

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 212
HOUSE BILL 2355

AN ACT

AMENDING SECTIONS 15-341, 32-1401, 32-1854 AND 32-1901.01, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1979; AMENDING SECTION 36-2228, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 21.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; RELATING TO OPIOID ANTAGONISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:
4 15-341. General powers and duties; immunity; delegation
5 A. The governing board shall:
6 1. Prescribe and enforce policies and procedures for the governance of
7 the schools, not inconsistent with law or rules prescribed by the state board
8 of education.
9 2. Exclude from schools all books, publications, papers or audiovisual
10 materials of a sectarian, partisan or denominational character. This
11 paragraph shall not be construed to prohibit the elective course permitted by
12 section 15-717.01.
13 3. Manage and control the school property within its district.
14 4. Acquire school furniture, apparatus, equipment, library books and
15 supplies for the use of the schools.
16 5. Prescribe the curricula and criteria for the promotion and
17 graduation of pupils as provided in sections 15-701 and 15-701.01.
18 6. Furnish, repair and insure, at full insurable value, the school
19 property of the district.
20 7. Construct school buildings on approval by a vote of the district
21 electors.
22 8. Make in the name of the district conveyances of property belonging
23 to the district and sold by the board.
24 9. Purchase school sites when authorized by a vote of the district at
25 an election conducted as nearly as practicable in the same manner as the
26 election provided in section 15-481 and held on a date prescribed in section
27 15-491, subsection E, but such authorization shall not necessarily specify
28 the site to be purchased and such authorization shall not be necessary to
29 exchange unimproved property as provided in section 15-342, paragraph 23.
30 10. Construct, improve and furnish buildings used for school purposes
31 when such buildings or premises are leased from the national park service.
32 11. Purchase school sites or construct, improve and furnish school
33 buildings from the proceeds of the sale of school property only on approval
34 by a vote of the district electors.
35 12. Hold pupils to strict account for disorderly conduct on school
36 property.
37 13. Discipline students for disorderly conduct on the way to and from
38 school.
39 14. Except as provided in section 15-1224, deposit all monies received
40 by the district as gifts, grants and devises with the county treasurer who
41 shall credit the deposits as designated in the uniform system of financial
42 records. If not inconsistent with the terms of the gifts, grants and devises
43 given, any balance remaining after expenditures for the intended purpose of
44 the monies have been made shall be used for reduction of school district
45 taxes for the budget year, except that in the case of accommodation schools

1 the county treasurer shall carry the balance forward for use by the county
2 school superintendent for accommodation schools for the budget year.

3 15. Provide that, if a parent or legal guardian chooses not to accept
4 a decision of the teacher as provided in section 15-521, paragraph 4, the
5 parent or legal guardian may request in writing that the governing board
6 review the teacher's decision. This paragraph shall not be construed to
7 release school districts from any liability relating to a child's promotion
8 or retention.

9 16. Provide for adequate supervision over pupils in instructional and
10 noninstructional activities by certificated or noncertificated personnel.

11 17. Use school monies received from the state and county school
12 apportionment exclusively for payment of salaries of teachers and other
13 employees and contingent expenses of the district.

14 18. Make an annual report to the county school superintendent on or
15 before October 1 in the manner and form and on the blanks prescribed by the
16 superintendent of public instruction or county school superintendent. The
17 board shall also make reports directly to the county school superintendent or
18 the superintendent of public instruction whenever required.

19 19. Deposit all monies received by school districts other than student
20 activities monies or monies from auxiliary operations as provided in sections
21 15-1125 and 15-1126 with the county treasurer to the credit of the school
22 district except as provided in paragraph 20 of this subsection and sections
23 15-1223 and 15-1224, and the board shall expend the monies as provided by law
24 for other school funds.

25 20. Establish bank accounts in which the board during a month may
26 deposit miscellaneous monies received directly by the district. The board
27 shall remit monies deposited in the bank accounts at least monthly to the
28 county treasurer for deposit as provided in paragraph 19 of this subsection
29 and in accordance with the uniform system of financial records.

30 21. Prescribe and enforce policies and procedures for disciplinary
31 action against a teacher who engages in conduct that is a violation of the
32 policies of the governing board but that is not cause for dismissal of the
33 teacher or for revocation of the certificate of the teacher. Disciplinary
34 action may include suspension without pay for a period of time not to exceed
35 ten school days. Disciplinary action shall not include suspension with pay
36 or suspension without pay for a period of time longer than ten school days.
37 The procedures shall include notice, hearing and appeal provisions for
38 violations that are cause for disciplinary action. The governing board may
39 designate a person or persons to act on behalf of the board on these matters.

40 22. Prescribe and enforce policies and procedures for disciplinary
41 action against an administrator who engages in conduct that is a violation of
42 the policies of the governing board regarding duties of administrators but
43 that is not cause for dismissal of the administrator or for revocation of the
44 certificate of the administrator. Disciplinary action may include suspension
45 without pay for a period of time not to exceed ten school days. Disciplinary
46 action shall not include suspension with pay or suspension without pay for a

1 period of time longer than ten school days. The procedures shall include
2 notice, hearing and appeal provisions for violations that are cause for
3 disciplinary action. The governing board may designate a person or persons
4 to act on behalf of the board on these matters. For violations that are
5 cause for dismissal, the provisions of notice, hearing and appeal in chapter
6 5, article 3 of this title shall apply. The filing of a timely request for a
7 hearing suspends the imposition of a suspension without pay or a dismissal
8 pending completion of the hearing.

9 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
10 enforce policies and procedures that prohibit a person from carrying or
11 possessing a weapon on school grounds unless the person is a peace officer or
12 has obtained specific authorization from the school administrator.

13 24. Prescribe and enforce policies and procedures relating to the
14 health and safety of all pupils participating in district sponsored practice
15 sessions or games or other interscholastic athletic activities, including:

16 (a) The provision of water.

17 (b) Guidelines, information and forms, developed in consultation with
18 a statewide private entity that supervises interscholastic activities, to
19 inform and educate coaches, pupils and parents of the dangers of concussions
20 and head injuries and the risks of continued participation in athletic
21 activity after a concussion. The policies and procedures shall require that,
22 before a pupil participates in an athletic activity, the pupil and the
23 pupil's parent must sign an information form at least once each school year
24 that states that the parent is aware of the nature and risk of concussion.
25 The policies and procedures shall require that a pupil who is suspected of
26 sustaining a concussion in a practice session, game or other interscholastic
27 athletic activity be immediately removed from the athletic activity. A coach
28 from the pupil's team or an official or a licensed health care provider may
29 remove a pupil from play. A team parent may also remove the parent's own
30 child from play. A pupil may return to play on the same day if a health care
31 provider rules out a suspected concussion at the time the pupil is removed
32 from play. On a subsequent day, the pupil may return to play if the pupil
33 has been evaluated by and received written clearance to resume participation
34 in athletic activity from a health care provider who has been trained in the
35 evaluation and management of concussions and head injuries. A health care
36 provider who is a volunteer and who provides clearance to participate in
37 athletic activity on the day of the suspected injury or on a subsequent day
38 is immune from civil liability with respect to all decisions made and actions
39 taken that are based on good faith implementation of the requirements of this
40 subdivision, except in cases of gross negligence or wanton or wilful neglect.
41 A school district, school district employee, team coach, official or team
42 volunteer or a parent or guardian of a team member is not subject to civil
43 liability for any act, omission or policy undertaken in good faith to comply
44 with the requirements of this subdivision or for a decision made or an action
45 taken by a health care provider. A group or organization that uses property
46 or facilities owned or operated by a school district for athletic activities

1 shall comply with the requirements of this subdivision. A school district
2 and its employees and volunteers are not subject to civil liability for any
3 other person or organization's failure or alleged failure to comply with the
4 requirements of this subdivision. This subdivision does not apply to teams
5 that are based in another state and that participate in an athletic activity
6 in this state. For the purposes of this subdivision, athletic activity does
7 not include dance, rhythmic gymnastics, competitions or exhibitions of
8 academic skills or knowledge or other similar forms of physical noncontact
9 activities, civic activities or academic activities, whether engaged in for
10 the purposes of competition or recreation. For the purposes of this
11 subdivision, "health care provider" means a physician who is licensed
12 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
13 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
14 pursuant to title 32, chapter 15, and a physician assistant who is licensed
15 pursuant to title 32, chapter 25.

16 25. Prescribe and enforce policies and procedures regarding the
17 smoking of tobacco within school buildings. The policies and procedures
18 shall be adopted in consultation with school district personnel and members
19 of the community and shall state whether smoking is prohibited in school
20 buildings. If smoking in school buildings is not prohibited, the policies and
21 procedures shall clearly state the conditions and circumstances under which
22 smoking is permitted, those areas in a school building that may be designated
23 as smoking areas and those areas in a school building that may not be
24 designated as smoking areas.

25 26. Establish an assessment, data gathering and reporting system as
26 prescribed in chapter 7, article 3 of this title.

27 27. Provide special education programs and related services pursuant
28 to section 15-764, subsection A to all children with disabilities as defined
29 in section 15-761.

30 28. Administer competency tests prescribed by the state board of
31 education for the graduation of pupils from high school.

32 29. Ensure that insurance coverage is secured for all construction
33 projects for purposes of general liability, property damage and workers'
34 compensation and secure performance and payment bonds for all construction
35 projects.

36 30. Keep on file the resumes of all current and former employees who
37 provide instruction to pupils at a school. Resumes shall include an
38 individual's educational and teaching background and experience in a
39 particular academic content subject area. A school district shall inform
40 parents and guardians of the availability of the resume information and shall
41 make the resume information available for inspection on request of parents
42 and guardians of pupils enrolled at a school. This paragraph shall not be
43 construed to require any school to release personally identifiable
44 information in relation to any teacher or employee, including the teacher's
45 or employee's address, salary, social security number or telephone number.

1 31. Report to local law enforcement agencies any suspected crime
2 against a person or property that is a serious offense as defined in section
3 13-706 or that involves a deadly weapon or dangerous instrument or serious
4 physical injury and any conduct that poses a threat of death or serious
5 physical injury to employees, students or anyone on the property of the
6 school. This paragraph does not limit or preclude the reporting by a school
7 district or an employee of a school district of suspected crimes other than
8 those required to be reported by this paragraph. For the purposes of this
9 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
10 injury" have the same meanings prescribed in section 13-105.

11 32. In conjunction with local law enforcement agencies and local
12 medical facilities, develop an emergency response plan for each school in the
13 school district in accordance with minimum standards developed jointly by the
14 department of education and the division of emergency management within the
15 department of emergency and military affairs.

16 33. Provide written notice to the parents or guardians of all students
17 affected in the school district at least ten days prior to a public meeting
18 to discuss closing a school within the school district. The notice shall
19 include the reasons for the proposed closure and the time and place of the
20 meeting. The governing board shall fix a time for a public meeting on the
21 proposed closure no less than ten days before voting in a public meeting to
22 close the school. The school district governing board shall give notice of
23 the time and place of the meeting. At the time and place designated in the
24 notice, the school district governing board shall hear reasons for or against
25 closing the school. The school district governing board is exempt from this
26 paragraph if it is determined by the governing board that the school shall be
27 closed because it poses a danger to the health or safety of the pupils or
28 employees of the school. A governing board may consult with the school
29 facilities board for technical assistance and for information on the impact
30 of closing a school. The information provided from the school facilities
31 board shall not require the governing board to take or not take any action.

32 34. Incorporate instruction on Native American history into
33 appropriate existing curricula.

34 35. Prescribe and enforce policies and procedures:

35 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
36 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
37 or by a registered nurse practitioner licensed and certified pursuant to
38 title 32, chapter 15 to carry and self-administer emergency medications,
39 including ~~auto-injectable~~ epinephrine **AUTO-INJECTORS**, while at school and at
40 school-sponsored activities. The pupil's name on the prescription label on
41 the medication container or on the medication device and annual written
42 documentation from the pupil's parent or guardian to the school that
43 authorizes possession and self-administration is sufficient proof that the
44 pupil is entitled to the possession and self-administration of the
45 medication. The policies shall require a pupil who uses ~~auto-injectable~~ **AN**
46 epinephrine **AUTO-INJECTOR** while at school and at school-sponsored activities

1 to notify the nurse or the designated school staff person of the use of the
2 medication as soon as practicable. A school district and its employees are
3 immune from civil liability with respect to all decisions made and actions
4 taken that are based on good faith implementation of the requirements of this
5 subdivision, except in cases of wanton or wilful neglect.

6 (b) For the emergency administration of ~~auto-injectable~~ epinephrine
7 **AUTO-INJECTORS** by a trained employee of a school district pursuant to section
8 15-157.

9 36. Allow the possession and self-administration of prescription
10 medication for breathing disorders in handheld inhaler devices by pupils who
11 have been prescribed that medication by a health care professional licensed
12 pursuant to title 32. The pupil's name on the prescription label on the
13 medication container or on the handheld inhaler device and annual written
14 documentation from the pupil's parent or guardian to the school that
15 authorizes possession and self-administration shall be sufficient proof that
16 the pupil is entitled to the possession and self-administration of the
17 medication. A school district and its employees are immune from civil
18 liability with respect to all decisions made and actions taken that are based
19 on a good faith implementation of the requirements of this paragraph.

20 37. Prescribe and enforce policies and procedures to prohibit pupils
21 from harassing, intimidating and bullying other pupils on school grounds, on
22 school property, on school buses, at school bus stops, at school-sponsored
23 events and activities and through the use of electronic technology or
24 electronic communication on school computers, networks, forums and mailing
25 lists that include the following components:

26 (a) A procedure for pupils, parents and school district employees to
27 confidentially report to school officials incidents of harassment,
28 intimidation or bullying. The school shall make available written forms
29 designed to provide a full and detailed description of the incident and any
30 other relevant information about the incident.

31 (b) A requirement that school district employees report in writing
32 suspected incidents of harassment, intimidation or bullying to the
33 appropriate school official and a description of appropriate disciplinary
34 procedures for employees who fail to report suspected incidents that are
35 known to the employee.

36 (c) A requirement that, at the beginning of each school year, school
37 officials provide all pupils with a written copy of the rights, protections
38 and support services available to a pupil who is an alleged victim of an
39 incident reported pursuant to this paragraph.

40 (d) If an incident is reported pursuant to this paragraph, a
41 requirement that school officials provide a pupil who is an alleged victim of
42 the incident with a written copy of the rights, protections and support
43 services available to that pupil.

44 (e) A formal process for the documentation of reported incidents of
45 harassment, intimidation or bullying and for the confidentiality, maintenance
46 and disposition of this documentation. School districts shall maintain

1 documentation of all incidents reported pursuant to this paragraph for at
2 least six years. The school shall not use that documentation to impose
3 disciplinary action unless the appropriate school official has investigated
4 and determined that the reported incidents of harassment, intimidation or
5 bullying occurred. If a school provides documentation of reported incidents
6 to persons other than school officials or law enforcement, all individually
7 identifiable information shall be redacted.

8 (f) A formal process for the investigation by the appropriate school
9 officials of suspected incidents of harassment, intimidation or bullying,
10 including procedures for notifying the alleged victim on completion and
11 disposition of the investigation.

12 (g) Disciplinary procedures for pupils who have admitted or been found
13 to have committed incidents of harassment, intimidation or bullying.

14 (h) A procedure that sets forth consequences for submitting false
15 reports of incidents of harassment, intimidation or bullying.

16 (i) Procedures designed to protect the health and safety of pupils who
17 are physically harmed as the result of incidents of harassment, intimidation
18 and bullying, including, if appropriate, procedures to contact emergency
19 medical services or law enforcement agencies, or both.

20 (j) Definitions of harassment, intimidation and bullying.

21 38. Prescribe and enforce policies and procedures regarding changing
22 or adopting attendance boundaries that include the following components:

23 (a) A procedure for holding public meetings to discuss attendance
24 boundary changes or adoptions that allows public comments.

25 (b) A procedure to notify the parents or guardians of the students
26 affected.

27 (c) A procedure to notify the residents of the households affected by
28 the attendance boundary changes.

29 (d) A process for placing public meeting notices and proposed maps on
30 the school district's website for public review, if the school district
31 maintains a website.

32 (e) A formal process for presenting the attendance boundaries of the
33 affected area in public meetings that allows public comments.

34 (f) A formal process for notifying the residents and parents or
35 guardians of the affected area as to the decision of the governing board on
36 the school district's website, if the school district maintains a website.

37 (g) A formal process for updating attendance boundaries on the school
38 district's website within ninety days of an adopted boundary change. The
39 school district shall send a direct link to the school district's attendance
40 boundaries website to the department of real estate.

41 (h) If the land that a school was built on was donated within the past
42 five years, a formal process to notify the entity that donated the land
43 affected by the decision of the governing board.

44 39. If the state board of education determines that the school
45 district has committed an overexpenditure as defined in section 15-107,
46 provide a copy of the fiscal management report submitted pursuant to section

1 15-107, subsection H on its website and make copies available to the public
2 on request. The school district shall comply with a request within five
3 business days after receipt.

4 40. Ensure that the contract for the superintendent is structured in a
5 manner in which up to twenty ~~per-cent~~ PERCENT of the total annual salary
6 included for the superintendent in the contract is classified as performance
7 pay. This paragraph shall not be construed to require school districts to
8 increase total compensation for superintendents. Unless the school district
9 governing board votes to implement an alternative procedure at a public
10 meeting called for this purpose, the performance pay portion of the
11 superintendent's total annual compensation shall be determined as follows:

12 (a) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
13 determined based on the percentage of academic gain determined by the
14 department of education of pupils who are enrolled in the school district
15 compared to the academic gain achieved by the highest ranking of the fifty
16 largest school districts in this state. For the purposes of this
17 subdivision, the department of education shall determine academic gain by the
18 academic growth achieved by each pupil who has been enrolled at the same
19 school in a school district for at least five consecutive months measured
20 against that pupil's academic results in the 2008-2009 school year. For the
21 purposes of this subdivision, of the fifty largest school districts in this
22 state, the school district with pupils who demonstrate the highest statewide
23 percentage of overall academic gain measured against academic results for the
24 2008-2009 school year shall be assigned a score of 100 and the school
25 district with pupils who demonstrate the lowest statewide percentage of
26 overall academic gain measured against academic results for the 2008-2009
27 school year shall be assigned a score of 0.

28 (b) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
29 determined by the percentage of parents of pupils who are enrolled at the
30 school district who assign a letter grade of "A" to the school on a survey of
31 parental satisfaction with the school district. The parental satisfaction
32 survey shall be administered and scored by an independent entity that is
33 selected by the governing board and that demonstrates sufficient expertise
34 and experience to accurately measure the results of the survey. The parental
35 satisfaction survey shall use standard random sampling procedures and provide
36 anonymity and confidentiality to each parent who participates in the
37 survey. The letter grade scale used on the parental satisfaction survey
38 shall direct parents to assign one of the following letter grades:

- 39 (i) A letter grade of "A" if the school district is excellent.
- 40 (ii) A letter grade of "B" if the school district is above average.
- 41 (iii) A letter grade of "C" if the school district is average.
- 42 (iv) A letter grade of "D" if the school district is below average.
- 43 (v) A letter grade of "F" if the school district is a failure.

44 (c) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
45 determined by the percentage of teachers who are employed at the school
46 district and who assign a letter grade of "A" to the school on a survey of

1 teacher satisfaction with the school. The teacher satisfaction survey shall
2 be administered and scored by an independent entity that is selected by the
3 governing board and that demonstrates sufficient expertise and experience to
4 accurately measure the results of the survey. The teacher satisfaction
5 survey shall use standard random sampling procedures and provide anonymity
6 and confidentiality to each teacher who participates in the survey. The
7 letter grade scale used on the teacher satisfaction survey shall direct
8 teachers to assign one of the following letter grades:

- 9 (i) A letter grade of "A" if the school district is excellent.
- 10 (ii) A letter grade of "B" if the school district is above average.
- 11 (iii) A letter grade of "C" if the school district is average.
- 12 (iv) A letter grade of "D" if the school district is below average.
- 13 (v) A letter grade of "F" if the school district is a failure.
- 14 (d) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
15 determined by other criteria selected by the governing board.

16 41. Maintain and store permanent public records of the school district
17 as required by law. Notwithstanding section 39-101, the standards adopted by
18 the Arizona state library, archives and public records for the maintenance
19 and storage of school district public records shall allow school districts to
20 elect to satisfy the requirements of this paragraph by maintaining and
21 storing these records either on paper or in an electronic format, or a
22 combination of a paper and electronic format.

23 42. Adopt in a public meeting and implement by school year 2013-2014
24 policies for principal evaluations. Before the adoption of principal
25 evaluation policies, the school district governing board shall provide
26 opportunities for public discussion on the proposed policies. The policies
27 shall describe:

28 (a) The principal evaluation instrument, including the four
29 performance classifications adopted by the governing board pursuant to
30 section 15-203, subsection A, paragraph 38.

31 (b) Alignment of professional development opportunities to the
32 principal evaluations.

33 (c) Incentives for principals in one of the two highest performance
34 classifications pursuant to section 15-203, subsection A, paragraph 38, which
35 may include:

36 (i) Multiyear contracts pursuant to section 15-503.

37 (ii) Incentives to work at schools that are assigned a letter grade of
38 D or F pursuant to section 15-241.

39 (d) Transfer and contract processes for principals designated in the
40 lowest performance classification pursuant to section 15-203, subsection A,
41 paragraph 38.

42 43. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES FOR THE EMERGENCY
43 ADMINISTRATION OF NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST
44 APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION BY AN EMPLOYEE OF
45 A SCHOOL DISTRICT PURSUANT TO SECTION 36-2267.

1 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
2 section, the county school superintendent may construct, improve and furnish
3 school buildings or purchase or sell school sites in the conduct of an
4 accommodation school.

5 C. If any school district acquires real or personal property, whether
6 by purchase, exchange, condemnation, gift or otherwise, the governing board
7 shall pay to the county treasurer any taxes on the property that were unpaid
8 as of the date of acquisition, including penalties and interest. The lien
9 for unpaid delinquent taxes, penalties and interest on property acquired by a
10 school district:

11 1. Is not abated, extinguished, discharged or merged in the title to
12 the property.

13 2. Is enforceable in the same manner as other delinquent tax liens.

14 D. The governing board may not locate a school on property that is
15 less than one-fourth mile from agricultural land regulated pursuant to
16 section 3-365, except that the owner of the agricultural land may agree to
17 comply with the buffer zone requirements of section 3-365. If the owner
18 agrees in writing to comply with the buffer zone requirements and records the
19 agreement in the office of the county recorder as a restrictive covenant
20 running with the title to the land, the school district may locate a school
21 within the affected buffer zone. The agreement may include any stipulations
22 regarding the school, including conditions for future expansion of the school
23 and changes in the operational status of the school that will result in a
24 breach of the agreement.

25 E. A school district, its governing board members, its school council
26 members and its employees are immune from civil liability for the
27 consequences of adoption and implementation of policies and procedures
28 pursuant to subsection A of this section and section 15-342. This waiver
29 does not apply if the school district, its governing board members, its
30 school council members or its employees are guilty of gross negligence or
31 intentional misconduct.

32 F. A governing board may delegate in writing to a superintendent,
33 principal or head teacher the authority to prescribe procedures that are
34 consistent with the governing board's policies.

35 G. Notwithstanding any other provision of this title, a school
36 district governing board shall not take any action that would result in a
37 reduction of pupil square footage unless the governing board notifies the
38 school facilities board established by section 15-2001 of the proposed action
39 and receives written approval from the school facilities board to take the
40 action. A reduction includes an increase in administrative space that
41 results in a reduction of pupil square footage or sale of school sites or
42 buildings, or both. A reduction includes a reconfiguration of grades that
43 results in a reduction of pupil square footage of any grade level. This
44 subsection does not apply to temporary reconfiguration of grades to
45 accommodate new school construction if the temporary reconfiguration does not
46 exceed one year. The sale of equipment that results in a reduction that

1 falls below the equipment requirements prescribed in section 15-2011,
2 subsection B is subject to commensurate withholding of school district
3 district additional assistance monies pursuant to the direction of the school
4 facilities board. Except as provided in section 15-342, paragraph 10,
5 proceeds from the sale of school sites, buildings or other equipment shall be
6 deposited in the school plant fund as provided in section 15-1102.

7 H. Subsections C through G of this section apply to a county board of
8 supervisors and a county school superintendent when operating and
9 administering an accommodation school.

10 Sec. 2. Section 32-1401, Arizona Revised Statutes, is amended to read:

11 32-1401. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Active license" means a valid and existing license to practice
14 medicine.

15 2. "Adequate records" means legible medical records, produced by hand
16 or electronically, containing, at a minimum, sufficient information to
17 identify the patient, support the diagnosis, justify the treatment,
18 accurately document the results, indicate advice and cautionary warnings
19 provided to the patient and provide sufficient information for another
20 practitioner to assume continuity of the patient's care at any point in the
21 course of treatment.

22 3. "Advisory letter" means a nondisciplinary letter to notify a
23 licensee that either:

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

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

29 (c) While the licensee has demonstrated substantial compliance through
30 rehabilitation or remediation that has mitigated the need for disciplinary
31 action, the board believes that repetition of the activities that led to the
32 investigation may result in further board action against the licensee.

33 4. "Approved hospital internship, residency or clinical fellowship
34 program" means a program at a hospital that at the time the training occurred
35 was legally incorporated and that had a program that was approved for
36 internship, fellowship or residency training by the accreditation council for
37 graduate medical education, the association of American medical colleges, the
38 royal college of physicians and surgeons of Canada or any similar body in the
39 United States or Canada approved by the board whose function is that of
40 approving hospitals for internship, fellowship or residency training.

41 5. "Approved school of medicine" means any school or college offering
42 a course of study that, on successful completion, results in the degree of
43 doctor of medicine and whose course of study has been approved or accredited
44 by an educational or professional association, recognized by the board,
45 including the association of American medical colleges, the association of
46 Canadian medical colleges or the American medical association.

- 1 6. "Board" means the Arizona medical board.
- 2 7. "Completed application" means that the applicant has supplied all
3 required fees, information and correspondence requested by the board on forms
4 and in a manner acceptable to the board.
- 5 8. "Direct supervision" means that a physician, physician assistant
6 licensed pursuant to chapter 25 of this title or nurse practitioner certified
7 pursuant to chapter 15 of this title is within the same room or office suite
8 as the medical assistant in order to be available for consultation regarding
9 those tasks the medical assistant performs pursuant to section 32-1456.
- 10 9. "Dispense" means the delivery by a doctor of medicine of a
11 prescription drug or device to a patient, except for samples packaged for
12 individual use by licensed manufacturers or repackagers of drugs, and
13 includes the prescribing, administering, packaging, labeling and security
14 necessary to prepare and safeguard the drug or device for delivery.
- 15 10. "Doctor of medicine" means a natural person holding a license,
16 registration or permit to practice medicine pursuant to this chapter.
- 17 11. "Full-time faculty member" means a physician WHO IS employed full
18 time as a faculty member while holding the academic position of assistant
19 professor or a higher position at an approved school of medicine.
- 20 12. "Health care institution" means any facility as defined in section
21 36-401, any person authorized to transact disability insurance, as defined in
22 title 20, chapter 6, article 4 or 5, any person who is issued a certificate
23 of authority pursuant to title 20, chapter 4, article 9 or any other
24 partnership, association or corporation that provides health care to
25 consumers.
- 26 13. "Immediate family" means the spouse, natural or adopted children,
27 father, mother, brothers and sisters of the doctor and the natural or adopted
28 children, father, mother, brothers and sisters of the doctor's spouse.
- 29 14. "Letter of reprimand" means a disciplinary letter that is issued by
30 the board and that informs the physician that the physician's conduct
31 violates state or federal law and may require the board to monitor the
32 physician.
- 33 15. "Limit" means taking a nondisciplinary action that alters the
34 physician's practice or professional activities if the board determines that
35 there is evidence that the physician is or may be mentally or physically
36 unable to safely engage in the practice of medicine.
- 37 16. "Medical assistant" means an unlicensed person who meets the
38 requirements of section 32-1456, has completed an education program approved
39 by the board, assists in a medical practice under the supervision of a doctor
40 of medicine, physician assistant or nurse practitioner and performs delegated
41 procedures commensurate with the assistant's education and training but does
42 not diagnose, interpret, design or modify established treatment programs or
43 perform any functions that would violate any statute applicable to the
44 practice of medicine.
- 45 17. "Medical peer review" means:

1 (a) The participation by a doctor of medicine in the review and
2 evaluation of the medical management of a patient and the use of resources
3 for patient care.

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

6 18. "Medically incompetent" means a person who the board determines is
7 incompetent based on a variety of factors, including:

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

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

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

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

18 21. "Physician" means a doctor of medicine WHO IS licensed pursuant to
19 this chapter.

20 22. "Practice of medicine" means the diagnosis, the treatment or the
21 correction of or the attempt or the claim to be able to diagnose, treat or
22 correct any and all human diseases, injuries, ailments, infirmities, ~~OR~~ OR
23 deformities, physical or mental, real or imaginary, by any means, methods,
24 devices or instrumentalities, except as the same may be among the acts or
25 persons not affected by this chapter. The practice of medicine includes the
26 practice of medicine alone or the practice of surgery alone, or both.

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

31 24. "Special purpose licensing examination" means an examination THAT
32 IS developed by the national board of medical examiners on behalf of the
33 federation of state medical boards for use by state licensing boards to test
34 the basic medical competence of physicians who are applying for licensure and
35 who have been in practice for a considerable period of time in another
36 jurisdiction and to determine the competence of a physician WHO IS under
37 investigation by a state licensing board.

38 25. "Teaching hospital's accredited graduate medical education program"
39 means that the hospital is incorporated and has an internship, fellowship or
40 residency training program that is accredited by the accreditation council
41 for graduate medical education, the American medical association, the
42 association of American medical colleges, the royal college of physicians and
43 surgeons of Canada or a similar body in the United States or Canada THAT IS
44 approved by the board AND whose function is that of approving hospitals for
45 internship, fellowship or residency training.

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

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

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

8 (b) Intentionally disclosing a professional secret or intentionally
9 disclosing a privileged communication except as either act may otherwise be
10 required by law.

11 (c) False, fraudulent, deceptive or misleading advertising by a doctor
12 of medicine or the doctor's staff, employer or representative.

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

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

18 (f) Habitual intemperance in the use of alcohol or habitual substance
19 abuse.

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

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

24 (i) Prescribing, dispensing or administering schedule II controlled
25 substances as defined in section 36-2513 including amphetamines and similar
26 schedule II sympathomimetic drugs in the treatment of exogenous obesity for a
27 period in excess of thirty days in any one year, or the nontherapeutic use of
28 injectable amphetamines.

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

31 (k) Signing a blank, undated or predated prescription form.

32 (l) Conduct that the board determines is gross malpractice, repeated
33 malpractice or any malpractice resulting in the death of a patient.

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

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

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

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

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

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

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

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

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

37 (x) Fetal experiments conducted in violation of section 36-2302.

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

44 (z) Engaging in sexual conduct with a current patient or with a former
45 patient within six months after the last medical consultation unless the
46 patient was the licensee's spouse at the time of the contact or, immediately

1 preceding the physician-patient relationship, was in a dating or engagement
2 relationship with the licensee. For the purposes of this subdivision,
3 "sexual conduct" includes:

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

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

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

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

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

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

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

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

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

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

37 (i) Adequate informed patient consent.

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

41 (iii) Approval by the ~~federal~~ UNITED STATES food and drug
42 administration or its successor agency.

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

- 1 (ii) Lack of or inappropriate direction, collaboration or direct
2 supervision of a medical assistant or a licensed, certified or registered
3 health care provider employed by, supervised by or assigned to the physician.
- 4 (jj) Knowingly making a false or misleading statement to the board or
5 on a form required by the board or in a written correspondence, including
6 attachments, with the board.
- 7 (kk) Failing to dispense drugs and devices in compliance with article
8 6 of this chapter.
- 9 (ll) Conduct that the board determines is gross negligence, repeated
10 negligence or negligence resulting in harm to or the death of a patient.
- 11 (mm) The representation by a doctor of medicine or the doctor's staff,
12 employer or representative that the doctor is boarded or board certified if
13 this is not true or the standing is not current or without supplying the full
14 name of the specific agency, organization or entity granting this standing.
- 15 (nn) Refusing to submit to a body fluid examination or any other
16 examination known to detect the presence of alcohol or other drugs as
17 required by the board pursuant to section 32-1452 or pursuant to a board
18 investigation into a doctor of medicine's alleged substance abuse.
- 19 (oo) Failing to report in writing to the Arizona medical board or the
20 Arizona regulatory board of physician assistants any evidence that a doctor
21 of medicine or a physician assistant is or may be medically incompetent,
22 guilty of unprofessional conduct or mentally or physically unable to safely
23 practice medicine or to perform as a physician assistant.
- 24 (pp) The failure of a physician who is the chief executive officer,
25 the medical director or the medical chief of staff of a health care
26 institution to report in writing to the board that the hospital privileges of
27 a doctor of medicine have been denied, revoked, suspended, supervised or
28 limited because of actions by the doctor that appear to show that the doctor
29 is or may be medically incompetent, is or may be guilty of unprofessional
30 conduct or is or may be unable to engage safely in the practice of medicine.
- 31 (qq) Claiming to be a current member of the board, ~~OR~~ OR its staff or a
32 board medical consultant if this is not true.
- 33 (rr) Failing to make patient medical records in the physician's
34 possession promptly available to a physician assistant, a nurse practitioner,
35 a person licensed pursuant to this chapter or a podiatrist, chiropractor,
36 naturopathic physician, osteopathic physician or homeopathic physician
37 licensed under chapter 7, 8, 14, 17 or 29 of this title on receipt of proper
38 authorization to do so from the patient, a minor patient's parent, the
39 patient's legal guardian or the patient's authorized representative or
40 failing to comply with title 12, chapter 13, article 7.1.
- 41 (ss) Prescribing, dispensing or furnishing a prescription medication
42 or a prescription-only device as defined in section 32-1901 to a person
43 unless the licensee first conducts a physical or mental health status
44 examination of that person or has previously established a doctor-patient
45 relationship. The physical or mental health status examination may be
46 conducted during a real-time telemedicine encounter with audio and video

1 capability if the telemedicine audio and video capability meets the elements
2 required by the centers for medicare and medicaid services, unless the
3 examination is for the purpose of obtaining a written certification from the
4 physician for the purposes of title 36, chapter 28.1. This subdivision does
5 not apply to:

6 (i) A physician who provides temporary patient supervision on behalf
7 of the patient's regular treating licensed health care professional or
8 provides a consultation requested by the patient's regular treating licensed
9 health care professional.

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

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

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

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

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

28 (vii) Prescriptions for epinephrine auto-injectors written or
29 dispensed for a school district or charter school to be stocked for emergency
30 use pursuant to section 15-157.

31 (viii) Prescriptions written by a licensee through a telemedicine
32 program that is covered by the policies and procedures adopted by the
33 administrator of a hospital or outpatient treatment center.

34 (ix) Prescriptions for naloxone hydrochloride or any other ~~opiate~~
35 **OPIOID** antagonist approved by the United States food and drug administration
36 that are written or dispensed for use pursuant to section 36-2228 **OR 36-2266**.

37 (tt) Performing office based surgery using sedation in violation of
38 board rules.

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

40 Sec. 3. Section 32-1854, Arizona Revised Statutes, is amended to read:
41 **32-1854. Definition of unprofessional conduct**

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

44 1. Knowingly betraying a professional secret or wilfully violating a
45 privileged communication except as either of these may otherwise be required
46 by law. This paragraph does not prevent members of the board from exchanging

- 1 information with the licensing and disciplinary boards of other states,
2 territories or districts of the United States or with foreign countries or
3 with osteopathic medical organizations located in this state or in any state,
4 district or territory of this country or in any foreign country.
- 5 2. Committing a felony or a misdemeanor involving moral turpitude. In
6 either case conviction by any court of competent jurisdiction is conclusive
7 evidence of the commission of the offense.
- 8 3. Practicing medicine while under the influence of alcohol, a
9 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs or
10 any substance that impairs or may impair the licensee's ability to safely and
11 skillfully practice medicine.
- 12 4. Being diagnosed by a physician licensed under this chapter or
13 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
14 this title as excessively or illegally using alcohol or a controlled
15 substance.
- 16 5. Prescribing, dispensing or administering controlled substances or
17 prescription-only drugs for other than accepted therapeutic purposes.
- 18 6. Engaging in the practice of medicine in a manner that harms or may
19 harm a patient or that the board determines falls below the community
20 standard.
- 21 7. Impersonating another physician.
- 22 8. Acting or assuming to act as a member of the board if this is not
23 true.
- 24 9. Procuring, renewing or attempting to procure or renew a license to
25 practice osteopathic medicine by fraud or misrepresentation.
- 26 10. Having professional connection with or lending one's name to an
27 illegal practitioner of osteopathic medicine or any of the other healing
28 arts.
- 29 11. Representing that a manifestly incurable disease, injury, ailment
30 or infirmity can be permanently cured or that a curable disease, injury,
31 ailment or infirmity can be cured within a stated time, if this is not true.
- 32 12. Failing to reasonably disclose and inform the patient or the
33 patient's representative of the method, device or instrumentality the
34 licensee uses to treat the patient's disease, injury, ailment or infirmity.
- 35 13. Refusing to divulge to the board on demand the means, method,
36 device or instrumentality used in the treatment of a disease, injury, ailment
37 or infirmity.
- 38 14. Charging a fee for services not rendered or dividing a
39 professional fee for patient referrals. This paragraph does not apply to
40 payments from a medical researcher to a physician in connection with
41 identifying and monitoring patients for clinical trial regulated by the
42 United States food and drug administration.
- 43 15. Knowingly making any false or fraudulent statement, written or
44 oral, in connection with the practice of medicine or when applying for or
45 renewing privileges at a health care institution or a health care program.
- 46 16. Advertising in a false, deceptive or misleading manner.

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

4 18. The denial of or disciplinary action against a license by any
5 other state, territory, district or country, unless it can be shown that this
6 occurred for reasons that did not relate to the person's ability to safely
7 and skillfully practice osteopathic medicine or to any act of unprofessional
8 conduct as provided in this section.

9 19. Any conduct or practice contrary to recognized standards of ethics
10 of the osteopathic medical profession.

11 20. Violating or attempting to violate, directly or indirectly, or
12 assisting in or abetting the violation of or conspiring to violate any of the
13 provisions of this chapter.

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

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

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

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

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

28 24. Nontherapeutic use of injectable amphetamines.

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

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

34 27. Using experimental forms of therapy without adequate informed
35 patient consent or without conforming to generally accepted criteria and
36 complying with federal and state statutes and regulations governing
37 experimental therapies.

38 28. Failing to make patient medical records in the physician's
39 possession promptly available to a physician assistant, a nurse practitioner,
40 a person licensed pursuant to this chapter or a podiatrist, chiropractor,
41 naturopathic physician, physician or homeopathic physician licensed under
42 chapter 7, 8, 13, 14 or 29 of this title on receipt of proper authorization
43 to do so from the patient, a minor patient's parent, the patient's legal
44 guardian or the patient's authorized representative or failing to comply with
45 title 12, chapter 13, article 7.1.

- 1 29. Failing to allow properly authorized board personnel to have, on
2 presentation of a subpoena, access to any documents, reports or records that
3 are maintained by the physician and that relate to the physician's medical
4 practice or medically related activities pursuant to section 32-1855.01.
- 5 30. Signing a blank, undated or predated prescription form.
- 6 31. Obtaining a fee by fraud, deceit or misrepresentation.
- 7 32. Failing to report to the board an osteopathic physician and
8 surgeon who is or may be guilty of unprofessional conduct or is or may be
9 mentally or physically unable safely to engage in the practice of medicine.
- 10 33. Referring a patient to a diagnostic or treatment facility or
11 prescribing goods and services without disclosing that the physician has a
12 direct pecuniary interest in the facility, goods or services to which the
13 patient has been referred or prescribed. This paragraph does not apply to a
14 referral by one physician to another physician within a group of physicians
15 practicing together.
- 16 34. Lack of or inappropriate direction, collaboration or supervision
17 of a licensed, certified or registered health care provider or office
18 personnel employed by or assigned to the physician in the medical care of
19 patients.
- 20 35. Violating a federal law, a state law or a rule applicable to the
21 practice of medicine.
- 22 36. Prescribing or dispensing controlled substances or
23 prescription-only medications without establishing and maintaining adequate
24 patient records.
- 25 37. Failing to dispense drugs and devices in compliance with article 4
26 of this chapter.
- 27 38. Any conduct or practice that endangers a patient's or the public's
28 health or may reasonably be expected to do so.
- 29 39. Any conduct or practice that impairs the licensee's ability to
30 safely and skillfully practice medicine or that may reasonably be expected to
31 do so.
- 32 40. With the exception of heavy metal poisoning, using chelation
33 therapy in the treatment of arteriosclerosis or as any other form of therapy
34 without adequate informed patient consent and without conforming to generally
35 accepted experimental criteria, including protocols, detailed records,
36 periodic analysis of results and periodic review by a medical peer review
37 committee.
- 38 41. Prescribing, dispensing or administering anabolic-androgenic
39 steroids to a person for other than therapeutic purposes.
- 40 42. Engaging in sexual conduct with a current patient or with a former
41 patient within six months after the last medical consultation unless the
42 patient was the licensee's spouse at the time of the contact or, immediately
43 preceding the physician-patient relationship, was in a dating or engagement
44 relationship with the licensee. For the purposes of this paragraph, "sexual
45 conduct" includes:

- 1 (a) Engaging in or soliciting sexual relationships, whether consensual
2 or nonconsensual.
- 3 (b) Making sexual advances, requesting sexual favors or engaging in
4 any other verbal conduct or physical conduct of a sexual nature.
- 5 43. Fetal experiments conducted in violation of section 36-2302.
- 6 44. Conduct that the board determines constitutes gross negligence,
7 repeated negligence or negligence that results in harm or death of a patient.
- 8 45. Conduct in the practice of medicine that evidences moral unfitness
9 to practice medicine.
- 10 46. Engaging in disruptive or abusive behavior in a professional
11 setting.
- 12 47. Failing to disclose to a patient that the licensee has a direct
13 financial interest in a prescribed treatment, good or service if the
14 treatment, good or service is available on a competitive basis. This
15 paragraph does not apply to a referral by one licensee to another licensee
16 within a group of licensees who practice together. A licensee meets the
17 disclosure requirements of this paragraph if ~~and~~ BOTH of the following are
18 true:
- 19 (a) The licensee makes the disclosure on a form prescribed by the
20 board.
- 21 (b) The patient or the patient's guardian or parent acknowledges by
22 signing the form that the licensee has disclosed the licensee's direct
23 financial interest.
- 24 48. Prescribing, dispensing or furnishing a prescription medication or
25 a prescription-only device to a person if the licensee has not conducted a
26 physical or mental health status examination of that person or has not
27 previously established a physician-patient relationship. The physical or
28 mental health status examination may be conducted during a real-time
29 telemedicine encounter with audio and video capability if the telemedicine
30 audio and video capability meets the elements required by the centers for
31 medicare and medicaid services, unless the examination is for the purpose of
32 obtaining a written certification from the physician for the purposes of
33 title 36, chapter 28.1. This paragraph does not apply to:
- 34 (a) Emergencies.
- 35 (b) A licensee who provides patient care on behalf of the patient's
36 regular treating licensed health care professional or provides a consultation
37 requested by the patient's regular treating licensed health care
38 professional.
- 39 (c) Prescriptions written or antimicrobials dispensed to a contact as
40 defined in section 36-661 who is believed to have had significant exposure
41 risk as defined in section 36-661 with another person who has been diagnosed
42 with a communicable disease as defined in section 36-661 by the prescribing
43 or dispensing physician.
- 44 (d) Prescriptions for epinephrine auto-injectors written or dispensed
45 for a school district or charter school to be stocked for emergency use
46 pursuant to section 15-157.

1 (e) Prescriptions written by a licensee through a telemedicine program
2 that is covered by the policies and procedures adopted by the administrator
3 of a hospital or outpatient treatment center.

4 (f) Prescriptions for naloxone hydrochloride or any other **opiate**
5 **OPIOID** antagonist approved by the United States food and drug administration
6 that are written or dispensed for use pursuant to section 36-2228 **OR 36-2266**.

7 49. If a licensee provides medical care by computer, failing to
8 disclose the licensee's license number and the board's address and telephone
9 number.

10 Sec. 4. Section 32-1901.01, Arizona Revised Statutes, is amended to
11 read:

12 **32-1901.01. Definition of unethical and unprofessional conduct;**
13 **permittees; licensees**

14 A. In this chapter, unless the context otherwise requires, for the
15 purposes of disciplining a permittee, "unethical conduct" means the
16 following, whether occurring in this state or elsewhere:

17 1. Committing a felony, whether or not involving moral turpitude, or a
18 misdemeanor involving moral turpitude or any drug-related offense. In either
19 case, conviction by a court of competent jurisdiction or a plea of no contest
20 is conclusive evidence of the commission.

21 2. Committing an act that is substantially related to the
22 qualifications, functions or duties of a permittee and that demonstrates
23 either a lack of good moral character or an actual or potential unfitness to
24 hold a permit in light of the public's safety.

25 3. Working under the influence of alcohol or other drugs.

26 4. Addiction to the use of alcohol or other drugs to such a degree as
27 to render the permittee unfit to perform the permittee's employment duties.

28 5. Violating a federal or state law or administrative rule relating to
29 the manufacture, sale or distribution of drugs, devices, poisons, hazardous
30 substances or precursor chemicals.

31 6. Violating a federal or state law or administrative rule relating to
32 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled
33 substances or precursor chemicals.

34 7. Violating state or federal reporting or recordkeeping requirements
35 on transactions relating to precursor chemicals.

36 8. Failing to report in writing to the board any evidence that a
37 pharmacist, pharmacy intern or graduate intern is or may be professionally
38 incompetent, is or may be guilty of unprofessional conduct or is or may be
39 mentally or physically unable safely to engage in the practice of pharmacy.

40 9. Failing to report in writing to the board any evidence that a
41 pharmacy technician or pharmacy technician trainee is or may be
42 professionally incompetent, is or may be guilty of unprofessional conduct or
43 is or may be mentally or physically unable safely to engage in the
44 permissible activities of a pharmacy technician or pharmacy technician
45 trainee.

- 1 10. Failing to report in writing to the board any evidence that appears
2 to show that a permittee or permittee's employee is or may be guilty of
3 unethical conduct, is or may be mentally or physically unable safely to
4 engage in employment duties related to manufacturing, selling, distributing
5 or dispensing of drugs, devices, poisons, hazardous substances, controlled
6 substances or precursor chemicals or is or may be in violation of this
7 chapter or a rule adopted under this chapter.
- 8 11. Intending to sell, transfer or distribute, or to offer for sale,
9 transfer or distribution, or selling, transferring, distributing or
10 dispensing or offering for sale, transfer or distribution an imitation
11 controlled substance, imitation over-the-counter drug or imitation
12 prescription-only drug as defined in section 13-3451.
- 13 12. Denial or discipline of a permittee's permit to manufacture, sell,
14 distribute or dispense drugs, devices, poisons, hazardous substances or
15 precursor chemicals in another jurisdiction and the permit was not
16 reinstated.
- 17 13. Committing an offense in another jurisdiction that if committed in
18 this state would be grounds for discipline.
- 19 14. Obtaining or attempting to obtain a permit or a permit renewal by
20 fraud, by misrepresentation or by knowingly taking advantage of the mistake
21 of another person or an agency.
- 22 15. Wilfully making a false report or record required by this chapter,
23 required by federal or state laws pertaining to drugs, devices, poisons,
24 hazardous substances or precursor chemicals or required for the payment for
25 drugs, devices, poisons or hazardous substances or precursor chemicals or for
26 services pertaining to such drugs or substances.
- 27 16. Knowingly filing with the board any application, renewal or other
28 document that contains false or misleading information.
- 29 17. Providing false or misleading information or omitting material
30 information in any communication to the board or the board's employees or
31 agents.
- 32 18. Violating or attempting to violate, directly or indirectly, or
33 assisting in or abetting the violation of, or conspiring to violate, this
34 chapter.
- 35 19. Violating a formal order, terms of probation, a consent agreement
36 or a stipulation issued or entered into by the board or its executive
37 director pursuant to this chapter.
- 38 20. Failing to comply with a board subpoena or failing to comply in a
39 timely manner with a board subpoena without providing any explanation to the
40 board for not complying with the subpoena.
- 41 21. Failing to provide the board, ~~OR~~ OR its employees or agents or an
42 authorized federal or state official conducting a site investigation,
43 inspection or audit with access to any place for which a permit has been
44 issued or for which an application for a permit has been submitted.
- 45 22. Failing to notify the board of a change of ownership, management or
46 pharmacist in charge.

1 23. Failing to promptly produce on the request of the official
2 conducting a site investigation, inspection or audit any book, record or
3 document.

4 24. Overruling or attempting to overrule a pharmacist in matters of
5 pharmacy ethics or interpreting laws pertaining to the practice of pharmacy
6 or the distribution of drugs or devices.

7 25. Distributing premiums or rebates of any kind in connection with the
8 sale of prescription medication, other than to the prescription medication
9 recipient.

10 26. Failing to maintain effective controls against the diversion of
11 precursor chemicals to unauthorized persons or entities.

12 27. Fraudulently claiming to have performed a service.

13 28. Fraudulently charging a fee for a service.

14 29. Advertising drugs or devices, or services pertaining to drugs or
15 devices, in a manner that is untrue or misleading in any particular, and that
16 is known, or that by the exercise of reasonable care should be known, to be
17 untrue or misleading.

18 B. In this chapter, unless the context otherwise requires, for the
19 purposes of disciplining a pharmacist, pharmacy intern or graduate intern,
20 "unprofessional conduct" means the following, whether occurring in this state
21 or elsewhere:

22 1. Addiction to the use of alcohol or other drugs to such a degree as
23 to render the licensee unfit to practice the profession of pharmacy.

24 2. Violating any federal or state law, rule or regulation relating to
25 the manufacture or distribution of drugs and devices or the practice of
26 pharmacy.

27 3. Dispensing a different drug or brand of drug in place of the drug
28 or brand of drug ordered or prescribed without the express permission in each
29 case of the orderer, or in the case of a prescription order, the medical
30 practitioner. The conduct prohibited by this paragraph does not apply to
31 substitutions authorized pursuant to section 32-1963.01.

32 4. Obtaining or attempting to obtain a license to practice pharmacy or
33 a license renewal by fraud, by misrepresentation or by knowingly taking
34 advantage of the mistake of another person or an agency.

35 5. Denial or discipline of a licensee's license to practice pharmacy
36 in another jurisdiction and the license was not reinstated.

37 6. Claiming professional superiority in compounding or dispensing
38 prescription orders.

39 7. Failing to comply with the mandatory continuing professional
40 pharmacy education requirements of sections 32-1936 and 32-1937 and rules
41 adopted by the board.

42 8. Committing a felony, whether or not involving moral turpitude, or a
43 misdemeanor involving moral turpitude or any drug-related offense. In either
44 case, conviction by a court of competent jurisdiction or a plea of no contest
45 is conclusive evidence of the commission.

46 9. Working under the influence of alcohol or other drugs.

1 10. Violating a federal or state law or administrative rule relating to
2 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled
3 substances or precursor chemicals when determined by the board or by
4 conviction in a federal or state court.

5 11. Knowingly dispensing a drug without a valid prescription order as
6 required pursuant to section 32-1968, subsection A.

7 12. Knowingly dispensing a drug on a prescription order that was issued
8 in the course of the conduct of business of dispensing drugs pursuant to
9 diagnosis by mail or the internet, unless the order was any of the following:

10 (a) Made by a physician who provides temporary patient supervision on
11 behalf of the patient's regular treating licensed health care professional or
12 provides a consultation requested by the patient's regular treating licensed
13 health care professional.

14 (b) Made in an emergency medical situation as defined in section
15 41-1831.

16 (c) Written to prepare a patient for a medical examination.

17 (d) Written or the prescription medications were issued for use by a
18 county or tribal public health department for immunization programs or
19 emergency treatment or in response to an infectious disease investigation, a
20 public health emergency, an infectious disease outbreak or an act of
21 bioterrorism. For the purposes of this subdivision, "bioterrorism" has the
22 same meaning prescribed in section 36-781.

23 (e) Written or antimicrobials were dispensed by the prescribing or
24 dispensing physician to a contact as defined in section 36-661 who is
25 believed to have had significant exposure risk as defined in section 36-661
26 with another person who has been diagnosed with a communicable disease as
27 defined in section 36-661.

28 (f) Written or the prescription medications were issued for
29 administration of immunizations or vaccines listed in the United States
30 centers for disease control and prevention's recommended immunization
31 schedule to a household member of a patient.

32 (g) For epinephrine auto-injectors that are written or dispensed for a
33 school district or charter school and that are to be stocked for emergency
34 use pursuant to section 15-157.

35 (h) Written by a licensee through a telemedicine program that is
36 covered by the policies and procedures adopted by the administrator of a
37 hospital or outpatient treatment center.

38 (i) Written pursuant to a physical or mental health status examination
39 that was conducted during a real-time telemedicine encounter with audio and
40 video capability that meets the elements required by the centers for medicare
41 and medicaid services.

42 (j) For naloxone hydrochloride or any other ~~opiate~~ OPIOID antagonist
43 approved by the United States food and drug administration and written or
44 dispensed for use pursuant to section 36-2228 OR 36-2266.

45 13. Failing to report in writing to the board any evidence that a
46 pharmacist, pharmacy intern or graduate intern is or may be professionally

1 incompetent, is or may be guilty of unprofessional conduct or is or may be
2 mentally or physically unable to safely engage in the practice of pharmacy.

3 14. Failing to report in writing to the board any evidence that a
4 pharmacy technician or pharmacy technician trainee is or may be
5 professionally incompetent, is or may be guilty of unprofessional conduct or
6 is or may be mentally or physically unable to safely engage in the
7 permissible activities of a pharmacy technician or pharmacy technician
8 trainee.

9 15. Failing to report in writing to the board any evidence that a
10 permittee or a permittee's employee is or may be guilty of unethical conduct
11 or is or may be in violation of this chapter or a rule adopted under this
12 chapter.

13 16. Committing an offense in another jurisdiction that if committed in
14 this state would be grounds for discipline.

15 17. Knowingly filing with the board any application, renewal or other
16 document that contains false or misleading information.

17 18. Providing false or misleading information or omitting material
18 information in any communication to the board or the board's employees or
19 agents.

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

23 20. Violating a formal order, terms of probation, a consent agreement
24 or a stipulation issued or entered into by the board or its executive
25 director pursuant to this chapter.

26 21. Failing to comply with a board subpoena or failing to comply in a
27 timely manner with a board subpoena without providing any explanation to the
28 board for not complying with the subpoena.

29 22. Refusing without just cause to allow authorized agents of the board
30 to examine documents that are required to be kept pursuant to this chapter or
31 title 36.

32 23. Participating in an arrangement or agreement to allow a
33 prescription order or a prescription medication to be left at, picked up
34 from, accepted by or delivered to a place that is not licensed as a pharmacy.
35 This paragraph does not prohibit a pharmacist or a pharmacy from using an
36 employee or a common carrier to pick up prescription orders at or deliver
37 prescription medications to the office or home of a medical practitioner, the
38 residence of a patient or a patient's hospital.

39 24. Paying rebates or entering into an agreement for the payment of
40 rebates to a medical practitioner or any other person in the health care
41 field.

42 25. Providing or causing to be provided to a medical practitioner
43 prescription order blanks or forms bearing the pharmacist's or pharmacy's
44 name, address or other means of identification.

45 26. Fraudulently claiming to have performed a professional service.

46 27. Fraudulently charging a fee for a professional service.

1 28. Failing to report a change of the licensee's home address or
2 employer as required pursuant to section 32-1926.

3 29. Failing to report a change in the licensee's residency status as
4 required pursuant to section 32-1926.01.

5 C. In this chapter, unless the context otherwise requires, for the
6 purposes of disciplining a pharmacy technician or pharmacy technician
7 trainee, "unprofessional conduct" means the following, whether occurring in
8 this state or elsewhere:

9 1. Addiction to the use of alcohol or other drugs to such a degree as
10 to render the licensee unfit to perform the licensee's employment duties.

11 2. Violating a federal or state law or administrative rule relating to
12 the manufacture or distribution of drugs or devices.

13 3. Obtaining or attempting to obtain a pharmacy technician or pharmacy
14 technician trainee license or a pharmacy technician license renewal by fraud,
15 by misrepresentation or by knowingly taking advantage of the mistake of
16 another person or an agency.

17 4. Denial or discipline of a licensee's license to practice as a
18 pharmacy technician in another jurisdiction and the license was not
19 reinstated.

20 5. Failing to comply with the mandatory continuing professional
21 education requirements of section 32-1925, subsection I and rules adopted by
22 the board.

23 6. Committing a felony, whether or not involving moral turpitude, or a
24 misdemeanor involving moral turpitude or any drug-related offense. In either
25 case, conviction by a court of competent jurisdiction or a plea of no contest
26 is conclusive evidence of the commission.

27 7. Working under the influence of alcohol or other drugs.

28 8. Violating a federal or state law or administrative rule relating to
29 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled
30 substances or precursor chemicals when determined by the board or by
31 conviction in a federal or state court.

32 9. Failing to report in writing to the board any evidence that a
33 pharmacist, pharmacy intern or graduate intern is or may be professionally
34 incompetent, is or may be guilty of unprofessional conduct or is or may be
35 mentally or physically unable to safely engage in the practice of pharmacy.

36 10. Failing to report in writing to the board any evidence that a
37 pharmacy technician or pharmacy technician trainee is or may be
38 professionally incompetent, is or may be guilty of unprofessional conduct or
39 is or may be mentally or physically unable to safely engage in the
40 permissible activities of a pharmacy technician or pharmacy technician
41 trainee.

42 11. Failing to report in writing to the board any evidence that a
43 permittee or a permittee's employee is or may be guilty of unethical conduct
44 or is or may be in violation of this chapter or a rule adopted under this
45 chapter.

1 12. Committing an offense in another jurisdiction that if committed in
2 this state would be grounds for discipline.

3 13. Knowingly filing with the board any application, renewal or other
4 document that contains false or misleading information.

5 14. Providing false or misleading information or omitting material
6 information in any communication to the board or the board's employees or
7 agents.

8 15. Violating or attempting to violate, directly or indirectly, or
9 assisting in or abetting in the violation of, or conspiring to violate, this
10 chapter.

11 16. Violating a formal order, terms of probation, a consent agreement
12 or a stipulation issued or entered into by the board or its executive
13 director pursuant to this chapter.

14 17. Failing to comply with a board subpoena or failing to comply in a
15 timely manner with a board subpoena without providing any explanation to the
16 board for not complying with the subpoena.

17 18. Failing to report a change of the licensee's home address or
18 employer as required pursuant to section 32-1926.

19 19. Failing to report a change in the licensee's residency status as
20 required pursuant to section 32-1926.01.

21 Sec. 5. Title 32, chapter 18, article 3, Arizona Revised Statutes, is
22 amended by adding section 32-1979, to read:

23 32-1979. Pharmacists; dispensing opioid antagonists without a
24 prescription; board protocols; immunity

25 A. A PHARMACIST MAY DISPENSE WITHOUT A PRESCRIPTION, ACCORDING TO
26 PROTOCOLS ADOPTED BY THE BOARD, NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID
27 ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION
28 FOR USE ACCORDING TO THE PROTOCOLS SPECIFIED BY BOARD RULE TO A PERSON WHO IS
29 AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE OR TO A FAMILY MEMBER OR
30 COMMUNITY MEMBER WHO IS IN A POSITION TO ASSIST THAT PERSON.

31 B. A PHARMACIST WHO DISPENSES NALOXONE HYDROCHLORIDE OR ANY OTHER
32 OPIOID ANTAGONIST PURSUANT TO SUBSECTION A OF THIS SECTION SHALL:

33 1. DOCUMENT THE DISPENSING CONSISTENT WITH BOARD RULES.

34 2. INSTRUCT THE INDIVIDUAL TO WHOM THE OPIOID ANTAGONIST IS DISPENSED
35 TO SUMMON EMERGENCY SERVICES AS SOON AS PRACTICABLE EITHER BEFORE OR AFTER
36 ADMINISTERING THE OPIOID ANTAGONIST.

37 C. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A PHARMACIST TO FILL
38 OR REFILL A PRESCRIPTION FOR NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID
39 ANTAGONIST THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
40 ADMINISTRATION.

41 D. A PHARMACIST WHO DISPENSES AN OPIOID ANTAGONIST PURSUANT TO THIS
42 SECTION IS IMMUNE FROM PROFESSIONAL LIABILITY AND CRIMINAL PROSECUTION FOR
43 ANY DECISION MADE, ACT OR OMISSION OR INJURY THAT RESULTS FROM THAT ACT IF
44 THE PHARMACIST ACTS WITH REASONABLE CARE AND IN GOOD FAITH, EXCEPT IN CASES
45 OF WANTON OR WILFUL NEGLIGENCE.

46 Sec. 6. Section 36-2228, Arizona Revised Statutes, is amended to read:

1 36-2228. Administration of opioid antagonists; training;
2 immunity; designation by director

3 A. Pursuant to a standing order issued by a physician licensed
4 pursuant to title 32, chapter 13 or 17 or a nurse practitioner licensed
5 pursuant to title 32, chapter 15 and authorized by law to prescribe drugs, an
6 emergency medical care technician or a peace officer who is trained in the
7 administration of naloxone hydrochloride or any other ~~opiate~~ OPIOID
8 antagonist that is approved by the United States food and drug administration
9 and designated by the director may administer naloxone hydrochloride or
10 another ~~opiate~~ OPIOID antagonist to a person who the emergency medical care
11 technician or peace officer believes is suffering from an ~~opiate-related~~
12 OPIOID-RELATED drug overdose.

13 B. The department, in coordination with the Arizona peace officer
14 standards and training board, shall develop a training module for emergency
15 medical care technicians and peace officers that provides training regarding
16 the identification of a person suffering from an ~~opiate-related~~
17 OPIOID-RELATED drug overdose and the use of naloxone hydrochloride or other
18 ~~opiate~~ OPIOID antagonists.

19 C. Physicians who are licensed pursuant to title 32, chapter 13 or 17
20 and who issue a standing order, nurse practitioners who are licensed pursuant
21 to title 32, chapter 15 and authorized by law to prescribe drugs and who
22 issue a standing order and emergency medical care technicians and peace
23 officers who administer naloxone hydrochloride or any other ~~opiate~~ OPIOID
24 antagonist pursuant to this section are immune from professional liability
25 and criminal prosecution for any decision made, act or omission or injury
26 that results from that act if those persons act with reasonable care and in
27 good faith, except in cases of wanton or wilful neglect. This section does
28 not create a duty to act or standard of care for peace officers to administer
29 an ~~opiate~~ OPIOID antagonist.

30 D. The director shall designate ~~opiate~~ OPIOID antagonists that may be
31 used pursuant to this section based on an evaluation of the ~~opiate~~ OPIOID
32 antagonist's safety and efficacy.

33 Sec. 7. Title 36, chapter 21.1, Arizona Revised Statutes, is amended
34 by adding article 4, to read:

35 ARTICLE 4. OPIOID ANTAGONISTS

36 36-2266. Prescribing and dispensing; immunity; good faith
37 statement; definition

38 A. A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17,
39 A NURSE PRACTITIONER LICENSED PURSUANT TO TITLE 32, CHAPTER 15 AND AUTHORIZED
40 BY LAW TO PRESCRIBE DRUGS OR ANY OTHER HEALTH PROFESSIONAL WHO HAS
41 PRESCRIBING AUTHORITY AND WHO IS ACTING WITHIN THE HEALTH PROFESSIONAL'S
42 SCOPE OF PRACTICE MAY, DIRECTLY OR BY A STANDING ORDER, PRESCRIBE OR DISPENSE
43 NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST THAT IS APPROVED BY THE
44 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR USE ACCORDING TO THE PROTOCOL
45 SPECIFIED BY THE PHYSICIAN, NURSE PRACTITIONER OR OTHER HEALTH PROFESSIONAL
46 TO A PERSON WHO IS AT RISK OF EXPERIENCING AN OPIOID-RELATED OVERDOSE, TO A

1 FAMILY MEMBER OF THAT PERSON, TO A COMMUNITY ORGANIZATION THAT PROVIDES
2 SERVICES TO PERSONS WHO ARE AT RISK OF AN OPIOID-RELATED OVERDOSE OR TO ANY
3 OTHER PERSON WHO IS IN A POSITION TO ASSIST A PERSON WHO IS AT RISK OF
4 EXPERIENCING AN OPIOID-RELATED OVERDOSE.

5 B. A PHYSICIAN, NURSE PRACTITIONER OR OTHER HEALTH PROFESSIONAL WHO
6 PRESCRIBES OR DISPENSES NALOXONE HYDROCHLORIDE OR ANY OTHER OPIOID ANTAGONIST
7 PURSUANT TO SUBSECTION A OF THIS SECTION, SHALL INSTRUCT THE INDIVIDUAL TO
8 WHOM THE OPIOID ANTAGONIST IS DISPENSED TO SUMMON EMERGENCY SERVICES AS SOON
9 AS PRACTICABLE EITHER BEFORE OR AFTER ADMINISTERING THE OPIOID ANTAGONIST.

10 C. EXCEPT IN CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR
11 INTENTIONAL WRONGDOING, A PHYSICIAN, NURSE PRACTITIONER OR OTHER HEALTH
12 PROFESSIONAL WHO IN GOOD FAITH PRESCRIBES OR DISPENSES AN OPIOID ANTAGONIST
13 PURSUANT TO SUBSECTION A OF THIS SECTION IS IMMUNE FROM PROFESSIONAL
14 LIABILITY AND CRIMINAL PROSECUTION FOR ANY DECISION MADE, ACT OR OMISSION OR
15 INJURY THAT RESULTS FROM THAT ACT IF THE PHYSICIAN, NURSE PRACTITIONER OR
16 OTHER HEALTH PROFESSIONAL ACTS WITH REASONABLE CARE AND IN GOOD FAITH.

17 D. BEFORE PRESCRIBING AN OPIOID ANTAGONIST PURSUANT TO SUBSECTION A OF
18 THIS SECTION, A PHYSICIAN, NURSE PRACTITIONER OR OTHER HEALTH PROFESSIONAL
19 MAY REQUIRE THE PERSON RECEIVING THE PRESCRIPTION, AS AN INDICATOR OF GOOD
20 FAITH, TO PROVIDE IN WRITING A FACTUAL BASIS FOR A REASONABLE CONCLUSION THAT
21 THE PERSON OR ENTITY MEETS THE DESCRIPTION IN SUBSECTION A OF THIS SECTION OF
22 A PERSON OR ENTITY WHO IS ABLE TO RECEIVE AN OPIOID ANTAGONIST UNDER THIS
23 SECTION.

24 E. FOR THE PURPOSES OF THIS SECTION, "PERSON" INCLUDES AN EMPLOYEE OF
25 A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS ACTING IN THE PERSON'S OFFICIAL
26 CAPACITY.

27 36-2267. Administration of opioid antagonist; exemption from
28 civil liability; definition

29 A. A PERSON MAY ADMINISTER AN OPIOID ANTAGONIST THAT IS PRESCRIBED OR
30 DISPENSED PURSUANT TO SECTION 32-1979 OR 36-2266 IN ACCORDANCE WITH THE
31 PROTOCOL SPECIFIED BY THE PHYSICIAN, NURSE PRACTITIONER, PHARMACIST OR OTHER
32 HEALTH PROFESSIONAL TO A PERSON WHO IS EXPERIENCING AN OPIOID-RELATED
33 OVERDOSE.

34 B. A PERSON WHO IN GOOD FAITH AND WITHOUT COMPENSATION ADMINISTERS AN
35 OPIOID ANTAGONIST TO A PERSON WHO IS EXPERIENCING AN OPIOID-RELATED OVERDOSE
36 IS NOT LIABLE FOR ANY CIVIL OR OTHER DAMAGES AS THE RESULT OF ANY ACT OR
37 OMISSION BY THE PERSON RENDERING THE CARE OR AS THE RESULT OF ANY ACT OR
38 FAILURE TO ACT TO ARRANGE FOR FURTHER MEDICAL TREATMENT OR CARE FOR THE
39 PERSON EXPERIENCING THE OVERDOSE, UNLESS THE PERSON WHILE RENDERING THE CARE
40 ACTS WITH GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING.

41 C. FOR THE PURPOSES OF THIS SECTION, "PERSON" INCLUDES AN EMPLOYEE OF
42 A SCHOOL DISTRICT OR CHARTER SCHOOL WHO IS ACTING IN THE PERSON'S OFFICIAL
43 CAPACITY.

H.B. 2355

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.