to law, is arbitrary and capricious or is an abuse of discretion.

17 H. This section does not apply to any agency action pursuant to
18 title 40, chapter 2, article 5 or 6.2.

19 Sec. 2. Section 20-3151, Arizona Revised Statutes, is amended to
20 read:

21 20-3151. Definitions

22 For the purposes of this section:

23 1. "Enrollee" means an individual who is enrolled in a health care
24 plan provided by a health care insurer.

25 2. "Health care insurer" means a disability insurer, group
26 disability insurer, blanket disability insurer, health care services
27 organization, hospital service corporation, medical service corporation or
28 hospital and medical service corporation.

29 3. "Health care plan" means a policy, contract or evidence of
30 coverage issued to an enrollee. Health care plan does not include limited
31 benefit coverage as defined in section 20-1137.

32 4. "Health care professional" means a professional who is regulated
33 pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
34 19.1, 25, 28, 29, 33, 34, 35, 39 or 41, ~~title 36, chapter 6, article 7~~ or
35 title 36, chapter 17.

36 Sec. 3. Section 32-1502, Arizona Revised Statutes, is amended to
37 read:

38 32-1502. Naturopathic physicians medical board; members;
39 appointment; qualifications; terms of office;
40 immunity

41 A. The naturopathic physicians medical board is established
42 consisting of the following members:

43 1. Four physician members WHO ARE appointed by the governor. Each
44 physician member shall be:

1 (a) A resident of this state for at least five years immediately
2 preceding the appointment.

3 (b) A doctor of naturopathic medicine with a degree from a
4 naturopathic school or college approved by the board who has engaged in
5 full-time practice of naturopathic medicine for at least five years
6 immediately preceding the appointment.

7 2. ONE LICENSED MIDWIFE WHO IS APPOINTED BY THE GOVERNOR AND WHO
8 SHALL BE:

9 (a) A RESIDENT OF THIS STATE FOR AT LEAST FIVE YEARS IMMEDIATELY
10 PRECEDING THE APPOINTMENT.

11 (b) A MIDWIFE WHO IS LICENSED PURSUANT TO ARTICLE 5 OF THIS CHAPTER
12 AND WHO HAS ENGAGED IN A FULL-TIME PRACTICE OF MIDWIFERY FOR AT LEAST FIVE
13 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT.

14 ~~2.~~ 3. Three public members WHO ARE appointed by the governor.
15 Each public member shall:

16 (a) Be a resident of this state for at least five years immediately
17 preceding the appointment.

18 (b) Not be connected, in any manner, with or have any interest in a
19 school of medicine, a health care institution or any person practicing any
20 form of healing or treatment of bodily or mental ailments.

21 (c) Demonstrate an interest in the health problems in this state.

22 B. Before appointment by the governor, a prospective member of the
23 board shall submit a full set of fingerprints to the governor for the
24 purpose of obtaining a state and federal criminal records check pursuant
25 to section 41-1750 and Public Law 92-544. The department of public safety
26 may exchange this fingerprint data with the federal bureau of
27 investigation.

28 C. The terms of office of the physician members, THE MIDWIFE MEMBER
29 and the public members are five years to begin and end on June 30. Each
30 physician member, EACH MIDWIFE MEMBER and each public member continue to
31 hold office until the appointment and qualification of their successors,
32 subject to the following exceptions:

33 1. A member of the board may be removed from office if the governor
34 finds the member was guilty of malfeasance, misfeasance or dishonorable
35 conduct.

36 2. The term of any member automatically ends on resignation,
37 permanent removal from this state or removal from this state for a period
38 of more than six months.

39 D. There shall be no monetary liability on the part of and no cause
40 of action shall arise against the members of the board, the
41 secretary-treasurer or permanent or temporary personnel of the board for
42 any act done or proceeding undertaken or performed in good faith and in
43 furtherance of the purposes of this chapter.

1 Sec. 4. Section 32-1505, Arizona Revised Statutes, as amended by
2 Laws 2024, chapter 222, section 17, is amended to read:

3 32-1505. Naturopathic physicians medical board fund; separate
4 licensed midwife account

5 A. The naturopathic physicians medical board fund is established.
6 The board shall administer the fund. Pursuant to sections 35-146 and
7 35-147, the board shall deposit fifteen percent of all monies from
8 whatever source that come into the possession of the board in the state
9 general fund and deposit the remaining eighty-five percent in the
10 naturopathic physicians medical board fund.

11 B. Monies deposited in the naturopathic physicians medical board
12 fund are subject to section 35-143.01.

13 C. BEGINNING JULY 1, 2027, ALL MONIES DEPOSITED IN THE NATUROPATHIC
14 PHYSICIANS MEDICAL BOARD FUND PURSUANT TO SECTION 32-1527 FOR NATUROPATHIC
15 PHYSICIAN LICENSING AND REGULATION MUST BE USED ONLY FOR LICENSING AND
16 REGULATING NATUROPATHIC PHYSICIANS PURSUANT TO THIS ARTICLE AND ARTICLES
17 2, 3 AND 4 OF THIS CHAPTER AND MAY NOT BE USED FOR LICENSING AND
18 REGULATING MIDWIVES PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

19 D. BEGINNING JULY 1, 2027, ALL MONIES DEPOSITED IN THE NATUROPATHIC
20 PHYSICIANS MEDICAL BOARD FUND PURSUANT TO ARTICLE 5 OF THIS CHAPTER FOR
21 MIDWIFE LICENSING AND REGULATION MUST BE USED ONLY FOR LICENSING AND
22 REGULATING MIDWIVES PURSUANT TO ARTICLE 5 OF THIS CHAPTER AND MAY NOT BE
23 USED FOR LICENSING AND REGULATING NATUROPATHIC PHYSICIANS PURSUANT TO THIS
24 ARTICLE AND ARTICLES 2, 3 AND 4 OF THIS CHAPTER.

25 E. THE BOARD SHALL ESTABLISH A SEPARATE ACCOUNT IN THE FUND FOR
26 MONIES TRANSFERRED TO THE FUND PURSUANT TO ARTICLE 5 OF THIS CHAPTER FOR
27 MIDWIFE LICENSING AND REGULATION.

28 Sec. 5. Section 32-1505, Arizona Revised Statutes, as amended by
29 Laws 2024, chapter 222, section 18, is amended to read:

30 32-1505. Naturopathic physicians medical board fund; separate
31 licensed midwife account

32 A. The naturopathic physicians medical board fund is established.
33 The board shall administer the fund. Pursuant to sections 35-146 and
34 35-147, the board shall deposit ten percent of all monies from whatever
35 source that come into the possession of the board in the state general
36 fund and deposit the remaining ninety percent in the naturopathic
37 physicians medical board fund.

38 B. Monies deposited in the naturopathic physicians medical board
39 fund are subject to section 35-143.01.

40 C. BEGINNING JULY 1, 2027, ALL MONIES DEPOSITED IN THE NATUROPATHIC
41 PHYSICIANS MEDICAL BOARD FUND PURSUANT TO SECTION 32-1527 FOR NATUROPATHIC
42 PHYSICIAN LICENSING AND REGULATION MUST BE USED ONLY FOR LICENSING AND
43 REGULATING NATUROPATHIC PHYSICIANS PURSUANT TO THIS ARTICLE AND ARTICLES
44 2, 3 AND 4 OF THIS CHAPTER AND MAY NOT BE USED FOR LICENSING AND
45 REGULATING MIDWIVES PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

D. BEGINNING JULY 1, 2027, ALL MONIES DEPOSITED IN THE NATUROPATHIC PHYSICIANS MEDICAL BOARD FUND PURSUANT TO ARTICLE 5 OF THIS CHAPTER FOR MIDWIFE LICENSING AND REGULATION MUST BE USED ONLY FOR LICENSING AND REGULATING MIDWIVES PURSUANT TO ARTICLE 5 OF THIS CHAPTER AND MAY NOT BE USED FOR LICENSING AND REGULATING NATUROPATHIC PHYSICIANS PURSUANT TO THIS ARTICLE AND ARTICLES 2, 3 AND 4 OF THIS CHAPTER.

E. THE BOARD SHALL ESTABLISH A SEPARATE ACCOUNT IN THE FUND FOR MONIES TRANSFERRED TO THE FUND PURSUANT TO ARTICLE 5 OF THIS CHAPTER FOR MIDWIFE LICENSING AND REGULATION.

Sec. 6. Transfer and renumber

Title 36, chapter 6, article 7, Arizona Revised Statutes, is transferred and renumbered for placement in title 32, chapter 14, Arizona Revised Statutes, as article 5, as added by this act. The following sections are transferred and renumbered for placement in title 32, chapter 14, article 5, Arizona Revised Statutes:

Former Sections	New Sections
36-751	32-1591
36-752	32-1591.01
36-753	32-1591.02
36-754	32-1591.03
36-755	32-1591.04
36-756	32-1591.05
36-756.01	32-1591.06
36-757	32-1591.07
36-758	32-1591.08
36-759	32-1591.09
36-760	32-1591.10

Sec. 7. Section 32-1591, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

32-1591. Definitions

In this article, unless the context otherwise requires:

~~1. "Department" means the department of health services.~~

~~2.~~ 1. "Director" means the EXECUTIVE director of the ~~department of health services~~ BOARD.

2. "LICENSED MIDWIFE" MEANS A MIDWIFE WHO IS LICENSED PURSUANT TO THIS ARTICLE.

3. "Midwife" means a person who delivers a baby or provides health care related to pregnancy, labor, delivery and postpartum care of the mother and her infant.

Sec. 8. Section 32-1591.02, Arizona Revised Statutes, as transferred and renumbered, is amended to read:

32-1591.02. Application for license as midwife

A person who desires to obtain a license to practice midwifery shall ~~make written application~~ APPLY to the ~~director of the department of health services,~~ upon BOARD IN WRITING ON a form to be supplied by the ~~director~~

1 BOARD and shall ~~furnish such~~ PROVIDE THE information ~~as may be~~ required by
2 the ~~director~~ BOARD.

3 Sec. 9. Section 32-1591.04, Arizona Revised Statutes, as
4 transferred and renumbered, is amended to read:

5 32-1591.04. Powers and duties of the board

6 A. The ~~director~~ BOARD may adopt rules necessary for the proper
7 administration and enforcement of this article.

8 B. The ~~director~~ BOARD shall, by rule:

9 1. Define and describe, consistent with this article and the laws
10 of this state, the duties and limits of the practice of midwifery.

11 2. Adopt standards with respect to the practice of midwifery
12 designed to safeguard the health and safety of the mother and child.

13 3. Establish the criteria for granting, denying, suspending and
14 revoking a license in order to protect the health and safety of the mother
15 and child.

16 4. Describe and define reasonable and necessary minimum
17 qualifications for LICENSED midwives, including:

18 (a) The ability to read and write.

19 (b) Knowledge of the fundamentals of hygiene.

20 (c) The ability to recognize abnormal or potentially abnormal
21 conditions during pregnancy, labor and delivery and following birth.

22 (d) Knowledge of the laws of this state concerning reporting of
23 births, prenatal blood tests and newborn screening and of the rules
24 pertaining to midwifery.

25 (e) Education requirements.

26 (f) Age requirements.

27 Sec. 10. Section 32-1591.05, Arizona Revised Statutes, as
28 transferred and renumbered, is amended to read:

29 32-1591.05. Denial, suspension and revocation of licenses;
30 disciplinary action; duty to report;
31 investigatory powers; hearing; appeal; civil
32 penalties; injunctions

33 A. The ~~director~~ BOARD may deny, suspend or revoke the license of
34 any midwife OR MAY DISCIPLINE ANY LICENSED MIDWIFE who:

35 1. Violates any provision of this article or the rules adopted
36 under this article.

37 2. Has been convicted of a felony or a misdemeanor involving moral
38 turpitude.

39 3. Indulges in conduct or a practice detrimental to the health or
40 safety of the mother and child.

41 B. The ~~department~~ BOARD may deny a license without holding a
42 hearing. An applicant may appeal this decision pursuant to title 41,
43 chapter 6, article 10.

~~C. The department shall conduct any hearing to suspend or revoke a license in accordance with the procedures established pursuant to title 41, chapter 6, article 10. If the director determines at the conclusion of a hearing that grounds exist to suspend or revoke a license, he may do so permanently or for any period of time he deems appropriate and under any conditions that he deems appropriate. An applicant for licensure or a licensee may appeal the final decision of the director.~~

C. THE BOARD ON ITS OWN MOTION MAY INVESTIGATE ANY EVIDENCE THAT APPEARS TO SHOW THAT A LICENSED MIDWIFE IS OR MAY BE MEDICALLY INCOMPETENT, IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT OR IS OR MAY BE MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE PRACTICE OF MIDWIFERY. ANY PERSON MAY AND ANY HEALTH CARE INSTITUTION SHALL REPORT TO THE BOARD ANY INFORMATION THAT APPEARS TO SHOW THAT A LICENSED MIDWIFE IS OR MAY BE MEDICALLY INCOMPETENT, IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT OR IS OR MAY BE MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN THE PRACTICE OF MIDWIFERY. THE BOARD OR THE DIRECTOR SHALL NOTIFY THE LICENSED MIDWIFE AS TO THE CONTENT OF THE COMPLAINT AS SOON AS REASONABLE. ANY PERSON OR ENTITY THAT REPORTS OR PROVIDES INFORMATION TO THE BOARD IN GOOD FAITH IS NOT SUBJECT TO AN ACTION FOR CIVIL DAMAGES. IF REQUESTED, THE BOARD MAY NOT DISCLOSE THE NAME OF A PERSON WHO SUPPLIES INFORMATION REGARDING A LICENSED MIDWIFE'S DRUG OR ALCOHOL IMPAIRMENT. IT IS AN ACT OF UNPROFESSIONAL CONDUCT FOR ANY LICENSED MIDWIFE TO FAIL TO REPORT AS REQUIRED BY THIS SECTION. THE BOARD SHALL REPORT ANY HEALTH CARE INSTITUTION THAT FAILS TO REPORT AS REQUIRED BY THIS SECTION TO THAT INSTITUTION'S LICENSING AGENCY.

D. THE BOARD OR, IF DELEGATED BY THE BOARD, THE DIRECTOR SHALL REQUIRE ANY COMBINATION OF MENTAL, PHYSICAL OR ORAL OR WRITTEN MEDICAL COMPETENCY EXAMINATIONS AND CONDUCT NECESSARY INVESTIGATIONS, INCLUDING INVESTIGATIONAL INTERVIEWS BETWEEN REPRESENTATIVES OF THE BOARD AND THE LICENSED MIDWIFE, TO FULLY INFORM ITSELF WITH RESPECT TO ANY INFORMATION FILED WITH THE BOARD UNDER THIS SECTION. THESE EXAMINATIONS MAY INCLUDE BIOLOGICAL FLUID TESTING AND PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION. THE BOARD OR, IF DELEGATED BY THE BOARD, THE DIRECTOR MAY REQUIRE THE LICENSED MIDWIFE, AT THE LICENSED MIDWIFE'S EXPENSE, TO UNDERGO AN ASSESSMENT BY A BOARD-APPROVED REHABILITATIVE, RETRAINING OR ASSESSMENT PROGRAM.

E. IF THE BOARD FINDS, BASED ON THE INFORMATION IT RECEIVES UNDER THIS SECTION, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE IMPERATIVELY REQUIRES EMERGENCY ACTION AND INCORPORATES A FINDING TO THAT EFFECT IN ITS ORDER, THE BOARD MAY RESTRICT, LIMIT OR ORDER A SUMMARY SUSPENSION OF A LICENSE PENDING PROCEEDINGS FOR REVOCATION OR OTHER ACTION. IF THE BOARD TAKES ACTION PURSUANT TO THIS SUBSECTION, THE BOARD SHALL ALSO SERVE THE LICENSED MIDWIFE WITH A WRITTEN NOTICE THAT STATES THE CHARGES AND THAT THE LICENSED MIDWIFE IS ENTITLED TO A FORMAL HEARING BEFORE THE BOARD OR AN ADMINISTRATIVE LAW JUDGE.

1 F. IF, AFTER COMPLETING ITS INVESTIGATION, THE BOARD FINDS THAT THE
2 INFORMATION PROVIDED PURSUANT TO SUBSECTION C OF THIS SECTION IS NOT OF
3 SUFFICIENT SERIOUSNESS TO MERIT DISCIPLINARY ACTION AGAINST THE LICENSED
4 MIDWIFE, THE BOARD MAY TAKE ANY OF THE FOLLOWING ACTIONS:

5 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE INFORMATION IS
6 WITHOUT MERIT.

7 2. FILE A LETTER OF CONCERN.

8 3. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSED MIDWIFE TO
9 COMPLETE A PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA
10 OR AREAS PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSED MIDWIFE WITH THE
11 NECESSARY UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS, PROCEDURES OR
12 TREATMENT.

13 G. IF THE BOARD FINDS THAT IT CAN TAKE REHABILITATIVE OR
14 DISCIPLINARY ACTION WITHOUT THE PRESENCE OF THE LICENSED MIDWIFE AT A
15 FORMAL INTERVIEW, THE BOARD MAY ENTER INTO A CONSENT AGREEMENT WITH THE
16 LICENSED MIDWIFE TO LIMIT OR RESTRICT THE LICENSED MIDWIFE'S PRACTICE OR
17 TO REHABILITATE THE LICENSED MIDWIFE IN ORDER TO PROTECT THE PUBLIC AND
18 ENSURE THE LICENSED MIDWIFE'S ABILITY TO SAFELY ENGAGE IN THE PRACTICE OF
19 MIDWIFERY. THE BOARD MAY ALSO REQUIRE THE LICENSED MIDWIFE TO
20 SUCCESSFULLY COMPLETE A BOARD-APPROVED REHABILITATIVE, RETRAINING OR
21 ASSESSMENT PROGRAM.

22 H. IF AFTER COMPLETING ITS INVESTIGATION THE BOARD BELIEVES THAT
23 THE INFORMATION IS OR MAY BE TRUE, THE BOARD MAY REQUEST A FORMAL
24 INTERVIEW WITH THE LICENSED MIDWIFE. IF THE LICENSED MIDWIFE REFUSES THE
25 INVITATION OR ACCEPTS AND THE RESULTS INDICATE THAT GROUNDS MAY EXIST FOR
26 SUSPENSION OF THE LICENSED MIDWIFE'S LICENSE FOR MORE THAN TWELVE MONTHS
27 OR REVOCATION OF THE LICENSE, THE BOARD MAY ISSUE A FORMAL COMPLAINT AND
28 ORDER THAT A HEARING BE HELD PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.
29 IF AFTER COMPLETING A FORMAL INTERVIEW THE BOARD FINDS THE INFORMATION
30 PROVIDED UNDER THIS SECTION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT
31 SUSPENSION FOR MORE THAN TWELVE MONTHS OR REVOCATION OF THE LICENSE, THE
32 BOARD MAY TAKE THE FOLLOWING ACTIONS:

33 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE COMPLAINT IS
34 WITHOUT MERIT.

35 2. FILE A LETTER OF CONCERN.

36 3. FILE A LETTER OF REPRIMAND.

37 4. ISSUE A DECREE OF CENSURE. A DECREE OF CENSURE IS AN OFFICIAL
38 ACTION AGAINST THE LICENSED MIDWIFE'S LICENSE AND MAY INCLUDE A
39 REQUIREMENT FOR RESTITUTION OF FEES TO A PATIENT RESULTING FROM VIOLATIONS
40 OF THIS ARTICLE OR RULES ADOPTED UNDER THIS CHAPTER.

41 5. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE
42 PUBLIC HEALTH AND SAFETY AND REHABILITATE OR EDUCATE THE LICENSED MIDWIFE
43 CONCERNED. PROBATION MAY INCLUDE TEMPORARY LICENSE SUSPENSION FOR NOT
44 MORE THAN TWELVE MONTHS, RESTRICTION OF THE LICENSED MIDWIFE'S LICENSE TO
45 PRACTICE MIDWIFERY, A REQUIREMENT FOR RESTITUTION OF FEES TO A PATIENT OR

1 EDUCATION OR REHABILITATION AT THE LICENSED MIDWIFE'S OWN EXPENSE. IF A
2 LICENSED MIDWIFE FAILS TO COMPLY WITH THE TERMS OF PROBATION, THE BOARD
3 SHALL SERVE THE LICENSED MIDWIFE WITH A WRITTEN NOTICE THAT STATES THAT
4 THE LICENSED MIDWIFE IS SUBJECT TO A FORMAL HEARING BASED ON THE
5 INFORMATION CONSIDERED BY THE BOARD AT THE FORMAL INTERVIEW AND ANY OTHER
6 ACTS OR CONDUCT ALLEGED TO BE IN VIOLATION OF THIS ARTICLE OR RULES
7 ADOPTED BY THE BOARD PURSUANT TO THIS CHAPTER, INCLUDING NONCOMPLIANCE
8 WITH THE TERMS OF PROBATION, A CONSENT AGREEMENT OR A STIPULATED
9 AGREEMENT.

10 6. ENTER INTO AN AGREEMENT WITH THE LICENSED MIDWIFE TO RESTRICT OR
11 LIMIT THE LICENSED MIDWIFE'S PRACTICE OR MEDICAL ACTIVITIES IN ORDER TO
12 REHABILITATE, RETRAIN OR ASSESS THE LICENSED MIDWIFE, PROTECT THE PUBLIC
13 AND ENSURE THE LICENSED MIDWIFE'S ABILITY TO SAFELY ENGAGE IN THE PRACTICE
14 OF MIDWIFERY. THE BOARD MAY ALSO REQUIRE THE LICENSED MIDWIFE TO
15 SUCCESSFULLY COMPLETE A BOARD-APPROVED REHABILITATIVE, RETRAINING OR
16 ASSESSMENT PROGRAM AT THE LICENSED MIDWIFE'S OWN EXPENSE PURSUANT TO
17 SUBSECTION G OF THIS SECTION.

18 7. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSED MIDWIFE TO
19 COMPLETE A PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA
20 OR AREAS PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSED MIDWIFE WITH THE
21 NECESSARY UNDERSTANDING OF CURRENT DEVELOPMENTS, SKILLS, PROCEDURES OR
22 TREATMENT.

23 I. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED IN AN
24 INVESTIGATION WARRANTS SUSPENSION OR REVOCATION OF A LICENSE ISSUED UNDER
25 THIS ARTICLE, THE BOARD SHALL INITIATE FORMAL PROCEEDINGS PURSUANT TO
26 TITLE 41, CHAPTER 6, ARTICLE 10.

27 J. ANY LICENSED MIDWIFE WHO AFTER A FORMAL HEARING IS FOUND BY THE
28 BOARD TO BE GUILTY OF UNPROFESSIONAL CONDUCT, TO BE MENTALLY OR PHYSICALLY
29 UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF MIDWIFERY OR TO BE MEDICALLY
30 INCOMPETENT IS SUBJECT TO CENSURE, PROBATION AS PROVIDED IN THIS SECTION,
31 SUSPENSION OR REVOCATION OF A LICENSE OR ANY COMBINATION OF THESE UNDER
32 ANY CONDITIONS AS THE BOARD DEEMS APPROPRIATE FOR THE PROTECTION OF THE
33 PUBLIC HEALTH AND SAFETY AND JUST IN THE CIRCUMSTANCE. THE BOARD MAY
34 CHARGE THE COSTS OF FORMAL HEARINGS TO THE LICENSED MIDWIFE WHOM THE BOARD
35 FINDS TO BE IN VIOLATION OF THIS CHAPTER.

36 K. IF THE BOARD, DURING THE COURSE OF ANY INVESTIGATION, DETERMINES
37 THAT A CRIMINAL VIOLATION MAY HAVE OCCURRED INVOLVING THE DELIVERY OF
38 HEALTH CARE, THE BOARD SHALL MAKE THE EVIDENCE OF VIOLATIONS AVAILABLE TO
39 THE APPROPRIATE CRIMINAL JUSTICE AGENCY FOR ITS CONSIDERATION.

40 L. NOTICE OF A COMPLAINT AND HEARING IS EFFECTIVE BY A TRUE COPY OF
41 IT BEING SENT BY CERTIFIED MAIL TO THE LICENSED MIDWIFE'S LAST KNOWN
42 ADDRESS OF RECORD IN THE BOARD'S FILES. NOTICE OF THE COMPLAINT AND
43 HEARING IS COMPLETE ON THE DATE OF ITS DEPOSIT IN THE MAIL.

1 M. THE BOARD MAY ACCEPT THE SURRENDER OF AN ACTIVE LICENSE FROM A
2 LICENSED MIDWIFE WHO ADMITS IN WRITING TO ANY OF THE FOLLOWING:

- 3 1. BEING UNABLE TO SAFELY ENGAGE IN THE PRACTICE OF MIDWIFERY.
- 4 2. HAVING COMMITTED AN ACT OF UNPROFESSIONAL CONDUCT.
- 5 3. HAVING VIOLATED THIS ARTICLE OR A BOARD RULE.

6 N. THE BOARD MAY ADMINISTER THE OATH TO ALL WITNESSES AND SHALL
7 KEEP A WRITTEN TRANSCRIPT OF ALL ORAL TESTIMONY SUBMITTED AT THE HEARING
8 AND THE ORIGINAL OR A COPY OF ALL OTHER EVIDENCE SUBMITTED. THE BOARD MAY
9 WAIVE THE TECHNICAL RULES OF EVIDENCE AT ANY HEARING CONDUCTED UNDER THIS
10 SECTION.

11 O. EXCEPT AS PROVIDED IN SECTION 41-1092.08, SUBSECTION H, AN
12 APPEAL TO THE SUPERIOR COURT IN MARICOPA COUNTY MAY BE TAKEN FROM
13 DECISIONS OF THE BOARD PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

14 ~~P.~~ P. In addition to other disciplinary action, the ~~director~~ BOARD
15 may assess a civil penalty of not more than ~~one hundred dollars~~ \$100 for
16 each violation of this article or a rule adopted pursuant to this article
17 as determined by a hearing held pursuant to this section. Each day that a
18 violation continues constitutes a separate offense. The attorney general
19 or the county attorney may bring an action in the name of this state to
20 enforce a civil penalty. The action shall be filed in the superior court
21 or in justice court in the county where the violation occurred.

22 ~~F.~~ Q. In addition to other available remedies, the ~~director~~ BOARD
23 may apply to the superior court for an injunction to restrain a person
24 from violating a provision of this article or a rule adopted pursuant to
25 this article. The court shall grant a temporary restraining order, a
26 preliminary injunction or a permanent injunction without bond. The
27 defendant may be served in any county of this state. The action shall be
28 brought on behalf of the ~~director~~ BOARD by the attorney general or the
29 county attorney of the county in which the violation is occurring.

30 Sec. 11. Section 32-1591.06, Arizona Revised Statutes, as
31 transferred and renumbered, is amended to read:

32 32-1591.06. Investigations; right to examine and copy
33 evidence; witnesses; documents; subpoenas;
34 confidentiality

35 A. ~~The director may investigate information that indicates that a~~
36 ~~person is violating this article.~~ In connection with an investigation BY
37 THE BOARD ON ITS OWN MOTION, OR AS THE RESULT OF INFORMATION RECEIVED
38 PURSUANT TO SECTION 32-1591.05, the ~~department~~ BOARD AND ITS DULY
39 AUTHORIZED AGENTS OR EMPLOYEES AT ALL REASONABLE TIMES may examine and
40 copy documents, REPORTS, RECORDS and other physical evidence OF THE PERSON
41 THE BOARD IS INVESTIGATING wherever located that relate to the conduct, ~~or~~
42 competency OR MENTAL OR PHYSICAL ABILITY of a midwife ~~pursuant to the~~
43 ~~requirements of this article~~ TO SAFELY PRACTICE MIDWIFERY.

~~B. Pursuant to an investigation or an administrative proceeding, the director may issue subpoenas to compel the testimony of witnesses or to demand the production of relevant documents and other physical evidence. If a person refuses to comply with a subpoena, the director may apply to the superior court for an order to compel compliance.~~

B. FOR THE PURPOSE OF ALL INVESTIGATIONS AND PROCEEDINGS CONDUCTED BY THE BOARD:

1. THE BOARD ON ITS OWN INITIATIVE OR ON APPLICATION OF ANY PERSON INVOLVED IN THE INVESTIGATION MAY ISSUE SUBPOENAS TO REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES OR TO DEMAND THE PRODUCTION FOR EXAMINATION OR COPYING OF DOCUMENTS OR ANY OTHER PHYSICAL EVIDENCE THAT RELATES TO THE COMPETENCE, UNPROFESSIONAL CONDUCT OR MENTAL OR PHYSICAL ABILITY OF A LICENSED MIDWIFE TO SAFELY PRACTICE MIDWIFERY. WITHIN FIVE DAYS AFTER A PERSON IS SERVED WITH A SUBPOENA, THAT PERSON MAY PETITION THE BOARD TO REVOKE, LIMIT OR MODIFY THE SUBPOENA. THE BOARD SHALL DO SO IF IN THE BOARD'S OPINION THE EVIDENCE REQUIRED DOES NOT RELATE TO UNLAWFUL PRACTICES COVERED BY THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE, IS NOT RELEVANT TO THE CHARGE THAT IS THE SUBJECT MATTER OF THE HEARING OR INVESTIGATION OR DOES NOT DESCRIBE WITH SUFFICIENT PARTICULARITY THE PHYSICAL EVIDENCE REQUIRED TO BE PRODUCED. ANY MEMBER OF THE BOARD OR ANY AGENT DESIGNATED BY THE BOARD MAY ADMINISTER OATHS OR AFFIRMATIONS, EXAMINE WITNESSES AND RECEIVE EVIDENCE.

2. ANY PERSON APPEARING BEFORE THE BOARD MAY BE REPRESENTED BY COUNSEL.

3. ON APPLICATION BY THE BOARD OR BY THE PERSON SUBPOENAED, THE SUPERIOR COURT MAY ISSUE AN ORDER TO EITHER:

(a) REQUIRE THE SUBPOENAED PERSON TO APPEAR BEFORE THE BOARD OR THE DULY AUTHORIZED AGENT TO PRODUCE EVIDENCE RELATING TO THE MATTER UNDER INVESTIGATION.

(b) REVOKE, LIMIT OR MODIFY THE SUBPOENA IF IN THE COURT'S OPINION THE EVIDENCE DEMANDED DOES NOT RELATE TO UNLAWFUL PRACTICES COVERED BY THIS ARTICLE, IS NOT RELEVANT TO THE CHARGE THAT IS THE SUBJECT MATTER OF THE HEARING OR INVESTIGATION OR DOES NOT DESCRIBE WITH SUFFICIENT PARTICULARITY THE EVIDENCE WHOSE PRODUCTION IS REQUIRED.

C. Patient records, including clinical records, medical reports, laboratory statements and reports, files, films and oral statements relating to patient examinations, findings and treatment, that are kept by the ~~director~~ BOARD pursuant to an investigation are not available to the public. The ~~director~~ BOARD shall keep confidential the names of patients whose records are reviewed during the course of an investigation or hearing.

D. THIS SECTION AND ANY OTHER LAW MAKING COMMUNICATIONS BETWEEN A LICENSED MIDWIFE AND A LICENSED MIDWIFE'S PATIENT PRIVILEGED DO NOT APPLY TO INVESTIGATIONS OR PROCEEDINGS CONDUCTED PURSUANT TO THIS ARTICLE. THE BOARD AND ITS EMPLOYEES, AGENTS AND REPRESENTATIVES MUST KEEP IN

1 CONFIDENCE THE NAMES OF ANY PATIENTS WHOSE RECORDS ARE REVIEWED DURING THE
2 COURSE OF INVESTIGATIONS AND PROCEEDINGS PURSUANT TO THIS ARTICLE.

3 E. THE COURT MAY FIND A PERSON WHO DOES NOT COMPLY WITH A SUBPOENA
4 ISSUED PURSUANT TO THIS SECTION IN CONTEMPT OF COURT.

5 Sec. 12. Section 32-1591.08, Arizona Revised Statutes, as
6 transferred and renumbered, is amended to read:

7 32-1591.08. Fees

8 The ~~director~~ BOARD, by rule, shall establish and collect
9 nonrefundable fees FOR THE PURPOSES OF THIS ARTICLE. ~~that do not exceed:~~

10 ~~1. Twenty-five dollars for an initial application.~~

11 ~~2. Fifty dollars for an initial license.~~

12 ~~3. Two hundred fifty dollars for testing.~~

13 ~~4. Fifty dollars for license renewal.~~

14 ~~5. Ten dollars for a duplicate license.~~

15 Sec. 13. Title 32, chapter 14, article 5, Arizona Revised Statutes,
16 as transferred and renumbered, is amended by adding sections 32-1591.11,
17 32-1591.12 and 32-1591.13, to read:

18 32-1591.11. Prescription drugs; dispensing and administration
19 authority; storage; documentation

20 A. A LICENSED MIDWIFE WHO, IN ADDITION TO THE REQUIREMENTS FOR
21 INITIAL LICENSURE, HAS PROOF OF COMPLETION OF A PHARMACOLOGY COURSE OF AT
22 LEAST EIGHT CONTINUING EDUCATION UNITS FROM A MIDWIFERY EDUCATION
23 ACCREDITATION COUNCIL-ACCREDITED INSTITUTION OR A REGIONALLY ACCREDITED
24 INSTITUTION MAY DISPENSE AND ADMINISTER THE FOLLOWING MEDICATIONS,
25 THERAPIES AND DEVICES WITH THE FOLLOWING LIMITATIONS:

26 1. ANTIBIOTICS RELATED TO GROUP B STREPTOCOCCUS PROPHYLAXIS
27 CONSISTENT WITH THE UNITED STATES CENTERS FOR DISEASE CONTROL AND
28 PREVENTION GUIDELINES OR OTHER CURRENT EVIDENCE-BASED GUIDELINES.

29 2. THE FOLLOWING ANTIHEMORRHAGIC MEDICATIONS FOR PREVENTING AND
30 TREATING POSTPARTUM HEMORRHAGE AS DEFINED BY THE AMERICAN COLLEGE OF
31 OBSTETRICIANS AND GYNECOLOGISTS:

32 (a) OXYTOCIN FOR PREVENTING UTERINE ATONY DURING OR IMMEDIATELY
33 FOLLOWING THE THIRD STAGE OF LABOR ACCORDING TO CURRENT EVIDENCE-BASED
34 STANDARDS OF CARE.

35 (b) METHYLERGONOVINE.

36 (c) CARBOPROST TROMETHAMINE.

37 (d) MISOPROSTOL.

38 (e) TRANEXAMIC ACID.

39 A LICENSED MIDWIFE MAY NOT USE THE ANTIHEMORRHAGIC MEDICATIONS SPECIFIED
40 IN THIS PARAGRAPH TO INDUCE OR AUGMENT LABOR. THE LICENSED MIDWIFE SHALL
41 INITIATE A TRANSFER OF CARE IF AN ANTIHEMORRHAGIC MEDICATION IS
42 ADMINISTERED FOR MANAGING HEMORRHAGE.

43 3. PROPHYLACTIC OPHTHALMIC MEDICATIONS FOR NEWBORN EYE CARE.

44 4. INTRAVENOUS FLUIDS FOR THE FOLLOWING:

45 (a) MEDICATION ADMINISTRATION.

1 (b) ROUTINE FLUID ADMINISTRATION.

2 (c) TREATING HYPOVOLEMIC SHOCK WHILE AWAITING EMERGENCY MEDICAL
3 SERVICE.

4 5. VITAMIN K PROPHYLAXIS FOR NEWBORNS.

5 6. RHO IMMUNE GLOBULIN.

6 7. TOPICAL, INTRAMUSCULAR OR SUBCUTANEOUS LOCAL ANESTHETICS FOR
7 POSTPARTUM REPAIR OF FIRST AND SECOND DEGREE TEARS, LACERATIONS OR
8 EPISIOTOMIES. THIS PARAGRAPH DOES NOT INCLUDE ANY SCHEDULE I CONTROLLED
9 SUBSTANCE.

10 8. OXYGEN AND COMPRESSED AIR FOR FETAL OR MATERNAL DISTRESS AND
11 INFANT RESUSCITATION.

12 9. EPINEPHRINE FOR NEONATAL RESUSCITATION CONSISTENT WITH THE
13 NEONATAL RESUSCITATION PROGRAM GUIDELINES AND TO TREAT MATERNAL ALLERGIC
14 REACTIONS.

15 10. GLUCOSE GEL ADMINISTERED ORALLY FOR NEONATAL HYPOGLYCEMIA.

16 11. VITAMINS AND MINERALS FOR CORRECTING ELECTROLYTE IMBALANCES,
17 INCLUDING B VITAMINS, CALCIUM, MAGNESIUM, DIETARY SUPPLEMENTS, HOMEOPATHIC
18 REMEDIES, PLANT SUBSTANCES THAT ARE NOT DESIGNATED AS PRESCRIPTION DRUGS
19 OR CONTROLLED SUBSTANCES, AND OVER-THE-COUNTER MEDICATIONS.

20 12. RESUSCITATION SUPPLIES AND EQUIPMENT ACCORDING TO THE CURRENT
21 NEONATAL RESUSCITATION PROGRAM ALGORITHM.

22 13. MEDICAL SUPPLIES AND EQUIPMENT NEEDED TO ADMINISTER THE
23 MEDICATIONS PRESCRIBED IN THIS SUBSECTION.

24 14. ELECTRONIC BREAST PUMPS, GLUCOSE MONITORS, COMPRESSION
25 STOCKINGS AND PREGNANCY SUPPORT BELTS OR DEVICES.

26 B. A PHARMACIST WHO DISPENSES PRESCRIPTION MEDICATIONS PRESCRIBED
27 PURSUANT TO THIS SUBSECTION TO A LICENSED MIDWIFE IS NOT LIABLE FOR ANY
28 ADVERSE REACTION THAT IS CAUSED BY THE LICENSED MIDWIFE'S METHOD OF USE.

29 C. A LICENSED MIDWIFE MAY LAWFULLY OBTAIN, TRANSPORT, ADMINISTER
30 AND POSSESS ADEQUATE QUANTITIES OF THE MEDICATIONS PRESCRIBED IN
31 SUBSECTION A OF THIS SECTION AND THE EQUIPMENT NORMALLY REQUIRED TO
32 ADMINISTER THOSE MEDICATIONS. THE LICENSED MIDWIFE SHALL:

33 1. STORE THE MEDICATIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION
34 AS DIRECTED BY THE MANUFACTURER. A LICENSED MIDWIFE MAY NOT ADMINISTER A
35 MEDICATION TO ANY PERSON AFTER THE LISTED EXPIRATION DATE.

36 2. RECORD IN THE PATIENT'S CHART EACH USE OF MEDICATION AND THE
37 MEDICATION'S LOT NUMBER AND EXPIRATION DATE.

38 32-1591.12. Arizona midwifery advisory committee; membership;
39 duties; sentinel events; definition

40 A. THE ARIZONA MIDWIFERY ADVISORY COMMITTEE IS ESTABLISHED IN THE
41 BOARD TO ASSIST IN EXAMINING APPLICANTS FOR A MIDWIFERY LICENSE, IF
42 REQUESTED, TO COLLABORATE WITH AND ASSIST THE BOARD IN DISCIPLINARY
43 MATTERS, IF REQUESTED, AND TO PERFORM ANY OTHER DUTIES AT THE DIRECTION OF
44 THE BOARD.

1 B. THE BOARD SHALL APPOINT THE MEMBERS OF THE ADVISORY COMMITTEE,
2 WHICH SHALL BE COMPOSED OF NOT MORE THAN ELEVEN OF THE FOLLOWING MEMBERS:

3 1. AT LEAST FIVE LICENSED MIDWIVES.

4 2. TWO CERTIFIED NURSE MIDWIVES WHO ARE LICENSED PURSUANT TO
5 CHAPTER 15 OF THIS TITLE.

6 3. TWO PHYSICIANS WHO ARE LICENSED PURSUANT TO THIS CHAPTER OR
7 CHAPTER 13 OR 17 OF THIS TITLE, ONE OF WHOM IS BOARD-CERTIFIED IN
8 OBSTETRICS AND ONE OF WHOM IS BOARD-CERTIFIED IN PEDIATRICS. THE BOARD
9 SHALL SOLICIT PHYSICIAN APPLICATIONS FROM STATE MEDICAL SOCIETIES AND
10 ASSOCIATIONS.

11 4. ONE CONSUMER OF MIDWIFERY CARE.

12 C. ADVISORY COMMITTEE MEMBERS ARE NOT ELIGIBLE FOR COMPENSATION OR
13 REIMBURSEMENT OF EXPENSES.

14 D. THE ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR TIMES EACH YEAR,
15 ONCE PER QUARTER.

16 E. AT THE DIRECTION OF THE BOARD, THE ADVISORY COMMITTEE SHALL
17 CONDUCT A REVIEW OF SENTINEL EVENTS OCCURRING DURING THE COURSE OF
18 PRENATAL, INTRAPARTUM OR POSTPARTUM CARE PROVIDED BY LICENSED MIDWIVES IN
19 THIS STATE.

20 F. AT THE DIRECTION OF THE BOARD, THE ADVISORY COMMITTEE MAY
21 CONVENE AN EMERGENCY MEETING WHEN A CASE OR SENTINEL EVENT REQUIRES TIMELY
22 REVIEW OR ACTION TO PROTECT THE PUBLIC HEALTH AND SAFETY.

23 G. FOLLOWING THE REVIEW OF A SENTINEL EVENT PURSUANT TO SUBSECTION
24 E OR F OF THIS SECTION, THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS
25 TO THE BOARD REGARDING WHETHER THE CARE PROVIDED WAS:

26 1. CONSISTENT WITH COMMUNITY STANDARDS.

27 2. CONSISTENT WITH COMMUNITY STANDARDS BUT OUTSIDE THE SCOPE OF
28 PRACTICE.

29 3. OUTSIDE OF COMMUNITY STANDARDS AND REQUIRING CORRECTIVE ACTION.

30 H. FOR CARE DETERMINED TO BE OUTSIDE OF COMMUNITY STANDARDS OR THE
31 SCOPE OF PRACTICE UNDER SUBSECTION G OF THIS SECTION, THE ADVISORY
32 COMMITTEE MAY RECOMMEND ONE OR MORE OF THE FOLLOWING TO THE BOARD:

33 1. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS.

34 2. MENTORING OR SUPERVISED PRACTICE.

35 3. ADMINISTRATIVE CIVIL PENALTIES.

36 4. RESTRICTION OR SUSPENSION OF A LICENSE.

37 5. REVOCATION OF A LICENSE.

38 I. AT THE DIRECTION OF THE BOARD, THE ADVISORY COMMITTEE SHALL
39 REVIEW MIDWIFE REPORTS SUBMITTED PURSUANT TO SECTION 32-1591.13 AND MAY
40 RECOMMEND MODIFICATIONS TO REPORTING REQUIREMENTS TO THE BOARD TO SUPPORT
41 QUALITY IMPROVEMENT AND PATIENT SAFETY.

42 J. FOR THE PURPOSES OF THIS SECTION, "SENTINEL EVENT":

43 1. MEANS AN UNEXPECTED, SERIOUS PATIENT SAFETY INCIDENT RESULTING
44 IN DEATH, PERMANENT HARM OR A SIGNIFICANT RISK OF HARM.

- 1 2. INCLUDES BOTH:
- 2 (a) MATERNAL SENTINEL EVENTS, INCLUDING:
- 3 (i) MATERNAL DEATHS DURING THE PREGNANCY THROUGH THIRTY DAYS
- 4 POSTPARTUM.
- 5 (ii) MATERNAL INTENSIVE CARE UNIT ADMISSION IN THE FIRST ONE
- 6 HUNDRED TWENTY HOURS POSTPARTUM.
- 7 (iii) UTERINE RUPTURE.
- 8 (iv) POSTPARTUM HEMORRHAGE REQUIRING A BLOOD TRANSFUSION.
- 9 (v) SHOULDER DYSTOCIA WITH BRACHIAL PLEXUS INJURY.
- 10 (b) NEONATAL SENTINEL EVENTS, INCLUDING:
- 11 (i) NEONATAL DEATHS IN THE FIRST THIRTY DAYS OF LIFE.
- 12 (ii) NEONATAL INTENSIVE CARE UNIT ADMISSION WITHIN ONE HUNDRED
- 13 TWENTY HOURS AFTER BIRTH, NOT INCLUDING OBSERVATION-ONLY ADMISSIONS OR
- 14 ADMISSIONS FOR CONGENITAL ANOMALIES.
- 15 (iii) A BIRTH WEIGHT OF LESS THAN TWO THOUSAND FIVE HUNDRED GRAMS.
- 16 (iv) AN APGAR SCORE OF LESS THAN SEVEN AT FIVE MINUTES.
- 17 (v) RESPIRATORY DISTRESS REQUIRING PROLONGED VENTILATION.
- 18 32-1591.13. Disclosure; reporting requirements; definitions
- 19 A. AT THE INITIATION OF CARE, EACH LICENSED MIDWIFE SHALL DISCLOSE
- 20 TO EACH PATIENT WHETHER THE LICENSED MIDWIFE MAINTAINS PROFESSIONAL
- 21 LIABILITY INSURANCE. THIS DISCLOSURE SHALL BE INCLUDED IN THE INFORMED
- 22 CONSENT DOCUMENT AND ACKNOWLEDGED BY THE PATIENT'S SIGNATURE.
- 23 B. ON OR BEFORE JANUARY 31 EACH YEAR, EACH LICENSED MIDWIFE SHALL
- 24 FILE A REPORT WITH THE BOARD, OR IF DELEGATED BY THE BOARD, AT THE
- 25 DIRECTION OF THE DIRECTOR, IN A FORMAT PRESCRIBED BY THE BOARD, THE
- 26 FOLLOWING INFORMATION, NOT INCLUDING ANY INDIVIDUALLY IDENTIFIABLE HEALTH
- 27 INFORMATION OF A PATIENT, FOR THE PRECEDING CALENDAR YEAR:
- 28 1. THE NUMBER OF WOMEN FOR WHOM THE LICENSED MIDWIFE PROVIDED CARE.
- 29 2. THE NUMBER OF DELIVERIES THE LICENSED MIDWIFE ATTENDED AS
- 30 PRIMARY MIDWIFE.
- 31 3. THE NUMBER, REASON FOR AND OUTCOME OF EACH TRANSFER OR TRANSPORT
- 32 OF A PATIENT IN THE ANTEPARTUM, INTRAPARTUM OR IMMEDIATE POSTPARTUM
- 33 PERIODS.
- 34 4. THE NUMBER OF PERINATAL DEATHS, INCLUDING BOTH:
- 35 (a) MATERNAL DEATHS OCCURRING DURING PREGNANCY AND THROUGH THE
- 36 FIRST MONTH POSTPARTUM.
- 37 (b) NEONATAL DEATHS OCCURRING THROUGH THE FIRST MONTH OF LIFE.
- 38 5. FOR EACH DEATH REPORTED PURSUANT TO PARAGRAPH 4 OF THIS
- 39 SUBSECTION, THE CAUSE OF DEATH, IF KNOWN, AND A DESCRIPTION OF THE
- 40 CIRCUMSTANCES SURROUNDING THE DEATH.
- 41 6. THE NUMBER AND OUTCOME OF BREECH BIRTHS AND VAGINAL BIRTHS AFTER
- 42 CESAREAN.
- 43 7. THE NUMBER OF BIRTHS THAT OCCURRED MORE THAN TWENTY-FIVE MILES
- 44 FROM A HOSPITAL THAT PROVIDES OBSTETRICS SERVICES.
- 45 8. THE NUMBER OF FETAL DEATHS AFTER TWENTY WEEKS' GESTATION.

1 9. THE LICENSED MIDWIFE'S FULL NAME, LICENSE NUMBER AND COUNTY.
2 C. IN ADDITION TO THE REPORTING REQUIRED IN SUBSECTION B OF THIS
3 SECTION, A LICENSED MIDWIFE SHALL REPORT TO THE BOARD:
4 1. A PERINATAL MORTALITY WITHIN SEVENTY-TWO HOURS AFTER THE DEATH.
5 2. A SENTINEL EVENT WITHIN FOURTEEN DAYS AFTER THE EVENT.
6 D. THE INFORMATION REPORTED TO THE BOARD PURSUANT TO SUBSECTIONS B
7 AND C OF THIS SECTION MAY BE INSPECTED, COPIED, OBTAINED OR PROVIDED TO
8 THE ADVISORY COMMITTEE FOR RESEARCH AND EVIDENCE.
9 E. THE REPORT REQUIRED BY SUBSECTION B OF THIS SECTION REPLACES THE
10 REPORT REQUIRED BY EACH LICENSED MIDWIFE FOLLOWING THE TERMINATION OF CARE
11 FOR EACH PATIENT.
12 F. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE DATA THAT IS
13 COLLECTED IN THE REPORTS REQUIRED BY SUBSECTION B OF THIS SECTION SHALL BE
14 COMPILED AND SHARED WITH THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
15 PRESIDENT OF THE SENATE AND THE GOVERNOR AND POSTED ON THE BOARD'S PUBLIC
16 WEBSITE.
17 G. FOR THE PURPOSES OF THIS SECTION:
18 1. "INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION" HAS THE SAME
19 MEANING PRESCRIBED IN SECTION 36-3801.
20 2. "SENTINEL EVENT" HAS THE SAME MEANING PRESCRIBED IN SECTION
21 32-1591.12.
22 Sec. 14. Section 32-3101, Arizona Revised Statutes, is amended to
23 read:
24 32-3101. Definitions
25 In this chapter, unless the context otherwise requires:
26 1. "Certification" means a voluntary process by which a regulatory
27 entity grants recognition to an individual who has met certain
28 prerequisite qualifications specified by that regulatory entity and who
29 may assume or use the word "certified" in a title or designation to
30 perform prescribed health professional tasks.
31 2. "Grandfather clause" means a provision that is applicable to
32 practitioners who are actively engaged in the regulated health profession
33 before the effective date of a law and that exempts the practitioners from
34 meeting the prerequisite qualifications set forth in the law to perform
35 prescribed occupational tasks.
36 3. "Health professional group" means any health professional group
37 or organization, any individual or any other interested party that
38 proposes that any health professional group that is not presently
39 regulated be regulated.
40 4. "Health professions" means professions that are regulated
41 pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21,
42 25, 28, 29, 33, 34, 35, 39 or 41 of this title, ~~title 36, chapter 6,~~
43 ~~article 7~~ or title 36, chapter 17.

1 5. "Inspection" means the periodic examination of practitioners by
2 a state agency in order to ascertain whether the practitioners' occupation
3 is being carried out in a fashion consistent with the public health,
4 safety and welfare.

5 6. "Licensure" or "license" means an individual, nontransferable
6 authorization to carry on a health activity that would otherwise be
7 unlawful in this state in the absence of the permission and that is based
8 on qualifications that include graduation from an accredited or approved
9 program and acceptable performance on a qualifying examination or a series
10 of examinations.

11 7. "Practitioner" means an individual who has achieved knowledge
12 and skill by practice and who is actively engaged in a specified health
13 profession.

14 8. "Public member" means an individual who is not and never has
15 been a member or the spouse of a member of the health profession being
16 regulated and who does not have and never has had a material financial
17 interest in either rendering the health professional service being
18 regulated or an activity directly related to the profession being
19 regulated.

20 9. "Registration" means the formal notification that, before
21 rendering services, a practitioner must submit to a state agency setting
22 forth the name and address of the practitioner, the location, nature and
23 operation of the health activity to be practiced and, if required by a
24 regulatory entity, a description of the service to be provided.

25 10. "Regulatory entity" means any board, commission, agency or
26 department of this state that regulates one or more health professions in
27 this state.

28 11. "State agency" means any department, board, commission or
29 agency of this state.

30 Sec. 15. Section 32-3201, Arizona Revised Statutes, is amended to
31 read:

32 32-3201. Definitions

33 In this chapter, unless the context otherwise requires:

34 ~~2.~~ 1. "Health professional" means a person who is certified or
35 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
36 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title 36,
37 chapter 4, article 6, ~~title 36, chapter 6, article 7~~ or title 36,
38 chapter 17.

39 ~~1.~~ 2. "Health profession regulatory board" means any board that
40 regulates one or more health professionals in this state.

41 3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in
42 section 12-2291 but does not include prescription orders.

1 Sec. 16. Section 36-301, Arizona Revised Statutes, is amended to
2 read:

3 36-301. Definitions

4 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

38 11. "Electronic" means technology that has electrical, digital,
39 magnetic, wireless, optical or electromagnetic capabilities or technology
40 with similar capabilities.

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

1 13. "Family member" means:

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

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

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

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

14 16. "Foundling" means:

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

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

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

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

22 19. "Health care provider" means:

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

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

27 (c) A midwife WHO IS licensed pursuant to ~~chapter 6, article 7 of~~
28 ~~this~~ title 32, CHAPTER 14, ARTICLE 5.

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

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

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

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

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

40 21. "Issue" means:

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

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

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

1 23. "Medical certification of death" means the opinion of the
2 health care provider who signs the certificate of probable or presumed
3 cause of death that complies with rules adopted by the state registrar of
4 vital records and that is based on any of the following that is reasonably
5 available:

- 6 (a) Personal examination.
- 7 (b) Medical history.
- 8 (c) Medical records.
- 9 (d) Other reasonable forms of evidence.

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

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

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

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

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

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

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

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

26 32. "System of public health statistics" means the processes and
27 procedures for:

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

31 (b) Performing other activities related to public health
32 information.

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

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

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

39 (c) Performing other activities related to vital records.

40 34. "Unborn child" has the same meaning prescribed in section
41 36-2151.

42 35. "Vital record" means a registered birth certificate or a
43 registered death certificate.

1 Sec. 17. Section 36-422, Arizona Revised Statutes, is amended to
2 read:

3 36-422. Application for license; notification of proposed
4 change in status; joint licenses; definitions

5 A. A person who wishes to apply for a license to operate a health
6 care institution pursuant to this chapter shall submit to the department
7 all of the following:

8 1. An application on a written or electronic form that is
9 prescribed, prepared and furnished by the department and that contains all
10 of the following:

11 (a) The name and location of the health care institution.

12 (b) Whether the health care institution is to be operated as a
13 proprietary or nonproprietary institution.

14 (c) The name of the governing authority. The applicant shall be
15 the governing authority having the operative ownership of, or the
16 governmental agency charged with the administration of, the health care
17 institution sought to be licensed. If the applicant is a partnership that
18 is not a limited partnership, the partners shall apply jointly, and the
19 partners are jointly the governing authority for purposes of this article.

20 (d) The name and business or residential address of each
21 controlling person and an affirmation that none of the controlling persons
22 has been denied a license or certificate by a health profession regulatory
23 board pursuant to title 32 or by a state agency pursuant to ~~chapter 6,~~
24 ~~article 7 or~~ chapter 17 of this title or a license to operate a health
25 care institution in this state or another state or has had a license or
26 certificate issued by a health profession regulatory board pursuant to
27 title 32 or issued by a state agency pursuant to ~~chapter 6, article 7 or~~
28 ~~chapter 17 of this title or~~ a license to operate a health care institution
29 revoked. If a controlling person has been denied a license or certificate
30 by a health profession regulatory board pursuant to title 32 or by a state
31 agency pursuant to ~~chapter 6, article 7 or~~ chapter 17 of this title or a
32 license to operate a health care institution in this state or another
33 state or has had a health care professional license or a license to
34 operate a health care institution revoked, the controlling person shall
35 include in the application a comprehensive description of the
36 circumstances for the denial or the revocation.

37 (e) The class or subclass of health care institution to be
38 established or operated.

39 (f) The types and extent of the health care services to be
40 provided, including emergency services, community health services and
41 services to indigent patients.

42 (g) The name and qualifications of the chief administrative officer
43 implementing direction in that specific health care institution.

44 (h) Other pertinent information required by the department for the
45 proper administration of this chapter and department rules.

1 2. The attestation required by section 36-421, subsection A.

2 3. The applicable application fee.

3 B. An application submitted pursuant to this section shall contain
4 the written or electronic signature of:

5 1. If the applicant is an individual, the owner of the health care
6 institution.

7 2. If the applicant is a partnership, limited liability company or
8 corporation, two of the officers of the corporation or managing members of
9 the partnership or limited liability company or the sole member of the
10 limited liability company if it has only one member.

11 3. If the applicant is a governmental unit, the head of the
12 governmental unit.

13 C. An application for licensure shall be submitted at least sixty
14 but not more than one hundred twenty days before the anticipated date of
15 operation. An application for a substantial compliance survey submitted
16 pursuant to section 36-425, subsection G shall be submitted at least
17 thirty days before the date on which the substantial compliance survey is
18 requested.

19 D. If a current licensee intends to terminate the operation of a
20 licensed health care institution or if a change of ownership is planned,
21 the current licensee shall notify the director in writing at least thirty
22 days before the termination of operation or change in ownership is to take
23 place. The current licensee is responsible for preventing any
24 interruption of services required to sustain the life, health and safety
25 of the patients or residents. A new owner shall not begin operating the
26 health care institution until the director issues a license to the new
27 owner.

28 E. A licensed health care institution for which operations have not
29 been terminated for more than thirty days may be relicensed pursuant to
30 the codes and standards for architectural plans and specifications that
31 were applicable under its most recent license.

32 F. If a person operates a hospital in a county with a population of
33 more than five hundred thousand persons in a setting that includes
34 satellite facilities of the hospital that are located separately from the
35 main hospital building, the department at the request of the applicant or
36 licensee shall issue a single group license to the hospital and its
37 designated satellite facilities located within one-half mile of the main
38 hospital building if all of the facilities meet or exceed department
39 licensure requirements for the designated facilities. At the request of
40 the applicant or licensee, the department shall also issue a single group
41 license that includes the hospital and its designated satellite facilities
42 that are located farther than one-half mile from the main hospital
43 building if all of these facilities meet or exceed applicable department
44 licensure requirements. Each facility included under a single group
45 license is subject to the department's licensure requirements that are

1 applicable to that category of facility. Subject to compliance with
2 applicable licensure or accreditation requirements, the department shall
3 reissue individual licenses for the facility of a hospital located in
4 separate buildings from the main hospital building when requested by the
5 hospital. This subsection does not apply to nursing care institutions and
6 residential care institutions. The department is not limited in
7 conducting inspections of an accredited health care institution to ensure
8 that the institution meets department licensure requirements. If a person
9 operates a hospital in a county with a population of five hundred thousand
10 persons or less in a setting that includes satellite facilities of the
11 hospital that are located separately from the main hospital building, the
12 department at the request of the applicant or licensee shall issue a
13 single group license to the hospital and its designated satellite
14 facilities located within thirty-five miles of the main hospital building
15 if all of the facilities meet or exceed department licensure requirements
16 for the designated facilities. At the request of the applicant or
17 licensee, the department shall also issue a single group license that
18 includes the hospital and its designated satellite facilities that are
19 located farther than thirty-five miles from the main hospital building if
20 all of these facilities meet or exceed applicable department licensure
21 requirements.

22 G. If a county with a population of more than one million persons
23 or a special health care district in a county with a population of more
24 than one million persons operates an accredited hospital that includes the
25 hospital's accredited facilities that are located separately from the main
26 hospital building and the accrediting body's standards as applied to all
27 facilities meet or exceed the department's licensure requirements, the
28 department shall issue a single license to the hospital and its facilities
29 if requested to do so by the hospital. If a hospital complies with
30 applicable licensure or accreditation requirements, the department shall
31 reissue individual licenses for each hospital facility that is located in
32 a separate building from the main hospital building if requested to do so
33 by the hospital. This subsection does not limit the department's duty to
34 inspect a health care institution to determine its compliance with
35 department licensure standards. This subsection does not apply to nursing
36 care institutions and residential care institutions.

37 H. An applicant or licensee must notify the department within
38 thirty days after any change regarding a controlling person and provide
39 the information and affirmation required pursuant to subsection A,
40 paragraph 1, subdivision (d) of this section.

41 I. A behavioral health residential facility that provides services
42 to children must notify the department within thirty days after the
43 facility begins contracting exclusively with the federal government,
44 receives only federal monies and does not contract with this state.

1 J. This section does not limit the application of federal laws and
2 regulations to an applicant or licensee that is certified as a medicare or
3 an Arizona health care cost containment system provider under federal law.

4 K. Except for an outpatient treatment center that provides dialysis
5 services or abortion procedures or that is exempt from licensure pursuant
6 to section 36-402, subsection A, paragraph 12, a person wishing to begin
7 operating an outpatient treatment center before a licensing inspection is
8 completed shall submit all of the following:

- 9 1. The license application required pursuant to this section.
10 2. All applicable application and license fees.
11 3. A written request for a temporary license that includes:
12 (a) The anticipated date of operation.
13 (b) An attestation signed by the applicant that the applicant and
14 the facility comply with and will continue to comply with the applicable
15 licensing statutes and rules.

16 L. Within seven days after the department's receipt of the items
17 required in subsection K of this section, but not before the anticipated
18 operation date submitted pursuant to subsection C of this section, the
19 department shall issue a temporary license that includes:

- 20 1. The name of the facility.
21 2. The name of the licensee.
22 3. The facility's class or subclass.
23 4. The temporary license's effective date.
24 5. The location of the licensed premises.

25 M. A facility may begin operating on the effective date of the
26 temporary license.

27 N. The director may cease the issuance of temporary licenses at any
28 time if the director believes that public health and safety is endangered.

29 O. An outpatient treatment center that is exempt from licensure
30 pursuant to section 36-402, subsection A, paragraph 12 is subject to
31 reasonable inspection by the department if the director has reasonable
32 cause to believe that patient harm is or may be occurring at that
33 outpatient treatment center. A substantiated complaint that harm is
34 occurring at an exempt outpatient treatment center is a violation of this
35 chapter against the license of the hospital listed in the notice required
36 by section 36-402, subsection A, paragraph 12.

37 P. Each hospital that is licensed pursuant to this chapter shall
38 provide to and maintain with the department a current list of exempt
39 outpatient treatment centers that have the same direct owner or indirect
40 owner as the hospital.

41 Q. For the purposes of this section:

- 42 1. "Accredited" means accredited by a nationally recognized
43 accreditation organization.
44 2. "Satellite facility" means an outpatient facility at which the
45 hospital provides outpatient medical services.

1 Sec. 18. Section 36-425, Arizona Revised Statutes, is amended to
2 read:

3 36-425. Inspections; issuance of license; posting
4 requirements; provisional license; denial of
5 license

6 A. On receipt of a properly completed application for a health care
7 institution license, the director shall conduct an inspection of the
8 health care institution as prescribed by this chapter. If an application
9 for a license is submitted due to a planned change of ownership, the
10 director shall determine the need for an inspection of the health care
11 institution. Based on the results of the inspection and after the
12 submission of the applicable licensing fee, the director shall either deny
13 the license or issue a regular or provisional license. A license issued
14 by the department shall be posted in a conspicuous location in the
15 reception area of that health care institution.

16 B. The director shall issue a license if the director determines
17 that an applicant and the health care institution for which the license is
18 sought substantially comply with the requirements of this chapter and
19 rules adopted pursuant to this chapter and the applicant agrees to carry
20 out a plan acceptable to the director to eliminate any deficiencies. The
21 director shall not require a health care institution that was designated
22 as a critical access hospital to make any modifications required by this
23 chapter or rules adopted pursuant to this chapter in order to obtain an
24 amended license with the same licensed capacity the health care
25 institution had before it was designated as a critical access hospital if
26 all of the following are true:

27 1. The health care institution has subsequently terminated its
28 critical access hospital designation.

29 2. The licensed capacity of the health care institution does not
30 exceed its licensed capacity before its designation as a critical access
31 hospital.

32 3. The health care institution remains in compliance with the
33 applicable codes and standards that were in effect at the time the
34 facility was originally licensed with the higher licensed capacity.

35 C. A health care institution license does not expire and remains
36 valid unless:

37 1. The department subsequently revokes or suspends the license.

38 2. The license is considered void because the licensee did not pay
39 the licensing fee, civil penalties or provider agreement fees before the
40 relevant due date or did not enter into an agreement with the department
41 before the relevant due date to pay all outstanding fees or civil
42 penalties.

1 D. Except as provided in section 36-424, subsection B and
2 subsection E of this section, the department shall conduct a compliance
3 inspection of a health care institution to determine compliance with this
4 chapter and rules adopted pursuant to this chapter at least once annually.

5 E. If the department determines a facility, except for a
6 residential care institution or a nursing care institution that does not
7 have the same direct owner or indirect owner as a hospital licensed
8 pursuant to this chapter, to be deficiency free on a compliance survey,
9 the department shall not conduct a compliance survey of that facility for
10 twenty-four months after the date of the deficiency free survey. This
11 subsection does not prohibit the department from enforcing licensing
12 requirements as authorized by section 36-424.

13 F. A hospital licensed as a rural general hospital may provide
14 intensive care services.

15 G. The director shall issue a provisional license for a period of
16 not more than one year if an inspection or investigation of a currently
17 licensed health care institution or a health care institution for which an
18 applicant is seeking a license reveals that the health care institution is
19 not in substantial compliance with department licensure requirements and
20 the director believes that the immediate interests of the patients and the
21 general public are best served if the health care institution is given an
22 opportunity to correct deficiencies. The applicant or licensee shall
23 agree to carry out a plan to eliminate deficiencies that is acceptable to
24 the director. The director shall not issue consecutive provisional
25 licenses to a single health care institution. The director shall not
26 issue a license to the current licensee or a successor applicant before
27 the expiration of the provisional license unless the health care
28 institution submits an application for a substantial compliance survey and
29 is found to be in substantial compliance. The director may issue a
30 license only if the director determines that the health care institution
31 is in substantial compliance with the licensure requirements of the
32 department and this chapter. This subsection does not prevent the
33 director from taking action to protect the safety of patients pursuant to
34 section 36-427.

35 H. Subject to the confidentiality requirements of articles 4 and 5
36 of this chapter, title 12, chapter 13, article 7.1 and section 12-2235,
37 the licensee shall keep current department inspection reports at the
38 health care institution. Unless federal law requires otherwise, the
39 licensee shall post in a conspicuous location a notice that identifies the
40 location at that health care institution where the inspection reports are
41 available for review.

1 I. A health care institution shall immediately notify the
2 department in writing when there is a change of the chief administrative
3 officer specified in section 36-422, subsection A, paragraph 1,
4 subdivision (g).

5 J. When the department issues an original license or an original
6 provisional license to a health care institution, it shall notify the
7 owners and lessees of any agricultural land within one-fourth mile of the
8 health care institution. The health care institution shall provide the
9 department with the names and addresses of owners or lessees of
10 agricultural land within one-fourth mile of the proposed health care
11 institution.

12 K. In addition to the grounds for denial of licensure prescribed
13 pursuant to subsection A of this section, the director may deny a license
14 because an applicant or anyone in a business relationship with the
15 applicant, including stockholders and controlling persons, has had a
16 license to operate a health care institution denied, revoked or suspended
17 or a license or certificate issued by a health profession regulatory board
18 pursuant to title 32 or issued by a state agency pursuant to ~~chapter 6,~~
19 ~~article 7 or~~ chapter 17 of this title denied, revoked or suspended or has
20 a licensing history of recent serious violations occurring in this state
21 or in another state that posed a direct risk to the life, health or safety
22 of patients or residents.

23 L. In addition to the requirements of this chapter, the director
24 may prescribe by rule other licensure requirements.

25 Sec. 19. Section 36-3601, Arizona Revised Statutes, is amended to
26 read:

27 36-3601. Definitions

28 For the purposes of this chapter:

29 1. "Health care decision maker" has the same meaning prescribed in
30 section 12-2801.

31 2. "Health care provider":

32 (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
33 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or 42,
34 or chapter 4, article 6 of this title, ~~chapter 6, article 7 of this title~~
35 or chapter 17 of this title.

36 (b) Includes:

37 (i) A health care institution licensed pursuant to chapter 4 of
38 this title.

39 (ii) A person who holds a training permit pursuant to title 32,
40 chapter 13 or 17.

41 3. "Health care provider regulatory board or agency" means a board
42 or agency that regulates one or more health care provider professions in
43 this state.

1 4. "Telehealth" means:

2 (a) The interactive use of audio, video or other electronic media,
3 including asynchronous store-and-forward technologies and remote patient
4 monitoring technologies, for the practice of health care, assessment,
5 diagnosis, consultation or treatment and the transfer of medical data.

6 (b) Includes the use of an audio-only telephone encounter between
7 the patient or client and health care provider if an audio-visual
8 telehealth encounter is not reasonably available due to the patient's
9 functional status, the patient's lack of technology or telecommunications
10 infrastructure limits, as determined by the health care provider.

11 (c) Does not include the use of a fax machine, instant messages,
12 voice mail or email.

13 Sec. 20. Succession

14 A. As provided by this act, the naturopathic physicians medical
15 board succeeds to the authority, powers, duties and responsibilities of
16 the department of health services relating to the licensure and regulation
17 of midwives pursuant to title 36, chapter 6, article 7, Arizona Revised
18 Statutes.

19 B. This act does not alter the effect of any actions that were
20 taken or impair the valid obligations of the department of health services
21 relating to the licensure and regulation of midwives pursuant to title 36,
22 chapter 6, article 7, Arizona Revised Statutes, in existence before the
23 effective date of this act.

24 C. All rules adopted by the department of health services pursuant
25 to title 36, chapter 6, article 7, Arizona Revised Statutes, remain in
26 full force until superseded by administrative action by the naturopathic
27 physicians medical board.

28 D. All administrative matters, contracts and judicial and
29 quasi-judicial actions, whether completed, pending or in process, of the
30 department of health services relating to the licensure and regulation of
31 midwives pursuant to title 36, chapter 6, article 7, Arizona Revised
32 Statutes, on the effective date of this act are transferred to and retain
33 the same status with the naturopathic physicians medical board.

34 E. All certificates, licenses and other indicia of qualification
35 and authority that were issued by the department of health services
36 pursuant to title 36, chapter 6, article 7, Arizona Revised Statutes,
37 retain their validity for the duration of their terms of validity as
38 provided by law.

39 F. All records and other property, all data and investigative
40 findings, all obligations and all appropriated monies that remain
41 unexpended and unencumbered on the effective date of this act of the
42 department of health services relating to the licensure and regulation of
43 midwives pursuant to title 36, chapter 6, article 7, Arizona Revised
44 Statutes, are transferred to the naturopathic physicians medical board.

1 Sec. 21. Expenditure authority

2 Notwithstanding any other law, the naturopathic physicians medical
3 board may spend for the purposes of this act any monies transferred from
4 the department of health services relating to the licensure and regulation
5 of midwives and any monies appropriated to the naturopathic physicians
6 medical board in fiscal year 2026-2027.

7 Sec. 22. Effective date

8 Section 32-1505, Arizona Revised Statutes, as amended by Laws 2024,
9 chapter 222, section 18 and this act, is effective from and after June 30,
10 2028.

11 Sec. 23. Short title

12 This act may be cited as the "Jordan and Mack Terry Act".