

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1218

Introduced by
Senators Ortiz: Gonzales, Sears

AN ACT

REPEALING SECTIONS 1-219, 13-3603.01, 13-3603.02, 13-3605, 15-115, 15-115.01 AND 15-1630, ARIZONA REVISED STATUTES; AMENDING SECTION 15-1637, ARIZONA REVISED STATUTES; REPEALING SECTION 20-121, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-1401, 32-1408, 32-1451.04, 32-1601, 32-1606, 32-1607, 32-1807, 32-1854, 32-1901, 32-2501, 32-2508, 32-2531, 32-2532 AND 32-3217, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-3246 AND 35-196.02, ARIZONA REVISED STATUTES; AMENDING SECTIONS 35-196.04, 35-196.05, 36-301, 36-402, 36-404 AND 36-427, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 20, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 23, ARTICLES 1 AND 3, ARIZONA REVISED STATUTES; AMENDING SECTION 36-2907, ARIZONA REVISED STATUTES; REPEALING SECTION 36-3604, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-1033, 41-1080.01, 41-1093, 43-1088, 44-132 AND 48-2212, ARIZONA REVISED STATUTES; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Repeal

Sections 1-219, 13-3603.01, 13-3603.02, 13-3605, 15-115, 15-115.01 and 15-1630, Arizona Revised Statutes, are repealed.

Sec. 2. Section 15-1637, Arizona Revised Statutes, is amended to read:

15-1637. Lease of property for health care institutions; requirements; conditions; reports; directors, members and officers of nonprofit corporation; definition

A. The Arizona board of regents may lease real property, improvements or personal property owned by the board to a nonprofit corporation as lessee for purposes of operating a health care institution as defined in section 36-401. If the board leases such property for such purposes, whether title to improvements on the property rests in the board or in the lessee, the lease agreement and any amendments, renewals or extensions of the agreement shall be deemed binding and effective according to its terms. If, under the provisions of the lease, improvements or personal property related to the operation of a health care institution are conveyed to the nonprofit corporation, ~~they shall be~~ THE IMPROVEMENTS OR PERSONAL PROPERTY ARE presumed to have been conveyed for their then fair market value.

B. Any lease agreement entered into pursuant to subsection A of this section may, at the discretion of the Arizona board of regents, contain provisions requiring the nonprofit corporation to acquire the approval of the Arizona board of regents ~~prior to~~ BEFORE entering into any business transactions that may adversely affect the interests of this state or that are contained in subsection G, paragraph 2 of this section. The Arizona board of regents shall specify in the lease agreement the type and nature of such transactions ~~which~~ THAT require prior approval of the board.

C. To satisfy the requirements of section 103 of the internal revenue code, as defined in section 43-105, any nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A of this section is declared to be:

1. A validly organized and existing body politic and corporate exercising its powers for the benefit of the people, to improve their health and welfare and to increase their prosperity.

2. Engaged in a purpose essential to public health care.

3. Performing an essential governmental function.

D. Any nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A of this section is exempt from property taxation by this state or any agency or subdivision of this state and possesses and may exercise only those powers of the Arizona board of regents ~~which~~ THAT are delegated to the nonprofit corporation by the Arizona board of regents and

1 ~~which~~ THAT are necessary to satisfy the requirements of section 103 of the
 2 internal revenue code, as defined in section 43-105, as specified in the
 3 terms, conditions, restrictions and agreements of the lease
 4 agreement. These powers are in addition to all those powers granted to a
 5 nonprofit corporation by title 10, chapters 24 through 40.

6 E. Any nonprofit corporation ~~which~~ THAT is a lessee as described in
 7 subsection A of this section may issue bonds and incur obligations and
 8 pledge its revenues as security for the payment of the bonds or other
 9 obligations for health care institutional purposes to the extent provided
 10 by the lease agreement or amendments, renewals or extensions of the
 11 agreement. ~~Nothing in~~ This section ~~shall be construed to~~ DOES NOT
 12 authorize the incurrence of a debt by the state within the meaning of any
 13 constitutional restriction on debt.

14 F. Except as provided in subsection G of this section, any
 15 nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A
 16 of this section may acquire by purchase, ~~OR~~ lease or otherwise, ~~and may~~
 17 operate, ~~other~~ health care institutions and real and personal property
 18 for purposes of providing products and services related to the operation
 19 of health care institutions THAT ARE owned, leased or operated by ~~it~~ THE
 20 NONPROFIT CORPORATION. Such AN acquisition or operation does not affect
 21 the powers, rights, privileges or immunities conferred on ~~such~~ THAT
 22 nonprofit corporation by this section.

23 G. ~~No~~ A nonprofit corporation ~~which~~ THAT is a lessee as described
 24 in subsection A of this section shall NOT:

25 1. Until September 1, 1986 enter into any agreement with a county
 26 or a nonprofit corporation to which property is conveyed pursuant to
 27 section 11-256.03, subsection A if the agreement provides for the
 28 conveyance of any ownership interest whatever in the nonprofit corporation
 29 to which property is conveyed pursuant to section 11-256.03, subsection A
 30 or in the property described in section 11-256.03, subsection A. After
 31 August 31, 1986 any such agreement must be approved by the Arizona board
 32 of regents and the legislature. This subsection does not prevent the
 33 grant of an option to purchase such property, provided that the option may
 34 not be exercised before September 1, 1986 and the exercise of the option
 35 must be approved by the Arizona board of regents and the
 36 legislature. Under no circumstances shall any state general fund monies
 37 be used to acquire any interest in such property.

38 2. Own, lease, manage or operate any other health care institution
 39 or other real or personal property unless ~~such~~ THE acquisition, management
 40 or operation either:

41 (a) Relates to and furthers the educational or research purposes
 42 and goals of the university of Arizona hospital.

43 (b) Promotes the efficient and economical operation of the
 44 university of Arizona hospital or any other health care institution
 45 acquired pursuant to paragraph 1 of this subsection.

H. A nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A of this section may manage and operate property described in section 11-256.03, subsection A subject to the restrictions of subsection G of this section. Any management or operation agreement shall provide that the nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A of this section ~~shall~~ IS not ~~be~~ liable for any bonds or other obligation of any kind relating to the ownership or operation of the property described in section 11-256.03, subsection A incurred before the property is conveyed to ~~such~~ THE nonprofit corporation in accordance with subsection G of this section.

~~I. A health care institution which is the subject of a lease agreement as described in subsection A of this section is subject to section 15-1630.~~

~~J.~~ I. A nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A of this section shall make semiannual progress reports as to ~~its~~ THE NONPROFIT CORPORATION'S financial status and deliver ~~them~~ THE REPORTS on January 1 and July 1 of each year to the Arizona board of regents, the president of the senate, the speaker of the house of representatives and the governor. The nonprofit corporation shall present an independently audited financial statement to the auditor general within ninety days ~~of~~ AFTER the close of the previous fiscal year. The auditor general shall review such statements and transmit them together with a report to officers entitled to receive progress reports by this subsection.

~~K.~~ J. Any nonprofit corporation ~~which~~ THAT is a lessee as described in subsection A of this section shall:

1. Be organized as a nonprofit corporation pursuant to title 10, chapters 24 through 40 only ~~upon~~ ON the approval of the Arizona board of regents.

2. Be governed by a board of directors, the members of which are appointed by the Arizona board of regents, provided that no more than forty-nine ~~per cent~~ PERCENT of the members of such board of directors of the nonprofit corporation shall be officers or employees of this state and of such forty-nine ~~per cent~~ PERCENT only two members of such board of directors may be members of the Arizona board of regents. Members of the Arizona board of regents who are appointed to the board of directors of such nonprofit corporation shall be residents of different counties unless all members of the board of regents are residents of the same county.

3. Be organized under articles of incorporation or bylaws approved by the Arizona board of regents, which shall provide among other things that:

(a) No earnings of the nonprofit corporation shall inure to the benefit of or be distributable to its members, directors, officers or other individuals, except that the nonprofit corporation shall be authorized to pay reasonable compensation for services rendered to it by

1 individuals other than members of the board of directors of the nonprofit
2 corporation acting solely in such capacity, to reimburse expenses in
3 connection with services rendered to or expenses incurred on behalf of the
4 nonprofit corporation and to make payments and distributions in
5 furtherance of the purposes of the nonprofit corporation.

6 (b) ~~Upon~~ ON the dissolution or liquidation of the nonprofit
7 corporation, the board of directors of the nonprofit corporation ~~shall~~,
8 after paying or making provision for the payment of all of the liabilities
9 of the nonprofit corporation, SHALL distribute all of the assets of the
10 nonprofit corporation to the Arizona board of regents or its successor.

11 (c) Neither the articles of incorporation nor the bylaws of the
12 nonprofit corporation shall be amended without the approval of the Arizona
13 board of regents.

14 (d) The board of directors of the nonprofit corporation may adopt
15 nondiscriminatory rules and regulations providing for the use of the
16 university of Arizona hospital by, and staff privileges for, any persons
17 licensed under title 32, chapter 7, 13 or 17 whether or not such persons
18 have a faculty teaching appointment with the school of medicine,
19 providing, however, that such rules and regulations shall contain
20 requirements sufficient to protect the educational and research purposes
21 and goals of the university of Arizona hospital.

22 ~~L. No~~ A member of the Arizona board of regents who is also a
23 member or director of a nonprofit corporation ~~which~~ THAT is a lessee as
24 described in subsection A of this section shall NOT as a regent vote ~~upon~~
25 ON any matter pertaining to such a corporation as may come before the
26 Arizona board of regents.

27 ~~M. L.~~ For the purposes of this section "nonprofit corporation"
28 means a corporation as defined in section 10-3140.

29 Sec. 3. Repeal

30 Section 20-121, Arizona Revised Statutes, is repealed.

31 Sec. 4. Section 32-1401, Arizona Revised Statutes, is amended to
32 read:

33 32-1401. Definitions

34 In this chapter, unless the context otherwise requires:

35 1. "Active license" means a valid and existing license to practice
36 medicine.

37 2. "Adequate records" means legible medical records, produced by
38 hand or electronically, containing, at a minimum, sufficient information
39 to identify the patient, support the diagnosis, justify the treatment,
40 accurately document the results, indicate advice and cautionary warnings
41 provided to the patient and provide sufficient information for another
42 practitioner to assume continuity of the patient's care at any point in
43 the course of treatment.

1 3. "Advisory letter" means a nondisciplinary letter to notify a
2 licensee that either:

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

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

8 (c) While the licensee has demonstrated substantial compliance
9 through rehabilitation or remediation that has mitigated the need for
10 disciplinary action, the board believes that repetition of the activities
11 that led to the investigation may result in further board action against
12 the licensee.

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

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

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

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

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

39 9. "Dispense" means the delivery by a doctor of medicine of a
40 prescription drug or device to a patient, except for samples packaged for
41 individual use by licensed manufacturers or repackagers of drugs, and
42 includes the prescribing, administering, packaging, labeling and security
43 necessary to prepare and safeguard the drug or device for delivery.

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

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

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

11 13. "Immediate family" means the spouse, natural or adopted
12 children, father, mother, brothers and sisters of the doctor of medicine
13 and the natural or adopted children, father, mother, brothers and sisters
14 of the doctor of medicine's spouse.

15 14. "Letter of reprimand" means a disciplinary letter that is
16 issued by the board and that informs the physician that the physician's
17 conduct violates state or federal law and may require the board to monitor
18 the physician.

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

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

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

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

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

38 18. "Medical peer review" means:

39 (a) The participation by a doctor of medicine in the review and
40 evaluation of the medical management of a patient and the use of resources
41 for patient care.

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

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

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

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

6 22. "Practice of medicine":

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

13 (b) Includes the practice of medicine alone or the practice of
14 surgery alone, or both.

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

19 24. "Special purpose licensing examination" means an examination
20 that is developed by the national board of medical examiners on behalf of
21 the federation of state medical boards for use by state licensing boards
22 to test the basic medical competence of physicians who are applying for
23 licensure and who have been in practice for a considerable period of time
24 in another jurisdiction and to determine the competence of a physician who
25 is under investigation by a state licensing board.

26 25. "Teaching hospital's accredited graduate medical education
27 program" means that the hospital is incorporated and has an internship,
28 fellowship or residency training program that is accredited by the
29 accreditation council for graduate medical education, the American medical
30 association, the association of American medical colleges, the royal
31 college of physicians and surgeons of Canada or a similar body in the
32 United States or Canada that is approved by the board and whose function
33 is that of approving hospitals for internship, fellowship or residency
34 training.

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

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

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

42 (b) Intentionally disclosing a professional secret or intentionally
43 disclosing a privileged communication except as either act may otherwise
44 be required by law.

1 (c) Committing false, fraudulent, deceptive or misleading
2 advertising by a doctor of medicine or the doctor of medicine's staff,
3 employer or representative.

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

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

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

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

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

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

23 (j) Prescribing, dispensing or administering any controlled
24 substance or prescription-only drug for other than accepted therapeutic
25 purposes.

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

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

29 (m) Committing conduct that the board determines is gross
30 malpractice, repeated malpractice or any malpractice resulting in the
31 death of a patient.

32 (n) Representing that a manifestly incurable disease or infirmity
33 can be permanently cured, or that any disease, ailment or infirmity can be
34 cured by a secret method, procedure, treatment, medicine or device, if
35 this is not true.

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

39 (p) Having action taken against a doctor of medicine by another
40 licensing or regulatory jurisdiction due to that doctor of medicine's
41 mental or physical inability to engage safely in the practice of medicine
42 or the doctor of medicine's medical incompetence or for unprofessional
43 conduct as defined by that jurisdiction and that corresponds directly or
44 indirectly to an act of unprofessional conduct prescribed by this
45 paragraph. The action taken may include refusing, denying, revoking or

1 suspending a license by that jurisdiction or a surrendering of a license
2 to that jurisdiction, otherwise limiting, restricting or monitoring a
3 licensee by that jurisdiction or placing a licensee on probation by that
4 jurisdiction.

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

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

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

14 (t) Violating or attempting to violate, directly or indirectly, or
15 assisting in or abetting the violation of or conspiring to violate any
16 provision of this chapter.

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

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

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

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

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

38 ~~(z)~~ (y) Using experimental forms of diagnosis and treatment
39 without adequate informed patient consent, and without conforming to
40 generally accepted experimental criteria, including protocols, detailed
41 records, periodic analysis of results and periodic review by a medical
42 peer review committee as approved by the United States food and drug
43 administration or its successor agency.

44 ~~(aa)~~ (z) Engaging in sexual conduct with a current patient or with
45 a former patient within six months after the last medical consultation

1 unless the patient was the licensee's spouse at the time of the contact
 2 or, immediately preceding the physician-patient relationship, was in a
 3 dating or engagement relationship with the licensee. For the purposes of
 4 this subdivision, "sexual conduct" includes:

5 (i) Engaging in or soliciting sexual relationships, whether
 6 consensual or nonconsensual.

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

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

12 ~~(bb)~~ (aa) Procuring or attempting to procure a license to practice
 13 medicine or a license renewal by fraud, by misrepresentation or by
 14 knowingly taking advantage of the mistake of another person or an agency.

15 ~~(cc)~~ (bb) Representing or claiming to be a medical specialist if
 16 this is not true.

17 ~~(dd)~~ (cc) Maintaining a professional connection with or lending
 18 one's name to enhance or continue the activities of an illegal
 19 practitioner of medicine.

20 ~~(ee)~~ (dd) Failing to furnish information in a timely manner to the
 21 board or the board's investigators or representatives if legally requested
 22 by the board.

23 ~~(ff)~~ (ee) Failing to allow properly authorized board personnel on
 24 demand to examine and have access to documents, reports and records
 25 maintained by the physician that relate to the physician's medical
 26 practice or medically related activities.

27 ~~(gg)~~ (ff) Knowingly failing to disclose to a patient on a form
 28 that is prescribed by the board and that is dated and signed by the
 29 patient or guardian acknowledging that the patient or guardian has read
 30 and understands that the doctor has a direct financial interest in a
 31 separate diagnostic or treatment agency or in nonroutine goods or services
 32 that the patient is being prescribed if the prescribed treatment, goods or
 33 services are available on a competitive basis. This subdivision does not
 34 apply to a referral by one doctor of medicine to another doctor of
 35 medicine within a group of doctors of medicine practicing together.

36 ~~(hh)~~ (gg) Using chelation therapy in the treatment of
 37 arteriosclerosis or as any other form of therapy, with the exception of
 38 treatment of heavy metal poisoning, without:

39 (i) Adequate informed patient consent.

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

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

~~(iii)~~ (hh) Prescribing, dispensing or administering anabolic-androgenic steroids to a person for other than therapeutic purposes.

~~(jjj)~~ (ii) Exhibiting a lack of or inappropriate direction, collaboration or direct supervision of a medical assistant or a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.

~~(kkk)~~ (jj) Knowingly making a false or misleading statement to the board or on a form required by the board or in a written correspondence, including attachments, with the board.

~~(lll)~~ (kk) Failing to dispense drugs and devices in compliance with article 6 of this chapter.

~~(mmm)~~ (ll) Committing conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

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

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

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

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

~~(rrr)~~ (qq) Claiming to be a current member of the board or its staff or a board medical consultant if this is not true.

~~(sss)~~ (rr) Failing to make patient medical records in the physician's possession promptly available to a physician assistant, a nurse practitioner, a person licensed pursuant to this chapter or a podiatrist, chiropractor, naturopathic physician, osteopathic physician or homeopathic physician licensed under chapter 7, 8, 14, 17 or 29 of this title on receipt of proper authorization to do so from the patient, a

1 minor patient's parent, the patient's legal guardian or the patient's
2 authorized representative or failing to comply with title 12, chapter 13,
3 article 7.1.

4 ~~(ttt)~~ (ss) Prescribing, dispensing or furnishing a prescription
5 medication or a prescription-only device as defined in section 32-1901 to
6 a person unless the licensee first conducts a physical or mental health
7 status examination of that person or has previously established a
8 doctor-patient relationship. The physical or mental health status
9 examination may be conducted through telehealth as defined in section
10 36-3601 with a clinical evaluation that is appropriate for the patient and
11 the condition with which the patient presents, unless the examination is
12 for the purpose of obtaining a written certification from the physician
13 for the purposes of title 36, chapter 28.1. This subdivision does not
14 apply to:

15 (i) A physician who provides temporary patient supervision on
16 behalf of the patient's regular treating licensed health care professional
17 or provides a consultation requested by the patient's regular treating
18 licensed health care professional.

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

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

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

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

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

37 (vii) Prescriptions for epinephrine delivery systems that are
38 written or dispensed for a school district or charter school to be stocked
39 for emergency use pursuant to section 15-157 or for an authorized entity
40 to be stocked pursuant to section 36-2226.01.

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

(ix) 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.

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

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

~~(vv)~~ (uu) Practicing medicine under a false or assumed name in this state.

Sec. 5. Section 32-1408, Arizona Revised Statutes, is amended to read:

32-1408. Preceptorship awareness campaign; definitions

A. The board shall develop a preceptorship awareness campaign that educates medical professionals who are licensed pursuant to this chapter on how to become and the benefits of being a medical preceptor for students.

B. For the purposes of this section:

1. "Medical preceptor" means a medical professional who is licensed pursuant to this chapter and who maintains an active practice in this state.

2. "Preceptorship" ~~:-~~

~~(a)~~ means a mentoring experience in which a medical preceptor provides a program of personalized instruction, training and supervision to a student, which may include educating the student about dispensing drugs and devices, to enable the student to obtain a medical professional degree to become licensed pursuant to this chapter.

~~(b) Does not include mentoring for medical services that are prescribed in section 36-2301.01, subsection C, paragraph 1.~~

3. "Student" means an individual who is matriculating at the graduate level at an accredited institution of higher education in this state and who is seeking a medical professional degree to become licensed pursuant to this chapter.

Sec. 6. Section 32-1451.04, Arizona Revised Statutes, is amended to read:

32-1451.04. Burden of proof

Except for disciplinary matters brought pursuant to section 32-1401, paragraph 27, subdivision ~~(aa)~~ (z), the board has the burden of proof by clear and convincing evidence for disciplinary matters brought pursuant to this chapter.

1 Sec. 7. Section 32-1601, Arizona Revised Statutes, is amended to
2 read:

3 32-1601. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Absolute discharge from the sentence" means completion of any
6 sentence, including imprisonment, probation, parole, community supervision
7 or any form of court supervision.

8 2. "Appropriate health care professional" means a licensed health
9 care professional whose scope of practice, education, experience, training
10 and accreditation are appropriate for the situation or condition of the
11 patient who is the subject of a consultation or referral.

12 3. "Approval" means that a regulated training or educational
13 program to prepare persons for licensure, certification or registration
14 has met standards established by the board.

15 4. "Board" means the Arizona state board of nursing.

16 5. "Certified nurse midwife" means a registered nurse who:

17 (a) Is certified by the board.

18 (b) Has completed a nurse midwife education program approved or
19 recognized by the board and educational requirements prescribed by the
20 board by rule.

21 (c) Holds a national certification as a certified nurse midwife
22 from a national certifying body recognized by the board.

23 (d) Has an expanded scope of practice in providing health care
24 services for women from adolescence to beyond menopause, including
25 antepartum, intrapartum, postpartum, reproductive, gynecologic and primary
26 care, for normal newborns during the first twenty-eight days of life and
27 for men for the treatment of sexually transmitted diseases. The expanded
28 scope of practice under this subdivision includes:

29 (i) Assessing patients, synthesizing and analyzing data and
30 understanding and applying principles of health care at an advanced level.

31 (ii) Managing the physical and psychosocial health care of
32 patients.

33 (iii) Analyzing multiple sources of data, identifying alternative
34 possibilities as to the nature of a health care problem and selecting,
35 implementing and evaluating appropriate treatment.

36 (iv) Making independent decisions in solving complex patient care
37 problems.

38 (v) Diagnosing, performing diagnostic and therapeutic procedures
39 and prescribing, administering and dispensing therapeutic measures,
40 including legend drugs, medical devices and controlled substances, within
41 the scope of the certified nurse midwife practice after meeting
42 requirements established by the board.

43 (vi) Recognizing the limits of the nurse's knowledge and experience
44 by consulting with or referring patients to other appropriate health care
45 professionals if a situation or condition occurs that is beyond the

1 knowledge and experience of the nurse or if the referral will protect the
2 health and welfare of the patient.

3 (vii) Delegating to a medical assistant pursuant to section
4 32-1456.

5 (viii) Performing additional acts that require education and
6 training as prescribed by the board and that are recognized by the nursing
7 profession as proper to be performed by a certified nurse midwife.

8 6. "Certified nursing assistant" means a person who is registered
9 on the registry of nursing assistants pursuant to this chapter to provide
10 or assist in delivering nursing or nursing-related services under the
11 supervision and direction of a licensed nursing staff member. Certified
12 nursing assistant does not include a person who:

13 (a) Is a licensed health care professional.

14 (b) Volunteers to provide nursing assistant services without
15 monetary compensation.

16 (c) Is a licensed nursing assistant.

17 7. "Certified registered nurse" means a registered nurse who has
18 been certified by a national nursing credentialing agency recognized by
19 the board.

20 8. "Certified registered nurse anesthetist" means a registered
21 nurse who meets the requirements of section 32-1634.03 and who practices
22 pursuant to the requirements of section 32-1634.04.

23 9. "Clinical nurse specialist" means a registered nurse who:

24 (a) Is certified by the board as a clinical nurse specialist.

25 (b) Holds a graduate degree with a major in nursing and completes
26 educational requirements as prescribed by the board by rule.

27 (c) Is nationally certified as a clinical nurse specialist or, if
28 certification is not available, provides proof of competence to the board.

29 (d) Has an expanded scope of practice based on advanced education
30 in a clinical nursing specialty that includes:

31 (i) Assessing clients, synthesizing and analyzing data and
32 understanding and applying nursing principles at an advanced level.

33 (ii) Managing directly and indirectly a client's physical and
34 psychosocial health status.

35 (iii) Analyzing multiple sources of data, identifying alternative
36 possibilities as to the nature of a health care problem and selecting
37 appropriate nursing interventions.

38 (iv) Developing, planning and guiding programs of care for
39 populations of patients.

40 (v) Making independent nursing decisions to solve complex client
41 care problems.

42 (vi) Using research skills and acquiring and applying critical new
43 knowledge and technologies to nursing practice.

44 (vii) Prescribing and dispensing durable medical equipment.

1 (viii) Consulting with or referring a client to other health care
2 providers based on assessment of the client's health status and needs.

3 (ix) Facilitating collaboration with other disciplines to attain
4 the desired client outcome across the continuum of care.

5 (x) Performing additional acts that require education and training
6 as prescribed by the board and that are recognized by the nursing
7 profession as proper to be performed by a clinical nurse specialist.

8 (xi) Prescribing, ordering and dispensing pharmacological agents
9 subject to the requirements and limits specified in section 32-1651.

10 10. "Conditional license" or "conditional approval" means a license
11 or approval that specifies the conditions under which the regulated party
12 is allowed to practice or to operate and that is prescribed by the board
13 pursuant to section 32-1644 or 32-1663.

14 11. "Delegation" means transferring to a competent individual the
15 authority to perform a selected nursing task in a designated situation in
16 which the nurse making the delegation retains accountability for the
17 delegation.

18 12. "Disciplinary action" means a regulatory sanction of a license,
19 certificate or approval pursuant to this chapter in any combination of the
20 following:

21 (a) A civil penalty for each violation of this chapter, not to
22 exceed \$1,000 for each violation.

23 (b) Restitution made to an aggrieved party.

24 (c) A decree of censure.

25 (d) A conditional license or a conditional approval that fixed a
26 period and terms of probation.

27 (e) Limited licensure.

28 (f) Suspension of a license, a certificate or an approval.

29 (g) Voluntary surrender of a license, a certificate or an approval.

30 (h) Revocation of a license, a certificate or an approval.

31 13. "Health care institution" has the same meaning prescribed in
32 section 36-401.

33 14. "Licensed health aide" means a person who:

34 (a) Is licensed pursuant to this chapter to provide or to assist in
35 providing nursing-related services authorized pursuant to section 36-2939.

36 (b) Is the parent, guardian or family member by affinity or
37 consanguinity of the Arizona long-term care system member receiving
38 services who may provide licensed health aide services only to that member
39 and only consistent with that member's plan of care.

40 (c) Has a scope of practice that is the same as a licensed nursing
41 assistant and may also provide medication administration, tracheostomy
42 care, enteral care and routine ventilator care and therapy and any other
43 tasks approved by the board in rule.

44 (d) Has supervision requirements that are the same as a certified
45 nursing assistant.

1 15. "Licensed nursing assistant" means a person who is licensed
2 pursuant to this chapter to provide or assist in delivering nursing or
3 nursing-related services under the supervision and direction of a licensed
4 nursing staff member. Licensed nursing assistant does not include a
5 person who:

6 (a) Is a licensed health care professional.

7 (b) Volunteers to provide nursing assistant services without
8 monetary compensation.

9 (c) Is a certified nursing assistant.

10 16. "Licensee" means a person who is licensed pursuant to this
11 chapter or in a party state as defined in section 32-1668.

12 17. "Limited license" means a license that restricts the scope or
13 setting of a licensee's practice.

14 18. "Medication order" means a written or verbal communication
15 given by a certified registered nurse anesthetist to a health care
16 professional to administer a drug or medication, including controlled
17 substances.

18 19. "Practical nurse" means a person who holds a practical nurse
19 license issued pursuant to this chapter or pursuant to a multistate
20 compact privilege and who practices practical nursing as defined in this
21 section.

22 20. "Practical nursing" includes the following activities that are
23 performed under the supervision of a physician or a registered nurse:

24 (a) Contributing to the assessment of the health status of
25 individuals and groups.

26 (b) Participating in the development and modification of the
27 strategy of care.

28 (c) Implementing aspects of the strategy of care within the nurse's
29 scope of practice.

30 (d) Maintaining safe and effective nursing care that is rendered
31 directly or indirectly.

32 (e) Participating in the evaluation of responses to interventions.

33 (f) Delegating nursing activities within the scope of practice of a
34 practical nurse.

35 (g) Performing additional acts that require education and training
36 as prescribed by the board and that are recognized by the nursing
37 profession as proper to be performed by a practical nurse.

38 21. "Presence" means within the same health care institution or
39 office as specified in section 32-1634.04, subsection A, and available as
40 necessary.

41 22. "Registered nurse" or "professional nurse" means a person who
42 practices registered nursing and who holds a registered nurse license
43 issued pursuant to this chapter or pursuant to a multistate compact
44 privilege.

1 23. "Registered nurse practitioner" means a registered nurse who:

2 (a) Is certified by the board.

3 (b) Has completed a nurse practitioner education program approved
4 or recognized by the board and educational requirements prescribed by the
5 board by rule.

6 (c) If applying for certification after July 1, 2004, holds
7 national certification as a nurse practitioner from a national certifying
8 body recognized by the board.

9 (d) Has an expanded scope of practice within a specialty area that
10 includes:

11 (i) Assessing clients, synthesizing and analyzing data and
12 understanding and applying principles of health care at an advanced level.

13 (ii) Managing the physical and psychosocial health status of
14 patients.

15 (iii) Analyzing multiple sources of data, identifying alternative
16 possibilities as to the nature of a health care problem and selecting,
17 implementing and evaluating appropriate treatment.

18 (iv) Making independent decisions in solving complex patient care
19 problems.

20 (v) Diagnosing, performing diagnostic and therapeutic procedures,
21 and prescribing, administering and dispensing therapeutic measures,
22 including legend drugs, medical devices and controlled substances within
23 the scope of registered nurse practitioner practice on meeting the
24 requirements established by the board.

25 (vi) Recognizing the limits of the nurse's knowledge and experience
26 by consulting with or referring patients to other appropriate health care
27 professionals if a situation or condition occurs that is beyond the
28 knowledge and experience of the nurse or if the referral will protect the
29 health and welfare of the patient.

30 (vii) Delegating to a medical assistant pursuant to section
31 32-1456.

32 (viii) Performing additional acts that require education and
33 training as prescribed by the board and that are recognized by the nursing
34 profession as proper to be performed by a nurse practitioner.

35 24. "Registered nursing" includes the following:

36 (a) Diagnosing and treating human responses to actual or potential
37 health problems.

38 (b) Assisting individuals and groups to maintain or attain optimal
39 health by implementing a strategy of care to accomplish defined goals and
40 evaluating responses to care and treatment.

41 (c) Assessing the health status of individuals and groups.

42 (d) Establishing a nursing diagnosis.

43 (e) Establishing goals to meet identified health care needs.

44 (f) Prescribing nursing interventions to implement a strategy of
45 care.

1 (g) Delegating nursing interventions to others who are qualified to
2 do so.

3 (h) Providing for the maintenance of safe and effective nursing
4 care that is rendered directly or indirectly.

5 (i) Evaluating responses to interventions.

6 (j) Teaching nursing knowledge and skills.

7 (k) Managing and supervising the practice of nursing.

8 (l) Consulting and coordinating with other health care
9 professionals in the management of health care.

10 (m) Performing additional acts that require education and training
11 as prescribed by the board and that are recognized by the nursing
12 profession as proper to be performed by a registered nurse.

13 25. "Registry of nursing assistants" means the nursing assistants
14 registry maintained by the board pursuant to the omnibus budget
15 reconciliation act of 1987 (P.L. 100-203; 101 Stat. 1330), as amended by
16 the medicare catastrophic coverage act of 1988 (P.L. 100-360; 102 Stat.
17 683).

18 26. "Regulated party" means any person or entity that is licensed,
19 certified, registered, recognized or approved pursuant to this chapter.

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

22 (a) Committing fraud or deceit in obtaining, attempting to obtain
23 or renewing a license or a certificate issued pursuant to this chapter.

24 (b) Committing a felony, whether or not involving moral turpitude,
25 or a misdemeanor involving moral turpitude. In either case, conviction by
26 a court of competent jurisdiction or a plea of no contest is conclusive
27 evidence of the commission.

28 ~~(c) Aiding or abetting in a criminal abortion or attempting,~~
29 ~~agreeing or offering to procure or assist in a criminal abortion.~~

30 ~~(d)~~ (c) Any conduct or practice that is or might be harmful or
31 dangerous to the health of a patient or the public.

32 ~~(e)~~ (d) Being mentally incompetent or physically unsafe to a
33 degree that is or might be harmful or dangerous to the health of a patient
34 or the public.

35 ~~(f)~~ (e) Having a license, certificate, permit or registration to
36 practice a health care profession denied, suspended, conditioned, limited
37 or revoked in another jurisdiction and not reinstated by that
38 jurisdiction.

39 ~~(g)~~ (f) Wilfully or repeatedly violating a provision of this
40 chapter or a rule adopted pursuant to this chapter.

41 ~~(h)~~ (g) Committing an act that deceives, defrauds or harms the
42 public.

43 ~~(i)~~ (h) Failing to comply with a stipulated agreement, consent
44 agreement or board order.

1 ~~(j)~~ (i) Violating this chapter or a rule that is adopted by the
2 board pursuant to this chapter.

3 ~~(k)~~ (j) Failing to report to the board any evidence that a
4 registered or practical nurse or a nursing assistant is or may be:

5 (i) Incompetent to practice.

6 (ii) Guilty of unprofessional conduct.

7 (iii) Mentally or physically unable to safely practice nursing or
8 to perform nursing-related duties. A nurse who is providing therapeutic
9 counseling for a nurse who is in a drug rehabilitation program is required
10 to report that nurse only if the nurse providing therapeutic counseling
11 has personal knowledge that patient safety is being jeopardized.

12 ~~(l)~~ (k) Failing to self-report a conviction for a felony or
13 undesignated offense within ten days after the conviction.

14 ~~(m)~~ (l) Cheating or assisting another to cheat on a licensure or
15 certification examination.

16 Sec. 8. Section 32-1606, Arizona Revised Statutes, is amended to
17 read:

18 32-1606. Powers and duties of board

19 A. The board may:

20 1. Adopt and revise rules necessary to carry into effect this
21 chapter.

22 2. Publish advisory opinions regarding registered and practical
23 nursing practice and nursing education.

24 3. Issue limited licenses or certificates if it determines that an
25 applicant or licensee cannot function safely in a specific setting or
26 within the full scope of practice.

27 4. Refer criminal violations of this chapter to the appropriate law
28 enforcement agency.

29 5. Establish a confidential program for monitoring licensees who
30 are chemically dependent and who enroll in rehabilitation programs that
31 meet the criteria established by the board. The board may take further
32 action if the licensee refuses to enter into a stipulated agreement or
33 fails to comply with its terms. In order to protect the public health and
34 safety, the confidentiality requirements of this paragraph do not apply if
35 the licensee does not comply with the stipulated agreement.

36 6. On the applicant's or regulated party's request, establish a
37 payment schedule with the applicant or regulated party.

38 7. Provide education regarding board functions.

39 8. Collect or assist in collecting workforce data.

40 9. Adopt rules to conduct pilot programs consistent with public
41 safety for innovative applications in nursing practice, education and
42 regulation.

43 10. Grant retirement status on request to retired nurses who are or
44 were licensed under this chapter, who have no open complaint or
45 investigation pending against them and who are not subject to discipline.

1 11. Accept and spend federal monies and private grants, gifts,
2 contributions and devises to assist in carrying out the purposes of this
3 chapter. These monies do not revert to the state general fund at the end
4 of the fiscal year.

5 B. The board shall:

6 1. Approve regulated training and educational programs that meet
7 the requirements of this chapter and rules adopted by the board.

8 2. By rule, establish approval and reapproval processes for nursing
9 and nursing assistant training programs that meet the requirements of this
10 chapter and board rules.

11 3. Prepare and maintain a list of approved nursing programs to
12 prepare registered nurses and practical nurses whose graduates are
13 eligible for licensing under this chapter as registered nurses or as
14 practical nurses if they satisfy the other requirements of this chapter
15 and board rules.

16 4. Examine qualified registered nurse and practical nurse
17 applicants.

18 5. License and renew the licenses of qualified registered nurse and
19 practical nurse applicants and licensed nursing assistants who are not
20 qualified to be licensed by the executive director.

21 6. Adopt a seal, which the executive director shall keep.

22 7. Keep a record of all proceedings.

23 8. For proper cause, deny or rescind approval of a regulated
24 training or educational program for failure to comply with this chapter or
25 the rules of the board.

26 9. Adopt rules to approve credential evaluation services that
27 evaluate the qualifications of applicants who graduated from an
28 international nursing program.

29 10. Determine and administer appropriate disciplinary action
30 against all regulated parties who are found guilty of violating this
31 chapter or rules adopted by the board.

32 11. Perform functions necessary to carry out the requirements of
33 the nursing assistant and nurse aide training and competency evaluation
34 program as set forth in the omnibus budget reconciliation act of 1987
35 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic
36 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall
37 include:

38 (a) Testing and registering certified nursing assistants.

39 (b) Testing and licensing licensed nursing assistants.

40 (c) Maintaining a list of board-approved training programs.

41 (d) Maintaining a registry of nursing assistants for all certified
42 nursing assistants and licensed nursing assistants.

43 (e) Assessing fees.

1 12. Adopt rules establishing acts that may be performed by a
2 registered nurse practitioner or certified nurse midwife, ~~except that the~~
3 ~~board does not have authority to decide scope of practice relating to~~
4 ~~abortion as defined in section 36-2151.~~

5 13. Adopt rules that prohibit registered nurse practitioners,
6 clinical nurse specialists or certified nurse midwives from dispensing a
7 schedule II controlled substance that is an opioid, except for an
8 implantable device or an opioid that is for medication-assisted treatment
9 for substance use disorders or as provided in section 32-3248.03.

10 14. Adopt rules establishing educational requirements to certify
11 school nurses.

12 15. Publish copies of board rules and distribute these copies on
13 request.

14 16. Require each applicant for initial licensure or certification
15 to submit a full set of fingerprints to the board for the purpose of
16 obtaining a state and federal criminal records check pursuant to section
17 41-1750 and Public Law 92-544. The department of public safety may
18 exchange this fingerprint data with the federal bureau of investigation.

19 17. Except for a licensee who has been convicted of a felony that
20 has been designated a misdemeanor pursuant to section 13-604, revoke a
21 license of a person, revoke the multistate licensure privilege of a person
22 pursuant to section 32-1669 or not issue a license or renewal to an
23 applicant who has one or more felony convictions and who has not received
24 an absolute discharge from the sentences for all felony convictions three
25 or more years before the date of filing an application pursuant to this
26 chapter.

27 18. Establish standards to approve and reapprove registered nurse
28 practitioner and clinical nurse specialist programs and provide for
29 surveys of registered nurse practitioner and clinical nurse specialist
30 programs as the board deems necessary.

31 19. Provide the licensing authorities of health care institutions,
32 facilities and homes with any information the board receives regarding
33 practices that place a patient's health at risk.

34 20. Limit the multistate licensure privilege of any person who
35 holds or applies for a license in this state pursuant to section 32-1668.

36 21. Adopt rules to establish competency standards for obtaining and
37 maintaining a license.

38 22. Adopt rules to qualify and certify clinical nurse specialists.

39 23. Adopt rules to approve and reapprove refresher courses for
40 nurses who are not currently practicing.

41 24. Maintain a list of approved medication assistant training
42 programs.

43 25. Test and certify medication assistants.

44 26. Maintain a registry and disciplinary record of medication
45 assistants who are certified pursuant to this chapter.

27. Adopt rules to establish the requirements for a clinical nurse specialist to prescribe and dispense drugs and devices consistent with section 32-1651 and within the clinical nurse specialist's population or disease focus.

28. Issue registrations to administer general anesthesia and sedation in dental offices and dental clinics pursuant to section 32-1272 to certified registered nurse anesthetists who have national board certification in anesthesiology.

C. The board may conduct an investigation on receipt of information that indicates that a person or regulated party may have violated this chapter or a rule adopted pursuant to this chapter. Following the investigation, the board may take disciplinary action pursuant to this chapter.

D. The board may limit, revoke or suspend the privilege of a nurse to practice in this state granted pursuant to section 32-1668.

E. Failure to comply with any final order of the board, including an order of censure or probation, is cause for suspension or revocation of a license or a certificate.

F. The president or a member of the board designated by the president may administer oaths in transacting the business of the board.

Sec. 9. Section 32-1607, Arizona Revised Statutes, is amended to read:

32-1607. Preceptorship awareness campaign; definitions

A. The board shall develop a preceptorship awareness campaign that educates advance practice registered nurse professionals who are licensed pursuant to this chapter on how to become and the benefits of being a preceptor for graduate nursing students.

B. For the purposes of this section:

1. "Graduate **NURSING** student" means an individual who is matriculating at the graduate level at an accredited institution of higher education in this state and who is seeking an advance nursing degree to become licensed as an advance practice registered nurse pursuant to this chapter.

2. "Nursing preceptor" means a nursing professional who is licensed pursuant to this chapter and who maintains an active practice in this state.

3. "Preceptorship":-

~~(a)~~ Means a mentoring experience in which a nursing preceptor provides a program of personalized instruction, training and supervision to a graduate **NURSING** student to enable the **GRADUATE NURSING** student to obtain an advance nursing degree to become licensed as an advance practice registered nurse pursuant to this chapter.

~~(b) Does not include mentoring for medical services that are prescribed in section 36-2301.01, subsection C, paragraph 1.~~

1 Sec. 10. Section 32-1807, Arizona Revised Statutes, is amended to
2 read:

3 32-1807. Preceptorship awareness campaign; definitions

4 A. The board shall develop a preceptorship awareness campaign that
5 educates medical professionals who are licensed pursuant to this chapter
6 on how to become and the benefits of being a medical preceptor for
7 students.

8 B. For the purposes of this section:

9 1. "Medical preceptor" means a medical professional who is licensed
10 pursuant to this chapter and who maintains an active practice in this
11 state.

12 2. "Preceptorship":-

13 ~~(a)~~ means a mentoring experience in which a medical preceptor
14 provides a program of personalized instruction, training and supervision
15 to a student, which may include educating the student about dispensing
16 drugs and devices, to enable the student to obtain a medical professional
17 degree to become licensed pursuant to this chapter.

18 ~~(b) Does not include mentoring for medical services that are~~
19 ~~prescribed in section 36-2301.01, subsection C, paragraph 1.~~

20 3. "Student" means an individual who is matriculating at the
21 graduate level at an accredited institution of higher education in this
22 state and who is seeking a medical professional degree to become licensed
23 pursuant to this chapter.

24 Sec. 11. Section 32-1854, Arizona Revised Statutes, is amended to
25 read:

26 32-1854. Definition of unprofessional conduct

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

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

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

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

44 4. Being diagnosed by a physician licensed under this chapter or
45 chapter 13 of this title or a psychologist licensed under chapter 19.1 of

1 this title as excessively or illegally using alcohol or a controlled
2 substance.

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

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

8 7. Impersonating another physician.

9 8. Acting or assuming to act as a member of the board if this is
10 not true.

11 9. Procuring, renewing or attempting to procure or renew a license
12 to practice osteopathic medicine by fraud or misrepresentation.

13 10. Having professional connection with or lending one's name to an
14 illegal practitioner of osteopathic medicine or any of the other healing
15 arts.

16 11. Representing that a manifestly incurable disease, injury,
17 ailment or infirmity can be permanently cured or that a curable disease,
18 injury, ailment or infirmity can be cured within a stated time if this is
19 not true.

20 12. Failing to reasonably disclose and inform the patient or the
21 patient's representative of the method, device or instrumentality the
22 licensee uses to treat the patient's disease, injury, ailment or
23 infirmity.

24 13. Refusing to divulge to the board on demand the means, method,
25 device or instrumentality used to treat a disease, injury, ailment or
26 infirmity.

27 14. Charging a fee for services not rendered or dividing a
28 professional fee for patient referrals. This paragraph does not apply to
29 payments from a medical researcher to a physician in connection with
30 identifying and monitoring patients for clinical trial regulated by the
31 United States food and drug administration.

32 15. Knowingly making any false or fraudulent statement, written or
33 oral, in connection with the practice of medicine or when applying for or
34 renewing privileges at a health care institution or a health care program.

35 16. Advertising in a false, deceptive or misleading manner.

36 17. Representing or claiming to be an osteopathic medical
37 specialist if the physician has not satisfied the applicable requirements
38 of this chapter or board rules.

39 18. Having a license denied or disciplinary action taken against a
40 license by any other state, territory, district or country, unless it can
41 be shown that this occurred for reasons that did not relate to the
42 person's ability to safely and skillfully practice osteopathic medicine or
43 to any act of unprofessional conduct as provided in this section.

44 19. Committing any conduct or practice contrary to recognized
45 standards of ethics of the osteopathic medical profession.

1 20. 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.

4 21. Failing or refusing to establish and maintain adequate records
5 on a patient as follows:

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

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

13 22. Using controlled substances or prescription-only drugs unless
14 they are provided by a medical practitioner, as defined in section
15 32-1901, as part of a lawful course of treatment.

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

19 24. Committing nontherapeutic use of injectable amphetamines.

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

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

25 27. Using experimental forms of therapy without adequate informed
26 patient consent or without conforming to generally accepted criteria and
27 complying with federal and state statutes and regulations governing
28 experimental therapies.

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

37 29. Failing to allow properly authorized board personnel to have,
38 on presentation of a subpoena, access to any documents, reports or records
39 that are maintained by the physician and that relate to the physician's
40 medical practice or medically related activities pursuant to section
41 32-1855.01.

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

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

44 32. Failing to report to the board an osteopathic physician and
45 surgeon who is or may be guilty of unprofessional conduct or is or may be

1 mentally or physically unable safely to engage in the practice of
2 medicine.

3 33. Referring a patient to a diagnostic or treatment facility or
4 prescribing goods and services without disclosing that the physician has a
5 direct pecuniary interest in the facility, goods or services to which the
6 patient has been referred or prescribed. This paragraph does not apply to
7 a referral by one physician to another physician within a group of
8 physicians practicing together.

9 34. Exhibiting a lack of or inappropriate direction, collaboration
10 or supervision of a licensed, certified or registered health care provider
11 or office personnel employed by or assigned to the physician in the
12 medical care of patients.

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

15 36. Prescribing or dispensing controlled substances or
16 prescription-only medications without establishing and maintaining
17 adequate patient records.

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

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

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

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

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

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

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

41 (a) Engaging in or soliciting sexual relationships, whether
42 consensual or nonconsensual.

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

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

1 ~~45.~~ 44. Committing conduct that the board determines constitutes
2 gross negligence, repeated negligence or negligence that results in harm
3 or death of a patient.

4 ~~46.~~ 45. Committing conduct in the practice of medicine that
5 evidences unfitness to practice medicine.

6 ~~47.~~ 46. Engaging in disruptive or abusive behavior in a
7 professional setting.

8 ~~48.~~ 47. Failing to disclose to a patient that the licensee has a
9 direct financial interest in a prescribed treatment, good or service if
10 the treatment, good or service is available on a competitive basis. This
11 paragraph does not apply to a referral by one licensee to another licensee
12 within a group of licensees who practice together. A licensee meets the
13 disclosure requirements of this paragraph if both of the following are
14 true:

15 (a) The licensee makes the disclosure on a form prescribed by the
16 board.

17 (b) The patient or the patient's guardian or parent acknowledges by
18 signing the form that the licensee has disclosed the licensee's direct
19 financial interest.

20 ~~49.~~ 48. Prescribing, dispensing or furnishing a prescription
21 medication or a prescription-only device to a person if the licensee has
22 not conducted a physical or mental health status examination of that
23 person or has not previously established a physician-patient
24 relationship. The physical or mental health status examination may be
25 conducted through telehealth as defined in section 36-3601 with a clinical
26 evaluation that is appropriate for the patient and the condition with
27 which the patient presents, unless the examination is for the purpose of
28 obtaining a written certification from the physician for the purposes of
29 title 36, chapter 28.1. This paragraph does not apply to:

30 (a) Emergencies.

31 (b) A licensee who provides patient care on behalf of the patient's
32 regular treating licensed health care professional or provides a
33 consultation requested by the patient's regular treating licensed health
34 care professional.

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

40 (d) Prescriptions for epinephrine delivery systems that are written
41 or dispensed for a school district or charter school to be stocked for
42 emergency use pursuant to section 15-157 or for an authorized entity to be
43 stocked pursuant to section 36-2226.01.

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

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

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

10 ~~50-~~ 49. If a licensee provides medical care by computer, failing
11 to disclose the licensee's license number and the board's address and
12 telephone number.

13 Sec. 12. Section 32-1901, Arizona Revised Statutes, is amended to
14 read:

15 32-1901. Definitions

16 In this chapter, unless the context otherwise requires:

17 1. "Administer" means directly applying a controlled substance,
18 prescription-only drug, dangerous drug or narcotic drug, whether by
19 injection, inhalation, ingestion or any other means, to the body of a
20 patient or research subject by a practitioner or by the practitioner's
21 authorized agent or the patient or research subject at the direction of
22 the practitioner.

23 2. "Advertisement" means all representations that are disseminated
24 in any manner or by any means other than by labeling for the purpose of
25 inducing, or that are likely to induce, directly or indirectly, the
26 purchase of drugs, devices, poisons or hazardous substances.

27 3. "Advisory letter" means a nondisciplinary letter to notify a
28 licensee or permittee that either:

29 (a) While there is insufficient evidence to support disciplinary
30 action, the board believes that continuation of the activities that led to
31 the investigation may result in further board action against the licensee
32 or permittee.

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

35 (c) While the licensee or permittee has demonstrated substantial
36 compliance through rehabilitation, remediation or reeducation that has
37 mitigated the need for disciplinary action, the board believes that
38 repeating the activities that led to the investigation may result in
39 further board action against the licensee or permittee.

40 4. "Antiseptic", if a drug is represented as such on its label,
41 means a representation that it is a germicide, except in the case of a
42 drug purporting to be, or represented as, an antiseptic for inhibitory use
43 as a wet dressing, ointment or dusting powder or other use that involves
44 prolonged contact with the body.

1 5. "Authorized officers of the law" means legally empowered peace
2 officers, compliance officers of the board of pharmacy and agents of the
3 division of narcotics enforcement and criminal intelligence of the
4 department of public safety.

5 6. "Automated prescription-dispensing kiosk" means a mechanical
6 system that is operated as an extension of a pharmacy, that maintains all
7 transaction information within the pharmacy operating system, that is
8 separately permitted from the pharmacy and that performs operations that
9 either:

10 (a) Accept a prescription or refill order, store prepackaged or
11 repackaged medications, label and dispense patient-specific prescriptions
12 and provide counseling on new or refilled prescriptions.

13 (b) Dispense or deliver a prescription or refill that has been
14 prepared by or on behalf of the pharmacy that oversees the automated
15 prescription-dispensing kiosk.

16 7. "Board" or "board of pharmacy" means the Arizona state board of
17 pharmacy.

18 8. "Certificate of composition" means a list of a product's
19 ingredients.

20 9. "Certificate of free sale" means a document that authenticates a
21 product that is generally and freely sold in domestic or international
22 channels of trade.

23 10. "Color additive" means a material that either:

24 (a) Is any dye, pigment or other substance that is made by a
25 process of synthesis or similar artifice or that is extracted, isolated or
26 otherwise derived, with or without intermediate or final change of
27 identity, from any vegetable, animal, mineral or other source.

28 (b) If added or applied to a drug, or to the human body or any part
29 of the human body, is capable of imparting color, except that color
30 additive does not include any material that has been or may be exempted
31 under the federal act. Color includes black, white and intermediate
32 grays.

33 11. "Compounding" means preparing, mixing, assembling, packaging or
34 labeling a drug by a pharmacist or an intern or pharmacy technician under
35 the pharmacist's supervision, for the purpose of dispensing to a patient
36 based on a valid prescription order. Compounding includes preparing drugs
37 in anticipation of prescription orders prepared on routine, regularly
38 observed prescribing patterns and preparing drugs as an incident to
39 research, teaching or chemical analysis or for administration by a medical
40 practitioner to the medical practitioner's patient and not for sale or
41 dispensing. Compounding does not include preparing commercially available
42 products from bulk compounds or preparing drugs for sale to pharmacies,
43 practitioners or entities for the purpose of dispensing or distribution.

44 12. "Compressed medical gas distributor" means a person that holds
45 a current permit issued by the board to distribute compressed medical

1 gases to compressed medical gas suppliers and other entities that are
2 registered, licensed or permitted to use, administer or distribute
3 compressed medical gases.

4 13. "Compressed medical gases" means gases and liquid oxygen that a
5 compressed medical gas distributor or manufacturer has labeled in
6 compliance with federal law.

7 14. "Compressed medical gas order" means an order for compressed
8 medical gases that is issued by a medical practitioner.

9 15. "Compressed medical gas supplier" means a person that holds a
10 current permit issued by the board to supply compressed medical gases
11 pursuant to a compressed medical gas order and only to the consumer or the
12 patient.

13 16. "Controlled substance" means a drug, substance or immediate
14 precursor that is identified, defined or listed in title 36, chapter 27,
15 article 2 or the rules adopted pursuant to title 36, chapter 27,
16 article 2.

17 17. "Corrosive" means any substance that when it comes in contact
18 with living tissue will cause destruction of the tissue by chemical
19 action.

20 18. "Counterfeit drug" means a drug that, or the container or
21 labeling of which, without authorization, bears the trademark, trade name
22 or other identifying mark, imprint, number or device, or any likeness of
23 these, of a manufacturer, distributor or dispenser other than the person
24 that in fact manufactured, distributed or dispensed that drug.

25 19. "Dangerous drug" has the same meaning prescribed in section
26 13-3401.

27 20. "Day" means a business day.

28 21. "Decree of censure" means an official action that is taken by
29 the board and that may include a requirement for restitution of fees to a
30 patient or consumer.

31 22. "Deliver" or "delivery" means the actual, constructive or
32 attempted transfer from one person to another whether or not there is an
33 agency relationship.

34 23. "Deputy director" means a pharmacist who is employed by the
35 board and selected by the executive director to perform duties as
36 prescribed by the executive director.

37 24. "Device", except as used in paragraph 18 of this section,
38 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph
39 15 and subsection C, means an instrument, apparatus or contrivance,
40 including its components, parts and accessories, including all such items
41 under the federal act, that is intended either:

42 (a) For use in diagnosing, curing, mitigating, treating or
43 preventing disease in the human body or other animals.

44 (b) To affect the structure or any function of the human body or
45 other animals.

1 25. "Director" means the director of the division of narcotics
2 enforcement and criminal investigation of the department of public safety.

3 26. "Direct supervision of a pharmacist" means that the pharmacist
4 is present. If relating to the sale of certain items, direct supervision
5 of a pharmacist means that a pharmacist determines the legitimacy or
6 advisability of a proposed purchase of those items.

7 27. "Dispense" means to deliver to an ultimate user or research
8 subject by or pursuant to the lawful order of a practitioner, including
9 prescribing, administering, packaging, labeling or compounding as
10 necessary to prepare for that delivery.

11 28. "Dispenser" means a practitioner who dispenses.

12 29. "Distribute" means to deliver, other than by administering or
13 dispensing.

14 30. "Distributor" means a person who distributes.

15 31. "Drug" means:

16 (a) Articles that are recognized, or for which standards or
17 specifications are prescribed, in the official compendium.

18 (b) Articles that are intended for use in the diagnosis, cure,
19 mitigation, treatment or prevention of disease in the human body or other
20 animals.

21 (c) Articles other than food that are intended to affect the
22 structure or any function of the human body or other animals.

23 (d) Articles that are intended for use as a component of any
24 articles specified in subdivision (a), (b) or (c) of this paragraph but
25 does not include devices or their components, parts or accessories.

26 32. "Drug enforcement administration" means the drug enforcement
27 administration of the United States department of justice or its successor
28 agency.

29 33. "Drug or device manufacturing" means producing, preparing,
30 propagating or processing a drug or device, either directly or indirectly,
31 by extraction from substances of natural origin or independently by means
32 of chemical synthesis and includes any packaging or repackaging of
33 substances or labeling or relabeling of its container and promoting and
34 marketing the same. Drug or device manufacturing does not include
35 compounding.

36 34. "Durable medical equipment" means technologically sophisticated
37 medical equipment as prescribed by the board in rule that a patient or
38 consumer may use in a home or residence and that may be a
39 prescription-only device.

40 35. "Durable medical equipment distributor":

41 (a) Means a person that stores or distributes durable medical
42 equipment other than to the patient or consumer.

43 (b) Includes a virtual durable medical equipment distributor as
44 prescribed in rule by the board.

1 36. "Durable medical equipment supplier":

2 (a) Means a person that sells, leases or supplies durable medical
3 equipment to the patient or consumer.

4 (b) Includes a virtual durable medical equipment supplier as
5 prescribed in rule by the board.

6 37. "Economic poison" means any substance that alone, in chemical
7 combination with or in formulation with one or more other substances is a
8 pesticide within the meaning of the laws of this state or the federal
9 insecticide, fungicide and rodenticide act and that is used in producing,
10 storing or transporting raw agricultural commodities.

11 38. "Enteral feeding" means nourishment that is provided by means
12 of a tube inserted into the stomach or intestine.

13 39. "Established name", with respect to a drug or ingredient of a
14 drug, means any of the following:

15 (a) The applicable official name.

16 (b) If there is no such name and the drug or ingredient is an
17 article recognized in an official compendium, the official title in an
18 official compendium.

19 (c) If neither subdivision (a) nor (b) of this paragraph applies,
20 the common or usual name of the drug.

21 40. "Executive director" means the executive director of the board
22 of pharmacy.

23 41. "Federal act" means the federal laws and regulations that
24 pertain to drugs, devices, poisons and hazardous substances and that are
25 official at the time any drug, device, poison or hazardous substance is
26 affected by this chapter.

27 42. "Full-service wholesale permittee":

28 (a) Means a permittee who may distribute prescription-only drugs
29 and devices, controlled substances and over-the-counter drugs and devices
30 to pharmacies or other legal outlets from a place devoted in whole or in
31 part to wholesaling these items.

32 (b) Includes a virtual wholesaler as defined in rule by the board.

33 43. "Good manufacturing practice" means a system for ensuring that
34 products are consistently produced and controlled according to quality
35 standards and covering all aspects of design, monitoring and control of
36 manufacturing processes and facilities to ensure that products do not pose
37 any risk to the consumer or public.

38 44. "Highly toxic" means any substance that falls within any of the
39 following categories:

40 (a) Produces death within fourteen days in half or more than half
41 of a group of ten or more laboratory white rats each weighing between two
42 hundred and three hundred grams, at a single dose of fifty milligrams or
43 less per kilogram of body weight, when orally administered.

44 (b) Produces death within fourteen days in half or more than half
45 of a group of ten or more laboratory white rats each weighing between two

1 hundred and three hundred grams, if inhaled continuously for a period of
2 one hour or less at an atmospheric concentration of two hundred parts per
3 million by volume or less of gas or vapor or two milligrams per liter by
4 volume or less of mist or dust, provided the concentration is likely to be
5 encountered by humans if the substance is used in any reasonably
6 foreseeable manner.

7 (c) Produces death within fourteen days in half or more than half
8 of a group of ten or more rabbits tested in a dosage of two hundred
9 milligrams or less per kilogram of body weight, if administered by
10 continuous contact with the bare skin for twenty-four hours or less. If
11 the board finds that available data on human experience with any substance
12 indicate results different from those obtained on animals in the dosages
13 or concentrations prescribed in this paragraph, the human data shall take
14 precedence.

15 45. "Hospital" means any institution for the care and treatment of
16 the sick and injured that is approved and licensed as a hospital by the
17 department of health services.

18 46. "Intern" means a pharmacy intern.

19 47. "Internship" means the practical, experiential, hands-on
20 training of a pharmacy intern under the supervision of a preceptor.

21 48. "Irritant" means any substance, other than a corrosive, that on
22 immediate, prolonged or repeated contact with normal living tissue will
23 induce a local inflammatory reaction.

24 49. "Jurisprudence examination" means a board-approved pharmacy law
25 examination that is written and administered in cooperation with the
26 national association of boards of pharmacy or another board-approved
27 pharmacy law examination.

28 50. "Label" means a display of written, printed or graphic matter
29 on the immediate container of any article that, unless easily legible
30 through the outside wrapper or container, also appears on the outside
31 wrapper or container of the article's retail package. For the purposes of
32 this paragraph, the immediate container does not include package liners.

33 51. "Labeling" means all labels and other written, printed or
34 graphic matter that either:

35 (a) Is on any article or any of its containers or wrappers.

36 (b) Accompanies that article.

37 52. "Letter of reprimand" means a disciplinary letter that is a
38 public document issued by the board and that informs a licensee or
39 permittee that the licensee's or permittee's conduct violates state or
40 federal law and may require the board to monitor the licensee or
41 permittee.

42 53. "Limited service pharmacy" means a pharmacy that is approved by
43 the board to practice a limited segment of pharmacy as indicated by the
44 permit issued by the board.

1 54. "Manufacture" or "manufacturer":

2 (a) Means every person who prepares, derives, produces, compounds,
3 processes, packages or repackages or labels any drug in a place, other
4 than a pharmacy, that is devoted to manufacturing the drug.

5 (b) Includes a virtual manufacturer.

6 55. "Marijuana" has the same meaning prescribed in section 13-3401.

7 56. "Medical practitioner" means any medical doctor, doctor of
8 osteopathic medicine, dentist, podiatrist, veterinarian or other person
9 who is licensed and authorized by law to use and prescribe drugs and
10 devices to treat sick and injured human beings or animals or to diagnose
11 or prevent sickness in human beings or animals in this state or any state,
12 territory or district of the United States.

13 57. "Medication order" means a written or verbal order from a
14 medical practitioner or that person's authorized agent to administer a
15 drug or device.

16 58. "Narcotic drug" has the same meaning prescribed in section
17 13-3401.

18 59. "New drug" means either:

19 (a) Any drug of which the composition is such that the drug is not
20 generally recognized among experts qualified by scientific training and
21 experience to evaluate the safety and effectiveness of drugs as safe and
22 effective for use under the conditions prescribed, recommended or
23 suggested in the labeling.

24 (b) Any drug of which the composition is such that the drug, as a
25 result of investigations to determine its safety and effectiveness for use
26 under such conditions, has become so recognized, but that has not, other
27 than in the investigations, been used to a material extent or for a
28 material time under those conditions.

29 60. "Nonprescription drug" or "over-the-counter drug" means any
30 nonnarcotic medicine or drug that may be sold without a prescription and
31 that is prepackaged and labeled for use by the consumer in accordance with
32 the requirements of the laws of this state and federal law.
33 Nonprescription drug does not include:

34 (a) A drug that is primarily advertised and promoted professionally
35 to medical practitioners and pharmacists by manufacturers or primary
36 distributors.

37 (b) A controlled substance.

38 (c) A drug that is required to bear a label that states "Rx only".

39 (d) A drug that is intended for human use by hypodermic injection.

40 61. "Nonprescription drug wholesale permittee":

41 (a) Means a permittee who may distribute only over-the-counter
42 drugs and devices to pharmacies or other lawful outlets from a place
43 devoted in whole or in part to wholesaling these items.

44 (b) Includes a virtual wholesaler as defined in rule by the board.

1 62. "Notice" means personal service or the mailing of a copy of the
2 notice by certified mail and email addressed either to the person at the
3 person's latest address of record in the board office or to the person and
4 the person's attorney using the most recent information provided to the
5 board in the board's licensing database.

6 63. "Nutritional supplementation" means vitamins, minerals and
7 caloric supplementation. Nutritional supplementation does not include
8 medication or drugs.

9 64. "Official compendium" means the latest revision of the United
10 States pharmacopeia and the national formulary or any current supplement.

11 65. "Other jurisdiction" means one of the other forty-nine states,
12 the District of Columbia, the Commonwealth of Puerto Rico or a territory
13 of the United States of America.

14 66. "Package" means a receptacle that is defined or described in
15 the United States pharmacopeia and the national formulary as adopted by
16 the board.

17 67. "Packaging" means the act or process of placing a drug item or
18 device in a container for the purpose or intent of dispensing or
19 distributing the item or device to another.

20 68. "Parenteral nutrition" means intravenous feeding that provides
21 an individual with fluids and essential nutrients the individual needs
22 while the individual is unable to receive adequate fluids or feedings by
23 mouth or by enteral feeding.

24 69. "Person" means an individual, partnership, corporation and
25 association, and their duly authorized agents.

26 70. "Pharmaceutical care" means the provision of drug therapy and
27 other pharmaceutical patient care services.

28 71. "Pharmacist" means an individual who is currently licensed by
29 the board to practice the profession of pharmacy in this state.

30 72. "Pharmacist in charge" means the pharmacist who is responsible
31 to the board for a licensed establishment's compliance with the laws and
32 administrative rules of this state and of the federal government
33 pertaining to the practice of pharmacy, the manufacturing of drugs and the
34 distribution of drugs and devices.

35 73. "Pharmacist licensure examination" means a board-approved
36 examination that is written and administered in cooperation with the
37 national association of boards of pharmacy or any other board-approved
38 pharmacist licensure examination.

39 74. "Pharmacy" means:

40 (a) Any place where drugs, devices, poisons or related hazardous
41 substances are offered for sale at retail or where prescription orders are
42 dispensed by a licensed pharmacist.

43 (b) Any place that displays on or in the place or that displays a
44 sign on the place the words "pharmaceutical chemist", "apothecary",
45 "druggist", "pharmacy", "drugstore", "drugs" or "drug sundries", any

1 combination of these words, or any words of similar meaning in any
2 language.

3 (c) Any place where the characteristic symbol of pharmacy or the
4 characteristic prescription sign "Rx" is exhibited.

5 (d) Any building or other structure or portion of a building or
6 other structure that is leased, used or controlled by a permittee to
7 conduct the business authorized by the board at the address specified on
8 the permit issued to the permittee.

9 (e) A remote dispensing site pharmacy.

10 (f) A remote hospital-site pharmacy.

11 (g) A satellite pharmacy.

12 75. "Pharmacy intern" means a person who has all of the
13 qualifications and experience prescribed in section 32-1923.

14 76. "Pharmacy technician" means a person who is licensed pursuant
15 to this chapter.

16 77. "Pharmacy technician trainee" means a person who is ~~licensed~~
17 REGISTERED pursuant to this chapter.

18 78. "Poison" or "hazardous substance" includes any of the following
19 if intended and suitable for household use or use by children:

20 (a) Any substance that, according to standard works on medicine,
21 pharmacology, pharmacognosy or toxicology, if applied to, introduced into
22 or developed within the body in relatively small quantities by its
23 inherent action uniformly produces serious bodily injury, disease or
24 death.

25 (b) A toxic substance.

26 (c) A highly toxic substance.

27 (d) A corrosive substance.

28 (e) An irritant.

29 (f) A strong sensitizer.

30 (g) A mixture of any of the substances described in this paragraph,
31 if the substance or mixture of substances may cause substantial personal
32 injury or substantial illness during or as a proximate result of any
33 customary or reasonably foreseeable handling or use, including reasonably
34 foreseeable ingestion by children.

35 (h) A substance that is designated by the board to be a poison or
36 hazardous substance. This subdivision does not apply to radioactive
37 substances, economic poisons subject to the federal insecticide, fungicide
38 and rodenticide act or the state pesticide act, foods, drugs and cosmetics
39 subject to state laws or the federal act or substances intended for use as
40 fuels when stored in containers and used in the heating, cooking or
41 refrigeration system of a house. This subdivision applies to any
42 substance or article that is not itself an economic poison within the
43 meaning of the federal insecticide, fungicide and rodenticide act or the
44 state pesticide act, but that is a poison or hazardous substance within

the meaning of this paragraph by reason of bearing or containing an economic poison or hazardous substance.

79. "Practice of pharmacy":

(a) means furnishing the following health care services as a medical professional:

(i) (a) Interpreting, evaluating and dispensing prescription orders in the patient's best interests.

(ii) (b) Compounding drugs pursuant to or in anticipation of a prescription order.

(iii) (c) Labeling drugs and devices in compliance with state and federal requirements.

(iv) (d) Participating in drug selection and drug utilization reviews, drug administration, drug or drug-related research and drug therapy monitoring or management.

(v) (e) Providing patient counseling necessary to provide pharmaceutical care.

(vi) (f) Properly and safely storing drugs and devices in anticipation of dispensing.

(vii) (g) Maintaining required records of drugs and devices.

(viii) (h) Offering or performing acts, services, operations or transactions that are necessary to conduct, operate, manage and control a pharmacy.

(ix) (i) Providing patient care services pursuant to a collaborative practice agreement with a provider as outlined in section 32-1970.

(x) (j) Initiating and administering immunizations or vaccines pursuant to section 32-1974.

~~(b) Does not include initiating a prescription order for any medication, drug or other substance used to induce or cause a medication abortion as defined in section 36-2151.~~

80. "Practitioner" means any physician, dentist, veterinarian, scientific investigator or other person who is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state, or any pharmacy, hospital or other institution that is licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

81. "Preceptor" means a pharmacist who is serving as the practical instructor of an intern and who complies with section 32-1923.

82. "Precursor chemical" means a substance that is:

(a) The principal compound that is commonly used or that is produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance,

1 the control of which is necessary to prevent, curtail or limit
2 manufacture.

3 (b) Listed in section 13-3401, paragraph 26 or 27.

4 83. "Prescription" means either a prescription order or a
5 prescription medication.

6 84. "Prescription medication" means any drug, including label and
7 container according to context, that is dispensed pursuant to a
8 prescription order.

9 85. "Prescription-only device" includes:

10 (a) Any device that is limited by the federal act to use under the
11 supervision of a medical practitioner.

12 (b) Any device required by the federal act to bear on its label
13 essentially the legend "Rx only".

14 86. "Prescription-only drug" does not include a controlled
15 substance but does include:

16 (a) Any drug that because of its toxicity or other potentiality for
17 harmful effect, the method of its use, or the collateral measures
18 necessary to its use is not generally recognized among experts, qualified
19 by scientific training and experience to evaluate its safety and efficacy,
20 as safe for use except by or under the supervision of a medical
21 practitioner.

22 (b) Any drug that is limited by an approved new drug application
23 under the federal act or section 32-1962 to use under the supervision of a
24 medical practitioner.

25 (c) Every potentially harmful drug, the labeling of which does not
26 bear or contain full and adequate directions for use by the consumer.

27 (d) Any drug, other than a controlled substance, that is required
28 by the federal act to bear on its label the legend "Rx only".

29 87. "Prescription order" means any of the following:

30 (a) An order to a pharmacist for drugs or devices that is issued
31 and signed by a duly licensed medical practitioner in the authorized
32 course of the practitioner's professional practice.

33 (b) An order that is transmitted to a pharmacist through word of
34 mouth, telephone or other means of communication directed by that medical
35 practitioner. Prescription orders received by word of mouth, telephone or
36 other means of communication shall be maintained by the pharmacist
37 pursuant to section 32-1964, and the record so made by the pharmacist
38 constitutes the original prescription order to be dispensed by the
39 pharmacist. This paragraph does not alter or affect laws of this state or
40 any federal act requiring a written prescription order.

41 (c) An order that is initiated by a pharmacist pursuant to a
42 collaborative practice agreement with a provider as outlined in section
43 32-1970, or immunizations or vaccines administered by a pharmacist
44 pursuant to section 32-1974.

1 (d) A diet order or an order for enteral feeding, nutritional
2 supplementation or parenteral nutrition that is initiated by a registered
3 dietitian or other qualified nutrition professional in a hospital pursuant
4 to section 36-416.

5 88. "Professionally incompetent" means:

6 (a) Incompetence based on a variety of factors, including a lack of
7 sufficient pharmaceutical knowledge or skills or experience to a degree
8 likely to endanger the health of patients.

9 (b) When considered with other indications of professional
10 incompetence, a pharmacist or pharmacy intern who fails to obtain a
11 passing score on a board-approved pharmacist licensure examination or a
12 pharmacy technician or pharmacy technician trainee who fails to obtain a
13 passing score on a board-approved pharmacy technician licensure
14 examination.

15 89. "Radioactive substance" means a substance that emits ionizing
16 radiation.

17 90. "Remote dispensing site pharmacy" means a pharmacy where a
18 pharmacy technician or pharmacy intern prepares, compounds or dispenses
19 prescription medications under remote supervision by a pharmacist.

20 91. "Remote hospital-site pharmacy" means a pharmacy located in a
21 satellite facility that operates under the license issued by the
22 department of health services to the hospital of which it is a satellite.

23 92. "Remote supervision by a pharmacist" means that a pharmacist
24 directs and controls the actions of pharmacy technicians and pharmacy
25 interns through the use of audio and visual technology.

26 93. "Revocation" or "revoke" means the official cancellation of a
27 license, permit, registration or other approval authorized by the board
28 for a period of two years unless otherwise specified by the board. A
29 request or new application for reinstatement may be presented to the board
30 for review before the conclusion of the specified revocation period upon
31 review of the executive director.

32 94. "Safely engage in employment duties" means that a permittee or
33 the permittee's employee is able to safely engage in employment duties
34 related to the manufacture, sale, distribution or dispensing of drugs,
35 devices, poisons, hazardous substances, controlled substances or precursor
36 chemicals.

37 95. "Satellite facility" has the same meaning prescribed in section
38 36-422.

39 96. "Satellite pharmacy" means a work area located within a
40 hospital or on a hospital campus that is not separated by other commercial
41 property or residential property, that is under the direction of a
42 pharmacist, that is a remote extension of a centrally licensed hospital
43 pharmacy, that is owned by and dependent on the centrally licensed
44 hospital pharmacy for administrative control, staffing and drug
45 procurement and that is not required to be separately permitted.

1 97. "Symbol" means the characteristic symbols that have
2 historically identified pharmacy, including show globes and mortar and
3 pestle, and the sign "Rx".

4 98. "Third-party logistics provider" means an entity that provides
5 or coordinates warehousing or other logistics services for the following
6 items, but that does not take ownership of the items, and that distributes
7 those items as directed by a manufacturer, wholesaler, dispenser or
8 durable medical equipment supplier that is permitted by the board:

9 (a) Narcotic drugs or other controlled substances.

10 (b) Dangerous drugs as defined in section 13-3401.

11 (c) Prescription-only drugs and devices.

12 (d) Nonprescription drugs and devices.

13 (e) Precursor chemicals.

14 (f) Regulated chemicals as defined in section 13-3401.

15 99. "Toxic substance" means a substance, other than a radioactive
16 substance, that has the capacity to produce injury or illness in humans
17 through ingestion, inhalation or absorption through any body surface.

18 100. "Ultimate user" means a person who lawfully possesses a drug
19 or controlled substance for that person's own use, for the use of a member
20 of that person's household or for administering to an animal owned by that
21 person or by a member of that person's household.

22 101. "Virtual manufacturer" means an entity that contracts for the
23 manufacture of a drug or device, including a private label distributor as
24 defined in 21 Code of Federal Regulations ~~part~~ SECTION 207.1, and that
25 meets all of the following:

26 (a) Owns either:

27 (i) The new drug application or abbreviated new drug application
28 number as defined by the United States food and drug administration for a
29 drug.

30 (ii) The unique device identification number as defined by the
31 United States food and drug administration for a prescription device.

32 (b) Is not involved in the physical manufacture of the drug or
33 device.

34 (c) Contracts with a United States food and drug administration
35 registered manufacturing entity for the physical manufacture of the drug
36 or device.

37 Sec. 13. Section 32-2501, Arizona Revised Statutes, is amended to
38 read:

39 32-2501. Definitions

40 In this chapter, unless the context otherwise requires:

41 1. "Active license" means a regular license issued pursuant to this
42 chapter.

43 2. "Adequate records" means legible medical records containing, at
44 a minimum, sufficient information to identify the patient, support the
45 diagnosis, justify the treatment, accurately document the results,

1 indicate advice and cautionary warnings provided to the patient and
2 provide sufficient information for another practitioner to assume
3 continuity of the patient's care at any point in the course of treatment.

4 3. "Advisory letter" means a nondisciplinary letter to notify a
5 physician assistant that either:

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

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

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

16 4. "Approved program" means a physician assistant educational
17 program accredited by the accreditation review commission on education for
18 physician assistants, or one of its predecessor agencies, the committee on
19 allied health education and accreditation or the commission on the
20 accreditation of allied health educational programs.

21 5. "Board" means the Arizona regulatory board of physician
22 assistants.

23 6. "Collaborating physician or entity" means a physician, physician
24 group practice, physician private practice or licensed health care
25 institution that employs or collaborates with a physician assistant who
26 has at least eight thousand hours of clinical practice as certified by the
27 board pursuant to section 32-2536 and does not require a supervision
28 agreement and that designates one or more physicians by name or position
29 who ~~is~~ ARE responsible for the oversight of the physician assistant.

30 7. "Completed application" means an application for which the
31 applicant has supplied all required fees, information and correspondence
32 requested by the board on forms and in a manner acceptable to the board.

33 8. "Immediate family" means the spouse, natural or adopted
34 children, father, mother, brothers and sisters of the physician assistant
35 and the natural or adopted children, father, mother, brothers and sisters
36 of the physician assistant's spouse.

37 9. "Letter of reprimand" means a disciplinary letter that is issued
38 by the board and that informs the physician assistant that the physician
39 assistant's conduct violates state or federal law and may require the
40 board to monitor the physician assistant.

41 10. "Limit" means a nondisciplinary action that is taken by the
42 board and that alters a physician assistant's practice or medical
43 activities if there is evidence that the physician assistant is or may be
44 mentally or physically unable to safely engage in health care tasks.

1 11. "Medically incompetent" means that a physician assistant lacks
2 sufficient medical knowledge or skills, or both, in performing delegated
3 health care tasks to a degree likely to endanger the health or safety of
4 patients.

5 12. "Minor surgery":~~—~~

6 ~~(a)~~ means those invasive procedures that may be performed by a
7 physician assistant, that are consistent with the training and experience
8 of the physician assistant, that are normally taught in courses of
9 training approved by the board, that have been approved by the board as
10 falling within the scope of practice of a physician assistant and that are
11 consistent with the practice setting requirements of the physician
12 assistant.

13 ~~(b) Does not include a surgical abortion.~~

14 13. "Physician" means a physician who is licensed pursuant to
15 chapter 13 or 17 of this title.

16 14. "Physician assistant" means a person who is licensed pursuant
17 to this chapter.

18 15. "Regular license" means a valid and existing license that is
19 issued pursuant to section 32-2521 to perform health care tasks.

20 16. "Restrict" means a disciplinary action that is taken by the
21 board and that alters a physician assistant's practice or medical
22 activities if there is evidence that the physician assistant is or may be
23 medically incompetent or guilty of unprofessional conduct.

24 17. "Supervising physician" means a physician who holds a current
25 unrestricted license, who supervises a physician assistant who has less
26 than eight thousand hours of clinical practice and who assumes legal
27 responsibility for health care tasks performed by the physician assistant.

28 18. "Supervision" means a physician's opportunity or ability to
29 provide or exercise direction and control over the services of a physician
30 assistant. Supervision does not require a physician's constant physical
31 presence if the supervising physician is or can be easily in contact with
32 the physician assistant by telecommunication.

33 19. "Supervision agreement" means a written or electronic signed
34 agreement that both:

35 (a) Describes the scope of practice for a physician assistant who
36 has less than eight thousand hours of clinical practice.

37 (b) Is between the physician assistant and a physician or the
38 physician assistant's employer that employs or has on medical staff at
39 least one physician who may provide oversight, as applicable, and who
40 holds a current unrestricted license. For the purposes of this
41 subdivision, "employer" means a physician, physician group practice,
42 physician private practice or licensed health care institution.

43 20. "Unprofessional conduct" includes the following acts by a
44 physician assistant that occur in this state or elsewhere:

1 (a) Violating any federal or state law or rule that applies to the
2 performance of health care tasks as a physician assistant. Conviction in
3 any court of competent jurisdiction is conclusive evidence of a violation.

4 (b) Claiming to be a physician or knowingly allowing another person
5 to represent that person as a physician.

6 (c) Performing health care tasks that do not meet the supervision
7 or collaboration requirements, as applicable, pursuant to section 32-2531.

8 (d) Exhibiting a pattern of using or being under the influence of
9 alcohol or drugs or a similar substance while performing health care tasks
10 or to the extent that judgment may be impaired and the ability to perform
11 health care tasks detrimentally affected.

12 (e) Signing a blank, undated or predated prescription form.

13 (f) Committing gross malpractice, repeated malpractice or any
14 malpractice resulting in the death of a patient.

15 (g) Representing that a manifestly incurable disease or infirmity
16 can be permanently cured or that a disease, ailment or infirmity can be
17 cured by a secret method, procedure, treatment, medicine or device, if
18 this is not true.

19 (h) Refusing to divulge to the board on demand the means, method,
20 procedure, modality of treatment or medicine used in treating a disease,
21 injury, ailment or infirmity.

22 (i) Prescribing or dispensing controlled substances or
23 prescription-only drugs for which the physician assistant is not approved
24 or in excess of the amount authorized pursuant to this chapter.

25 (j) Committing any conduct or practice that is or might be harmful
26 or dangerous to the health of a patient or the public.

27 (k) Violating a formal order, probation or stipulation issued by
28 the board.

29 (l) Failing to clearly disclose the person's identity as a
30 physician assistant in the course of the physician assistant's employment.

31 (m) Failing to use and affix the initials "P.A." or "P.A.-C." after
32 the physician assistant's name or signature on charts, prescriptions or
33 professional correspondence.

34 (n) Procuring or attempting to procure a physician assistant
35 license by fraud, misrepresentation or knowingly taking advantage of the
36 mistake of another.

37 (o) Having professional connection with or lending the physician
38 assistant's name to an illegal practitioner of any of the healing arts.

39 (p) Failing or refusing to maintain adequate records for a patient.

40 (q) Using controlled substances that have not been prescribed by a
41 physician, physician assistant, dentist or nurse practitioner for use
42 during a prescribed course of treatment.

43 (r) Prescribing or dispensing controlled substances to members of
44 the physician assistant's immediate family.

1 (s) Prescribing, dispensing or administering any controlled
2 substance or prescription-only drug for other than accepted therapeutic
3 purposes.

4 (t) Dispensing a schedule II controlled substance that is an
5 opioid, except as provided in section 32-2532.

6 (u) Knowingly making any written or oral false or fraudulent
7 statement in connection with the performance of health care tasks or when
8 applying for privileges or renewing an application for privileges at a
9 health care institution.

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

14 (w) Having a certification or license refused, revoked, suspended,
15 limited or restricted by any other licensing jurisdiction for the
16 inability to safely and skillfully perform health care tasks or for
17 unprofessional conduct as defined by that jurisdiction that directly or
18 indirectly corresponds to any act of unprofessional conduct as prescribed
19 by this paragraph.

20 (x) Having sanctions including restriction, suspension or removal
21 from practice imposed by an agency of the federal government.

22 (y) Violating or attempting to violate, directly or indirectly, or
23 assisting in or abetting the violation of or conspiring to violate a
24 provision of this chapter.

25 (z) Using the term "doctor" or the abbreviation "Dr." on a name tag
26 or in a way that leads the public to believe that the physician assistant
27 is licensed to practice as an allopathic or osteopathic physician in this
28 state.

29 (aa) Failing to furnish legally requested information to the board
30 or its investigator in a timely manner.

31 (bb) Failing to allow properly authorized board personnel to
32 examine on demand documents, reports and records of any kind relating to
33 the physician assistant's performance of health care tasks.

34 (cc) Knowingly making a false or misleading statement on a form
35 required by the board or in written correspondence or attachments
36 furnished to the board.

37 (dd) Failing to submit to a body fluid examination and other
38 examinations known to detect the presence of alcohol or other drugs
39 pursuant to an agreement with the board or an order of the board.

40 (ee) Violating a formal order, probation agreement or stipulation
41 issued or entered into by the board or its executive director.

42 (ff) Except as otherwise required by law, intentionally betraying a
43 professional secret or intentionally violating a privileged communication.

44 (gg) Allowing the use of the licensee's name in any way to enhance
45 or allow the continuance of the activities of, or maintaining a

1 professional connection with, an illegal practitioner of medicine or the
2 performance of health care tasks by a person who is not licensed pursuant
3 to this chapter.

4 (hh) Committing false, fraudulent, deceptive or misleading
5 advertising by a physician assistant or the physician assistant's staff or
6 representative.

7 (ii) Knowingly failing to disclose to a patient on a form that is
8 prescribed by the board and that is dated and signed by the patient or
9 guardian acknowledging that the patient or guardian has read and
10 understands that the licensee has a direct financial interest in a
11 separate diagnostic or treatment agency or in nonroutine goods or services
12 that the patient is being prescribed and whether the prescribed treatment,
13 goods or services are available on a competitive basis. This subdivision
14 does not apply to a referral by one physician assistant to another
15 physician assistant or to a doctor of medicine or a doctor of osteopathic
16 medicine within a group working together.

17 (jj) With the exception of heavy metal poisoning, using chelation
18 therapy in the treatment of arteriosclerosis or as any other form of
19 therapy without adequate informed patient consent or without conforming to
20 generally accepted experimental criteria, including protocols, detailed
21 records, periodic analysis of results and periodic review by a medical
22 peer review committee, or without approval by the United States food and
23 drug administration or its successor agency.

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

26 (ll) Prescribing, dispensing or furnishing a prescription
27 medication or a prescription-only device as defined in section 32-1901 to
28 a person unless the licensee first conducts a physical examination of that
29 person or has previously established a professional relationship with the
30 person. This subdivision does not apply to:

31 (i) A physician assistant who provides temporary patient care on
32 behalf of the patient's regular treating licensed health care
33 professional.

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

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

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

42 (mm) Engaging in sexual conduct with a current patient or with a
43 former patient within six months after the last medical consultation
44 unless the patient was the licensee's spouse at the time of the contact
45 or, immediately preceding the professional relationship, was in a dating

1 or engagement relationship with the licensee. For the purposes of this
2 subdivision, "sexual conduct" includes:

3 (i) Engaging in or soliciting sexual relationships, whether
4 consensual or nonconsensual.

5 (ii) Making sexual advances, requesting sexual favors or engaging
6 in other verbal conduct or physical contact of a sexual nature with a
7 patient.

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

11 (nn) Performing health care tasks under a false or assumed name in
12 this state.

13 Sec. 14. Section 32-2508, Arizona Revised Statutes, is amended to
14 read:

15 32-2508. Preceptorship awareness campaign; definitions

16 A. The board shall develop a preceptorship awareness campaign that
17 educates medical professionals who are licensed pursuant to this chapter
18 on how to become and the benefits of being a medical preceptor for
19 students.

20 B. For the purposes of this section:

21 1. "Medical preceptor" means a medical professional who is licensed
22 pursuant to this chapter and who maintains an active practice in this
23 state.

24 2. "Preceptorship":

25 ~~(a)~~ means a mentoring experience in which a medical preceptor
26 provides a program of personalized instruction, training and supervision
27 to a student to enable the student to obtain a medical professional degree
28 to become licensed pursuant to this chapter.

29 ~~(b) Does not include mentoring for medical services that are~~
30 ~~prescribed in section 36-2301.01, subsection C, paragraph 1.~~

31 3. "Student" means an individual who is matriculating at the
32 graduate level at an accredited institution of higher education in this
33 state and who is seeking a medical professional degree to become licensed
34 pursuant to this chapter.

35 Sec. 15. Section 32-2531, Arizona Revised Statutes, is amended to
36 read:

37 32-2531. Physician assistant scope of practice; health care
38 tasks; supervision agreements; supervising
39 physician duties; civil penalty

40 A. ~~Except as prohibited in subsection E of this section,~~ A
41 physician assistant may provide any legal medical service for which the
42 physician assistant has been prepared by education, training and
43 experience and that the physician assistant is competent to perform,
44 including:

- 1 1. Obtaining comprehensive health histories and performing physical
- 2 examinations.
- 3 2. Evaluating and diagnosing patients and managing and providing
- 4 medical treatment and therapeutic interventions.
- 5 3. Ordering, performing and interpreting diagnostic studies and
- 6 therapeutic procedures.
- 7 4. Educating patients on health promotion and disease prevention
- 8 and providing counseling and education to meet patient needs.
- 9 5. Providing consultation on request.
- 10 6. Writing medical orders.
- 11 7. Obtaining informed consent.
- 12 8. Assisting in surgery.
- 13 9. Delegating and assigning therapeutic and diagnostic measures to
- 14 and supervising licensed or unlicensed personnel.
- 15 10. Making appropriate referrals.
- 16 11. Ordering, prescribing, dispensing and administering drugs and
- 17 medical devices.
- 18 12. Prescribing prescription-only medications.
- 19 13. Prescribing schedule IV or schedule V controlled substances as
- 20 defined in the controlled substances act (P.L. 91-513; 84 Stat. 1242; 21
- 21 United States Code section 802).
- 22 14. Prescribing schedule II and schedule III controlled substances
- 23 as defined in the controlled substances act.
- 24 15. Performing minor surgery.
- 25 16. Performing nonsurgical health care tasks that are normally
- 26 taught in courses of training approved by the board and that are
- 27 consistent with the physician assistant's education, training and
- 28 experience.
- 29 17. Certifying the health or disability of a patient as required by
- 30 any local, state or federal program.
- 31 18. Ordering home health services.

32 B. Pursuant to the requirements of this chapter and the standard of
33 care, a physician assistant who has at least eight thousand hours of
34 clinical practice certified by the board pursuant to section 32-2536 is
35 not required to practice pursuant to a supervision agreement but shall
36 continue to collaborate with, consult with or refer to the appropriate
37 health care professional as indicated by the patient's condition and by
38 the physician assistant's education, experience and competencies. The
39 level of collaboration required by this subsection is determined by the
40 policies of the practice setting at which the physician assistant is
41 employed, including a physician employer, physician group practice or
42 health care institution. Collaboration, consultation or a referral
43 pursuant to this subsection may occur through electronic means and does
44 not require the physical presence of the appropriate health care
45 professional at the time or place the physician assistant provides medical

1 services. This subsection does not prohibit a physician assistant who has
2 at least eight thousand hours of clinical practice certified by the board
3 pursuant to section 32-2536 from practicing pursuant to a supervision
4 agreement.

5 C. A physician assistant who has less than eight thousand hours of
6 clinical practice certified by the board shall work in accordance with a
7 supervision agreement that describes the physician assistant's scope of
8 practice. A physician assistant may not perform health care tasks until
9 the physician assistant has completed and signed a supervision agreement.
10 Under a supervision agreement, supervision may occur through electronic
11 means and does not require the physical presence of the supervising
12 physician at the time or place the physician assistant provides medical
13 services. The supervision agreement must be kept on file at the main
14 location of the physician assistant's practice and, on request, be made
15 available to the board or the board's representative. On receipt of board
16 certification of the physician assistant's completion of at least eight
17 thousand hours of clinical practice, a physician assistant is no longer
18 subject to the requirements of this subsection. The board may count
19 practice hours earned in another jurisdiction toward the hours of clinical
20 practice required by this subsection.

21 D. A physician assistant who does not practice pursuant to a
22 supervision agreement is legally responsible for the health care services
23 performed by the physician assistant.

24 ~~E. A physician assistant shall not perform surgical abortions as~~
25 ~~defined in section 36-2151.~~

26 ~~F.~~ E. A physician assistant may pronounce death and may
27 authenticate, by the physician assistant's signature, certification,
28 stamp, verification, affidavit or endorsement, any form that may be
29 authenticated by a physician's signature, certification, stamp,
30 verification, affidavit or endorsement.

31 ~~G.~~ F. The board by rule may prescribe a civil penalty for a
32 violation of this article. The penalty shall not exceed \$50 for each
33 violation. The board shall deposit, pursuant to sections 35-146 and
34 35-147, all monies it receives from this penalty in the state general
35 fund. A physician assistant and the supervising physician or
36 collaborating physician or entity may contest the imposition of this
37 penalty pursuant to board rule. The imposition of a civil penalty is
38 public information, and the board may use this information in any future
39 disciplinary actions.

40 Sec. 16. Section 32-2532, Arizona Revised Statutes, is amended to
41 read:

42 32-2532. Prescribing, administering and dispensing drugs;
43 limits and requirements; notice

44 A. Except as provided in subsection G of this section, a physician
45 assistant shall not prescribe, dispense or administer:

1 1. A schedule II or schedule III controlled substance as defined in
2 the controlled substances act (P.L. 91-513; 84 Stat. 1242; 21 United
3 States Code section 802) without board approval and United States drug
4 enforcement administration registration. If the physician assistant has
5 less than eight thousand clinical practice hours, the supervision
6 agreement shall specify the physician assistant's ability to prescribe,
7 dispense or administer a schedule II or schedule III controlled substance.

8 2. A schedule IV or schedule V controlled substance as defined in
9 the controlled substances act without United States drug enforcement
10 administration registration. If the physician assistant has less than
11 eight thousand clinical practice hours, the supervision agreement shall
12 specify the physician assistant's ability to prescribe, dispense or
13 administer a schedule IV or schedule V controlled substance.

14 ~~3. Prescription medication intended to perform or induce an~~
15 ~~abortion.~~

16 B. If the physician assistant has less than eight thousand clinical
17 practice hours, the supervision agreement shall specify the physician
18 assistant's ability to prescribe, dispense or administer prescription-only
19 medication.

20 C. All prescription orders issued by a physician assistant shall
21 contain the name, address and telephone number of the physician assistant.
22 A physician assistant shall issue prescription orders for controlled
23 substances under the physician assistant's own United States drug
24 enforcement administration registration number.

25 D. If the physician assistant is certified for prescription
26 privileges pursuant to section 32-2504, subsection A, initial
27 prescriptions by the physician assistant for schedule II controlled
28 substances that are opioids are subject to the limits prescribed in
29 sections 32-3248 and 32-3248.01. For each schedule IV or schedule V
30 controlled substance, the physician assistant may not prescribe the
31 controlled substance more than five times in a six-month period for each
32 patient.

33 E. A prescription by a physician assistant for a schedule III
34 controlled substance that is an opioid or benzodiazepine is not refillable
35 without the written consent of a physician.

36 F. A physician assistant may not dispense, prescribe or refill
37 prescription-only drugs for a period exceeding one year for each patient.

38 G. Except in an emergency, a physician assistant may dispense
39 schedule II or schedule III controlled substances for a period of use of
40 not to exceed seventy-two hours with board approval or any other
41 controlled substance for a period of use of not to exceed ninety days and
42 may administer controlled substances without board approval if it is
43 medically indicated in an emergency dealing with potential loss of life or
44 limb or major acute traumatic pain. Notwithstanding the authority granted
45 in this subsection, a physician assistant may not dispense a schedule II

1 controlled substance that is an opioid, except for an implantable device
2 or an opioid that is for medication-assisted treatment for substance use
3 disorders or as provided in section 32-3248.03.

4 H. Except for samples provided by manufacturers, all drugs
5 dispensed by a physician assistant shall be labeled to show the name of
6 the physician assistant.

7 I. A physician assistant shall not obtain a drug from any source
8 other than a physician or a pharmacist. A physician assistant may receive
9 manufacturers' samples.

10 J. If a physician assistant is approved by the board to prescribe,
11 administer or dispense schedule II and schedule III controlled substances,
12 the physician assistant shall maintain an up-to-date and complete log of
13 all schedule II and schedule III controlled substances the physician
14 assistant administers or dispenses. The board may not grant a physician
15 assistant the authority to dispense schedule II controlled substances that
16 are opioids, except for implantable devices or opioids that are for
17 medication-assisted treatment for substance use disorders.

18 K. The Arizona regulatory board of physician assistants shall
19 advise the Arizona state board of pharmacy and the United States drug
20 enforcement administration of all physician assistants who are authorized
21 to prescribe or dispense drugs and any modification of their authority.

22 L. The Arizona state board of pharmacy shall notify all pharmacies
23 at least quarterly of physician assistants who are authorized to prescribe
24 or dispense drugs.

25 Sec. 17. Section 32-3217, Arizona Revised Statutes, is amended to
26 read:

27 32-3217. Volunteer health services registration; health
28 professionals; free medical clinic

29 A. A health profession regulatory board in this state may issue a
30 volunteer health services registration to allow a health professional who
31 is not a licensee to practice in this state for a total of up to fourteen
32 days each calendar year if the health professional meets all of the
33 following requirements:

34 1. Holds an active and unrestricted license in a state, territory
35 or possession of the United States.

36 2. Has never had a license revoked or suspended.

37 3. Is not the subject of an unresolved complaint.

38 4. Applies for registration every two years as prescribed by the
39 board.

40 5. Agrees to render services at a free medical clinic ~~that does not~~
41 ~~provide abortions~~ and restricts the health professional's authorized
42 services and duties to the provision of care or service at a free medical
43 clinic.

44 6. Provides only the care or services that the health professional
45 is licensed or authorized to provide by the health professional's

1 regulatory agency or this state's regulatory board for the same health
2 profession, whichever is more stringent.

3 B. The fourteen days of practice prescribed by subsection A of this
4 section may be performed consecutively or cumulatively during each
5 calendar year.

6 C. For the purpose of meeting the requirements of subsection A of
7 this section, an applicant shall provide the appropriate health profession
8 regulatory board the name of each state in which the person is licensed or
9 has held a license and the board shall verify with the applicable
10 regulatory agency of each state that the applicant is licensed or has held
11 a license, has never had the license revoked or suspended and is not the
12 subject of an unresolved complaint. The board may accept the verification
13 of the information required by subsection A, paragraphs 1, 2 and 3 of this
14 section from each of the other state's regulatory agencies either
15 electronically or by hard copy.

16 D. A health profession regulatory board issuing a volunteer health
17 services registration pursuant to this section may not charge a fee.

18 E. A health profession regulatory board may immediately suspend or
19 revoke a registration issued pursuant to this section on receiving proof
20 satisfactory to the health profession regulatory board that the holder of
21 the registration has engaged in practice in this state that is outside the
22 scope of the registration or that grounds exist for action against the
23 holder of the registration under the relevant chapter of this title. The
24 holder of a registration may request a hearing to challenge the suspension
25 or revocation of a registration in the manner permitted for appealable
26 agency actions under title 41, chapter 6, article 10.

27 Sec. 18. Repeal
28 Sections 32-3246 and 35-196.02, Arizona Revised Statutes, are
29 repealed.

30 Sec. 19. Section 35-196.04, Arizona Revised Statutes, is amended to
31 read:

32 35-196.04. Use of public monies prohibited; human cloning;
33 other research; definition

34 A. Notwithstanding any other law, tax monies of this state or any
35 political subdivision of this state, federal monies passing through the
36 state treasury or the treasury of any political subdivision of this state
37 or any other public monies shall not be used by any person or entity,
38 including any ~~state-funded~~ STATE-FUNDED institution or facility, for human
39 somatic cell nuclear transfer, commonly known as human cloning.

40 ~~B. Notwithstanding any other law, public monies or tax monies of~~
41 ~~this state or any political subdivision of this state, any federal monies~~
42 ~~passing through the state treasury or the treasury of any political~~
43 ~~subdivision of this state or monies paid by students as part of tuition or~~
44 ~~fees to a state university or a community college shall not be expended or~~
45 ~~allocated for or granted to or on behalf of an existing or proposed~~

~~research project that involves fetal remains from an abortion or human somatic cell nuclear transfer or any research that is prohibited by title 36, chapter 23.~~

~~Ⓒ.~~ B. This section does not restrict areas of scientific research that are not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, deoxyribonucleic acid, cells other than human embryos, tissues, organs, plants or animals other than humans.

~~Ⓓ.~~ C. For the purposes of this section, "human somatic cell nuclear transfer" means human asexual reproduction that is accomplished by introducing the genetic material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce an organism, at any stage of development, that is genetically virtually identical to an existing or previously existing human organism.

Sec. 20. Section 35-196.05, Arizona Revised Statutes, is amended to read:

35-196.05. Public funding; family planning services; contracting with certain facilities; prohibition; enforcement; definitions

A. Subject to any applicable requirements of federal law, regulations or guidelines, any appropriation, expenditure or grant of public monies for family planning services by this state or any political subdivision of this state shall be made in the following order of priority:

1. To health care facilities that are owned or operated by this state or any political subdivision of this state.
2. To hospitals and federally qualified health centers.
3. To rural health clinics.
4. To health care providers whose primary area of practice is the provision of primary health services as enumerated in 42 United States Code section 254b(b)(1).

~~B. This state or any political subdivision of this state may not enter into a contract with or make a grant to any person that performs nonfederally qualified abortions or maintains or operates a facility where nonfederally qualified abortions are performed for the provision of family planning services.~~

~~Ⓒ.~~ B. The attorney general or the county attorney may bring an action in law or equity to enforce this section, and relief shall be made available in appropriate circumstances, including recoupment and declaratory and injunctive relief.

~~Ⓓ.~~ C. Any entity that is eligible ~~for the receipt of~~ TO RECEIVE public monies has standing to bring any action that the attorney general or the county attorney may bring pursuant to subsection ~~Ⓒ~~ B of this

section, if the expenditure or grant of public monies has resulted in the reduction of public monies available to that entity.

~~F.~~ D. Any monies that are recouped under actions taken pursuant to subsection B OR C ~~or D~~ of this section shall revert to the fund from which the monies were appropriated or granted. A prevailing plaintiff under subsection B OR C ~~or D~~ of this section shall be awarded reasonable attorney fees and costs.

F. For the purposes of this section:

~~1. "Abortion" has the same meaning prescribed in section 36-2151.~~

~~2.~~ 1. "Federally qualified health center" means a health care provider that is eligible for federal funding under 42 United States Code section 1396d(~~+~~ 1)(2)(B).

~~3.~~ 2. "Hospital" means a primary or tertiary care facility **THAT IS** licensed pursuant to title 36, chapter 4, article 2.

~~4. "Nonfederally qualified abortion" means an abortion that does not meet the requirements for federal reimbursement under title XIX of the social security act.~~

~~5.~~ 3. "Public monies" means state monies from whatever source, monies of a political subdivision from whatever source and federal monies provided under title X of the public health service act (42 United States Code sections 300 through 300a-8) and titles V, XIX and XX of the social security act.

~~6.~~ 4. "Rural health clinic" means a health care provider that is eligible to receive federal funding under 42 United States Code section 1395x(aa)(2).

Sec. 21. Section 36-301, Arizona Revised Statutes, is amended to read:

36-301. Definitions

In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

7 (b) A commissioner or judicial hearing officer of the superior
8 court.

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

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

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

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

18 11. "Electronic" means technology that has electrical, digital,
19 magnetic, wireless, optical or electromagnetic capabilities or technology
20 with similar capabilities.

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

23 13. "Family member" means:

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

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

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

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

36 16. "Foundling" means:

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

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

40 17. "Funeral establishment" has the same meaning prescribed in
41 section 32-1301.

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

1 19. "Health care provider" means:

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

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

6 (c) A midwife WHO IS licensed pursuant to chapter 6, article 7 of
7 this title.

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

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

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

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

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

19 21. "Issue" means:

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

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

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

25 23. "Medical certification of death" means the opinion of the
26 health care provider who signs the certificate of probable or presumed
27 cause of death that complies with rules adopted by the state registrar of
28 vital records and that is based on any of the following that is reasonably
29 available:

30 (a) Personal examination.

31 (b) Medical history.

32 (c) Medical records.

33 (d) Other reasonable forms of evidence.

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

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

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

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

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

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

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

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

5 32. "System of public health statistics" means the processes and
6 procedures for:

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

10 (b) Performing other activities related to public health
11 information.

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

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

16 (b) Preparing and issuing certified and noncertified copies of
17 vital records.

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

19 ~~34. "Unborn child" has the same meaning prescribed in section~~
20 ~~36-2151.~~

21 ~~35.~~ 34. "Vital record" means a registered birth certificate or a
22 registered death certificate.

23 Sec. 22. Section 36-402, Arizona Revised Statutes, is amended to
24 read:

25 36-402. Exemptions

26 A. This chapter and the rules adopted by the director pursuant to
27 this chapter do not authorize the licensure, supervision, regulation or
28 control of:

29 1. The remedial care or treatment of residents or patients in any
30 home or institution conducted only for those who rely solely on treatment
31 by prayer or spiritual means in accordance with the creed or tenets of any
32 well-recognized church or religious denomination.

33 2. Establishments, such as motels, hotels and boarding houses, that
34 provide domiciliary and ancillary commercial services but do not provide
35 adaptive, medical, hospital, nursing, behavioral health, health-related or
36 supervisory care services.

37 3. Private offices and clinics of health care providers licensed
38 under title 32 that are not freestanding urgent care centers, unless:

39 (a) Patients of the office or clinic are kept overnight as bed
40 patients or treated otherwise under general anesthesia, except when
41 treatment by general anesthesia is regulated by title 32, chapter 11.

42 ~~(b) The office or clinic is an abortion clinic. For the purposes~~
43 ~~of this subdivision, "abortion clinic" has the same meaning prescribed in~~
44 ~~section 36-449.01.~~

1 ~~(c)~~ (b) The office or clinic is a pain management clinic. For the
2 purposes of this subdivision, "pain management clinic" has the same
3 meaning prescribed in section 36-448.01.

4 4. Dispensaries and first aid stations that are located within
5 business or industrial establishments and that are maintained solely for
6 the use of employees if the facility does not contain inpatient beds and
7 is under the supervision of a physician or a registered nurse
8 practitioner.

9 5. The collection, processing or distribution of whole human blood,
10 blood components, plasma, blood fractions or derivatives that are
11 procured, processed or distributed by federally licensed and regulated
12 blood banks.

13 6. Places where four or fewer adults who are not related to the
14 administrator or owner receive adult day health services for compensation
15 on a regular basis.

16 7. Places at which persons receive health-related services only
17 from relatives or from legal guardians or places that do not purport to be
18 establishments that regularly provide health-related services and at which
19 one or two persons receive health-related services on a twenty-four-hour
20 basis.

21 8. The personal residence of a terminally ill person, or the
22 personal residence of that person's relative or guardian, where that
23 person receives hospice services from a hospice service agency.

24 9. All medical and health-related facilities and services that are
25 provided to inmates who are confined in a state prison. The state
26 department of corrections shall annually evaluate the medical and
27 health-related facilities and services that are provided to inmates to
28 determine that the facilities and services meet the applicable standards
29 that are adopted by the director of the department of health services.
30 The state department of corrections shall report the results of its annual
31 evaluation and the actual findings, including a plan of correction for any
32 deficiencies, to the director of the department of health services. The
33 department of health services shall conduct validation surveys on a
34 percentage of the medical and health-related facilities, the number of
35 which shall be determined by the state department of corrections and the
36 department of health services. The director of the state department of
37 corrections shall maintain the annual evaluation reports. This paragraph
38 does not apply to licensed behavioral or mental health inpatient treatment
39 facilities that the state department of corrections operates.

40 10. A facility that provides medical and health services to inmates
41 who are confined in a county jail. The sheriff shall annually evaluate
42 the facility to determine if it meets the applicable standards that are
43 adopted by either a national corrections commission on health care or an
44 American correctional association, or the sheriff shall annually submit
45 the facility to a similar separate inspection by an outside agency with

1 medical standards. The sheriff must submit the certificate of
2 accreditation or proof of successful inspection to the department annually
3 and keep a copy of the certificate or proof of inspection.

4 11. Community education, advocacy or recovery support groups that
5 are not owned or operated by or contracted to provide services with a
6 health care institution.

7 12. An outpatient treatment center that has the same direct owner or
8 indirect owner as a hospital licensed pursuant to this chapter, that is
9 staffed by health care providers who are licensed pursuant to title 32 and
10 that provides notice to the department of its decision to be exempt from
11 licensure under this chapter, unless:

12 (a) Patients are kept overnight in the outpatient treatment center
13 or are treated under general anesthesia, except when the treatment by
14 general anesthesia is regulated pursuant to title 32, chapter 11.

15 ~~(b) The outpatient treatment center is an abortion clinic as defined~~
16 ~~in section 36-449.01.~~

17 ~~(c)~~ (b) The outpatient treatment center is a pain management clinic
18 as defined in section 36-448.01.

19 B. A medical and health-related facility that provides medical and
20 health services exclusively to persons who are incarcerated, detained or
21 confined under court order or court jurisdiction is exempt from the
22 patient-per-room capacity requirements provided in rule if the facility:

- 23 1. Does not exceed its intended medical and custodial purposes.
- 24 2. Adopts policies and procedures to comply with the national
- 25 commission on correctional health care standards, or equivalent standards.
- 26 3. As soon as practicable, becomes accredited by the national
- 27 commission on correctional health care, or by an equivalent organization.
- 28 4. Once accreditation is obtained, submits a certificate of
- 29 accreditation to the department of health services annually.
- 30 5. Maintains a copy of the certificate of accreditation.
- 31 6. Maintains patient and custodial records, including on-site
- 32 current photographs and fingerprints, if permitted by applicable law.
- 33 7. Makes patient lists with inmate identifiers available to the
- 34 state department of corrections on reasonable request.
- 35 8. Provides timely notice of any major incident involving public
- 36 safety to the appropriate law enforcement agency and allows that agency
- 37 access to the facility for the purposes of law enforcement and
- 38 investigation.

39 C. Subsection B of this section does not apply to health care
40 institutions that exclusively provide behavioral health services.

41 Sec. 23. Section 36-404, Arizona Revised Statutes, is amended to
42 read:

43 36-404. Limitation of disclosure of information

44 A. Information received and records kept by the department for the
45 purpose of administering this chapter are available to the public except:

1 1. Information obtained for purposes of ~~articles 4 and~~ ARTICLE 5 of
2 this chapter.

3 2. Personally identifiable medical information or any information
4 from which a patient or the patient's family might be identified.

5 3. Sources of information that cause the department to believe that
6 an inspection of an institution is needed to determine the extent of
7 compliance with this chapter and rules adopted pursuant to this chapter.

8 4. Personally identifiable information of a physician that is
9 received ~~and any records kept regarding the physician's admitting~~
10 ~~privileges pursuant to section 36-449.02.~~

11 B. The department may release information listed under subsection A
12 of this section to an officer of the court pursuant to a court order, a
13 department or agency of this state or the federal government, a law
14 enforcement agency or a county medical examiner if the release of this
15 information is necessary and pertinent to an investigation or proceeding
16 unless the release of this information is prohibited by federal or state
17 law. The recipient shall maintain patient and source name
18 confidentiality.

19 Sec. 24. Section 36-427, Arizona Revised Statutes, is amended to
20 read:

21 36-427. Suspension or revocation; intermediate sanctions

22 A. The director, pursuant to title 41, chapter 6, article 10, may
23 suspend or revoke, in whole or in part, the license of any health care
24 institution if its owners, officers, agents or employees:

25 1. Violate this chapter or the rules of the department adopted
26 pursuant to this chapter.

27 2. Knowingly aid, permit or abet the commission of any crime
28 involving medical and health-related services.

29 3. Have been, are or may continue to be in substantial violation of
30 the requirements for licensure of the institution, as a result of which
31 the health or safety of one or more patients or the general public is in
32 immediate danger.

33 4. Fail to comply with section 36-2901.08.

34 ~~5. Violate section 36-2302.~~

35 B. If the licensee, the chief administrative officer or any other
36 person in charge of the institution refuses to permit the department or
37 its employees or agents the right to inspect the institution's premises as
38 provided in section 36-424, such action shall be deemed reasonable cause
39 to believe that a substantial violation under subsection A, paragraph 3 of
40 this section exists.

41 C. If the director reasonably believes that a violation of
42 subsection A, paragraph 3 of this section has occurred and that life or
43 safety of patients will be immediately affected, the director, on written
44 notice to the licensee, may order the immediate restriction of admissions
45 or readmissions, selected transfer of patients out of the facility,

1 reduction of capacity and termination of specific services, procedures,
2 practices or facilities.

3 D. The director may rescind, in whole or in part, sanctions imposed
4 pursuant to this section on correction of the violation or violations for
5 which the sanctions were imposed.

6 Sec. 25. Repeal

7 A. Title 36, chapter 4, article 10, Arizona Revised Statutes, is
8 repealed.

9 B. Title 36, chapter 20, Arizona Revised Statutes, is repealed.

10 Sec. 26. Heading change

11 The chapter heading of title 36, chapter 23, Arizona Revised
12 Statutes, is changed from "PROTECTION OF FETUS OR EMBRYO" to "EMBRYOS".

13 Sec. 27. Repeal

14 Title 36, chapter 23, articles 1 and 3, Arizona Revised Statutes,
15 are repealed.

16 Sec. 28. Section 36-2907, Arizona Revised Statutes, is amended to
17 read:

18 36-2907. Covered health and medical services; modifications;
19 related delivery of service requirements; rules;
20 definitions

21 A. Subject to the limits and exclusions specified in this section,
22 contractors shall provide the following medically necessary health and
23 medical services:

24 1. Inpatient hospital services that are ordinarily furnished by a
25 hospital to care for and treat inpatients and that are provided under the
26 direction of a physician or a primary care practitioner. For the purposes
27 of this section, inpatient hospital services exclude services in an
28 institution for tuberculosis or mental diseases unless authorized under an
29 approved section 1115 waiver.

30 2. Outpatient health services that are ordinarily provided in
31 hospitals, clinics, offices and other health care facilities by licensed
32 health care providers. Outpatient health services include services
33 provided by or under the direction of a physician or a primary care
34 practitioner, including occupational therapy.

35 3. Other laboratory and X-ray services ordered by a physician or a
36 primary care practitioner.

37 4. Medications that are ordered on prescription by a physician or a
38 dentist who is licensed pursuant to title 32, chapter 11. Persons who are
39 dually eligible for title XVIII and title XIX services must obtain
40 available medications through a medicare licensed or certified medicare
41 advantage prescription drug plan, a medicare prescription drug plan or any
42 other entity authorized by medicare to provide a medicare part D
43 prescription drug benefit.

1 5. Medical supplies, durable medical equipment, insulin pumps and
2 prosthetic devices ordered by a physician or a primary care practitioner.
3 Suppliers of durable medical equipment shall provide the administration
4 with complete information about the identity of each person who has an
5 ownership or controlling interest in their business and shall comply with
6 federal bonding requirements in a manner prescribed by the administration.

7 6. For persons who are at least twenty-one years of age, treatment
8 of medical conditions of the eye, excluding eye examinations for
9 prescriptive lenses and the provision of prescriptive lenses.

10 7. Early and periodic health screening and diagnostic services as
11 required by section 1905(r) of title XIX of the social security act for
12 members who are under twenty-one years of age.

13 8. Family planning services ~~that do not include abortion or~~
14 ~~abortion counseling~~. If a contractor elects not to provide family
15 planning services, this election does not disqualify the contractor from
16 delivering all other covered health and medical services under this
17 chapter. In that event, the administration may contract directly with
18 another contractor, including an outpatient surgical center or a
19 noncontracting provider, to deliver family planning services to a member
20 who is enrolled with the contractor that elects not to provide family
21 planning services.

22 9. Podiatry services that are performed by a podiatrist who is
23 licensed pursuant to title 32, chapter 7 and ordered by a primary care
24 physician or primary care practitioner.

25 10. Nonexperimental transplants approved for title XIX
26 reimbursement.

27 11. Dental services as follows:

28 (a) Except as provided in subdivision (b) of this paragraph, for
29 persons who are at least twenty-one years of age, emergency dental care
30 and extractions in an annual amount of not more than \$1,000 per member.

31 (b) Subject to approval by the centers for medicare and medicaid
32 services, for persons treated at an Indian health service or tribal
33 facility, adult dental services that are eligible for a federal medical
34 assistance percentage of one hundred percent and that exceed the limit
35 prescribed in subdivision (a) of this paragraph.

36 12. Ambulance and nonambulance transportation, except as provided
37 in subsection G of this section.

38 13. Hospice care.

39 14. Orthotics, if all of the following apply:

40 (a) The use of the orthotic is medically necessary as the preferred
41 treatment option consistent with medicare guidelines.

42 (b) The orthotic is less expensive than all other treatment options
43 or surgical procedures to treat the same diagnosed condition.

44 (c) The orthotic is ordered by a physician or primary care
45 practitioner.

1 15. Subject to approval by the centers for medicare and medicaid
2 services, medically necessary chiropractic services that are performed by
3 a chiropractor who is licensed pursuant to title 32, chapter 8 and that
4 are ordered by a primary care physician or primary care practitioner
5 pursuant to rules adopted by the administration. The primary care
6 physician or primary care practitioner may initially order up to twenty
7 visits annually that include treatment and may request authorization for
8 additional chiropractic services in that same year if additional
9 chiropractic services are medically necessary.

10 16. For up to ten program hours annually, diabetes outpatient
11 self-management training services, as defined in 42 United States Code
12 section 1395x, if prescribed by a primary care practitioner in either of
13 the following circumstances:

14 (a) The member is initially diagnosed with diabetes.

15 (b) For a member who has previously been diagnosed with diabetes,
16 either:

17 (i) A change occurs in the member's diagnosis, medical condition or
18 treatment regimen.

19 (ii) The member is not meeting appropriate clinical outcomes.

20 17. Pursuant to the terms and conditions that are approved by the
21 centers for medicare and medicaid services and subject to available
22 funding, traditional healing services, if both of the following apply:

23 (a) The member qualifies for services through the Indian health
24 service or a tribal facility pursuant to the conditions of participation
25 outlined in 42 Code of Federal Regulations section 136.12.

26 (b) The traditional healing service is delivered by or through the
27 Indian health service or a tribal facility.

28 B. The limits and exclusions for health and medical services
29 provided under this section are as follows:

30 1. Circumcision of newborn males is not a covered health and
31 medical service.

32 2. For eligible persons who are at least twenty-one years of age:

33 (a) Prosthetic devices do not include hearing aids, dentures or
34 bone-anchored hearing aids. Prosthetic devices, except prosthetic
35 implants, may be limited to \$12,500 per contract year.

36 (b) Percussive vests are not covered health and medical services.

37 (c) Durable medical equipment is limited to items covered by
38 medicare.

39 (d) Nonexperimental transplants do not include pancreas-only
40 transplants.

41 (e) Bariatric surgery procedures, including laparoscopic and open
42 gastric bypass and restrictive procedures, are not covered health and
43 medical services.

1 C. The system shall pay noncontracting providers only for health
2 and medical services as prescribed in subsection A of this section and as
3 prescribed by rule.

4 D. The director shall adopt rules necessary to limit, to the extent
5 possible, the scope, duration and amount of services, including maximum
6 limits for inpatient services that are consistent with federal regulations
7 under title XIX of the social security act (P.L. 89-97; 79 Stat. 344;
8 42 United States Code section 1396 (1980)). To the extent possible and
9 practicable, these rules shall provide for the prior approval of medically
10 necessary services provided pursuant to this chapter.

11 E. The director shall make available home health services in lieu
12 of hospitalization pursuant to contracts awarded under this article. For
13 the purposes of this subsection, "home health services" means the
14 provision of nursing services, home health aide services or medical
15 supplies, equipment and appliances that are provided on a part-time or
16 intermittent basis by a licensed home health agency within a member's
17 residence based on the orders of a physician or a primary care
18 practitioner. Home health agencies shall comply with the federal bonding
19 requirements in a manner prescribed by the administration.

20 F. The director shall adopt rules for the coverage of behavioral
21 health services for persons who are eligible under section 36-2901,
22 paragraph 6, subdivision (a). The administration acting through the
23 regional behavioral health authorities shall establish a diagnostic and
24 evaluation program to which other state agencies shall refer children who
25 are not already enrolled pursuant to this chapter and who may be in need
26 of behavioral health services. In addition to an evaluation, the
27 administration acting through regional behavioral health authorities shall
28 also identify children who may be eligible under section 36-2901,
29 paragraph 6, subdivision (a) or section 36-2931, paragraph 5 and shall
30 refer the children to the appropriate agency responsible for making the
31 final eligibility determination.

32 G. The director shall adopt rules providing for transportation
33 services and rules providing for copayment by members for transportation
34 for other than emergency purposes. Subject to approval by the centers for
35 medicare and medicaid services, nonemergency medical transportation shall
36 not be provided except for stretcher vans and ambulance transportation.
37 Prior authorization is required for transportation by stretcher van and
38 for medically necessary ambulance transportation initiated pursuant to a
39 physician's direction. Prior authorization is not required for medically
40 necessary ambulance transportation services rendered to members or
41 eligible persons initiated by dialing telephone number 911 or other
42 designated emergency response systems.

43 H. The director may adopt rules to allow the administration, at the
44 director's discretion, to use a second opinion procedure under which
45 surgery may not be eligible for coverage pursuant to this chapter without

1 documentation as to need by at least two physicians or primary care
2 practitioners.

3 I. If the director does not receive bids within the amounts
4 budgeted or if at any time the amount remaining in the Arizona health care
5 cost containment system fund is insufficient to pay for full contract
6 services for the remainder of the contract term, the administration, on
7 notification to system contractors at least thirty days in advance, may
8 modify the list of services required under subsection A of this section
9 for persons defined as eligible other than those persons defined pursuant
10 to section 36-2901, paragraph 6, subdivision (a). The director may also
11 suspend services or may limit categories of expense for services defined
12 as optional pursuant to title XIX of the social security act (P.L. 89-97;
13 79 Stat. 344; 42 United States Code section 1396 (1980)) for persons
14 defined pursuant to section 36-2901, paragraph 6, subdivision (a). Such
15 reductions or suspensions do not apply to the continuity of care for
16 persons already receiving these services.

17 J. All health and medical services provided under this article
18 shall be provided in the geographic service area of the member, except:

19 1. Emergency services and specialty services provided pursuant to
20 section 36-2908.

21 2. That the director may allow the delivery of health and medical
22 services in other than the geographic service area in this state or in an
23 adjoining state if the director determines that medical practice patterns
24 justify the delivery of services or a net reduction in transportation
25 costs can reasonably be expected. Notwithstanding the definition of
26 physician as prescribed in section 36-2901, if services are procured from
27 a physician or primary care practitioner in an adjoining state, the
28 physician or primary care practitioner shall be licensed to practice in
29 that state pursuant to licensing statutes in that state that are similar
30 to title 32, chapter 13, 15, 17 or 25 and shall complete a provider
31 agreement for this state.

32 K. Covered outpatient services shall be subcontracted by a primary
33 care physician or primary care practitioner to other licensed health care
34 providers to the extent practicable for purposes including, but not
35 limited to, making health care services available to underserved areas,
36 reducing costs of providing medical care and reducing transportation
37 costs.

38 L. The director shall adopt rules that prescribe the coordination
39 of medical care for persons who are eligible for system services. The
40 rules shall include provisions for transferring patients and medical
41 records and initiating medical care.

42 M. Pursuant to the terms and conditions that are approved by the
43 centers for medicare and medicaid services and subject to available
44 funding, the director shall implement limited benefit coverage prerelease
45 services to eligible incarcerated individuals and committed youth for up

1 to ninety days immediately before ~~the individuals~~ EACH INDIVIDUAL'S or
 2 committed youth's expected date of release from a prison, jail, secure
 3 care facility or tribal correctional facility.

4 N. Notwithstanding section 36-2901.08, monies from the hospital
 5 assessment fund established by section 36-2901.09 may not be used to
 6 provide any of the following:

7 1. Chiropractic services as prescribed in subsection A, paragraph
 8 15 of this section.

9 2. Diabetes outpatient self-management training services as
 10 prescribed in subsection A, paragraph 16 of this section.

11 3. Speech therapy provided in an outpatient setting to eligible
 12 persons who are at least twenty-one years of age.

13 4. Cochlear implants to eligible persons who are at least
 14 twenty-one years of age.

15 0. For the purposes of this section:

16 1. "Ambulance" has the same meaning prescribed in section 36-2201.

17 2. "Tribal facility" has the same meaning prescribed in section
 18 36-2981.

19 Sec. 29. Repeal

20 Section 36-3604, Arizona Revised Statutes, is repealed.

21 Sec. 30. Section 41-1033, Arizona Revised Statutes, is amended to
 22 read:

23 41-1033. Petition for a rule or review of an agency practice,
 24 substantive policy statement, final rule or unduly
 25 burdensome licensing requirement; notice

26 A. Any person may petition an agency to do either of the following:

27 1. Make, amend or repeal a final rule.

28 2. Review an existing agency practice or substantive policy
 29 statement that the petitioner alleges to constitute a rule.

30 B. An agency shall prescribe the form of the petition and the
 31 procedures for the petition's submission, consideration and disposition.
 32 The person shall state on the petition the rulemaking to review or the
 33 agency practice or substantive policy statement to consider revising,
 34 repealing or making into a rule.

35 C. Not later than sixty days after submission of the petition, the
 36 agency shall either:

37 1. Reject the petition and state its reasons in writing for
 38 rejection to the petitioner.

39 2. Initiate rulemaking proceedings in accordance with this chapter.

40 3. If otherwise lawful, make a rule.

41 D. The agency's response to the petition is open to public
 42 inspection.

43 E. If an agency rejects a petition pursuant to subsection C of this
 44 section, the petitioner has thirty days to appeal to the council to review
 45 whether the existing agency practice or substantive policy statement

1 constitutes a rule. The petitioner's appeal may not be more than five
2 double-spaced pages.

3 F. A person may petition the council to request a review of a final
4 rule based on the person's belief that the final rule does not meet the
5 requirements prescribed in section 41-1030. A petition submitted under
6 this subsection may not be more than five double-spaced pages.

7 G. A person may petition the council to request a review of an
8 existing agency practice, substantive policy statement, final rule or
9 regulatory licensing requirement that the petitioner alleges is not
10 specifically authorized by statute, exceeds the agency's statutory
11 authority, is unduly burdensome or is not demonstrated to be necessary to
12 specifically fulfill a public health, safety or welfare concern. On
13 receipt of a properly submitted petition pursuant to this section, the
14 council shall review the existing agency practice, substantive policy
15 statement, final rule or regulatory licensing requirement as prescribed by
16 this section. A petition submitted under this subsection may not be more
17 than five double-spaced pages. ~~This subsection does not apply to an~~
18 ~~individual or institution that is subject to title 36, chapter 4, article~~
19 ~~10 or chapter 20.~~

20 H. If the council receives information that alleges an existing
21 agency practice or substantive policy statement may constitute a rule,
22 that a final rule does not meet the requirements prescribed in section
23 41-1030 or that an existing agency practice, substantive policy statement,
24 final rule or regulatory licensing requirement exceeds the agency's
25 statutory authority, is not specifically authorized by statute or does not
26 meet the guidelines prescribed in subsection G of this section, or if the
27 council receives an appeal under subsection E of this section, and at
28 least three council members request of the chairperson that the matter be
29 heard in a public meeting:

30 1. Within ninety days after receiving the third council member's
31 request, the council shall determine whether any of the following applies:

32 (a) The agency practice or substantive policy statement constitutes
33 a rule.

34 (b) The final rule meets the requirements prescribed in section
35 41-1030.

36 (c) An existing agency practice, substantive policy statement,
37 final rule or regulatory licensing requirement exceeds the agency's
38 statutory authority, is not specifically authorized by statute or ~~meets~~
39 ~~DOES NOT MEET~~ the guidelines prescribed in subsection G of this section.

40 2. Within ten days after receiving the third council member's
41 request, the council shall notify the agency that the matter has been or
42 will be placed on the council's agenda for consideration on the merits.

43 3. Not later than thirty days after receiving notice from the
44 council, the agency shall submit a statement of not more than five

double-spaced pages to the council that addresses whether any of the following applies:

(a) The existing agency practice or substantive policy statement constitutes a rule.

(b) The final rule meets the requirements prescribed in section 41-1030.

(c) An existing agency practice, substantive policy statement, final rule or regulatory licensing requirement exceeds the agency's statutory authority, is not specifically authorized by statute or meets the guidelines prescribed in subsection G of this section.

I. At the hearing, the council shall allocate the petitioner and the agency an equal amount of time for oral comments not including any time spent answering questions raised by council members. The council may also allocate time for members of the public who have an interest in the issue to provide oral comments.

J. For the purposes of subsection H of this section, the council meeting shall not be scheduled until the expiration of the agency response period prescribed in subsection H, paragraph 3 of this section.

K. An agency practice, substantive policy statement, final rule or regulatory licensing requirement considered by the council pursuant to this section shall remain in effect while under consideration of the council. If the council determines that the agency practice, substantive policy statement or regulatory licensing requirement exceeds the agency's statutory authority, is not authorized by statute or constitutes a rule or that the final rule does not meet the requirements prescribed in section 41-1030, the practice, policy statement, rule or regulatory licensing requirement shall be void. If the council determines that the existing agency practice, substantive policy statement, final rule or regulatory licensing requirement is unduly burdensome or is not demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern, the council shall modify, revise or declare void any such existing agency practice, substantive policy statement, final rule or regulatory licensing requirement. If an agency decides to further pursue a practice, substantive policy statement or regulatory licensing requirement that has been declared void or has been modified or revised by the council, the agency may do so only pursuant to a new rulemaking.

L. A council decision pursuant to this section shall be made by a majority of the council members who are present and voting on the issue. Notwithstanding any other law, the council may not base any decision concerning an agency's compliance with the requirements of section 41-1030 in issuing a final rule or substantive policy statement on whether any party or person commented on the rulemaking or substantive policy statement.

M. A decision by the council pursuant to this section is not subject to judicial review, except that, in addition to the procedure

1 prescribed in this section or in lieu of the procedure prescribed in this
2 section, a person may seek declaratory relief pursuant to section 41-1034.

3 N. Each agency and the secretary of state shall post prominently on
4 their websites notice of an individual's right to petition the council for
5 review pursuant to this section.

6 Sec. 31. Section 41-1080.01, Arizona Revised Statutes, is amended
7 to read:

8 41-1080.01. Licensing fees; waiver; annual report;
9 definitions

10 A. Except for an individual who applies for a license pursuant to
11 title 36, ~~chapter 4, article 10 or~~ chapter 28.1, an agency shall waive any
12 fee charged for an initial license for any of the following individuals if
13 the individual is applying for that specific license in this state for the
14 first time:

15 1. Any individual applicant whose family income does not exceed two
16 hundred percent of the federal poverty guidelines.

17 2. Any active duty military service member's spouse.

18 3. Any honorably discharged veteran who has been discharged not
19 more than two years before application.

20 B. On or before March 1 of each year, the department of
21 administration shall report to the president of the senate, the speaker of
22 the house of representatives, the joint legislative budget committee and
23 the governor's office of strategic planning and budgeting the total number
24 of waived licensing fees by each agency. The report shall specify for
25 which purpose the fee was waived pursuant to this section.

26 C. For the purposes of this section, "agency" and "license" have
27 the same meanings prescribed in section 41-1080.

28 Sec. 32. Section 41-1093, Arizona Revised Statutes, is amended to
29 read:

30 41-1093. Definitions

31 In this article, unless the context otherwise requires:

32 1. "Health, safety or welfare":

33 (a) Means the protection of members of the public against harm,
34 fraud or loss, including the preservation of public security, order or
35 health.

36 (b) Does not include the protection of existing businesses or
37 agencies, whether publicly or privately owned, against competition.

38 2. "Individual" means a natural person.

39 3. "Occupational regulation":

40 (a) Means a rule, regulation, practice or policy that allows an
41 individual to use an occupational title or work in a lawful occupation,
42 trade or profession or a cease and desist demand or other regulatory
43 requirement that prevents an individual from using an occupational title
44 or working in a lawful occupation, trade or profession.

1 (b) Does not include:

2 (i) A business license, facility license, building permit or zoning
3 and land use regulation.

4 ~~(ii) Any rule or regulation relating to an institution or~~
5 ~~individual that is subject to title 36, chapter 4, article 10 or~~
6 ~~chapter 20.~~

7 ~~(iii)~~ (ii) Any license or regulation that is required by federal
8 law.

9 ~~(iv)~~ (iii) Any rule or regulation adopted by an agency that is
10 authorized by statute and has been approved by the council pursuant to
11 section 41-1052.

12 ~~(v)~~ (iv) Any rule or regulation relating to emergency medical and
13 transportation services that originated with a public access system or
14 medical transportation requested by a medical authority or by the patient
15 for which a certificate of necessity is required under section 36-2233.

16 ~~(vi)~~ (v) Any rule relating to the licensing of a securities
17 dealer, securities salesman, investment adviser or investment adviser
18 representative.

19 Sec. 33. Section 43-1088, Arizona Revised Statutes, is amended to
20 read:

21 43-1088. Credit for contribution to qualifying charitable
22 organizations and qualifying foster care
23 charitable organizations; definitions

24 A. Except as provided in subsections B and C of this section, a
25 credit is allowed against the taxes imposed by this title for voluntary
26 cash contributions by the taxpayer or on the taxpayer's behalf pursuant to
27 section 43-401, subsection G during the taxable year to a qualifying
28 charitable organization, other than a qualifying foster care charitable
29 organization, not to exceed:

30 1. \$400 in any taxable year for a single individual or a head of
31 household.

32 2. \$800 in any taxable year for a married couple filing a joint
33 return.

34 B. A separate credit is allowed for voluntary cash contributions
35 during the taxable year to a qualifying foster care charitable
36 organization. A contribution to a qualifying foster care charitable
37 organization does not qualify for, and shall not be included in, any
38 credit amount under subsection A of this section. If the voluntary cash
39 contribution by the taxpayer or on the taxpayer's behalf pursuant to
40 section 43-401, subsection G is to a qualifying foster care charitable
41 organization, the credit shall not exceed:

42 1. \$500 in any taxable year for a single individual or a head of
43 household.

44 2. \$1,000 in any taxable year for a married couple filing a joint
45 return.

C. Subsections A and B of this section provide separate credits against taxes imposed by this title depending on the recipients of the contributions. A taxpayer, including a married couple filing a joint return, in the same taxable year, may either or both:

1. Contribute to a qualifying charitable organization, other than a qualifying foster care charitable organization, and claim a credit under subsection A of this section.

2. Contribute to a qualifying foster care charitable organization and claim a credit under subsection B of this section.

D. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax credit that would have been allowed for a joint return.

E. For the purposes of this section, a contribution for which a credit is claimed and that is made on or before the fifteenth day of the fourth month following the close of the taxable year may be applied to either the current or preceding taxable year and is considered to have been made on the last day of that taxable year.

F. If the allowable tax credit exceeds the taxes otherwise due under this title on the claimant's income, or if there are no taxes due under this title, the taxpayer may carry forward the amount of the claim not used to offset the taxes under this title for not more than five consecutive taxable years' income tax liability.

G. The credit allowed by this section is in lieu of a deduction pursuant to section 170 of the internal revenue code and taken for state tax purposes.

H. For taxable years beginning from and after December 31, 2022, the department shall adjust the dollar amounts prescribed in subsection A, paragraphs 1 and 2 of this section and subsection B, paragraphs 1 and 2 of this section according to the average annual change in the metropolitan Phoenix consumer price index published by the United States department of labor, bureau of labor statistics. The revised dollar amounts shall be raised to the nearest whole dollar. The dollar amounts may not be revised below the amounts prescribed in the prior taxable year.

I. Taxpayers taking a credit authorized by this section shall provide the name of the qualifying charitable organization and the amount of the contribution to the department on forms provided by the department.

J. A qualifying charitable organization shall provide the department with a written certification that it meets all criteria to be considered a qualifying charitable organization. The organization shall also notify the department of any changes that may affect the qualifications under this section.

K. The charitable organization's written certification must be signed by an officer of the organization under penalty of perjury. The written certification must include the following:

1 1. Verification of the organization's status under section
2 501(c)(3) of the internal revenue code or verification that the
3 organization is a designated community action agency that receives
4 community services block grant program monies pursuant to 42 United States
5 Code section 9901.

6 2. Financial data indicating the organization's budget for the
7 organization's prior operating year and the amount of that budget spent on
8 services to residents of this state who either:

9 (a) Receive temporary assistance for needy families benefits.

10 (b) Are low-income residents.

11 (c) Are individuals who have a chronic illness or physical
12 disability.

13 3. A statement that the organization plans to continue directing or
14 spending at least fifty percent of its budget on services to residents of
15 this state who receive temporary assistance for needy families benefits,
16 who are low-income residents or who are individuals who have a chronic
17 illness or physical disability.

18 ~~4. A statement that the organization does not provide, pay for or~~
19 ~~provide coverage of abortions and does not financially support any other~~
20 ~~entity that provides, pays for or provides coverage of abortions.~~

21 L. The department shall review each written certification and
22 determine whether the organization meets all the criteria to be considered
23 a qualifying charitable organization and notify the organization of its
24 determination. The department may also periodically request
25 recertification from the organization. The department shall compile and
26 make available to the public a list of the qualifying charitable
27 organizations.

28 M. For the purposes of this section:

29 1. "Direct" means providing monies or financial or in-kind
30 assistance to a charitable organization that is exempt from federal income
31 taxation under section 501(c)(3) of the internal revenue code and that
32 directly provides services to residents of this state who receive
33 temporary assistance for needy families benefits, to low-income residents
34 of this state and their households or to individuals who have a chronic
35 illness or physical disability and who are residents of this state.

36 2. "Individuals who have a chronic illness or physical disability"
37 means individuals whose primary diagnosis is a severe physical condition
38 that may require ongoing medical or surgical intervention.

39 3. "Low-income residents" means persons whose household income is
40 less than one hundred fifty percent of the federal poverty level.

41 4. "Qualified individual" means any of the following:

42 (a) A foster child as defined in section 8-501.

43 (b) A person who is participating in an independent living program
44 as prescribed in section 8-521.

1 (c) A person who is participating in a transitional independent
2 living program as prescribed by section 8-521.01.

3 (d) A person who is participating in an extended foster care
4 program as prescribed in section 8-521.02.

5 (e) A person who is under twenty-seven years of age and whose
6 reason for leaving foster care is any of the following:

7 (i) Reaching eighteen years of age.

8 (ii) Adoption or legal guardianship after reaching fifteen years
9 of age.

10 (iii) Reunification after reaching fourteen years of age.

11 5. "Qualifying charitable organization" means a charitable
12 organization that is exempt from federal income taxation under section
13 501(c)(3) of the internal revenue code or is a designated community action
14 agency that receives community services block grant program monies
15 pursuant to 42 United States Code section 9901. The organization must
16 direct or spend at least fifty percent of its budget on services to
17 residents of this state who receive temporary assistance for needy
18 families benefits, to low-income residents of this state and their
19 households or to individuals who have a chronic illness or physical
20 disability and who are residents of this state. Taxpayers choosing to
21 make donations through an umbrella charitable organization that collects
22 donations on behalf of member charities shall designate that the donation
23 be directed to a member charitable organization that would qualify under
24 this section on a stand-alone basis. ~~Qualifying charitable organization~~
25 ~~does not include any entity that provides, pays for or provides coverage~~
26 ~~of abortions or that financially supports any other entity that provides,~~
27 ~~pays for or provides coverage of abortions.~~

28 6. "Qualifying foster care charitable organization" means a
29 qualifying charitable organization that is exempt from federal income
30 taxation under section 501(c)(3) of the internal revenue code or is a
31 designated community action agency that receives community services block
32 grant program monies pursuant to 42 United States Code section 9901 and
33 that each operating year provides services to at least two hundred
34 qualified individuals in this state and spends at least fifty percent of
35 its budget on services to qualified individuals in this state.

36 7. "Services" means:

37 (a) For a qualifying charitable organization, cash assistance,
38 medical care, behavioral health services, child care, food, clothing,
39 shelter, job placement and job training services, workforce readiness
40 services, workforce development programs or any other assistance that is
41 reasonably necessary to meet basic needs and that is provided and used in
42 this state. For the purposes of this subdivision:

43 (i) "Behavioral health services" has the same meaning prescribed in
44 section 36-401.

(ii) "Job placement and job training" includes work activities as defined in section 46-101 and any other preparation and training used toward obtaining a high school equivalency diploma.

(iii) "Workforce development program" means any program recognized by the workforce Arizona council pursuant to section 41-5401.

(b) For a qualifying foster care charitable organization, cash assistance, medical care, behavioral health services, child care, food, including snacks at the qualifying foster care charitable organization's foster youth events, clothing, shelter, job placement services, job training services, character education programs, workforce development programs, secondary education student retention programs, housing or financial literacy services or any other assistance that is reasonably necessary to meet basic needs or provide normalcy and that is provided and used in this state. For the purposes of this subdivision:

(i) "Behavioral health services" has the same meaning prescribed in section 36-401.

(ii) "Character education program" means any program described in section 15-719, subsection B that is offered by a qualifying foster care charitable organization.

(iii) "Job training services" has the same meaning as vocational and technical preparation as defined in section 15-781.

(iv) "Normalcy" means the condition of experiencing a typical childhood by participating in activities that are age or developmentally-appropriate, as defined in 42 United States Code section 675.

(v) "Workforce development program" means any program recognized by the workforce Arizona council pursuant to section 41-5401.

Sec. 34. Section 44-132, Arizona Revised Statutes, is amended to read:

44-132. Capacity of minor to obtain hospital, medical and surgical care; definition

A. Notwithstanding any other provision of law ~~except as provided in title 36, chapter 20, article 1,~~ and without limiting cases in which consent may otherwise be obtained or is not required, any emancipated minor, any minor who has contracted a lawful marriage or any homeless minor may give consent to the furnishing of hospital, medical and surgical care to such minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person is not necessary in order to authorize hospital, medical and surgical care. For the purposes of this section only, subsequent judgment of annulment of such marriage or judgment of divorce shall not deprive such person of his adult status once attained.

1 B. A health care provider acting in reliance on the consent of a
2 minor who has authority or apparent authority pursuant to this section to
3 consent to health care is not subject to criminal ~~and~~ OR civil liability
4 ~~and~~ OR professional disciplinary action on the ground that he or she
5 failed to obtain consent of the minor's parent, parents or legal
6 guardian. This subsection does not affect any other cause of action
7 ~~permitted~~ ALLOWED under title 12, chapter 5.1.

8 C. For purposes of this section, ~~a~~ "homeless minor" ~~is~~ MEANS an
9 individual WHO IS under the age of eighteen years, ~~living~~ WHO LIVES apart
10 from ~~his~~ THE INDIVIDUAL'S parents and who lacks a fixed and regular
11 nighttime residence or whose primary residence is either a supervised
12 shelter designed to provide temporary accommodations, a halfway house or a
13 place not designed for or ordinarily used for sleeping by humans.

14 Sec. 35. Section 48-2212, Arizona Revised Statutes, is amended to
15 read:

16 48-2212. Construction of facilities; provision of services;
17 methods; contracting for services

18 A. The board of directors shall superintend the construction of
19 medical facilities and the delivery of ambulatory medical services and
20 ambulance service, if any, as specified in the approved report of the
21 health services survey.

22 B. The construction of medical facilities or any portion thereof
23 may be performed under the direction of the board of directors in
24 consultation with the department and in any of the following ways, as
25 ordered by the board of directors:

- 26 1. By purchasing the material and performing the work.
- 27 2. By purchasing the material and letting a contract for
28 performance of the work.
- 29 3. By purchasing a portion or none of the material and letting a
30 contract for furnishing the balance or all of the material and performance
31 of the work.

32 C. Services authorized pursuant to subsection A OF THIS SECTION may
33 be performed, as ordered by the board, in any of the following ways,
34 either singly or in combination:

- 35 1. By providing the facility and performing the services.
- 36 2. By supplying all, none or a portion of the facilities and
37 letting a contract for the balance of the facilities, and providing the
38 services.
- 39 3. By supplying the facility and providing all, none~~r~~ or a portion
40 of the services and letting a contract for the balance of the services.

41 D. All contracts shall be let to the lowest responsible bidder
42 submitting a sealed bid in response to a call for bids published once each
43 week for two consecutive weeks in a newspaper of general circulation in
44 the county. The call for bids shall include a detailed description of the
45 services required. If materials to be purchased without the letting of a

1 contract cost ~~one thousand dollars~~ \$1,000 or more, they shall be purchased
2 from the lowest responsible bidder after publication of a call for bids as
3 provided by this subsection.

4 E. All work recommended in the approved report shall be performed
5 in conformity with the plans and specifications contained in the report
6 unless the board of directors by a two-thirds vote adopts a resolution
7 declaring that the interest of the district requires a modification of or
8 departure from the report, and specifying the modification or departure.

9 F. Contracts for direct health services provided by physicians,
10 professional nurses, or physician assistants WHO ARE licensed or
11 certified pursuant to title 32 ~~shall be~~ ARE exempt from the bidding
12 requirements prescribed by subsection D OF THIS SECTION.

13 ~~G. Among the medical services provided at such medical clinics,~~
14 ~~there shall be no drug, surgical procedure or other service provision~~
15 ~~administered or prescribed for the purpose of causing, directly or~~
16 ~~indirectly, an abortion of an unborn embryo or fetus at any stage of~~
17 ~~development. Neither shall such service be contracted to any other~~
18 ~~medical or paramedical group to be performed.~~