

**FILED**

State of Arizona  
House of Representatives  
Forty-second Legislature  
Second Regular Session  
1996

**Jane Dee Hull  
Secretary of State**

CHAPTER 278

**HOUSE BILL 2098**

AN ACT

AMENDING SECTION 32-924, ARIZONA REVISED STATUTES; RELATING TO ATTORNEYS.

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

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

32-924. Grounds for sanction; hearing

A. After a hearing the board may take the following actions to sanction a person for any of the grounds listed in subsection B:

1. Issue an order to cease and desist.
2. Issue an order of censure.
3. Impose a civil penalty of not more than five hundred dollars.
4. Prescribe terms of probation.
5. Refuse to issue a license to an applicant.
6. Revoke or suspend a license.

B. The following are grounds for sanctions, regardless of where they occur:

1. Employment of fraud or deception in securing a license.
2. Practicing chiropractic under a false or assumed name.
3. Impersonating another practitioner.
4. Habitual use of alcohol, narcotics or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
5. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.
6. Conviction of a misdemeanor involving moral turpitude or of a felony.

1           7. Gross malpractice, repeated malpractice or any malpractice  
2 resulting in the death of a patient.

3           8. Representing that a manifestly incurable condition can be  
4 permanently cured, or that a curable condition can be cured within a stated  
5 time, if such is not the fact.

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

8           10. Refusing to divulge to the board upon demand the means, method,  
9 device or instrumentality used in the treatment of a condition.

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

12           12. Acting or assuming to act as a member of the board if such is not  
13 the fact.

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

15           14. Refusal, revocation or suspension of a license by any other state  
16 or country, unless it can be shown that such was not occasioned by reasons  
17 which relate to the ability to safely and skillfully practice chiropractic  
18 or to any act of unprofessional conduct.

19           15. Any conduct or practice contrary to recognized standards in  
20 chiropractic or any conduct or practice which constitutes a danger to the  
21 health, welfare or safety of the patient or the public or any conduct,  
22 practice or condition which impairs the ability of the licensee to safely and  
23 skillfully practice chiropractic.

24           16. Violating or attempting to violate, directly or indirectly, or  
25 assisting in or abetting the violation of or conspiring to violate any of the  
26 provisions of this chapter or any board order.

27           17. Failing to designate himself and sign his name, wherever required,  
28 in any capacity as "chiropractic doctor", "chiropractic physician" or "doctor  
29 of chiropractic" or failing to use and affix the initials "D.C." after his  
30 name.

31           18. Failing to place or cause to be placed the word or words  
32 "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic  
33 physician" in any sign or advertising media he uses.

34           19. Using physiotherapy without passing an examination in that subject  
35 and without being certified in that specialty by the board.

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

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

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

43           23. Intentionally misrepresenting to or omitting a material fact from  
44 the patient or third party payor concerning charges, services, appliances,

1 tests, equipment, an x-ray examination or other procedures offered or  
2 provided.

3 24. Advertising chiropractic services, appliances, tests, equipment,  
4 x-ray examinations or other procedures for a specified price without also  
5 specifying the services, procedures or items included in the advertised  
6 price.

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

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

13 27. Advertising a specialty or procedure which requires a separate  
14 examination or certificate of specialty, unless the licensee has satisfied  
15 the applicable requirements of this chapter.

16 28. SOLICITATION BY THE LICENSEE OR BY THE LICENSEE'S COMPENSATED AGENT  
17 OF ANY PERSON WHO IS NOT PREVIOUSLY KNOWN BY THE LICENSEE OR THE LICENSEE'S  
18 AGENT, AND AT THE TIME OF THE SOLICITATION IS VULNERABLE TO UNDUE INFLUENCE,  
19 INCLUDING ANY PERSON KNOWN TO HAVE EXPERIENCED ANY OF THE FOLLOWING WITHIN  
20 THE LAST FIFTEEN DAYS:

21 (a) INVOLVED IN A MOTOR VEHICLE ACCIDENT.

22 (b) INVOLVED IN A WORK-RELATED ACCIDENT.

23 (c) INJURED BY, OR AS THE RESULT OF ACTIONS OF, ANOTHER PERSON.

24 C. FOR PURPOSES OF THIS SECTION, SOLICITATION INCLUDES CONTACT IN  
25 PERSON, BY TELEPHONE, TELEGRAPH OR TELEFACSIMILE OR BY OTHER COMMUNICATION  
26 DIRECTED TO A SPECIFIC RECIPIENT AND INCLUDES ANY WRITTEN FORM OF  
27 COMMUNICATION DIRECTED TO A SPECIFIC RECIPIENT.

28 ~~C~~ D. Pursuant to board rules, the board on its own initiative shall  
29 investigate and may hold hearings on alleged violations of this section.

APPROVED BY THE GOVERNOR APRIL 24, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 1996