

~~homeopathic medicine; integrated medicine; qualifications~~
(now: homeopathic medicine; qualifications)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 106
SENATE BILL 1163

AN ACT

AMENDING SECTIONS 32-2901, 32-2903, 32-2904, 32-2905, 32-2912, 32-2913, 32-2914, 32-2915, 32-2916, 32-2917, 32-2931, 32-2932, 32-2933, 32-2934 AND 32-2935, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2901, Arizona Revised Statutes, is amended to
3 read:

4 32-2901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Acupuncture" means a medical therapy in which ailments are
7 diagnosed and treated by the specific application of needles, heat or
8 physical and electromagnetic impulses or currents to specific anatomic
9 points on the body through any of the following:

10 (a) ~~The diagnosis and treatment of~~ **DIAGNOSING AND TREATING** ailments
11 according to the systematic principles of traditional Asian medicine.

12 (b) ~~The diagnosis and treatment of~~ **DIAGNOSING AND TREATING** pain,
13 neuromuscular disorders and other ailments based on the body's biophysics
14 and neuroanatomic structure.

15 (c) ~~The use of~~ **USING** devices to determine the biologic electrical
16 response pattern of acupuncture points as a guide to diagnose bodily
17 ailments and to guide the prescription of homeopathic substances,
18 orthomolecular therapy or pharmaceutical medicine.

19 2. "Adequate records" means legible medical records that contain at
20 a minimum sufficient information to identify the patient, support the
21 diagnosis, document the treatment, accurately describe the results,
22 indicate advice, cautionary warnings and informed consent discussions with
23 the patient and provide sufficient information for another licensed health
24 care practitioner to assume continuity of the patient's care and to
25 continue or modify the treatment plan.

26 3. "Approved internship" means that the applicant has completed
27 training in a hospital that was approved for internship, fellowship or
28 residency training by the council on medical education in hospitals of the
29 American medical association, the association of American medical
30 colleges, the royal college of physicians and surgeons of Canada, the
31 American osteopathic association or any ~~board-approved~~ **BOARD-APPROVED**
32 similar body in the United States or Canada that approves hospitals for
33 internship, fellowship or residency training.

34 4. "Approved school of medicine":

35 (a) As it relates to a person who is seeking licensure pursuant to
36 section 32-2912, subsection A, means a school or college that offers a
37 course of study that on successful conclusion results in a degree of
38 doctor of medicine or doctor of osteopathic medicine and that offers a
39 course of study that is approved or accredited by the association of
40 American medical colleges, the association of Canadian medical colleges,
41 the American medical association, the American osteopathic association or
42 any board-approved similar body in the United States or Canada that
43 accredits this course of study.

44 (b) As it relates to a person who is seeking licensure pursuant to
45 section 32-2912, subsection B, means a school or college that on

1 successful completion results in a degree of doctor of homeopathy and that
2 is approved or accredited by the accreditation commission for homeopathic
3 education in North America or any board-approved similar body that
4 accredits this course of study.

5 5. "APPROVED TRAINING PROGRAM", FOR A PERSON WHO IS SEEKING
6 LICENSURE PURSUANT TO SECTION 32-2912, SUBSECTION B, MEANS A PROGRAM THAT
7 REQUIRES THE PERSON TO BOTH:

8 (a) SUCCESSFULLY COMPLETE ONE OF THE FOLLOWING:

9 (i) A PROGRAM THAT WOULD QUALIFY AN APPLICANT TO BECOME CERTIFIED
10 OR LICENSED TO PRACTICE PURSUANT TO CHAPTER 8, 14, 19 OR 39 OF THIS TITLE.

11 (ii) TRAINING AND TESTING BY THE UNITED STATES ARMED FORCES AT A
12 LEVEL COMPARABLE TO THE NATIONAL STANDARDS FOR EMERGENCY MEDICAL CARE
13 TECHNICIANS.

14 (iii) A PROGRAM THAT IS APPROVED OR ACCREDITED BY THE ACCREDITATION
15 COMMISSION FOR HOMEOPATHIC EDUCATION IN NORTH AMERICA, OR ITS SUCCESSOR
16 ORGANIZATION, OR ANY SIMILAR BOARD-APPROVED BODY THAT ACCREDITS THIS
17 COURSE OF STUDY.

18 (b) MEET ONE OF THE FOLLOWING:

19 (i) HOLD, OR PASS THE EXAMINATION TO HOLD, A CERTIFICATION FROM THE
20 COUNCIL FOR HOMEOPATHIC CERTIFICATION OR ITS SUCCESSOR AS DESIGNATED BY
21 THE BOARD.

22 (ii) COMPLETE A PROGRAM THAT IS APPROVED BY THE BOARD AND THAT IS
23 DESIGNED TO PREPARE THE PERSON FOR THE PRACTICE OF HOMEOPATHIC MEDICINE.

24 ~~5.~~ 6. "Board" means the board of homeopathic and integrated
25 medicine examiners.

26 ~~6.~~ 7. "Chelation therapy" means an experimental medical therapy to
27 restore cellular homeostasis through the use of intravenous, metal-binding
28 and bioinorganic agents such as ethylene diamine tetraacetic acid.
29 Chelation therapy is not an experimental therapy if it is used to treat
30 heavy metal poisoning.

31 ~~7.~~ 8. "Controlled substance" means a drug or substance or a drug's
32 or substance's immediate precursor that is defined or listed in title 36,
33 chapter 27, article 2 or the rules adopted pursuant to title 36, chapter
34 27, article 2.

35 ~~8.~~ 9. "Drug" means a medication or substance that is any of the
36 following:

37 (a) Recognized in the official compendia or for which standards or
38 specifications are prescribed in the official compendia.

39 (b) Intended for use in ~~the diagnosis, cure, mitigation, treatment~~
40 ~~or prevention of~~ DIAGNOSING, CURING, MITIGATING, TREATING OR PREVENTING
41 human diseases.

42 (c) Articles other than food that are intended to affect the
43 structure or function of the human body.

1 ~~9.~~ 10. "Homeopathic medication" means a substance of animal,
2 vegetable or mineral origin that is prepared according to homeopathic
3 pharmacology and that is given usually in a homeopathic microdosage.

4 ~~10.~~ 11. "Homeopathic microdosage" means a substance prepared so
5 that it is diluted from ten to the minus one to ten to the minus ~~ten~~
6 ~~thousandth~~ TEN-THOUSANDTH or higher of its original concentration.

7 ~~11.~~ 12. "Homeopathy" means a system of medicine that employs
8 homeopathic medication in accordance with the principle that a substance
9 that produces symptoms in a healthy person can cure those symptoms in an
10 ill person.

11 ~~12.~~ 13. "Immediate family" means a person's spouse, natural or
12 adopted children, parents and siblings and the natural or adopted
13 children, parents and siblings of the person's spouse.

14 ~~13.~~ 14. "Letter of concern" means an advisory letter to notify a
15 licensee that, while there is insufficient evidence to support
16 disciplinary action, the board believes the licensee should modify or
17 eliminate certain practices.

18 ~~14.~~ 15. "Licensee" means a person who is licensed pursuant to this
19 chapter.

20 ~~15.~~ 16. "Medical assistant" means an unlicensed person who has
21 completed an educational program approved by the board, who assists in a
22 homeopathic practice under the supervision of a doctor of homeopathy **OR**
23 **HOMEOPATHIC PHYSICIAN** and who performs delegated procedures commensurate
24 with the assistant's education and training but who does not diagnose,
25 interpret, design or modify established treatment programs or violate any
26 statute.

27 ~~16.~~ 17. "Medical incompetence" means the lack of sufficient
28 medical knowledge or skill by a licensee to a degree that is likely to
29 endanger a patient's health. Medical incompetence includes the range of
30 knowledge expected for basic licensure pursuant to this chapter or as a
31 medical or osteopathic physician in any professional regulatory
32 jurisdiction of the United States and additional knowledge of homeopathic
33 treatments and modalities expected of persons who are licensed pursuant to
34 this chapter.

35 ~~17.~~ 18. "Minor surgery":

36 (a) Means surgical procedures that are conducted by a licensee who
37 is licensed pursuant to section 32-2912, subsection A in an outpatient
38 setting and that involve the removal or repair of lesions or injuries to
39 the skin, mucous membranes and subcutaneous tissues, the use of topical,
40 local or regional anesthetic agents, the treatment by stabilizing or
41 casting nondisplaced and uncomplicated fractures of the extremities and
42 diagnostic endoscopies of the intestinal tract, nasopharynx and vagina.

43 ~~Minor surgery also~~

44 (b) Includes diagnostic aspiration of joints and subcutaneous
45 cysts, therapeutic injections of muscular trigger points, tendons,

1 ligaments and scars and the subcutaneous implantation of medical
2 therapeutic agents. ~~Minor surgery~~

3 (c) Does not include the use of general, spinal or epidural
4 anesthesia, the opening of body cavities, the repair of blood vessels and
5 nerves or the biopsy by incision, excision or needle aspiration of
6 internal organs, the breast or the prostate.

7 ~~18.~~ 19. "Neuromuscular integration" means musculoskeletal therapy
8 that uses any combination of manual methods, physical agents and physical
9 medicine procedures and devices to improve physiological function by
10 normalizing body structure.

11 ~~19.~~ 20. "Nutrition" means the recommendation by a licensee of
12 therapeutic or preventative dietary measures, food factor concentrates,
13 fasting and cleansing regimens and the rebalancing by a licensee of
14 digestive system function to correct diseases of malnutrition, to resolve
15 conditions of metabolic imbalance and to support optimal vitality.

16 ~~20.~~ 21. "Orthomolecular therapy" means therapy to provide the
17 optimum concentration of substances normally present in the human body
18 such as vitamins, minerals, amino acids and enzymes. Orthomolecular
19 therapy includes the diagnosis of ailments or physiologic stresses that
20 occur as a result of genetic or environmental influences as well as
21 acquired or inherited allergy and hypersensitivity responses.

22 ~~21.~~ 22. "Pharmaceutical medicine" means a drug therapy that uses
23 prescription-only and nonprescription pharmaceutical agents as well as
24 medicinal agents of botanical, biological or mineral origin and that is
25 based on current scientific indications or traditional or historical usage
26 indications.

27 ~~22.~~ 23. "Practice of homeopathic medicine", ~~:-~~

28 (a) For the purposes of a person who is licensed pursuant to
29 section 32-2912, subsection A, means the practice of medicine in which
30 ~~a~~ THE person purports to diagnose, treat or correct ~~reat~~ ACTUAL or
31 imagined human diseases, injuries, ailments, infirmities and deformities
32 of a physical or mental origin ~~and includes~~ USING TREATMENT MODALITIES
33 THAT INCLUDE acupuncture, chelation therapy, homeopathy, minor surgery,
34 neuromuscular integration, nutrition, orthomolecular therapy and
35 pharmaceutical medicine.

36 (b) For the purposes of a person who is licensed pursuant to
37 section 32-2912, subsection B, means the practice of medicine in which
38 ~~a~~ THE person purports to diagnose, treat or correct ~~reat~~ ACTUAL or
39 imagined human diseases, injuries, ailments, infirmities and deformities
40 of a physical or mental origin by means of homeopathy or nutrition.

41 ~~23.~~ 24. "Preceptorship" means an extended period of individual
42 study with one or more experienced homeopathic physicians or institutions.

43 ~~24.~~ 25. "Prescription-only drug" does not include a controlled
44 substance but does include:

1 (a) A drug that is generally regarded by medical experts to be
2 unsafe if its use and dosage are not supervised by a medical practitioner.

3 (b) A drug that is approved for use under the supervision of a
4 medical practitioner pursuant to the federal new drug application law or
5 section 32-1962.

6 (c) A potentially harmful drug if its labeling does not contain
7 full directions for its use by the patient.

8 (d) A drug that is required by federal law to bear on its label the
9 following words: "Caution: Federal law prohibits dispensing without
10 prescription."

11 ~~25.~~ 26. "Professional negligence" means any of the following:

12 (a) That a licensee administers treatment to a patient in a manner
13 that is contrary to accepted practices and that harms the patient if it
14 can be shown to the board's satisfaction that accepted practices are
15 inherently less hazardous.

16 (b) That a licensee commits an act of unprofessional conduct or
17 displays an unreasonable lack of professional skill or fidelity.

18 (c) That a licensee's negligence, carelessness or disregard of
19 established principles or practice results in a patient's injury,
20 unnecessary suffering or death.

21 ~~26.~~ 27. "Special purpose licensing examination" means an
22 examination developed by the national board of medical examiners on behalf
23 of the federation of state medical boards for use by state licensing
24 boards to test the basic medical competence of physicians who are applying
25 for licensure and who have been in practice in another jurisdiction of the
26 United States and to determine the competence of a physician under
27 investigation by a state licensing board.

28 Sec. 2. Section 32-2903, Arizona Revised Statutes, is amended to
29 read:

30 32-2903. Board meetings; organization; compensation

31 A. The board shall hold an annual meeting each September in
32 Maricopa county. At this meeting the board shall elect from its
33 membership a president, ~~vice-president and secretary-treasurer~~ AND A VICE
34 PRESIDENT.

35 B. The board by majority vote may also establish an annual schedule
36 of regular meetings at times and places prescribed by the board.

37 C. The board may hold a special meeting if the president determines
38 that this is necessary to carry out the board's functions. The
39 ~~vice-president~~ VICE PRESIDENT may call a special meeting if the president
40 is unable to do so. At these meetings the board may use communications
41 equipment that allows all participants to hear each other.

42 D. The executive director shall give each board member ten days'
43 written notice of the date and time of each board meeting. On request of
44 the president, the board by majority vote may waive this notification

1 requirement. If the president is absent, the ~~vice-president~~ VICE
2 PRESIDENT may request that the board take this action.

3 E. A majority of board members constitutes a quorum. However, only
4 a majority of the full board may issue a license.

5 F. Board members are eligible to receive compensation in the amount
6 of not more than ~~one hundred fifty dollars~~ \$150 for each day of actual
7 service in the business of the board. Board members are eligible to
8 receive compensation for all expenses necessarily and properly incurred in
9 attending board meetings.

10 G. Medical consultants and agents appointed under section 32-2904
11 are eligible to receive compensation of not more than ~~two hundred dollars~~
12 \$200 for each day of service.

13 Sec. 3. Section 32-2904, Arizona Revised Statutes, is amended to
14 read:

15 32-2904. Powers and duties

16 A. The board shall:

17 1. Conduct all examinations for applicants for a license under this
18 chapter, issue licenses, conduct hearings, regulate the conduct of
19 licensees and administer and enforce this chapter.

20 2. Enforce the standards of practice prescribed by this chapter and
21 board rules.

22 3. Collect and account for all fees under this chapter and deposit,
23 pursuant to sections 35-146 and 35-147, the monies in the appropriate
24 fund.

25 4. Maintain a record of its acts and proceedings, including the
26 ~~issuance, refusal to issue,~~ A LICENSE OR THE ISSUANCE, renewal,
27 suspension or revocation of licenses to practice according to this
28 chapter.

29 5. Maintain a roster of all persons who are licensed pursuant to
30 this chapter that includes:

31 (a) The licensee's name.

32 (b) The current professional office address.

33 (c) The date and number of the license issued under this chapter.

34 (d) Whether the licensee is in good standing.

35 6. Adopt and use a seal, the imprint of which, ~~together with the~~
36 ~~signatures of the president or vice-president of the board and the~~
37 ~~secretary-treasurer, shall~~ IS evidence ~~its~~ OF THE BOARD'S official acts.

38 7. Contract with the department of administration for
39 administrative and ~~record keeping~~ RECORDKEEPING services.

40 8. Charge additional fees that do not exceed the cost of the
41 services for services the board deems necessary to carry out its intent
42 and purposes.

43 9. Adopt rules regarding the regulation and the qualifications of
44 medical assistants.

1 10. Keep board records open to public inspection during normal
2 business hours.

3 11. MEET EACH JANUARY WITH THE ACUPUNCTURE BOARD OF EXAMINERS TO SET
4 FINANCIAL COMPENSATION FOR STAFF AND OPERATING EXPENSE SHARING.

5 B. The board may:

6 1. Adopt rules necessary or proper ~~for the administration of~~ TO
7 ADMINISTER this chapter.

8 2. Subject to title 41, chapter 4, article 4, hire personnel to
9 carry out the purposes of this chapter.

10 3. Hire investigators subject to title 41, chapter 4, article 4 or
11 contract with investigators to assist in ~~the investigation of~~
12 INVESTIGATING violations of this chapter and contract with other state
13 agencies if required to carry out this chapter.

14 4. Appoint one of its members to the jurisdiction arbitration panel
15 pursuant to section 32-2907, subsection B.

16 5. Subject to title 41, chapter 4, article 4, employ consultants to
17 perform duties the board determines are necessary to implement this
18 chapter.

19 ~~6. Appoint from its membership a temporary secretary to perform the~~
20 ~~duties of the executive director if that office is vacant. The temporary~~
21 ~~secretary is eligible to receive compensation pursuant to section 38-611.~~

22 ~~7.~~ 6. Compile and publish an annual directory.

23 ~~8.~~ 7. Adopt rules to establish competency or professional review
24 standards for any minor surgical procedure.

25 ~~9.~~ 8. Appoint two or more board members to a subcommittee that
26 reviews and approves applications and issues permits pertaining to
27 homeopathic medical assistants and associated practical educational
28 programs, pursuant to board rules.

29 ~~10.~~ 9. Appoint two or more board members to a subcommittee that
30 reviews and approves applications and issues permits pertaining to drugs
31 and device dispensing practices, pursuant to board rules.

32 Sec. 4. Section 32-2905, Arizona Revised Statutes, is amended to
33 read:

34 32-2905. Executive director; duties

35 ~~A. Subject to title 41, chapter 4, article 4, the board shall~~
36 ~~appoint an executive director from outside its membership. The executive~~
37 ~~director serves at the pleasure of the board and is eligible to receive~~
38 ~~compensation determined pursuant to section 38-611.~~

39 A. THE EXECUTIVE DIRECTOR OF THE ACUPUNCTURE BOARD OF EXAMINERS
40 SHALL SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF HOMEOPATHIC AND
41 INTEGRATED MEDICINE EXAMINERS. THE STAFF OF THE ACUPUNCTURE BOARD OF
42 EXAMINERS SHALL CARRY OUT THE ADMINISTRATIVE RESPONSIBILITIES OF THE BOARD
43 OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS.

44 B. The executive director shall:

45 1. Collect all monies due and payable to the board.

1 2. Deposit, pursuant to sections 35-146 and 35-147, all monies
2 received by the board in the appropriate fund.

3 3. Prepare bills for authorized expenditures of the board and
4 obtain warrants from the department of administration ~~for payment of bills~~
5 ~~certified by the president or vice president and secretary treasurer of~~
6 ~~the board.~~

7 4. Act as custodian of the seal, books, records, minutes and
8 proceedings **OF THE BOARD.**

9 5. Perform all duties prescribed by the board.

10 **6. PERFORM ALL ADMINISTRATIVE DUTIES OF THE BOARD.**

11 **7. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY PERSONNEL**
12 **NECESSARY TO CARRY OUT BOARD FUNCTIONS.**

13 Sec. 5. Section 32-2912, Arizona Revised Statutes, is amended to
14 read:

15 **32-2912. Qualifications of applicant; applications; scope of**
16 **practice**

17 A. The board shall grant a license to practice pursuant to this
18 chapter to an applicant who meets all of the following requirements:

19 1. Holds a degree from an approved school of medicine or has
20 received a medical education that the board determines is of equivalent
21 quality.

22 2. Holds a license in good standing to practice medicine or
23 osteopathic medicine that is issued under chapter 13 or 17 of this title
24 or by another state, district or territory of the United States.

25 3. Has a professional record that indicates that the applicant has
26 not had a license to practice medicine refused, revoked, suspended or
27 restricted in any way by any state, territory, district or country for
28 reasons that relate to the applicant's ability to competently and safely
29 practice medicine.

30 4. Has a professional record that indicates that the applicant has
31 not committed any act or engaged in any conduct that would constitute
32 grounds for disciplinary action against a licensee under this chapter.

33 5. Has the physical and mental capacity to safely engage in the
34 practice of medicine.

35 6. Pays all fees and costs required by the board.

36 7. Completes the application required by the board.

37 B. Notwithstanding subsection A, paragraphs 1 and 2 of this
38 section, the board shall issue a license pursuant to this chapter to an
39 applicant who meets the requirements of subsection A, paragraphs 3, 4, 5,
40 6 and 7 of this section and who **EITHER** holds a degree from an approved
41 school of medicine **OR HAS COMPLETED AN APPROVED TRAINING PROGRAM.**

42 C. The board may require an applicant to submit additional written
43 or oral information and may conduct additional investigations if it
44 determines that this is necessary to adequately inform itself of the
45 applicant's ability to meet the requirements of this chapter. If an

1 applicant has had a license revoked by or has surrendered a license to
2 another jurisdiction, the applicant may attempt to demonstrate to the
3 board's satisfaction that the applicant is completely rehabilitated with
4 respect to the conduct that was the basis for the revocation or surrender
5 of the license.

6 D. The board shall vacate its previous order to deny or revoke a
7 license if that denial or revocation was based on the applicant's
8 conviction of a felony or an offense involving moral turpitude and that
9 conviction has been reversed on appeal. The applicant may resubmit an
10 application for licensure as soon as the court enters the reversal.

11 E. If the board finds that an applicant has committed an act or
12 engaged in conduct that would constitute grounds for disciplinary action,
13 the board shall determine to its satisfaction that the conduct has been
14 corrected, monitored and resolved. If the matter has not been resolved,
15 before it issues a license the board shall determine to its satisfaction
16 that mitigating circumstances exist that prevent its resolution.

17 F. Except as provided in subsection D of this section, a person
18 shall not submit an application for reinstatement or a new application
19 within five years after the person has completely corrected the conduct
20 and made full legal restitution to the board's satisfaction.

21 G. An applicant shall submit a verified completed application to
22 the board in a form and within a period of time prescribed by the
23 board. The application shall include:

24 1. The application fee.

25 2. Affidavits from three persons who are actively licensed to
26 practice allopathic, osteopathic or homeopathic medicine in any state or
27 district of the United States and who are able to attest to the
28 applicant's fitness to practice pursuant to this chapter.

29 3. A diploma or certificate issued by [AN APPROVED TRAINING PROGRAM](#),
30 a homeopathic college or any other educational institution approved by the
31 board or documentation of the applicant's successful completion of
32 preceptorships or formal postgraduate courses approved by the board.

33 4. If the person is applying for licensure pursuant to subsection A
34 of this section, proof that the applicant has served a board-approved
35 internship.

36 5. The applicant's oath that:

37 (a) All of the information contained in the application and the
38 accompanying evidence or other credentials is correct.

39 (b) The applicant submitted the credentials without fraud or
40 misrepresentation and that the applicant is the lawful holder of the
41 credentials.

42 (c) The applicant authorizes the release to the board of any
43 information from any source that the board determines is necessary for it
44 to act on the application.

1 H. The board shall promptly inform an applicant in writing of any
2 deficiency in the application that prevents the board from acting on it.

3 I. The board shall consider an application withdrawn if any of the
4 following is true:

5 1. The applicant submits a written request to withdraw the
6 application.

7 2. The applicant without good cause fails to appear for a board
8 interview.

9 3. The applicant fails to submit information to the board within
10 one year after the board's request for that information.

11 4. The applicant fails to complete the required examination or
12 personal interview within one year after submitting the application.

13 J. A person who is issued a license pursuant to subsection B of
14 this section shall practice only within the scope of practice as
15 prescribed by this chapter. A licensee who acts outside that scope of
16 practice commits an act of unprofessional conduct. In addition to all
17 other available remedies, the board may seek injunctive relieve pursuant
18 to section 32-2940.

19 Sec. 6. Section 32-2913, Arizona Revised Statutes, is amended to
20 read:

21 32-2913. Examination; reexamination

22 A. An applicant for licensure shall successfully pass an
23 examination prescribed by the board.

24 B. IF A PERSON IS SEEKING LICENSURE PURSUANT TO SECTION 32-2912,
25 SUBSECTION A, THE examination for a license to practice under this chapter
26 shall include all subjects that are generally accepted as necessary for a
27 thorough knowledge of the practice of homeopathic medicine. The board
28 shall prescribe rules for conducting the examination and shall set the
29 passing grade. ~~if a person is seeking licensure pursuant to section~~
30 ~~32-2912, subsection A, the examination may include subjects that are~~
31 ~~unique to that scope of practice.~~

32 C. IF A PERSON IS SEEKING LICENSURE PURSUANT TO SECTION 32-2912,
33 SUBSECTION B, THE EXAMINATION FOR A LICENSE TO PRACTICE UNDER THIS CHAPTER
34 SHALL INCLUDE ALL SUBJECTS THAT ARE GENERALLY ACCEPTED AS NECESSARY FOR A
35 THOROUGH KNOWLEDGE OF THE PRACTICE OF HOMEOPATHIC MEDICINE. THE BOARD
36 SHALL PRESCRIBE RULES FOR CONDUCTING THE EXAMINATION AND SHALL SET THE
37 PASSING GRADE.

38 ~~C.~~ D. The board shall review the examination of any applicant on
39 the applicant's request. A grade on an examination reviewed by the board
40 may be changed only by the majority vote of the members of the board. A
41 person who fails to pass the initial licensure examination may be
42 reexamined within one year after the date of the receipt of the original
43 application fee without payment of additional fees. However, the
44 applicant shall pay all additional fees associated with ~~board prescribed~~

1 BOARD-PRESCRIBED investigatory examinations such as the special purpose
2 licensing examination.

3 ~~D.~~ E. In a written examination, applicants shall be designated by
4 numbers only and the corresponding names shall be kept secret until after
5 the grading of the examinations.

6 F. THE BOARD SHALL ISSUE A LICENSE WITHOUT EXAMINATION TO AN
7 APPLICANT WHO IS SEEKING LICENSURE PURSUANT TO SECTION 32-2912, SUBSECTION
8 B IF THE APPLICANT HOLDS, OR HAS PASSED THE EXAMINATION TO HOLD, A
9 CERTIFICATION FROM THE COUNCIL FOR HOMEOPATHIC CERTIFICATION, OR ITS
10 EQUIVALENT.

11 Sec. 7. Section 32-2914, Arizona Revised Statutes, is amended to
12 read:

13 32-2914. Fees

14 A. The board by formal vote at its annual meeting shall establish
15 fees and penalties that do not exceed the following:

16 1. ~~Five hundred fifty dollars~~ \$550 for an application for a license
17 to practice homeopathic medicine pursuant to section 32-2912, subsection
18 G, paragraph 1.

19 2. ~~Two hundred fifty dollars~~ \$250 for issuance of an initial
20 license.

21 3. ~~Fifty dollars~~ \$50 for issuance of a duplicate license.

22 4. ~~One thousand dollars~~ \$1,000 for annual renewal of a license.

23 5. ~~Three hundred fifty dollars~~ \$350 for late renewal of a license.

24 6. ~~Two hundred dollars~~ \$200 for initial and annual renewal of a
25 permit to dispense drugs and devices.

26 7. ~~Five hundred dollars~~ \$500 for an application for a locum tenens
27 registration.

28 8. ~~Two hundred fifty dollars~~ \$250 for issuance of a locum tenens
29 registration.

30 9. ~~Two hundred dollars~~ \$200 for annual renewal of a homeopathic
31 medical assistant registration.

32 10. ~~Twenty-five cents~~ \$.25 per page for copying board records,
33 documents, letters, minutes, applications and files.

34 11. ~~Thirty-five dollars~~ \$35 for a copy of an audiotape.

35 12. ~~One hundred dollars~~ \$100 for the sale of computerized tapes or
36 diskettes that do not require programming.

37 13. ~~Two hundred dollars~~ \$200 for supervising a homeopathic medical
38 assistant.

39 14. ~~Three hundred dollars~~ \$300 for each initial application and
40 annual renewal of a registration to conduct a practical educational
41 program for supervised medical assistants.

42 B. The board may charge a licensee with the board's costs to
43 administer a special purpose licensing examination related to its
44 investigation of the licensee's competence.

1 C. The board may charge the actual cost of completing a
2 professional conduct investigation to the licensee who is the subject of
3 the investigation if the board determines that the licensee violated this
4 chapter or a board rule.

5 D. The board shall charge additional fees for services that it is
6 not required to provide under this chapter but that it determines are
7 necessary to carry out its purpose. The board shall charge only the
8 actual cost of providing these services.

9 Sec. 8. Section 32-2915, Arizona Revised Statutes, is amended to
10 read:

11 32-2915. Licensure; issuance; duplicate licenses; renewal;
12 continuing education; expiration; cancellation

13 A. The board shall issue a license to practice homeopathic medicine
14 in this state if the applicant meets all board requirements for licensure
15 and pays the licensure fee.

16 B. The board may issue a duplicate license to a person who holds a
17 license under this chapter on payment of the duplicate license fee.

18 C. At least thirty days before the first day of the month in which
19 a license was initially issued, the executive director shall notify the
20 licensee of the renewal date and provide a renewal form. ~~The executive~~
21 ~~director shall send this notice by first class mail to the address the~~
22 ~~licensee most recently provided to the board.~~

23 D. Each licensee shall include with the renewal form a statement
24 that the licensee ~~has~~ completed at least twenty hours of board-approved
25 continuing education in the preceding year. The board shall not renew a
26 license if the licensee does not fully document compliance with this
27 subsection. The board may waive the continuing education requirements of
28 this subsection for a period prescribed by the board if the licensee's
29 noncompliance was due to disability, military service, absence from the
30 United States or circumstances beyond the control of the licensee. If a
31 licensee fails to complete the continuing education requirements of this
32 subsection for any other reason, the board may grant an extension of not
33 more than sixty days. A licensee who fails to comply with the continuing
34 education requirements of this subsection and who has not been granted a
35 waiver pursuant to this subsection commits an act of unprofessional
36 conduct and is subject to probation or licensure suspension or revocation.

37 E. A licensee shall submit a completed application for license
38 renewal and the renewal fee each year on or before the last day of the
39 month in which the license was initially issued. A license expires if it
40 is not renewed within sixty days. A licensee who fails to do this by the
41 first day of the following month must also submit a late fee as prescribed
42 by the board. A person who practices homeopathic medicine after a license
43 has expired is in violation of this chapter.

1 F. The board may issue a license to a person whose license has
2 expired only if that person applies for a license as prescribed in
3 sections 32-2912 and 32-2913.

4 G. With each application for licensure renewal, the licensee shall
5 include a report of disciplinary actions, restriction and any other action
6 placed on or against the license or practice by any other state regulatory
7 board or agency of the federal government, including the denial of a
8 license for failing a special purpose licensing examination. The report
9 shall include the name and address of the sanctioning agency, the nature
10 of the action taken and a general statement of the charges leading to the
11 action taken.

12 H. On request of a licensee, the board shall cancel that person's
13 license to practice homeopathic medicine if the licensee is not the
14 subject of a board investigation or disciplinary proceeding. The board
15 may cancel the license of a person WHO IS under investigation for
16 violating this chapter or board rules if the licensee admits to the
17 violations in writing and on the board record.

18 Sec. 9. Section 32-2916, Arizona Revised Statutes, is amended to
19 read:

20 32-2916. Directory; change of address; civil penalty; fees

21 A. The board may publish an annual directory containing the
22 following:

23 1. The names and addresses of the officers and members of the
24 board.

25 2. The names and addresses of all persons WHO ARE certified,
26 licensed or registered by the board.

27 3. The current certified board rules.

28 4. A copy of this chapter.

29 5. A list of approved postgraduate and continuing education courses
30 in the treatment modalities pertinent to the practice of homeopathic
31 medicine.

32 6. A list of approved schools of medicine AND APPROVED TRAINING
33 PROGRAMS.

34 7. Additional information that the board determines is of interest
35 and importance to licensees.

36 B. Each licensee shall inform the board in writing of the
37 licensee's home address, PERSONAL EMAIL ADDRESS, home telephone number,
38 office address, WORK EMAIL ADDRESS and office telephone number as
39 requested by the board and within forty-five days ~~of~~ AFTER a change in any
40 of this information. The board shall keep a licensee's home address and
41 home telephone number confidential. The board may assess a licensee who
42 fails to comply with this subsection with the board's costs to locate the
43 licensee. The board may also impose a civil penalty on that licensee of
44 not more than ~~one hundred dollars~~ \$100.

1 C. The board shall provide each licensee with one copy of the
2 directory free of charge. The board may provide additional copies to the
3 public and licensee for a cost of not more than ~~twenty-five dollars~~ \$25
4 for each directory.

5 D. The board shall deposit, pursuant to sections 35-146 and 35-147,
6 monies collected under this section in the board of homeopathic and
7 integrated medicine examiners' fund.

8 Sec. 10. Section 32-2917, Arizona Revised Statutes, is amended to
9 read:

10 32-2917. Locum tenens registration

11 A. The board president or a person designated by the board may
12 issue locum tenens registration to a person who meets all of the following
13 requirements:

14 1. Submits proof satisfactory to the board that the applicant for
15 registration holds an unrestricted license to practice allopathic,
16 osteopathic or homeopathic medicine in another state, district or
17 territory of the United States, that the license has not been revoked or
18 suspended for any reason and that there are no unresolved complaints or
19 formal charges filed against the applicant with any licensing board.

20 2. Submits an application as prescribed by section 32-2912.

21 3. The licensee for whom the applicant for registration under this
22 section is substituting or assisting provides the board with a written
23 request for the applicant's registration.

24 4. Submits the fees required under section 32-2914.

25 B. The board may authorize the applicant to provide locum tenens
26 services if it is satisfied that the applicant has met the requirements of
27 subsection A of this section.

28 C. Locum tenens registration granted under this section is valid
29 for thirty days. The board may extend registration for an additional
30 thirty days on written request by the person who made the original request
31 for registration. This request shall explain why the extension is
32 necessary and shall include prescribed fees and other information
33 requested by the board.

34 Sec. 11. Section 32-2931, Arizona Revised Statutes, is amended to
35 read:

36 32-2931. Violations: classification

37 A. The following acts are class 5 felonies:

38 1. Practicing medicine as a homeopathic doctor **OR HOMEOPATHIC**
39 **PRACTITIONER** pursuant to this chapter without being licensed or exempt
40 from licensure pursuant to this chapter.

41 2. Securing a license to engage in the practice of homeopathic
42 medicine pursuant to this chapter by fraud or deceit.

43 3. Impersonating a member of the board.

44 B. The following acts are class 2 misdemeanors:

1 1. Using the designation "doctor of homeopathy", "homeopathic
2 doctor", "medical doctor-homeopathic", "doctor of ~~osteopathy-homeopathic~~
3 **OSTEOPATHIC MEDICINE (HOMEOPATHIC)**", "**HOMEOPATHIC PRACTITIONER**" or
4 "homeopathic physician" without being licensed pursuant to this chapter.

5 2. Using any words, initials or symbols that lead the public to
6 believe that a person is licensed to engage in the practice of homeopathic
7 medicine in this state if this is not true.

8 Sec. 12. Section 32-2932, Arizona Revised Statutes, is amended to
9 read:

10 32-2932. Use of title or abbreviation by licensees

11 A. A person who is licensed pursuant to ~~this chapter~~ **SECTION**
12 **32-2912, SUBSECTION A** may use the designation and sign the licensee's
13 name, wherever required, in any capacity, as "homeopathic doctor",
14 "**HOMEOPATHIC PHYSICIAN**". If the licensee is a graduate of a ~~board~~
15 ~~approved~~ **BOARD-APPROVED** allopathic school of medicine, the licensee may
16 also use the designation "medical doctor-- (homeopathic)" or "~~homeopathic~~
17 ~~physician~~". If the licensee is a graduate of a ~~board-approved~~
18 **BOARD-APPROVED** osteopathic school of medicine, the licensee may also use
19 the designation "doctor of ~~osteopathy-homeopathic~~" or "~~homeopathic~~
20 ~~physician~~". ~~If the licensee is a graduate of a board approved homeopathic~~
21 ~~medical school, the licensee shall only use the designation "homeopathic~~
22 ~~doctor" or "doctor of homeopathy"~~ **OSTEOPATHIC MEDICINE (HOMEOPATHIC)**".

23 B. A PERSON WHO IS LICENSED PURSUANT TO SECTION 32-2912, SUBSECTION
24 B MAY USE THE DESIGNATION "**HOMEOPATHIC PRACTITIONER**", "**DOCTOR OF**
25 **HOMEOPATHY**" OR "**HOMEOPATHIC DOCTOR**". A PERSON MAY USE THE DESIGNATION
26 "**HOMEOPATHIC DOCTOR**" OR "**DOCTOR OF HOMEOPATHY**" ONLY IF THE PERSON HOLDS A
27 DOCTORATE AND IS LICENSED PURSUANT TO CHAPTER 8, 14, 19 OR 39 OF THIS
28 TITLE.

29 C. THE BOARD MAY ADOPT IN RULE ABBREVIATIONS FOR THE TITLES LISTED
30 IN SUBSECTIONS A AND B OF THIS SECTION.

31 Sec. 13. Section 32-2933, Arizona Revised Statutes, is amended to
32 read:

33 32-2933. Definition of unprofessional conduct

34 A. In this chapter, unless the context otherwise requires,
35 "unprofessional conduct" includes the following acts, whether occurring in
36 this state or elsewhere:

37 1. Performing an invasive surgical procedure **THAT IS** not
38 specifically ~~permitted~~ **ALLOWED** by this chapter or by board rules or
39 pursuant to a license issued under chapter 13 or 17 of this title.

40 2. Wilfully betraying a professional secret or wilfully violating a
41 privileged communication except as either of these may otherwise be
42 required by law. This paragraph does not prevent members of the board
43 from the full and free exchange of information with the licensing and
44 disciplinary boards of other states, territories or districts of the
45 United States or with foreign countries or with the Arizona homeopathic

1 and integrative medical association or any of its component organizations
2 or with the homeopathic medical organizations of other states, counties,
3 districts or territories or with those of foreign countries.

4 3. 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 deemed
7 conclusive evidence of guilt.

8 4. Exhibiting habitual intemperance in the use of alcohol or
9 habitual substance abuse.

10 5. Violating federal, state, county or municipal laws or
11 regulations applicable to the practice of medicine or relating to public
12 health.

13 6. Prescribing a controlled substance for other than accepted
14 therapeutic purposes.

15 7. Committing conduct that the board determines is gross
16 professional negligence, repeated professional negligence or any
17 negligence that causes the death of a patient.

18 8. Impersonating another person licensed pursuant to this chapter.

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

21 10. Procuring or attempting to procure a license to practice
22 homeopathic medicine by fraud, by misrepresentation or by knowingly taking
23 advantage of the mistake of another.

24 11. Having professional connection with or lending one's name to an
25 illegal practitioner of homeopathic medicine or of any of the other
26 healing arts.

27 12. Representing that a manifestly incurable disease, injury,
28 ailment or infirmity can be permanently cured or that a curable disease,
29 injury, ailment or infirmity can be cured within a stated time if this is
30 not true.

31 13. Offering, undertaking or agreeing to cure or treat a disease,
32 injury, ailment or infirmity by a secret means, method, device or
33 instrumentality.

34 14. Refusing to divulge to the board on demand the means, method,
35 device or instrumentality used in ~~the treatment of~~ TREATING a disease,
36 injury, ailment or infirmity.

37 15. Giving or receiving or aiding or abetting the giving or
38 receiving of rebates, either directly or indirectly.

39 16. Knowingly making any false or fraudulent statement, written or
40 oral, in connection with the practice of homeopathic medicine except as
41 the same may be necessary for accepted therapeutic purposes.

42 17. Exhibiting immorality or misconduct that tends to discredit the
43 profession.

44 18. Being disciplined by another regulatory jurisdiction because of
45 the licensee's mental or physical inability to engage safely in the

1 practice of medicine, medical incompetence or unprofessional conduct as
2 defined by that jurisdiction and that corresponds directly or indirectly
3 with an act of unprofessional conduct prescribed by this section. The
4 disciplinary action may include refusing, denying, revoking or suspending
5 a license, issuing a formal reprimand, issuing a decree of censure or
6 otherwise limiting, restricting or monitoring the licensee or placing the
7 licensee on probation.

8 19. Committing any conduct or practice contrary to recognized
9 standards of ethics of the homeopathic ~~medical~~ MEDICINE profession, any
10 conduct or practice that does or might constitute a danger to the health,
11 welfare or safety of the patient or the public or any conduct, practice or
12 condition that does or might impair the ability to practice homeopathic
13 medicine safely and skillfully.

14 20. Failing or refusing to maintain adequate records on a patient
15 or to make patient records promptly available to another licensee on
16 request and receipt of proper authorization.

17 21. Advertising in a false, deceptive or misleading manner.

18 22. Violating or attempting to violate, directly or indirectly, or
19 assisting in or abetting the violation of or conspiring to violate this
20 chapter or any board rule.

21 23. Using a controlled substance unless it is prescribed by a
22 physician for use during a prescribed course of treatment.

23 24. Prescribing, dispensing or administering anabolic androgenic
24 steroids for other than therapeutic purposes.

25 25. Prescribing or dispensing controlled substances to members of
26 the licensee's immediate family.

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

33 27. Dispensing a schedule II controlled substance that is an
34 opioid.

35 28. Using experimental forms of diagnosis and treatment without
36 adequate informed patient consent, without a ~~board approved~~ BOARD-APPROVED
37 written disclosure that the form of diagnosis and treatment to be used is
38 experimental and without conforming to generally accepted experimental
39 criteria, including protocols, detailed records, periodic analysis of
40 results and periodic review by a peer review committee.

41 29. Engaging in sexual intimacies with a patient.

42 30. Using the designation "M.D." or "D.O." in a way that would lead
43 the public to believe that a person is licensed by the Arizona medical
44 board or the Arizona board of osteopathic examiners in medicine and
45 surgery in this state if this is not the case.

1 31. Falsely or fraudulently representing or holding oneself out as
2 being a homeopathic medical specialist.

3 32. Failing to dispense drugs and devices in compliance with
4 article 4 of this chapter.

5 33. Violating a formal board order, terms of probation or a
6 stipulation issued or entered into by the board or its designee under this
7 chapter.

8 34. Charging a fee for services not rendered or charging and
9 collecting a clearly unreasonable fee. In determining the reasonableness
10 of the fee, the board shall consider the fee customarily charged in this
11 state for similar services in relation to modifying factors such as the
12 time required, the complexity of the service and the skill required to
13 perform the service properly. This paragraph does not apply if there is a
14 clearly written contract for a fixed fee between the licensee and the
15 patient that is entered into before the licensee provides the service.

16 35. Failing to appropriately direct, collaborate with or supervise
17 a licensed, certified or registered health care provider, a homeopathic
18 medical assistant or office personnel employed or assigned to the licensee
19 to assist in the medical care of patients.

20 36. Knowingly making a false or misleading statement on a form
21 required by the board or in written correspondence with the board.

22 37. Failing to furnish legally requested information in a timely
23 manner to the board or its investigators or representatives.

24 38. Failing to allow properly authorized board personnel to examine
25 or have access to a licensee's documents, reports or records that relate
26 to the licensee's medical practice or medically related activities.

27 39. Signing a blank, undated or predated prescription form.

28 40. Refusing to submit to a body fluid examination required under
29 section 32-2941 or pursuant to a board investigation into the licensee's
30 substance abuse.

31 41. Prescribing, dispensing or furnishing a prescription medication
32 or a prescription-only device as defined in section 32-1901 to a person
33 unless the licensee first conducts a comprehensive physical or mental
34 health status examination of that person or has previously established a
35 doctor-patient relationship. This paragraph does not apply to:

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

38 (b) Emergency medical situations as defined in section 41-1831.

39 (c) Prescriptions written to prepare a patient for a medical
40 examination.

41 (d) Prescriptions written or prescription medications issued for
42 use by a county or tribal public health department for immunization
43 programs or emergency treatment or in response to an infectious disease
44 investigation, a public health emergency, an infectious disease outbreak

1 or an act of bioterrorism. For the purposes of this subdivision,
2 "bioterrorism" has the same meaning prescribed in section 36-781.

3 42. Failing to obtain from a patient before an examination or
4 treatment a signed informed consent that includes language that makes it
5 clear the licensee is providing homeopathic medical treatment instead of
6 or in addition to standard conventional allopathic or osteopathic
7 treatment.

8 B. If a person is licensed pursuant to section 32-2912, subsection
9 B, unprofessional conduct also includes the following:

10 1. Performing an invasive procedure, including performing
11 intravenous therapy, drawing bodily fluids or ordering genetic testing.

12 2. Prescribing, dispensing or administering any controlled
13 substance.

14 3. Prescribing, dispensing or administering a prescription drug.

15 4. Using the title "physician", "medical doctor-homeopathic",
16 "doctor of ~~osteopathy-homeopathic~~ OSTEOPATHIC MEDICINE-HOMEOPATHIC",
17 "doctor of medicine (homeopathic)" or "homeopathic physician" or otherwise
18 implying that the licensee is a licensed allopathic or osteopathic
19 physician.

20 5. Failing to correct a known misunderstanding regarding the
21 licensee's licensure status.

22 6. Failing to obtain from a patient before an examination or
23 treatment a signed informed consent that includes language that makes it
24 clear the licensee is not an allopathic or osteopathic physician and is
25 providing homeopathic treatment under the limited scope of practice of
26 homeopathic medicine pursuant to this chapter.

27 7. Failing to consult with or refer patients to other health care
28 providers when appropriate.

29 8. Discontinuing or advising a patient to discontinue a physician's
30 treatment or medicine without first consulting the prescribing or treating
31 physician.

32 9. Failing to refer a patient with a ~~life-threatening~~
33 LIFE-THREATENING illness to a licensed allopathic or osteopathic physician
34 currently practicing homeopathic, allopathic or osteopathic medicine.

35 Sec. 14. Section 32-2934, Arizona Revised Statutes, is amended to
36 read:

37 32-2934. Grounds for suspension or revocation of license;
38 duty to report; unprofessional conduct hearing;
39 decision of board

40 A. The board on its own motion may investigate any evidence that
41 appears to show that a licensee is or may be medically incompetent, guilty
42 of unprofessional conduct or mentally or physically unable to engage
43 safely in the practice of homeopathic medicine. Any licensee, the Arizona
44 homeopathic and integrative medical association or any health care
45 institution as defined in section 36-401 shall, and any other person may,

1 report to the board any information the person may have that appears to
2 show that a licensee is or may be medically incompetent, guilty of
3 unprofessional conduct or mentally or physically unable to engage safely
4 in the practice of homeopathic medicine. The board shall notify the
5 licensee about whom information is received as to the content of the
6 information within one hundred twenty days after receipt of the
7 information. Any person who reports or provides information to the board
8 in good faith is not subject to an action for civil damages as a result of
9 reporting or providing the information. The board may not open an
10 investigation if identifying information regarding the complainant is not
11 provided to the board. It is an act of unprofessional conduct for any
12 licensee to fail to report as required by this section. Any health care
13 institution that fails to report as required by this section shall be
14 reported by the board to the institution's licensing agency.

15 B. If a complainant wishes to have the complainant's identifying
16 information withheld from the licensee against whom the allegation of
17 unprofessional conduct is being made, the board shall enter into a written
18 agreement with the complainant stating that the complainant's identifying
19 information will not be provided to the licensee against whom the
20 allegation of unprofessional conduct is being made to the extent
21 consistent with the administrative appeals process. The board shall post
22 this policy on the board's website where a person would submit a complaint
23 online.

24 C. A health care institution shall inform the board if the
25 privileges of a licensee to practice in the health care institution are
26 denied, revoked, suspended or limited because of actions by the licensee
27 that jeopardized patient health and welfare or if the licensee resigns
28 during pending proceedings for revocation, suspension or limitation of
29 privileges. A report to the board pursuant to this subsection shall
30 contain a general statement of the reasons the health care institution
31 denied or took action to revoke, suspend or limit a licensee's privileges.

32 D. The board may conduct investigations necessary to fully inform
33 itself with respect to any evidence filed with the board under subsection
34 A of this section. As part of this investigation, the board may require
35 the licensee under investigation to be interviewed by board
36 representatives or, at the licensee's expense, to undergo any combination
37 of mental, physical, oral or written medical competency examinations.

38 E. If the information gathered under subsections A and C of this
39 section indicates that the protection of public health requires that the
40 board take emergency action, ~~it~~ THE BOARD may order the summary suspension
41 of a license pending the outcome of a formal disciplinary hearing pursuant
42 to title 41, chapter 6, article 10. The board shall serve the suspended
43 licensee with a written notice of the specific charges and the time and
44 place of the formal hearing. The board shall hold this hearing within

1 sixty days after the suspension unless the board for good reason shown by
2 the licensee grants an extension on the hearing date.

3 F. If, after completing its investigation, the board finds that the
4 information provided pursuant to subsection A of this section is not of
5 sufficient seriousness to merit direct action against the license, it may
6 take any of the following actions:

7 1. Dismiss if, in the opinion of the board, the information is
8 without merit.

9 2. File a letter of concern.

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

14 G. If after completing its initial investigation under subsection A
15 of this section the board determines that rehabilitative or disciplinary
16 action can be taken without the presence of the licensee at an informal
17 interview, the board and the licensee may enter into a stipulated
18 agreement to limit or restrict the licensee's practice or to rehabilitate
19 the licensee, protect the public and ensure the licensee's ability to
20 safely engage in the practice of homeopathic medicine.

21 H. If after completing its investigation the board believes that
22 this information is or may be true, the board may request an informal
23 interview with the licensee. If the licensee refuses the invitation or
24 accepts the invitation and the results of the interview indicate that
25 suspension or revocation of the license may be in order, the board shall
26 issue a formal complaint and conduct a formal hearing pursuant to title
27 41, chapter 6, article 10. If after completing the informal interview the
28 board finds that the information provided under subsection A of this
29 section is not of sufficient seriousness to merit suspension or revocation
30 of the license, it may take the following actions:

31 1. Dismiss if, in the opinion of the board, the information is
32 without merit.

33 2. File a letter of concern.

34 3. Issue a decree of censure. A decree of censure constitutes an
35 official action against the license and may include a requirement for
36 restitution of fees to a patient resulting from violations of this chapter
37 or board rules.

38 4. Fix a period and terms of probation best adapted to protect the
39 public health and safety and rehabilitate or educate the licensee. The
40 probation, if deemed necessary, may include temporary suspension of the
41 license for not ~~to exceed~~ MORE THAN twelve months, restriction of the
42 license to practice homeopathic medicine or a requirement for restitution
43 of fees to a patient resulting from violations of this chapter or board
44 rules. If a licensee fails to comply with the terms of probation, the
45 board may file a summons, complaint and notice of hearing pursuant to

1 title 41, chapter 6, article 10 based on the information considered by the
2 board at the informal interview and any other acts or conduct alleged to
3 be in violation of this chapter or board rules.

4 5. Enter into an agreement with the licensee to restrict or limit
5 the licensee's practice or medical activities in order to rehabilitate the
6 licensee, protect the public and ensure the licensee's ability to safely
7 engage in the practice of homeopathic medicine.

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

12 I. In an informal interview or a formal hearing the board, in
13 addition to any other action that it may take, may impose an
14 administrative penalty in an amount of ~~not less than five hundred dollars~~
15 **AT LEAST \$500** but not ~~to exceed two thousand dollars~~ **MORE THAN \$2,000** on a
16 licensee who violates this chapter or a board rule. Actions to enforce
17 the collection of these penalties shall be brought in the name of this
18 state by the attorney general or the county attorney in the justice court
19 or the superior court in the county in which the violation occurred.
20 Penalties imposed under this section are in addition to and not in
21 limitation of other penalties imposed pursuant to this chapter.

22 J. If in the opinion of the board it appears that the allegations
23 concerning a licensee are of a magnitude as to warrant suspension or
24 revocation of the license, the board shall serve on the licensee a summons
25 and a complaint fully setting forth the conduct or inability concerned and
26 setting a date, time and place for a hearing pursuant to title 41, chapter
27 6, article 10 to be held before the board ~~in not less than~~ **AT LEAST** sixty
28 days ~~from~~ **AFTER** the date of the notice.

29 K. A licensee who wishes to be present at the hearing in person or
30 by representation, or both, shall file a verified answer with the board
31 within twenty days after receiving service of the summons and complaint.
32 The licensee may present witnesses at this hearing. A licensee who has
33 been notified of a complaint pursuant to this section shall file with the
34 board a written response not more than twenty days after service of the
35 complaint and the notice of hearing. If the licensee fails to file an
36 answer in writing, it is deemed an admission of the act or acts charged in
37 the complaint and notice of hearing and the board may take disciplinary
38 action pursuant to this chapter without a hearing.

39 L. The board shall issue subpoenas for witnesses as it may need and
40 for witnesses as the licensee may request. Any person refusing to obey a
41 subpoena shall be certified by the board to the superior court in the
42 county in which service was made, and the court may institute proceedings
43 for contempt of court.

44 M. Service of the summons and complaint shall be as required in
45 civil cases.

1 N. Service of subpoenas for witnesses shall be as provided by law
2 for the service of subpoenas generally.

3 O. A licensee who after a hearing is found to be guilty of
4 unprofessional conduct or is found to be mentally or physically unable to
5 engage safely in the practice of homeopathic medicine is subject to any
6 combination of censure, probation or suspension of license or revocation
7 of the license for a prescribed period of time or permanently and under
8 conditions that the board deems appropriate for the protection of the
9 public health and safety and just in the circumstances.

10 P. If the board acts to modify any licensee's prescription writing
11 privileges, it shall immediately notify the Arizona state board of
12 pharmacy of the modification.

13 Q. Notwithstanding section 32-2906, subsection A, the board shall
14 deposit, pursuant to sections 35-146 and 35-147, all monies collected from
15 administrative penalties paid pursuant to this section in the state
16 general fund.

17 R. A letter of concern is a nondisciplinary public document that
18 the board may use in future disciplinary actions.

19 Sec. 15. Section 32-2935, Arizona Revised Statutes, is amended to
20 read:

21 32-2935. Right to examine and copy evidence; summoning
22 witnesses and documents; taking testimony; right
23 to counsel; confidentiality

24 A. In connection with the investigation by the board on its own
25 motion or as the result of information received pursuant to section
26 32-2934, subsection A, the board or its authorized agents or employees
27 shall at all reasonable times have access to, for the purpose of
28 examination, and the right to copy any documents, reports, records or any
29 other physical evidence of any person being investigated, or the reports,
30 records and any other documents maintained by and in possession of any
31 hospital, clinic, office, laboratory, pharmacy or any other public or
32 private agency, and any health care institution as defined in section
33 36-401, if these documents, reports, records or evidence relate to medical
34 competence, unprofessional conduct or the mental or physical ability of a
35 licensee to practice homeopathic medicine safely.

36 B. For the purpose of all investigations and proceedings conducted
37 by the board:

38 1. The board on its own initiative, or on application of any person
39 involved in the investigation, may issue subpoenas compelling the
40 attendance and testimony of witnesses, or demanding the production for
41 examination or copying of documents or any other physical evidence if the
42 evidence relates to medical competence, unprofessional conduct or the
43 mental or physical ability of a licensee to practice homeopathic medicine
44 safely. Within five days after the service of a subpoena on any person
45 requiring the production of any evidence in that person's possession or

1 under that person's control, the person may petition the board to revoke,
2 limit or modify the subpoena. The board shall revoke, limit or modify the
3 subpoena if in its opinion the evidence required does not relate to
4 unlawful practices covered by this chapter, is not relevant to the charge
5 that is the subject matter of the hearing or investigation or does not
6 describe with sufficient particularity the physical evidence whose
7 production is required. Any member of the board or any agent designated
8 by the board may administer oaths or affirmations, examine witnesses and
9 receive evidence.

10 2. Any person appearing before the board has the right to be
11 represented by counsel.

12 C. The superior court, on application by the board or by the person
13 subpoenaed, may issue an order:

14 1. Requiring the person to appear before the board or the duly
15 authorized agent to produce evidence relating to the matter under
16 investigation. Any failure to obey the order of the court may be punished
17 by the court as a contempt.

18 2. Revoking, limiting or modifying the subpoena if in the court's
19 opinion the evidence demanded does not relate to unlawful practices
20 covered by this chapter, is not relevant to the charge that is the subject
21 matter of the hearing or investigation, or does not describe with
22 sufficient particularity the evidence whose production is required.

23 D. Patient records, including clinical records, medical reports,
24 laboratory statements and reports, any file, film, any other report or
25 oral statement relating to diagnostic findings or treatment of patients,
26 any information from which a patient or the patient's family might be
27 identified or information received and records kept by the board as a
28 result of investigation procedures are not available to the public.

29 E. This section or any other provision of law making communications
30 between a licensee and a patient a privileged communication does not apply
31 to investigations or proceedings conducted pursuant to this chapter. The
32 board and its employees, agents and representatives shall keep in
33 confidence the names of any patients whose records are reviewed during the
34 course of investigations and proceedings pursuant to this chapter.

35 F. Hospital records, medical staff records, medical staff review
36 committee records and testimony concerning these records, and proceedings
37 related to the creation of these records, are not available to the public,
38 shall be kept confidential by the board and are subject to the same
39 provisions concerning discovery and use in legal actions as are the
40 original records in the possession and control of hospitals, their medical
41 staffs and their medical staff review committees. The board shall use
42 records and testimony during the course of investigations and proceedings
43 pursuant to this chapter.

S.B. 1163

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