

Conference Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 289

# SENATE BILL 1300

AN ACT

AMENDING SECTIONS 32-1501, 32-1502, 32-1509, 32-1522, 32-1524, 32-1525 AND 32-1551, ARIZONA REVISED STATUTES; RELATING TO THE NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 32-1501, Arizona Revised Statutes, is amended to  
3 read:

4 32-1501. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

11 3. "Adequate medical records" means medical records containing  
12 sufficient information to identify the patient, the diagnosis and the  
13 treatment prescribed.

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

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

24 6. "Approved postdoctoral training" or "postdoctoral training" means  
25 that the program in which the training occurred or is being conducted has  
26 been approved for specialty training or for graduate medical education in  
27 naturopathic medicine by the board or approved or accredited by an  
28 educational or professional association recognized by the board or by another  
29 state's or country's licensing agency recognized by the board.

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

36 8. "Approved school of naturopathic medicine" or "school of  
37 naturopathic medicine" means a school or college determined by the board to  
38 have an educational program that meets board standards as prescribed by board  
39 rules, offering a course of study which, on successful completion, results  
40 in the awarding of the degree of doctor of naturopathic medicine and whose  
41 course of study is any of the following:

42 (a) Accredited or a candidate for accreditation by an accrediting  
43 agency recognized by the United States secretary of education as a

1 specialized accrediting agency for schools of naturopathic medicine or its  
2 successor.

3 (b) Accredited or a candidate for accreditation by an accrediting  
4 agency recognized by the council for higher education accreditation or its  
5 successor.

6 ~~(c) Certified, recognized or approved by another state's naturopathic~~  
7 ~~licensing agency and the school is located in the jurisdiction of that~~  
8 ~~licensing agency.~~

9 9. "Board" means the naturopathic physicians board of medical  
10 examiners.

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

14 11. "Doctor of naturopathic medicine" means a natural person licensed  
15 to practice naturopathic medicine under this chapter.

16 12. "Letter of concern" means a nondisciplinary advisory letter that  
17 is issued by the board to a person who is regulated under this chapter and  
18 that states that while there is insufficient evidence to support disciplinary  
19 action the board believes that the person should modify or eliminate certain  
20 practices and that continuation of the activities that led to the information  
21 being submitted to the board may result in action against the person's  
22 license, certificate or registration.

23 13. "Letter of reprimand" means a disciplinary letter that is issued  
24 by the board and that informs a person who is regulated under this chapter  
25 that the person's conduct violates state or federal law but does not require  
26 the board to restrict the person's license, certificate or registration  
27 because the person's conduct did not result in harm to a patient or to the  
28 public.

29 14. "Medical assistant" or "naturopathic medical assistant" means a  
30 person who is certified by the board as a medical assistant, who assists a  
31 doctor of naturopathic medicine and who may perform delegated procedures THAT  
32 ARE commensurate with the assistant's education and training under the direct  
33 supervision of a doctor of naturopathic medicine. ~~Procedures delegated to~~  
34 ~~a medical assistant AND THAT~~ do not include diagnosing, designing or  
35 modifying established treatment programs or those procedures prohibited by  
36 the board or by this chapter.

37 15. "Medically incompetent" means a person who is licensed, certified  
38 or registered pursuant to this chapter and who lacks sufficient naturopathic  
39 medical knowledge or skills, or both, to a degree that is likely to endanger  
40 the health of patients.

41 16. "Naturopathic medical student" means a person who is enrolled in  
42 a course of study at an approved school of naturopathic medicine.

43 17. "Naturopathic medicine" means medicine as taught in approved  
44 schools of naturopathic medicine and in clinical, internship, preceptorship

1 and postdoctoral training programs approved by the board and practiced by a  
2 recipient of a degree of doctor of naturopathic medicine licensed pursuant  
3 to this chapter.

4 18. "Nurse" means a person licensed pursuant to chapter 15 of this  
5 title.

6 19. "Physician" means a doctor of naturopathic medicine licensed  
7 pursuant to this chapter.

8 20. "Practice of naturopathic medicine" means a medical system of  
9 diagnosing and treating diseases, injuries, ailments, infirmities and other  
10 conditions of the human mind and body including by natural means, drugless  
11 methods, nonsurgical methods, devices, physical, electrical, hygienic and  
12 sanitary measures and all forms of physical agents and modalities.

13 21. "Specialist" means a physician who has successfully completed  
14 approved postdoctoral training, who is certified by a specialty board of  
15 examiners recognized by the board and who is certified by the board to  
16 practice the specialty pursuant to this chapter.

17 22. "Unprofessional conduct" includes the following, whether occurring  
18 in this state or elsewhere:

19 (a) Intentionally disclosing a professional secret or intentionally  
20 disclosing a privileged communication except as either of these may otherwise  
21 be required by law.

22 (b) Any dishonorable conduct reflecting unfavorably on the profession.

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

27 (d) Habitual intemperance in the use of alcohol or any substance  
28 abuse.

29 (e) The illegal use of any narcotic or hypnotic drugs, or illegal  
30 substances.

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

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

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

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

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

43 (k) Representing that a manifestly incurable disease, injury, ailment  
44 or infirmity can be permanently cured, or falsely or fraudulently

1 representing that a curable disease, injury, ailment or infirmity can be  
2 cured within a stated time.

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

6 (m) Refusing to divulge to the board upon demand the means, method,  
7 treatment, medicine, substance, device or instrumentality used in the  
8 treatment of a disease, injury, ailment or infirmity.

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

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

14 (p) Immorality or misconduct that tends to discredit the naturopathic  
15 profession.

16 (q) Refusal, revocation or suspension of a license by any other state,  
17 district or territory of the United States or any other country, unless it  
18 can be shown that such THIS ACTION was not occasioned by DUE TO reasons which  
19 THAT relate to the ability to safely and skillfully practice as a doctor of  
20 naturopathic medicine or to any act of unprofessional conduct in this  
21 paragraph.

22 (r) Any conduct or practice which THAT is contrary to recognized  
23 standards of ethics of the naturopathic profession, any conduct or practice  
24 which THAT does or might constitute a danger to the health, welfare or safety  
25 of the patient or the public, or any conduct, practice or condition which  
26 THAT does or might impair the ability to safely and skillfully practice as  
27 a doctor of naturopathic medicine.

28 (s) Failure to observe any federal, state, county or municipal law  
29 relating to public health as a physician in this state.

30 (t) Violating or attempting to violate, directly or indirectly, or  
31 assisting in or abetting the violation of, or conspiring to violate any of  
32 the provisions of this chapter or board rules.

33 (u) False, fraudulent, deceptive or misleading advertising or  
34 advertising the quality of a medical or health care service by a physician  
35 or by the physician's staff, employer or representative.

36 (v) Failing or refusing to maintain adequate medical records on a  
37 patient or failing or refusing to make medical records in the physician's  
38 possession promptly available to another physician or health care provider  
39 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title on  
40 request and receipt of proper authorization to do so from the patient, a  
41 minor patient's parent, the patient's legal guardian or the patient's  
42 authorized representative or failing to comply with title 12, chapter 13,  
43 article 7.1.

1 (w) Referring a patient to a diagnostic or treatment facility or  
2 prescribing goods and services without disclosing in writing to the patient  
3 that the physician has a pecuniary interest in the facility, goods or  
4 services to which the patient is referred or prescribed. This subdivision  
5 does not apply to a referral by one physician or practitioner to another  
6 physician or practitioner within a group of physicians or practitioners  
7 practicing together.

8 (x) Sexual intimacies with a patient in the course of direct  
9 treatment.

10 (y) Failing to dispense natural substances and devices in compliance  
11 with article 4 of this chapter.

12 (z) Administering, dispensing or prescribing any natural substance or  
13 a device for other than an accepted therapeutic purpose.

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

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

21 (cc) Failing to appropriately supervise a naturopathic medical  
22 student, a nurse, a medical assistant, a health care provider or a technician  
23 employed by or assigned to the physician during the performance of delegated  
24 professional duties and responsibilities.

25 (dd) Using experimental forms of diagnosis or treatment without  
26 adequate informed consent of the patient or the patient's legal guardian and  
27 without conforming to experimental criteria including protocols, detailed  
28 records, periodic analysis of results and periodic review by a medical peer  
29 review committee as approved by the federal food and drug administration or  
30 its successor agency.

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

37 (ff) Failing to report in writing to the board evidence that a person  
38 licensed, certified or registered pursuant to this chapter is or may be  
39 medically incompetent, guilty of unprofessional conduct or mentally or  
40 physically unable to safely practice or assist in the practice of  
41 naturopathic medicine.

42 (gg) Conducting or engaging in an internship, preceptorship or  
43 clinical training program in naturopathic medicine without being approved and

- 1 registered by the board for that internship, preceptorship or clinical  
2 training program.
- 3 (hh) Signing a blank, undated or predated prescription form.
- 4 (ii) Conduct that the board determines is gross negligence, repeated  
5 negligence or negligence resulting in harm or death to a patient.
- 6 (jj) Knowingly making a false or misleading statement in oral  
7 testimony to the board on a form required by the board or in written  
8 correspondence to the board, including attachments to that correspondence.
- 9 (kk) The failure of a physician who is the chief medical officer, the  
10 executive officer or the chief of staff of an internship, a preceptorship or  
11 a clinical training program to report in writing to the board that the  
12 privileges of a doctor of naturopathic medicine, a naturopathic medical  
13 student or a medical assistant have been denied, limited, revoked or  
14 suspended because that doctor's, student's or assistant's actions appear to  
15 indicate that the person is or may be medically incompetent, is or may be  
16 guilty of unprofessional conduct or is or may be unable to safely engage or  
17 assist in the practice of naturopathic medicine.
- 18 (ll) Action taken against a doctor of naturopathic medicine by a  
19 licensing or regulatory board in another jurisdiction due to that doctor's  
20 mental or physical inability to engage safely in the practice of medicine,  
21 the doctor's medical incompetence or for unprofessional conduct as defined  
22 by that licensing or regulatory board and that corresponds directly or  
23 indirectly to an act of unprofessional conduct prescribed by this paragraph.  
24 The action taken may include refusing, denying, revoking or suspending a  
25 license, otherwise limiting, restricting or monitoring a licensee or placing  
26 a licensee on probation by that licensing or regulatory board.
- 27 (mm) Sanctions imposed by an agency of the federal government,  
28 including restricting, suspending, limiting or removing a person from the  
29 practice of naturopathic medicine or restricting that person's ability to  
30 obtain financial remuneration.
- 31 (nn) Violating any formal order, probation, consent agreement or  
32 stipulation issued or entered into by the board pursuant to this chapter.
- 33 (oo) Refusing to submit to a body fluid examination pursuant to a  
34 board investigation of alleged substance abuse by a doctor of naturopathic  
35 medicine.
- 36 (pp) Charging a fee for services not rendered or dividing a  
37 professional fee for patient referrals among health care providers or health  
38 care institutions or between these providers and institutions or a  
39 contractual arrangement that has this effect.
- 40 (qq) Obtaining a fee by fraud, deceit or misrepresentation.
- 41 (rr) Charging or collecting a clearly excessive fee. In determining  
42 if a fee is clearly excessive the board shall consider the fee or range of  
43 fees customarily charged in this state for similar services, in light of  
44 modifying factors such as the time required, the complexity of the service

1 and the skill required to perform the service properly. This subdivision  
2 does not apply if there is a clear written contract for a fixed fee between  
3 the physician and the patient that was entered into before the service was  
4 provided.

5 Sec. 2. Section 32-1502, Arizona Revised Statutes, is amended to read:  
6 32-1502. Naturopathic physicians board of medical examiners;  
7 appointment; qualifications; term of office;  
8 immunity

9 A. There is established a naturopathic physicians board of medical  
10 examiners consisting of the following five members:

11 1. ~~Three~~ FOUR physician members appointed by the governor. Each  
12 physician member shall be:

13 (a) A resident of this state for at least five years immediately  
14 preceding his THE appointment.

15 (b) A doctor of naturopathic medicine with a degree from a  
16 naturopathic school or college approved by the board who has engaged in  
17 full-time practice of naturopathic medicine for at least five years  
18 immediately preceding his THE appointment.

19 2. ~~Two~~ THREE public members appointed by the governor. Each public  
20 member shall:

21 (a) Be a resident of this state for at least five years immediately  
22 preceding his THE appointment.

23 (b) Not be connected, in any manner, with or have any interest in a  
24 school of medicine, health care institution or any person practicing any form  
25 of healing or treatment of bodily or mental ailments.

26 (c) Demonstrate an interest in the health problems in this state.

27 B. The terms of office of the physician members and the public members  
28 are five years to begin and end on June 30. Each physician member and each  
29 public member continue to hold office until the appointment and qualification  
30 of their successors, subject to the following exceptions:

31 1. A member of the board may be removed from office if the governor  
32 finds the member was guilty of malfeasance, misfeasance or dishonorable  
33 conduct.

34 2. The term of any member automatically ends on resignation, permanent  
35 removal from this state or removal from this state for a period of more than  
36 six months.

37 C. There shall be no monetary liability on the part of and no cause  
38 of action shall arise against the members of the board, the  
39 secretary-treasurer or permanent or temporary personnel of the board for any  
40 act done or proceeding undertaken or performed in good faith and in  
41 furtherance of the purposes of this chapter.

1           Sec. 3. Section 32-1509, Arizona Revised Statutes, is amended to read:

2           32-1509. Executive director; compensation; duties

3           A. The board shall appoint an executive director who serves at the  
4 pleasure of the board. The executive director shall not be a board member  
5 AND SHALL NOT HAVE ANY FINANCIAL INTERESTS IN THE PRACTICE OF NATUROPATHIC  
6 MEDICINE OR THE TRAINING OF NATUROPATHIC PHYSICIANS. However, the board may  
7 authorize the executive director to represent the board and to vote on behalf  
8 of the board at meetings of national organizations of which the board is a  
9 dues paying member.

10          B. The executive director is eligible to receive compensation set by  
11 the board within the range determined under section 38-611.

12          C. The executive director or that person's designee shall:

13           1. Employ, evaluate, dismiss, discipline and direct professional,  
14 clerical, technical, investigative and administrative personnel necessary to  
15 carry on the work of the board.

16           2. Set compensation for board employees within the range determined  
17 under section 38-611.

18           3. As directed by the board, prepare and submit recommendations to the  
19 board for amendments to the ~~naturopathic medical practice act~~ THIS CHAPTER  
20 for consideration by the legislature.

21           4. Appoint and employ medical consultants and agents necessary to  
22 conduct investigations, gather information and perform those duties the  
23 executive director determines are necessary and appropriate to enforce this  
24 chapter.

25           5. Issue licenses and certificates pursuant to section 32-1526 to  
26 applicants who meet the requirements of this chapter.

27           6. Maintain a record of board actions and proceedings, including the  
28 issuance, denial, renewal, suspension or revocation of licenses and  
29 certificates.

30           7. Manage the board's offices.

31           8. Prepare minutes, records, reports, registries, directories, books  
32 and newsletters and record all board transactions and orders.

33           9. Collect all monies due and payable to the board.

34           10. Pay all bills for authorized expenditures of the board and its  
35 staff.

36           11. Prepare an annual budget.

37           12. Submit a copy of the budget each year to the governor, the speaker  
38 of the house of representatives and the president of the senate.

39           13. Initiate an investigation if evidence appears to demonstrate that  
40 a person licensed or certified by the board may be engaged in unprofessional  
41 conduct or may be medically incompetent or mentally or physically unable to  
42 safely practice medicine.

1           14. Issue subpoenas if necessary to compel the attendance and testimony  
2 of witnesses and the production of books, records, documents and other  
3 evidence.

4           15. Sign and execute and provide assistance to the attorney general in  
5 preparing disciplinary orders, rehabilitative orders and notices of hearings  
6 as directed by the board.

7           16. Enter into contracts for goods and services pursuant to title 41,  
8 chapter 23 that are necessary to carry out board policies and directives.

9           17. Execute board directives.

10          18. Represent the board with the federal government, other states or  
11 jurisdictions of the United States, this state, political subdivisions of  
12 this state, the news media and the public.

13          19. Annually compile and publish the directory pursuant to section  
14 32-1506.

15          20. Maintain a roster of all persons who are licensed or certified  
16 under this chapter that indicates:

17           (a) The person's name.

18           (b) The person's current address of record.

19           (c) The date of issuance and the number of the person's license or  
20 certificate.

21           (d) The status of the person's license or certificate.

22          21. Maintain a permanent record of the results of all examinations  
23 administered by the board.

24          22. Maintain an accurate account of all receipts, expenditures and  
25 refunds granted pursuant to this chapter.

26          23. Conduct periodic inspection of the dispensing practices and the  
27 prescribing practices of doctors of naturopathic medicine and report  
28 dispensing and prescribing restrictions imposed by the board against doctors  
29 of naturopathic medicine to other state and federal regulatory agencies.

30          24. Affix the seal of the board to necessary documents. The imprint  
31 of the seal with the signature of the executive director is evidence of  
32 official board action.

33          25. Perform all other duties required by the board.

34          D. Medical consultants and agents appointed pursuant to subsection C,  
35 paragraph 4 of this section are eligible to receive compensation determined  
36 by the executive director of not more than two hundred dollars for each day  
37 of service.

38          Sec. 4. Section 32-1522, Arizona Revised Statutes, is amended to read:

39          32-1522. Basic qualifications for license

40          A. To be eligible for a license to practice naturopathic medicine  
41 pursuant to this chapter, the applicant shall:

42           1. Be a graduate of an approved school of naturopathic medicine.

43           2. Have satisfactorily completed an approved internship, preceptorship  
44 or clinical training program in naturopathic medicine.

- 1 3. Possess a good moral and professional reputation.
- 2 4. Be physically and mentally fit to practice as a doctor of
- 3 naturopathic medicine.
- 4 5. Not be guilty of any act of unprofessional conduct or any other
- 5 conduct ~~which~~ THAT would be grounds for refusal, suspension or revocation of
- 6 a license under this chapter.
- 7 6. Not have had a license to practice any profession refused, revoked
- 8 or suspended by any other state, district or territory of the United States
- 9 or another country for reasons ~~which~~ THAT relate to ~~his~~ THE APPLICANT'S
- 10 ability to skillfully and safely practice as a physician in this state.
- 11 7. File a completed application pursuant to section 32-1524 and pass
- 12 MEET the examination REQUIREMENTS provided for in section 32-1525.

13 B. The board may:

- 14 1. Require an applicant to submit credentials or other written or oral
- 15 proof.
- 16 2. Make investigations it deems proper to adequately advise itself
- 17 with respect to the qualifications of an applicant.

18 C. WITHIN NINETY DAYS AFTER IT RECEIVES A COMPLETED APPLICATION FOR  
19 INITIAL LICENSURE, THE BOARD SHALL ISSUE A LICENSE IF THE APPLICATION  
20 DEMONSTRATES TO THE BOARD'S SATISFACTION THAT THE APPLICANT COMPLIES WITH  
21 THIS CHAPTER AND BOARD RULES.

22 Sec. 5. Section 32-1524, Arizona Revised Statutes, is amended to read:  
23 32-1524. Application; hearing on deficiencies in application;  
24 interview; withdrawal; release of information;  
25 temporary certificate

26 A. Each applicant for licensure or certification shall file a verified  
27 completed application in the form and style required and supplied by the  
28 board accompanied by the appropriate application fee prescribed in section  
29 32-1527. The filing of an application grants the board the authority to  
30 obtain information from any licensing board or agency in any state, district,  
31 territory or county of the United States or another country, from the Arizona  
32 criminal justice information system in the department of public safety and  
33 from the federal bureau of investigation. The fingerprints submitted shall  
34 be used to obtain a state and federal criminal records check pursuant to  
35 section 41-1750 and P.L. 92-544. The department of public safety is  
36 authorized to exchange this fingerprint data with the federal bureau of  
37 investigation.

38 B. The application shall ~~be designed to require the submission of~~  
39 APPLICANT TO SUBMIT evidence, credentials and other proof necessary to  
40 satisfy the board that ~~it~~ THE APPLICANT meets the requirements of a completed  
41 application.

42 C. The application shall contain the oath of the applicant that:

- 43 1. All information contained in the application and evidence submitted
- 44 with it are true and correct.

1           2. The credentials submitted were not procured by fraud or  
2 misrepresentation or any mistake of which the applicant is aware.

3           3. The applicant is the lawful holder of the credentials.

4           D. All applications submitted to the board and any attendant evidence,  
5 credentials or other proof submitted with an application are the property of  
6 the board and part of the permanent record of the board and shall not be  
7 returned to a withdrawing applicant.

8           E. The board shall promptly inform an applicant, in writing, of the  
9 deficiencies, if any, in the application which prevent it from being  
10 considered by the board as a completed application.

11           F. An applicant who disagrees with the statement of deficiencies and  
12 who believes the applicant has filed a completed application shall submit a  
13 request to the board within thirty days and on request shall be granted a  
14 hearing. The hearing shall not be held less than thirty days after the  
15 receipt of the request but shall be held at the first meeting of the board  
16 thereafter. At the hearing the burden of proof is on the applicant to show  
17 that he THE APPLICANT has filed a completed application.

18           G. The board may interview the applicant to determine whether the  
19 application is sufficient or whether the applicant otherwise qualifies for  
20 licensure or for a certificate.

21           H. Applications are considered withdrawn on any of the following  
22 conditions:

23           1. Request of the applicant.

24           2. Failure of the applicant to appear for an interview with the board  
25 except for good cause being shown.

26           3. Failure to submit a completed application within one year from the  
27 date of the mailing by the board of a statement to him THE APPLICANT of the  
28 deficiencies in his application under subsection E of this section.

29           4. Failure to show, at the hearing provided for in subsection F of  
30 this section, that deficiencies do not exist.

31           5. Failure to show, within one year from the interview provided for  
32 in subsection G of this section, that his THE completed application is true  
33 and correct.

34           I. Applicants for a license or for a certificate to engage in a  
35 clinical training program, a preceptorship training program or an internship  
36 training program shall submit a fingerprint card in the manner required by  
37 the board.

38           J. THE EXECUTIVE DIRECTOR MAY ISSUE A TEMPORARY CERTIFICATE TO ENGAGE  
39 IN A CLINICAL TRAINING PROGRAM TO AN APPLICANT WHOSE APPLICATION IS COMPLETE  
40 EXCEPT FOR THE COMPLETION OF A FINGERPRINT CHECK AND CRIMINAL BACKGROUND  
41 ANALYSIS. IF THE CRIMINAL BACKGROUND ANALYSIS SHOWS THE APPLICANT HAS NOT  
42 BEEN CONVICTED OF ANY FELONY OR ANY MISDEMEANOR INVOLVING A CRIME OF MORAL  
43 TURPITUDE, THE EXECUTIVE DIRECTOR SHALL CONVERT THE TEMPORARY CERTIFICATE  
44 INTO A CERTIFICATE TO ENGAGE IN A CLINICAL TRAINING PROGRAM WITHOUT ANY

1 FURTHER ACTION BY THE APPLICANT. THE BOARD SHALL NOT CHARGE A FEE FOR A  
2 TEMPORARY CERTIFICATE.

3 Sec. 6. Section 32-1525, Arizona Revised Statutes, is amended to read:  
4 32-1525. Examinations

5 A. Examinations required under sections 32-1522 and 32-1523 shall be  
6 conducted at a time and place designated by the board but no less frequently  
7 than semiannually. An applicant to be examined shall have first filed a  
8 completed application found to be true and correct and approved by the board.  
9 An applicant approved by the board shall be given at least thirty days'  
10 written notice of the time and place at which the examination shall be given.  
11 THE BOARD SHALL RECOGNIZE A WRITTEN NATIONAL EXAMINATION AND MAY ADMINISTER  
12 ITS OWN EXAMINATION ONLY FOR THOSE AREAS THAT ARE NOT COVERED ON THE NATIONAL  
13 EXAMINATION. THE BOARD MUST ACCEPT THE GRADE ISSUED ON THE NATIONAL  
14 EXAMINATION WITHOUT ADJUSTMENT. A BOARD MEMBER OR STAFF MEMBER SHALL NOT  
15 HAVE ANY FINANCIAL INTEREST IN THE NATIONAL EXAMINATION ADMINISTERED BY THE  
16 BOARD.

17 B. ~~The examination required for a license under section 32-1522 shall~~  
18 ~~be written and shall consist of the following three parts~~ SHALL INCLUDE THE  
19 FOLLOWING SUBJECTS:

20 1. ~~Part one, which shall encompass~~ The basic medical science subjects  
21 of anatomy, basic pharmacology and toxicology, biochemistry, microbiology and  
22 immunology, physiology, pathology and naturopathic jurisprudence.

23 2. ~~Part two, which shall encompass~~ The clinical medical science  
24 subjects of dermatology, ophthalmology and otolaryngology, geriatrics,  
25 infectious diseases, neurology and psychiatry, pediatrics, obstetrics and  
26 gynecology, orthopedics, physical medicine and rehabilitation.

27 3. ~~Part three, which shall encompass~~ The clinical competency medical  
28 subjects of emergency medicine and minor surgery, clinical pharmacology,  
29 internal medicine, laboratory diagnosis and diagnostic imaging, clinical  
30 nutrition, botanicals and diet therapy.

31 C. The examination required for a license by endorsement under section  
32 32-1523 shall consist of ~~the examination subjects encompassed in subsection~~  
33 ~~B, paragraph 3 of this section~~ AN EXAMINATION IN ARIZONA NATUROPATHIC  
34 JURISPRUDENCE THAT IS ADMINISTERED BY THE BOARD.

35 D. Examinations for licensure under this chapter shall:

36 1. Be practical in character and consist of multiple choice and true  
37 and false questions.

38 2. Be designed to ascertain the applicant's knowledge of naturopathic  
39 medicine and the applicant's ability to practice naturopathic medicine.

40 3. Include examination questions that are generally accepted as  
41 necessary for a competent knowledge of the practice of naturopathic medicine.

42 E. The board shall prescribe rules for conducting examinations.

43 F. An applicant shall obtain a SCALED grade AVERAGE of seventy-five  
44 per cent or more ~~in each part of the~~ ON THE NATIONAL examination ~~in order to~~

1 ~~successfully pass an examination~~ WITH NO SINGLE GRADE LESS THAN SEVENTY PER  
2 CENT AND SHALL OBTAIN A GRADE OF SEVENTY-FIVE PER CENT OR MORE IN EACH  
3 SUBJECT ADMINISTERED BY THE BOARD THAT IS NOT COVERED ON THE NATIONAL  
4 EXAMINATION.

5 G. An applicant may challenge the applicant's grade on an examination  
6 by submitting a written request to the board within sixty days of receiving  
7 the grade. If the board upholds the applicant's challenge, it may within one  
8 hundred twenty days of the challenge change the grade on the examination on  
9 the vote of a majority of the full board.

10 H. An applicant for examination shall take and complete all of the  
11 examinations required by this section within a five year period. Each time  
12 an applicant files a request with the board to retake any part of an  
13 examination, the applicant shall pay the examination fee pursuant to section  
14 32-1527.

15 I. The board may accept an application for examination without a  
16 licensure application from a naturopathic medical student if both of the  
17 following requirements are met:

18 1. The student files a completed application and pays the required  
19 application and examination fee prescribed in section 32-1527 to take or to  
20 retake part one or part two, or both, of the examination subjects required  
21 in subsection B of this section.

22 2. The application shall contain a verified statement from the dean  
23 of the school of naturopathic medicine that the applicant is attending that  
24 the applicant has successfully completed the courses listed in the  
25 application for examination.

26 J. An applicant pursuant to subsection I of this section who  
27 successfully passes examination subjects required pursuant to subsection B,  
28 paragraphs 1 and 2 of this section may transfer these results to an  
29 application for a license.

30 K. ~~In lieu of the examination prescribed in subsection B of this~~  
31 ~~section,~~ The board may SHALL accept examinations conducted by a national  
32 board of examiners recognized by the board for those subjects encompassed  
33 pursuant to subsection B, paragraphs 1, and 2 AND 3 of this section if the  
34 applicant for licensure successfully passed the examination with a SCALED  
35 grade AVERAGE of at least seventy-five PER CENT WITH NO SINGLE GRADE LESS  
36 THAN SEVENTY PER CENT and the national board submits an affidavit to the  
37 board that confirms the examination grade of the applicant.

38 L. ALL EXAMINATION MATERIALS AND RECORDS OF EXAMINATION GRADING ARE  
39 CONFIDENTIAL AND ARE NOT PUBLIC RECORDS.

40 Sec. 7. Section 32-1551, Arizona Revised Statutes, is amended to read:  
41 32-1551. Disciplinary action; investigatory powers; hearing;

42 appeal

43 A. The board on its own motion may investigate any information that  
44 appears to show medical incompetency, grounds for probation or suspension,

1 revocation or refusal to issue a license, certificate or registration for  
2 unprofessional conduct. A person who is licensed, certified or registered  
3 under this chapter and a health care institution as defined in section 36-401  
4 shall, and any other person may, report to the board any information the  
5 person may have which THAT appears to show medical incompetency, grounds for  
6 probation or suspension, revocation or refusal to issue a license,  
7 certificate or registration. Any person who reports or provides information  
8 to the board in good faith is not subject to an action for civil damages as  
9 a result. The board shall report a health care institution that fails to  
10 report as required by this section to the institution's licensing agency.

11 B. If the board finds that the information is or may be true, it may  
12 request an informal interview with the subject of the information. If that  
13 person refuses the board's request or if that person accepts the board's  
14 request and the interview indicates suspension or revocation might be in  
15 order, the board shall issue a complaint and a formal hearing shall be held  
16 pursuant to this section. If, at the informal interview, the board finds  
17 that the information provided pursuant to subsection A of this section is  
18 true but not of sufficient seriousness to merit suspension or revocation of  
19 the license, certificate or registration, it may take the following action:

20 1. Issue a decree of censure. A decree of censure is an official  
21 action against the physician's license and may include a requirement for  
22 restitution of fees to a patient resulting from violations of this chapter  
23 or rules adopted under this chapter.

24 2. Fix a period and terms of probation necessary to protect the public  
25 and to rehabilitate the person.

26 3. File a letter of concern.

27 4. File a letter of reprimand.

28 C. If a person fails to comply with the probation imposed under  
29 subsection B, paragraph 2 of this section the board shall file a complaint  
30 and hold a formal hearing pursuant to this section.

31 D. If, in the opinion of the board, it appears the charge is of such  
32 magnitude as to warrant suspension or revocation of a person's license,  
33 certificate or registration, the board shall issue to the person a notice of  
34 a complaint and hearing fully setting forth the conduct or inability  
35 concerned and setting the time and place for a hearing to be held before the  
36 board. A notice of a complaint and hearing is fully effective by mailing a  
37 true copy of the notice of complaint and hearing by certified mail addressed  
38 to the person's last known address of record in the board's files. Notice  
39 of the complaint and hearing is complete at the time of its deposit in the  
40 mail. The hearing shall not be held less than thirty days from notice of the  
41 complaint.

42 E. A person who is notified pursuant to subsection D of this section  
43 shall file with the board an answer to the charges in the complaint in

1 writing, verified under oath and filed within twenty days after notice of the  
2 complaint and hearing.

3 F. The board may issue subpoenas for witnesses it deems necessary and  
4 for witnesses the person requests. A person who refuses to obey a subpoena  
5 shall be certified by the board to the superior court in the county in which  
6 service was made, and proceedings shall be had as for contempt. The board  
7 may issue a notice of a complaint and hearing pursuant to subsection D of  
8 this section for witnesses who are licensed, certified or registered pursuant  
9 to this chapter.

10 G. Service of subpoenas for witnesses shall be as provided by law for  
11 the service of subpoenas generally.

12 H. The board may administer the oath to all witnesses and shall keep  
13 a written transcript of all oral testimony submitted at the hearing and the  
14 original or a copy of all other evidence submitted. The board may waive the  
15 technical rules of evidence at any hearing conducted under this section.

16 I. If the board finds, after a hearing conducted under this section,  
17 that sufficient grounds exist to merit probation or suspension, revocation  
18 or denial of a license, certificate or registration, the board shall take the  
19 appropriate action.

20 J. Copies of the written transcript and all other evidence submitted  
21 shall be ARE available at the person's expense to any person who appeals a  
22 decision of the board and without charge to the court in which an appeal is  
23 taken.

24 K. An appeal to the superior court in Maricopa county may be taken  
25 from decisions of the board pursuant to title 12, chapter 7, article 6.

26 L. THE BOARD MAY APPOINT AN INVESTIGATOR TO PROVIDE INFORMATION TO THE  
27 BOARD CONCERNING AN ALLEGED VIOLATION OF THIS CHAPTER. IF THE BOARD USES A  
28 BOARD MEMBER TO CONDUCT AN INVESTIGATION OR TO WORK WITH AN INVESTIGATOR,  
29 THAT BOARD MEMBER SHALL NOT PARTICIPATE IN THE ADJUDICATION OF THE CASE.

30 M. THE BOARD AND ITS INVESTIGATORS MAY SUBPOENA ANY MEDICAL RECORD  
31 THAT IS RELEVANT TO AN INVESTIGATION CONDUCTED PURSUANT TO THIS SECTION.

32 Sec. 8. Initial terms of members of the naturopathic physicians  
33 board of medical examiners

34 A. Notwithstanding section 32-1502, Arizona Revised Statutes, as  
35 amended by this act, the initial terms of the two members added to the  
36 naturopathic physicians board of medical examiners pursuant to this act are:

37 1. One term ending January 1, 2005.

38 2. One term ending January 1, 2006.

39 B. The governor shall make all subsequent appointments as prescribed  
40 by statute.

APPROVED BY THE GOVERNOR MAY 1, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2001.

Passed the House March 26, 2001,

by the following vote: 47 Ayes,

9 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 26, 2001,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

S.B. 1300

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

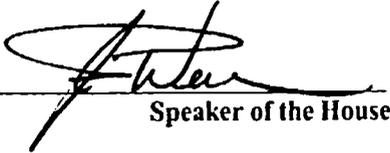
~~\_\_\_\_\_  
Secretary of State~~

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 26, 2001,

by the following vote: 50 Ayes,

4 Nays, 6 Not Voting

  
Speaker of the House

  
Chief Clerk of the House

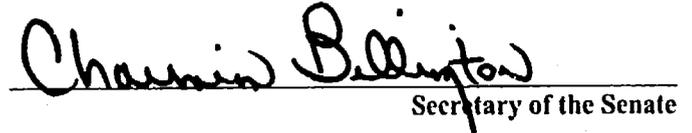
SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 19, 2001,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

  
President of the Senate

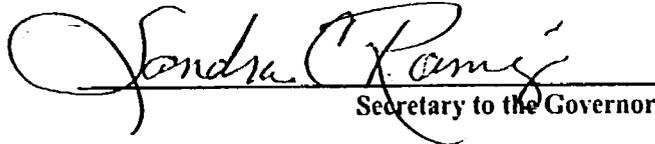
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 27 day of April, 2001,

at 9:00 o'clock A M.

  
Secretary to the Governor

Approved this first day of

May, 2001,

at 9:55 o'clock A M.

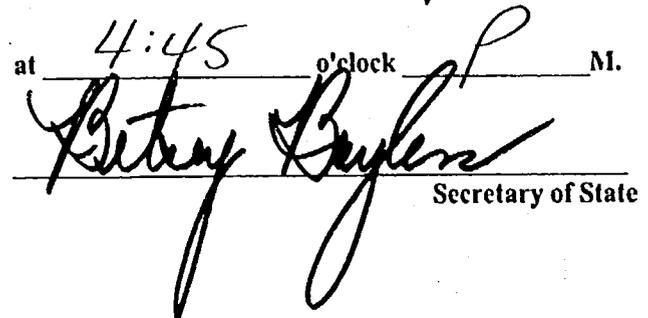
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2001,

at 4:45 o'clock P M.

  
Secretary of State

S.B. 1300