

REFERENCE TITLE: health boards; licensure decisions; investigation

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

HB 2660

Introduced by
Representatives Fink: Heap

AN ACT

AMENDING SECTIONS 32-924 AND 32-1501, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3230.03; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-924, Arizona Revised Statutes, is amended to
3 read:

4 32-924. Grounds for disciplinary action; hearing; civil
5 penalty; definition

6 A. The following are grounds for disciplinary action, regardless of
7 where they occur:

8 1. ~~Employment of~~ EMPLOYING fraud or deception in securing a
9 license.

10 2. Practicing chiropractic under a false or assumed name.

11 3. Impersonating another practitioner.

12 4. ~~Habitual use of~~ HABITUALLY USING alcohol, narcotics or
13 stimulants to the extent of incapacitating the licensee for the
14 performance of professional duties.

15 5. COMMITTING unprofessional ~~or dishonorable~~ conduct of a character
16 THAT IS likely to deceive or defraud A PATIENT OR the public or ~~tending to~~
17 ~~discredit the profession~~ THAT POSES A DIRECT THREAT TO THE LIFE, HEALTH OR
18 SAFETY OF A PATIENT.

19 6. ~~Conviction~~ BEING CONVICTED of a misdemeanor involving moral
20 turpitude or of a felony.

21 7. COMMITTING gross malpractice, repeated malpractice or any
22 malpractice resulting in the death of a patient.

23 8. Representing that a manifestly incurable condition can be
24 permanently cured, or that a curable condition can be cured within a
25 stated time, if this is not true.

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

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

30 11. Giving or receiving or aiding or abetting the giving or
31 receiving of rebates, either directly or indirectly.

32 12. Acting or assuming to act as a member of the board if this is
33 not true.

34 13. Advertising in a false, deceptive or misleading manner.

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

39 15. COMMITTING any conduct or practice contrary to recognized
40 standards in chiropractic or any conduct or practice that constitutes a
41 danger to the health, welfare or safety of the patient or the public or
42 any conduct, practice or condition that impairs the ability of the
43 licensee to safely and skillfully practice chiropractic.

1 16. Violating or attempting to violate, directly or indirectly, or
2 assisting in or abetting the violation of or conspiring to violate any of
3 the provisions of this chapter or any board order.

4 17. Failing to sign the physician's name, wherever required, in any
5 capacity as "chiropractic doctor", "chiropractic physician" or "doctor of
6 chiropractic" or failing to use and affix the initials "D.C." after the
7 physician's name.

8 18. Failing to place or cause to be placed the word or words
9 "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic
10 physician" in any sign or advertising media.

11 19. Using physical medicine modalities and therapeutic procedures
12 without passing an examination in that subject and without being certified
13 in that specialty by the board.

14 20. Using acupuncture without passing an examination in that subject
15 and without being certified in that specialty by the board.

16 21. Engaging in sexual intercourse or oral sexual contact with a
17 patient in the course of treatment.

18 22. Billing or otherwise charging a patient or third-party payor for
19 services, appliances, tests, equipment, an x-ray examination or other
20 procedures not actually provided.

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

25 24. Advertising chiropractic services, appliances, tests, equipment,
26 x-ray examinations or other procedures for a specified price without also
27 specifying the services, procedures or items included in the advertised
28 price.

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

32 26. Billing or charging a patient or third-party payor a higher
33 price than the advertised price in effect at the time the services,
34 appliances, tests, equipment, x-ray examinations or other procedures were
35 provided.

36 27. Advertising a specialty or procedure that requires a separate
37 examination or certificate of specialty, unless the licensee has satisfied
38 the applicable requirements of this chapter.

39 28. ~~Solicitation~~ SOLICITING by the licensee or by the licensee's
40 compensated agent ~~of~~ any person who is not previously known by the
41 licensee or the licensee's agent, and who at the time of the solicitation
42 is vulnerable to undue influence, including any person known to have
43 experienced any of the following within the ~~last~~ PRECEDING fifteen days:

44 (a) Involvement in a motor vehicle accident.

45 (b) Involvement in a work-related accident.

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

2 B. The board on its own motion or on receipt of a complaint may
3 investigate any information that appears to show that a doctor of
4 chiropractic is or may be in violation of this chapter or board rules or
5 is or may be mentally or physically unable to safely engage in the
6 practice of chiropractic. The board shall notify the licensee as to the
7 content of the complaint as soon as is reasonable. Any person who reports
8 or provides information to the board in good faith is not subject to civil
9 damages as a result of that action.

10 C. The board may require a licensee WHO IS under investigation
11 pursuant to this section to be interviewed by the board or its
12 representatives. The board may require a licensee who is under
13 investigation pursuant to this section to undergo, at the licensee's
14 expense, any combination of medical, physical or mental examinations that
15 the board finds necessary to determine the licensee's competence.

16 D. If the board finds based on the information it receives under
17 subsections B and C of this section that the public health, safety or
18 welfare imperatively requires emergency action, and incorporates a
19 finding to that effect in its order, the board may order a summary
20 suspension of a license pending proceedings for revocation or other
21 action. If the board takes this action, ~~it~~ THE BOARD shall also serve the
22 licensee with a written notice that states the charges and that the
23 licensee is entitled to a formal hearing within sixty days.

24 E. If, after completing its investigation, the board finds that the
25 information provided pursuant to this section is not of sufficient
26 seriousness to merit disciplinary action against the licensee, ~~it~~ THE
27 BOARD may take any of the following actions:

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

30 2. Issue an advisory letter. An advisory letter is a
31 nondisciplinary action and is a public document.

32 3. Issue a nondisciplinary order requiring the licensee to complete
33 a prescribed number of hours of continuing education in an area or areas
34 prescribed by the board to provide the licensee with the necessary
35 understanding of current developments, skills, procedures or treatment.
36 Failure to complete a nondisciplinary order requiring continuing education
37 is a violation of subsection A, paragraph 16 of this section.

38 F. The board may request a formal interview with the licensee
39 concerned. At a formal interview the board may receive and consider
40 pertinent documents and sworn statements of persons who may be called as
41 witnesses in a formal hearing. Legal counsel may be present and
42 participate in the formal interview. If the licensee refuses the request
43 or if the licensee accepts the request and the results of the interview
44 indicate suspension or revocation of the license may be in order, the
45 board shall issue a complaint and order that a hearing be held pursuant to

1 title 41, chapter 6, article 10. If, after the formal interview, the
2 board finds that the information provided pursuant to this section is true
3 but is not of sufficient seriousness to merit suspension or revocation of
4 the license, ~~it~~ THE BOARD may take any of the following actions:

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

7 2. Issue an advisory letter. An advisory letter is a
8 nondisciplinary action and is a public document.

9 3. Issue an order to cease and desist.

10 4. Issue a letter of concern.

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

15 6. Fix a period and terms of probation best adapted to protect the
16 public health and safety and to rehabilitate or educate the licensee. Any
17 costs incidental to the terms of probation are at the licensee's own
18 expense. Probation may include restrictions on the licensee's license to
19 practice chiropractic.

20 7. Impose a civil penalty of not more than ~~one thousand dollars~~
21 \$1,000 for each violation of this chapter.

22 8. Refuse to renew a license.

23 9. Issue a disciplinary or nondisciplinary order requiring the
24 licensee to complete a prescribed number of hours of continuing education
25 in an area or areas prescribed by the board to provide the licensee with
26 the necessary understanding of current developments, skills, procedures or
27 treatment.

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

37 H. If the licensee wishes to be present at the formal hearing in
38 person or by representation, or both, the licensee shall file with the
39 board a written answer to the charges in the complaint. A licensee who
40 has been notified of a complaint pursuant to this section shall file with
41 the board a written response not more than twenty days after service of
42 the complaint and the notice of hearing. If the licensee fails to file an
43 answer in writing, it is deemed an admission of the act or acts charged in
44 the complaint and notice of hearing and the board may take disciplinary
45 action pursuant to this chapter without a hearing.

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

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

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

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

Sec. 2. Section 32-1501, Arizona Revised Statutes, is amended to read:

32-1501. Definitions

In this chapter, unless the context otherwise requires:

1. "Accepted therapeutic purpose" means treatment of a disease, injury, ailment or infirmity that is competent and generally recognized as safe and effective.

2. "Active license" means a current valid license to practice naturopathic medicine.

3. "Adequate medical records" means legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, describe the treatment, accurately document the results, indicate advice and cautionary warning provided to the patient and provide sufficient information for a similarly qualified practitioner to assume continuity of the patient's care at any point in the course of treatment.

4. "Approved clinical training program" or "clinical training program" means a program for naturopathic medical students in which the training occurred or is being conducted by or in conjunction with an approved school of naturopathic medicine.

5. "Approved internship program" or "internship" means that the program in which the training occurred or is being conducted has been approved for internship training for physicians or for graduates of a school of naturopathic medicine by the board or was approved or accredited by an educational or professional association recognized by the board or by another state's or country's licensing agency recognized by the board.

6. "Approved postdoctoral training" or "postdoctoral training" means that the program in which the training occurred or is being conducted has been approved for specialty training or for graduate medical

1 education in naturopathic medicine by the board or approved or accredited
2 by an educational or professional association recognized by the board or
3 by another state's or country's licensing agency recognized by the board.

4 7. "Approved preceptorship program" or "preceptorship" means that
5 the program in which the training occurred or is being conducted has been
6 approved for preceptorship training for physicians or for graduates of a
7 school of naturopathic medicine by the board or was approved or accredited
8 by an educational or professional association recognized by the board or
9 by another state's or country's licensing agency recognized by the board.

10 8. "Approved school of naturopathic medicine" or "school of
11 naturopathic medicine" means a school, college or university determined by
12 the board to have an educational program that meets standards prescribed
13 by the council on naturopathic medical education, or its successor agency,
14 and that offers a course of study that, on successful completion, results
15 in the awarding of the degree of doctor of naturopathic medicine and whose
16 course of study is either of the following:

17 (a) Accredited or a candidate for accreditation by an accrediting
18 agency recognized by the United States secretary of education as a
19 specialized accrediting agency for schools of naturopathic medicine or its
20 successor.

21 (b) Accredited or a candidate for accreditation by an accrediting
22 agency recognized by the council for higher education accreditation or its
23 successor.

24 9. "Board" means the naturopathic physicians medical board.

25 10. "Chelation therapy" means an experimental medical therapy to
26 restore cellular homeostasis through the use of intravenous, metal-binding
27 and bioinorganic agents such as ethylene diamine tetraacetic acid.
28 Chelation therapy does not include experimental therapy used to treat
29 heavy metal poisoning.

30 11. "Completed application" means that the applicant paid the
31 required fees and supplied all documents and information as requested by
32 the board and in a manner acceptable to the board.

33 12. "Controlled substance" means a drug, substance or immediate
34 precursor in schedules I through V of title 36, chapter 27, article 2 or
35 the rules adopted pursuant to title 36, chapter 27, article 2.

36 13. "Direct supervision" means that a physician who is licensed
37 pursuant to this chapter or chapter 13, 17 or 29 of this title:

38 (a) Is physically present and within sight or sound of the person
39 supervised and is available for consultation regarding procedures that the
40 physician has authorized and for which the physician remains responsible.

41 (b) Has designated a person licensed pursuant to this chapter or
42 chapter 13, 17 or 29 of this title to provide direct supervision in the
43 physician's absence.

1 14. "Doctor of naturopathic medicine" or "doctor" means a natural
2 person who is licensed to practice naturopathic medicine under this
3 chapter.

4 15. "Drug" has the same meaning prescribed in section 32-1901 but
5 does not include:

6 (a) Intravenous administration of legend drugs, except for:

7 (i) Vitamins, chelation therapy and drugs used in emergency
8 resuscitation and stabilization.

9 (ii) Minerals.

10 (iii) Nutrients. For the purposes of this item, "nutrient" means a
11 substance that provides nourishment for growth or metabolism and that is
12 manufactured and supplied for intravenous use by a manufacturer registered
13 with the United States food and drug administration or compounded by a
14 pharmacy licensed by the Arizona state board of pharmacy.

15 (b) Controlled substances listed as schedule I or II controlled
16 substances as defined in the federal controlled substances act of 1970
17 (21 United States Code section 802), except morphine, any drug that is
18 reclassified from schedule III to schedule II after January 1, 2014 and
19 any homeopathic preparations that are also controlled substances.

20 (c) Cancer chemotherapeutics classified as legend drugs.

21 (d) Antipsychotics.

22 16. "General supervision" means that the physician is available for
23 consultation regarding procedures that the physician has authorized and
24 for which the physician remains responsible.

25 17. "Legend drug" means any drug that is defined by section 503(b)
26 of the federal food, drug, and cosmetic act and under which definition its
27 label is required to bear the statement "Rx only".

28 18. "Letter of concern" means a nondisciplinary advisory letter
29 that is issued by the board to a person who is regulated under this
30 chapter and that states that while there is insufficient evidence to
31 support disciplinary action the board believes that the person should
32 modify or eliminate certain practices and that continuation of the
33 activities that led to the information being submitted to the board may
34 result in action against the person's license, certificate or
35 registration.

36 19. "Letter of reprimand" means a disciplinary letter that is
37 issued by the board and that informs a person who is regulated under this
38 chapter that the person's conduct violates state or federal law but does
39 not require the board to restrict the person's license, certificate or
40 registration because the person's conduct did not result in harm to a
41 patient or to the public.

42 20. "Limit" means taking a nondisciplinary action that alters the
43 physician's practice or professional activities if the board determines
44 that there is evidence that the physician is or may be mentally or
45 physically unable to safely engage in the practice of medicine.

1 21. "Medical assistant" or "naturopathic medical assistant" means a
2 person who is certified by the board as a medical assistant, who assists a
3 doctor of naturopathic medicine and who may perform delegated procedures
4 that are commensurate with the assistant's education and training under
5 the direct supervision of a doctor of naturopathic medicine and that do
6 not include diagnosing, designing or modifying established treatment
7 programs or those procedures prohibited by the board or by this chapter.

8 22. "Medically incompetent" means a person who is licensed,
9 certified or registered pursuant to this chapter and who lacks sufficient
10 naturopathic medical knowledge or skills, or both, to a degree that is
11 likely to endanger the health of patients.

12 23. "Natural substance" means a homeopathic, botanical, nutritional
13 or other supplement that does not require a prescription pursuant to
14 federal law before it is prescribed, dispensed or otherwise furnished to a
15 patient and that is prescribed by a physician who is licensed pursuant to
16 this chapter to enhance health, prevent disease or treat a medical
17 condition diagnosed by the physician.

18 24. "Naturopathic medical student" means a person who is enrolled
19 in a course of study at an approved school of naturopathic medicine.

20 25. "Naturopathic medicine" means medicine as taught in approved
21 schools of naturopathic medicine and in clinical, internship,
22 preceptorship and postdoctoral training programs approved by the board and
23 practiced by a recipient of a degree of doctor of naturopathic medicine
24 WHO IS licensed pursuant to this chapter.

25 26. "Nurse" means a person who is licensed pursuant to chapter 15
26 of this title.

27 27. "Physician" means a doctor of naturopathic medicine who is
28 licensed pursuant to this chapter.

29 28. "Practice of naturopathic medicine" means a medical system of
30 diagnosing and treating diseases, injuries, ailments, infirmities and
31 other conditions of the human mind and body, including by natural means,
32 drugless methods, drugs, nonsurgical methods, devices, physical,
33 electrical, hygienic and sanitary measures and all forms of physical
34 agents and modalities.

35 29. "Restrict" means taking a disciplinary action that alters the
36 physician's practice or professional activities if the board determines
37 that there is evidence that the physician is or may be medically
38 incompetent or guilty of unprofessional conduct.

39 30. "Specialist" means a physician who has successfully completed
40 approved postdoctoral training, who is certified by a specialty board of
41 examiners recognized by the board and who is certified by the board to
42 practice the specialty pursuant to this chapter.

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

1 (a) Intentionally disclosing a professional secret or intentionally
2 disclosing a privileged communication except as either of these may
3 otherwise be required by law.

4 (b) Engaging in any ~~dishonorable~~ conduct ~~reflecting unfavorably on~~
5 ~~the profession~~ THAT DECEIVES OR DEFRAUDS A PATIENT OR THAT POSES A DIRECT
6 THREAT TO THE LIFE, HEALTH OR SAFETY OF A PATIENT.

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

11 (d) Habitual intemperance in the use of alcohol or any substance
12 abuse.

13 (e) Engaging in the illegal use of any narcotic or hypnotic drugs,
14 or illegal substances.

15 (f) Engaging in conduct that the board determines is gross
16 malpractice, repeated malpractice or any malpractice resulting in the
17 death of a patient.

18 (g) Impersonating another doctor of naturopathic medicine or any
19 other practitioner of the healing arts.

20 (h) Falsely acting or assuming to act as a member, an employee or
21 an authorized agent of the board.

22 (i) Procuring or attempting to procure a license or a certificate
23 pursuant to this chapter by fraud, by misrepresentation or by knowingly
24 taking advantage of the mistake of another person or agency.

25 (j) Having professional connection with or lending one's name to
26 enhance or continue the activities of an illegal physician or an illegal
27 practitioner of any healing art.

28 (k) Representing that a manifestly incurable disease, injury,
29 ailment or infirmity can be permanently cured, or falsely or fraudulently
30 representing that a curable disease, injury, ailment or infirmity can be
31 cured within a stated time.

32 (l) Offering, undertaking or agreeing to cure or treat a disease,
33 injury, ailment or infirmity by a secret means, method, treatment,
34 medicine, substance, device or instrumentality.

35 (m) Refusing to divulge to the board on demand the means, method,
36 treatment, medicine, substance, device or instrumentality used in the
37 treatment of a disease, injury, ailment or infirmity.

38 (n) Giving or receiving, or aiding or abetting the giving or
39 receiving of, rebates, either directly or indirectly.

40 (o) Knowingly making any false or fraudulent statement, written or
41 oral, in connection with the practice of naturopathic medicine or any
42 naturopathic treatment method.

43 (p) Engaging in immorality or misconduct that tends to discredit
44 the naturopathic profession.

1 (q) Having a license refused, revoked or suspended by any other
2 state, district or territory of the United States or any other country,
3 unless it can be shown that this action was not due to reasons that relate
4 to the ability to safely and skillfully practice as a doctor of
5 naturopathic medicine or to any act of unprofessional conduct in this
6 paragraph.

7 (r) Engaging in any conduct or practice that is contrary to
8 recognized standards of ethics of the naturopathic profession, any conduct
9 or practice that does or might constitute a danger to the health, welfare
10 or safety of the patient or the public, or any conduct, practice or
11 condition that does or might impair the ability to safely and skillfully
12 practice as a doctor of naturopathic medicine.

13 (s) Failing to observe any federal, state, county or municipal law
14 relating to public health as a physician in this state.

15 (t) Violating or attempting to violate, directly or indirectly, or
16 assisting in or abetting the violation of, or conspiring to violate this
17 chapter or board rules.

18 (u) Committing false, fraudulent, deceptive or misleading
19 advertising or advertising the quality of a medical or health care service
20 by a physician or by the physician's staff, employer or representative.

21 (v) Failing or refusing to maintain adequate medical records on a
22 patient or failing or refusing to make medical records in the physician's
23 possession promptly available to another physician or health care provider
24 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title
25 on request and receipt of proper authorization to do so from the patient,
26 a minor patient's parent, the patient's legal guardian or the patient's
27 authorized representative or failing to comply with title 12, chapter 13,
28 article 7.1.

29 (w) Referring a patient to a diagnostic or treatment facility or
30 prescribing goods and services without disclosing in writing to the
31 patient that the physician has a pecuniary interest in the facility, goods
32 or services to which the patient is referred or prescribed. This
33 subdivision does not apply to a referral by one physician or practitioner
34 to another physician or practitioner within a group of physicians or
35 practitioners practicing together.

36 (x) Engaging in sexual intimacies with a patient in the course of
37 direct treatment.

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

40 (z) Administering, dispensing or prescribing any drug or a device
41 for other than an accepted therapeutic purpose.

42 (aa) Falsely representing or holding oneself out as being a
43 specialist or representation by a doctor of naturopathic medicine or the
44 doctor's staff, employer or representative that the doctor is boarded or
45 board certified if this is not true or that standing is not current.

1 (bb) Delegating professional duties and responsibilities to a
2 person if the person has not been approved or qualified by licensure or by
3 certification to perform these duties or responsibilities.

4 (cc) Failing to appropriately supervise a naturopathic medical
5 student, a nurse, a medical assistant, a health care provider or a
6 technician who is employed by or assigned to the physician during the
7 performance of delegated professional duties and responsibilities.

8 (dd) Using experimental forms of diagnosis or treatment without
9 adequate informed consent of the patient or the patient's legal guardian
10 and without conforming to experimental criteria, including protocols,
11 detailed records, periodic analysis of results and periodic review by a
12 medical peer review committee as approved by the United States food and
13 drug administration or its successor agency.

14 (ee) Failing to furnish information in a timely manner to the board
15 or investigators or representatives of the board if this information is
16 legally requested by the board and failing to allow properly authorized
17 board personnel on demand to examine and have access to documents, reports
18 and records maintained by the physician that relate to the physician's
19 medical practice or medically related activities.

20 (ff) Failing to report in writing to the board evidence that a
21 person who is licensed, certified or registered pursuant to this chapter
22 is or may be medically incompetent, guilty of unprofessional conduct or
23 mentally or physically unable to safely practice or assist in the practice
24 of naturopathic medicine.

25 (gg) Conducting or engaging in an internship or preceptorship in
26 naturopathic medicine without being approved and registered by the board
27 for that internship or preceptorship.

28 (hh) Signing a blank, undated or predated prescription form.

29 (ii) Engaging in conduct that the board determines is gross
30 negligence, repeated negligence or negligence resulting in harm or death
31 to a patient.

32 (jj) Knowingly making a false or misleading statement in oral
33 testimony to the board on a form required by the board or in written
34 correspondence to the board, including attachments to that correspondence.

35 (kk) The failure of a physician who is the chief medical officer,
36 the executive officer or the chief of staff of an internship, a
37 preceptorship or a clinical training program to report in writing to the
38 board that the privileges of a doctor of naturopathic medicine, a
39 naturopathic medical student or a medical assistant have been denied,
40 limited, revoked or suspended because that doctor's, student's or
41 assistant's actions appear to indicate that the person is or may be
42 medically incompetent, is or may be guilty of unprofessional conduct or is
43 or may be unable to safely engage or assist in the practice of
44 naturopathic medicine.

(ll) Having action taken against a doctor of naturopathic medicine by a licensing or regulatory board in another jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of naturopathic medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that licensing or regulatory board and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license, otherwise limiting, restricting or monitoring a licensee or placing a licensee on probation by that licensing or regulatory board.

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

(nn) Violating any formal order, probation, consent agreement or stipulation issued or entered into by the board pursuant to this chapter.

(oo) Refusing to submit to a body fluid examination pursuant to a board investigation of alleged substance abuse by a doctor of naturopathic medicine.

(pp) Charging a fee for services not rendered or dividing a professional fee for patient referrals among health care providers or health care institutions or between these providers and institutions or a contractual arrangement that has this effect.

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

(rr) Charging or collecting a clearly excessive fee. In determining whether a fee is clearly excessive, the board shall consider the fee or range of fees customarily charged in this state for similar services, in light of modifying factors such as the time required, the complexity of the service and the skill required to perform the service properly. This subdivision does not apply if there is a clear written contract for a fixed fee between the physician and the patient that was entered into before the service was provided.

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

(tt) Using a controlled substance unless it is prescribed by another physician for use during a prescribed course of treatment.

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

(vv) Except in an emergency or urgent care situation, prescribing or dispensing a controlled substance to a member of the naturopathic physician's immediate family.

(ww) Prescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship. The physical examination may be conducted through telehealth as defined in section 36-3601 unless the examination is for the purpose of obtaining a written certification from the physician for the purposes of title 36, chapter 28.1. This subdivision does not apply to:

(i) A licensee who provides temporary patient supervision on behalf of the patient's regular treating licensed health care professional.

(ii) An emergency medical situation as defined in section 41-1831.

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

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

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

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

(xx) If medical treatment is considered experimental or investigational, failing to include in a patient's record a consent to treatment document that is signed by the patient or the patient's parent or legal guardian and that indicates that the patient or the patient's parent or legal guardian has been informed of the risk of any treatment to be provided and the expected cost of that treatment.

(yy) When issuing a written certification as defined in section 36-2801, failing or refusing to include in the adequate medical records of a patient a copy of all of the following:

(i) The medical records relied on by the physician to support the diagnosis or confirmed diagnosis of the patient's debilitating medical condition.

(ii) The written certification.

(iii) The patient's profile on the Arizona board of pharmacy controlled substances prescription monitoring program database.

(zz) Dispensing a schedule II controlled substance that is an opioid.

1 Sec. 3. Title 32, chapter 32, article 1, Arizona Revised Statutes,
2 is amended by adding section 32-3230.03, to read:

3 32-3230.03. Health professional regulatory boards; licensing
4 decisions; review

5 NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY:

6 1. IF A HEALTH PROFESSION REGULATORY BOARD MAKES A LICENSING
7 DECISION THAT IS DETRIMENTAL TO A HEALTH PROFESSIONAL'S CONTINUED PRACTICE
8 AND THE HEALTH PROFESSIONAL HAS BEEN CHARGED WITH A CRIME, THE HEALTH
9 PROFESSIONAL SHALL STOP PRACTICING IMMEDIATELY UNTIL THE HEALTH
10 PROFESSIONAL IS ACQUITTED OR CONVICTED.

11 2. IF A HEALTH PROFESSION REGULATORY BOARD MAKES A LICENSING
12 DECISION THAT IS DETRIMENTAL TO A HEALTH PROFESSIONAL'S CONTINUED PRACTICE
13 AND THE HEALTH PROFESSIONAL HAS NOT BEEN CHARGED WITH A CRIME, THE HEALTH
14 PROFESSION REGULATORY BOARD'S ACTION AGAINST THE LICENSE SHALL BE
15 AUTOMATICALLY STAYED PENDING THE FINAL DISPOSITION OF ANY APPEAL. THE
16 HEALTH PROFESSIONAL MAY CONTINUE TO PRACTICE WITHOUT FURTHER INTERACTION
17 BY OR WITH THE HEALTH PROFESSION REGULATORY BOARD ON THAT MATTER THAT LED
18 TO THE HEALTH PROFESSION REGULATORY BOARD'S ACTION AGAINST THE HEALTH
19 PROFESSIONAL, EXCEPT AS REQUIRED IN THE APPEALS PROCESS AND FOR ANNUAL
20 LICENSE RENEWAL PROCEDURES, UNTIL EITHER OF THE FOLLOWING OCCURS:

21 (a) WITHIN THIRTY DAYS AFTER THE HEALTH PROFESSION REGULATORY
22 BOARD'S DECISION AGAINST THE HEALTH PROFESSIONAL'S LICENSE, THE HEALTH
23 PROFESSION REGULATORY BOARD PROVIDES TO THE OFFICE OF ADMINISTRATIVE
24 HEARINGS THE FOLLOWING INFORMATION:

25 (i) THE NAME OF HEALTH PROFESSIONAL, THE HEALTH PROFESSIONAL'S
26 LICENSE NUMBER AND THE DATE OF INITIAL LICENSURE.

27 (ii) THE SPECIFIC ELEMENTS OF THE ALLEGED VIOLATION OF THE STATUTE
28 OR RULE THAT THE HEALTH PROFESSION REGULATORY BOARD STATES THE HEALTH
29 PROFESSIONAL HAS VIOLATED.

30 (iii) THE WRITTEN NOTICE THAT STATES THE CHARGES AGAINST THE HEALTH
31 PROFESSIONAL AND THE STATUTE OR RULE THAT THE HEALTH PROFESSION REGULATORY
32 BOARD ALLEGES THE HEALTH PROFESSIONAL HAS VIOLATED.

33 (iv) A WRITTEN, SIGNED AFFIDAVIT BY THE EXECUTIVE DIRECTOR OF THE
34 HEALTH PROFESSION REGULATORY BOARD REGARDING THE HEALTH PROFESSIONAL'S
35 ALLEGED SPECIFIC, CONCRETE AND VERIFIABLE VIOLATIONS WITH REFERENCES TO
36 THE RELEVANT STATUTES AND RULES AND SPECIFIC EVENTS OR ACTIONS ALLEGED TO
37 HAVE BEEN COMMITTED BY THE HEALTH PROFESSIONAL THAT RELATE SPECIFICALLY TO
38 THE WRITTEN NOTICE OF CHARGES SUBMITTED PURSUANT TO ITEM (iii) OF THIS
39 SUBDIVISION. ACCUSATIONS MUST BE SPECIFIC AND MUST SHOW SPECIFIC
40 VIOLATIONS OF CONDITIONS OR REQUIREMENTS IN THE CITED STATUTES OR RULES IN
41 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 41-1030, SUBSECTION B.

42 (b) THE HEALTH PROFESSIONAL HAS ACCEPTED THE HEALTH PROFESSION
43 REGULATORY BOARD'S DECISION OR APPEALED THE HEALTH PROFESSION REGULATORY
44 BOARD'S DECISION AND THERE IS A FINAL DISPOSITION OF THE APPEAL.

1 3. IF THE HEALTH PROFESSION REGULATORY BOARD TAKES AN ACTION
2 AGAINST A HEALTH PROFESSIONAL'S LICENSE PURSUANT TO PARAGRAPH 2 OF THIS
3 SECTION AND THE HEALTH PROFESSION REGULATORY BOARD FAILS TO FULFILL THE
4 REQUIREMENTS OF PARAGRAPH 2, SUBDIVISION (a) OF THIS SECTION WITHIN THIRTY
5 DAYS AFTER THE HEALTH PROFESSION REGULATORY BOARD'S DECISION AGAINST THE
6 HEALTH PROFESSIONAL'S LICENSE, THE FOLLOWING APPLY:

7 (a) ONE OR MORE MEMBERS OF THE LEGISLATURE MAY REQUEST THAT THE
8 ATTORNEY GENERAL INVESTIGATE ANY ACTION TAKEN BY THE HEALTH PROFESSION
9 REGULATORY BOARD THAT THE MEMBER OR MEMBERS ALLEGE VIOLATES PARAGRAPH 2,
10 SUBDIVISION (a) OF THIS SECTION. IF THE ATTORNEY GENERAL DETERMINES THAT
11 A CONFLICT OF INTEREST EXISTS THAT PROHIBITS THE ATTORNEY GENERAL FROM
12 INVESTIGATING A COMPLAINT PURSUANT TO THIS SUBDIVISION, THE ATTORNEY
13 GENERAL SHALL REFER THE COMPLAINT TO A COUNTY ATTORNEY FOR INVESTIGATION.

14 (b) THE ATTORNEY GENERAL OR, IF APPLICABLE, THE COUNTY ATTORNEY WHO
15 RECEIVES THE REFERRAL PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH SHALL
16 MAKE A WRITTEN REPORT OF FINDINGS AND CONCLUSIONS AS A RESULT OF THE
17 INVESTIGATION WITHIN THIRTY DAYS AFTER RECEIPT OF THE REQUEST AND SHALL
18 PROVIDE A COPY OF THE REPORT TO THE MEMBERS OF THE JOINT LEGISLATIVE
19 BUDGET COMMITTEE AND THE MEMBER OR MEMBERS OF THE LEGISLATURE WHO MADE THE
20 ORIGINAL REQUEST.

21 (c) IF THE ATTORNEY GENERAL OR, IF APPLICABLE, THE COUNTY ATTORNEY
22 WHO RECEIVED THE REFERRAL PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH
23 DETERMINES THAT THE HEALTH PROFESSION REGULATORY BOARD VIOLATED OR MAY
24 HAVE VIOLATED PARAGRAPH 2, SUBDIVISION (a) OF THIS SECTION, THE JOINT
25 LEGISLATIVE BUDGET COMMITTEE SHALL REVIEW THE WRITTEN REPORT WITHIN ONE
26 YEAR AFTER RECEIVING THE WRITTEN REPORT AND MAKE RECOMMENDATIONS TO THE
27 LEGISLATURE REGARDING ANY RECOMMENDED CHANGES.