

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 46

## HOUSE BILL 2006

AN ACT

AMENDING SECTIONS 32-2501, 32-2505, 32-2507 AND 32-2551, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 25, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2535; RELATING TO THE BOARD OF PHYSICIAN ASSISTANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2501, Arizona Revised Statutes, is amended to  
3 read:

4 32-2501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Active license" means a regular or temporary license issued  
7 pursuant to this chapter.

8 2. "Adequate records" means legible medical records containing, at a  
9 minimum, sufficient information to identify the patient, support the  
10 diagnosis, justify the treatment, accurately document the results, indicate  
11 advice and cautionary warnings provided to the patient and provide sufficient  
12 information for another practitioner to assume continuity of the patient's  
13 care at any point in the course of treatment.

14 3. "Advisory letter" means a nondisciplinary letter to notify a  
15 physician assistant that either:

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

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

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

25 4. "Approved program" means a physician assistant educational program  
26 that has been fully or provisionally accredited by the committee on allied  
27 health education and accreditation or by the commission on the accreditation  
28 for allied health education programs, or successor agencies, on the  
29 recommendation of the accreditation review committee on education for  
30 physician assistants.

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

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

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

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

1           9. "Limit" means a nondisciplinary action THAT IS taken by the board  
2 AND that alters a physician assistant's practice or medical activities if  
3 there is evidence that the physician assistant is or may be mentally or  
4 physically unable to safely engage in health care tasks.

5           10. "Medically incompetent" means that a physician assistant lacks  
6 sufficient medical knowledge or skills, or both, in performing delegated  
7 health care tasks to a degree likely to endanger the health or safety of  
8 patients.

9           11. "Minor surgery" means those invasive procedures that may be  
10 delegated to a physician assistant by a supervising physician, that are  
11 consistent with the training and experience of the physician assistant, that  
12 are normally taught in courses of training approved by the board and that  
13 have been approved by the board as falling within a scope of practice of a  
14 physician assistant. Minor surgery does not include a surgical abortion.

15           12. "Notification of supervision" means a written notice that is  
16 provided to the board by a supervising physician and that notifies the board  
17 that the physician intends to supervise a physician assistant. The physician  
18 shall provide this notice on a form prescribed by the board before the  
19 physician assistant begins work.

20           13. "Physician" means a physician licensed pursuant to chapter 13 or  
21 17 of this title.

22           14. "Physician assistant" means a person who is licensed pursuant to  
23 this chapter and who performs health care tasks pursuant to a dependent  
24 relationship with a physician.

25           15. "Primary place for meeting patients" includes the supervising  
26 physician's office, health care institutions in which the supervising  
27 physician's patients are located or homes of patients.

28           16. "Regular license" means a valid and existing license issued  
29 pursuant to section 32-2521 to perform health care tasks. Regular license  
30 does not include a temporary license.

31           17. "Restrict" means a disciplinary action THAT IS taken by the board  
32 AND that alters a physician assistant's practice or medical activities if  
33 there is evidence that the physician assistant is or may be medically  
34 incompetent or guilty of unprofessional conduct.

35           18. "Supervising physician" means a physician who holds a current  
36 unrestricted license, provides a notification of supervision, assumes legal  
37 responsibility for health care tasks performed by the physician assistant and  
38 is approved by the board. ~~For purposes of this paragraph, a limited license~~  
39 ~~issued pursuant to section 32-1426, subsection C, before November 2, 1998 is~~  
40 ~~not a restriction.~~

41           19. "Supervising physician's agent" means a physician who holds a  
42 current unrestricted license, is a cosignatory on the notification of  
43 supervision, agrees to act as the supervising physician in the supervising  
44 physician's absence and is approved by the board. ~~for purposes of this~~

1 ~~paragraph, a limited license issued pursuant to section 32-1426, subsection~~  
2 ~~6, before November 2, 1998 is not a restriction.~~

3 20. "Supervision" means a physician's opportunity or ability to provide  
4 or exercise control over the services of a physician assistant. Supervision  
5 does not require a physician's constant physical presence if the supervising  
6 physician or the supervising physician's agent is or can be easily in contact  
7 with the physician assistant by radio, telephone or telecommunication.

8 21. "Unprofessional conduct" includes the following acts by a physician  
9 assistant that occur in this state or elsewhere:

10 (a) Violation of any federal or state law or rule that applies to the  
11 performance of health care tasks as a physician assistant. Conviction in any  
12 court of competent jurisdiction is conclusive evidence of a violation.

13 (b) Claiming to be a physician or knowingly permitting another person  
14 to represent that person as a physician.

15 (c) Performing health care tasks that have not been delegated by the  
16 supervising physician.

17 (d) Habitual intemperance in the use of alcohol or habitual substance  
18 abuse.

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

20 (f) Gross malpractice, repeated malpractice or any malpractice  
21 resulting in the death of a patient.

22 (g) Representing that a manifestly incurable disease or infirmity can  
23 be permanently cured or that a disease, ailment or infirmity can be cured by  
24 a secret method, procedure, treatment, medicine or device, if this is not  
25 true.

26 (h) Refusing to divulge to the board on demand the means, method,  
27 procedure, modality of treatment or medicine used in the treatment of a  
28 disease, injury, ailment or infirmity.

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

32 (j) Any conduct or practice that is or might be harmful or dangerous  
33 to the health of a patient or the public.

34 (k) Violation of a formal order, probation or stipulation issued by  
35 the board.

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

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

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

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

1 (p) Failing or refusing to maintain adequate records on a patient.

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

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

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

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

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

17 (v) Refusal, revocation, suspension, limitation or restriction of a  
18 certification or license by any other licensing jurisdiction for the  
19 inability to safely and skillfully perform health care tasks or for  
20 unprofessional conduct as defined by that jurisdiction that directly or  
21 indirectly corresponds to any act of unprofessional conduct as prescribed by  
22 this paragraph.

23 (w) Sanctions including restriction, suspension or removal from  
24 practice imposed by an agency of the federal government.

25 (x) Violating or attempting to violate, directly or indirectly, or  
26 assisting in or abetting the violation of or conspiring to violate a  
27 provision of this chapter.

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

32 (z) Failing to furnish legally requested information to the board or  
33 its investigator in a timely manner.

34 (aa) Failing to allow properly authorized board personnel to examine  
35 on demand documents, reports and records of any kind relating to the  
36 physician assistant's performance of health care tasks.

37 (bb) Knowingly making a false or misleading statement on a form  
38 required by the board or in written correspondence or attachments furnished  
39 to the board.

40 (cc) Failing to submit to a body fluid examination AND OTHER  
41 EXAMINATIONS KNOWN TO DETECT THE PRESENCE OF ALCOHOL OR OTHER DRUGS pursuant  
42 to an agreement with the board or an order of the board.

43 (dd) Violating a formal order, probation agreement or stipulation  
44 issued or entered into by the board or its executive director.

1 (ee) Except as otherwise required by law, intentionally betraying a  
2 professional secret or intentionally violating a privileged communication.

3 (ff) Allowing the use of the licensee's name in any way to enhance or  
4 permit the continuance of the activities of, or maintaining a professional  
5 connection with, an illegal practitioner of medicine or the performance of  
6 health care tasks by a person who is not licensed pursuant to this chapter.

7 (gg) False, fraudulent, deceptive or misleading advertising by a  
8 physician assistant or the physician assistant's staff or representative.

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

18 (ii) Using chelation therapy in the treatment of arteriosclerosis or  
19 as any other form of therapy.

20 (jj) Prescribing, dispensing or administering anabolic or androgenic  
21 steroids for other than therapeutic purposes.

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

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

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

30 (iii) Prescriptions written to prepare a patient for a medical  
31 examination.

32 (ll) Engaging in sexual conduct with a current patient or with a  
33 former patient within six months after the last medical consultation unless  
34 the patient was the licensee's spouse at the time of the contact or,  
35 immediately preceding the professional relationship, was in a dating or  
36 engagement relationship with the licensee. For the purposes of this  
37 subdivision, "sexual conduct" includes:

38 (i) Engaging in or soliciting sexual relationships, whether consensual  
39 or nonconsensual.

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

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

1 (mm) PERFORMING HEALTH CARE TASKS UNDER A FALSE OR ASSUMED NAME IN  
2 THIS STATE.

3 Sec. 2. Section 32-2505, Arizona Revised Statutes, is amended to read:  
4 32-2505. Personnel; consultants; compensation

5 A. The executive director employed by the Arizona medical board is the  
6 executive director of the Arizona regulatory board of physician assistants.  
7 The staff of the Arizona medical board shall carry out the administrative  
8 responsibilities of the Arizona regulatory board of physician assistants.

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

11 C. The executive director or the executive director's designee shall:

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

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

17 3. As directed by the board, prepare and submit recommendations for  
18 amendments to the physician assistant practice act for consideration by the  
19 legislature.

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

24 5. Issue licenses, registrations and permits to applicants who meet  
25 the requirements of this chapter.

26 6. Manage the board's offices.

27 7. Prepare minutes, records, reports, registries, directories, books  
28 and newsletters and record all board transactions and orders.

29 8. Collect all monies due and payable to the board.

30 9. Pay all bills for authorized expenditures of the board and its  
31 staff.

32 10. Prepare an annual budget.

33 11. Submit a copy of the budget each year to the governor, the speaker  
34 of the house of representatives and the president of the senate.

35 12. Initiate an investigation if evidence appears to demonstrate that  
36 a physician assistant may be engaged in unprofessional conduct or may be  
37 medically incompetent or mentally or physically unable to safely practice as  
38 a physician assistant.

39 13. Issue subpoenas if necessary to compel the attendance and testimony  
40 of witnesses and the production of books, records, documents and other  
41 evidence.

42 14. Provide assistance to the attorney general in preparing and sign  
43 and execute disciplinary orders, rehabilitative orders and notices of  
44 hearings as directed by the board.

1 15. Enter into contracts to procure goods and services pursuant to  
2 title 41, chapter 23 that are necessary to carry out board policies and  
3 directives.

4 16. Execute board directives.

5 17. Represent the board in matters with the federal government, other  
6 states or jurisdictions of the United States, this state, political  
7 subdivisions of this state, the news media and the public.

8 18. Enter into stipulated agreements on behalf of the board with  
9 persons under the jurisdiction of the board for the treatment, rehabilitation  
10 or monitoring of chemical substance abuse or misuse.

11 19. Review all complaints filed pursuant to section 32-2551. If  
12 delegated by the board, the executive director may also dismiss a complaint  
13 if the complaint is without merit.

14 20. If delegated by the board, directly refer cases to a formal  
15 hearing.

16 21. If delegated by the board, close cases resolved through mediation.

17 22. If delegated by the board, issue advisory letters.

18 23. If delegated by the board, enter into a consent agreement if there  
19 is evidence of danger to the public health and safety.

20 24. If delegated by the board, grant uncontested requests for inactive  
21 status and cancellation of a license pursuant to this chapter.

22 25. If delegated by the board, refer cases to the board for a formal  
23 interview.

24 26. Perform all other administrative, licensing or regulatory duties  
25 required by the board.

26 D. Medical consultants and agents appointed pursuant to subsection C,  
27 paragraph 4 of this section are eligible to receive compensation determined  
28 by the executive director in an amount not to exceed two hundred dollars for  
29 each day of service.

30 E. A person who is aggrieved by an action taken by the executive  
31 director may request the board to review that action by filing with the board  
32 a written request within thirty days after that person is notified of the  
33 executive director's action by personal delivery, or certified mail IF MAILED  
34 to that person's last known residence or place of business, WITHIN  
35 THIRTY-FIVE DAYS AFTER THE DATE ON THE NOTIFICATION. At the next regular  
36 board meeting, the board shall review the executive director's action. On  
37 review, the board shall approve, modify or reject the executive director's  
38 action.

39 Sec. 3. Section 32-2507, Arizona Revised Statutes, is amended to read:  
40 32-2507. Licensee profiles; civil penalty

41 A. The board shall make available to the public a profile of each  
42 licensee. The board shall make this information available through an  
43 internet web site and, if requested, in writing. The profile shall contain  
44 the following information:

1 1. A description of any conviction of a felony or a misdemeanor  
2 involving moral turpitude within the last five years. For THE purposes of  
3 this paragraph, a licensee is deemed to be convicted of a crime if the  
4 licensee pled guilty or was found guilty by a court of competent  
5 jurisdiction.

6 2. A description of any felony charges or misdemeanor charges  
7 involving moral turpitude within the last five years to which the licensee  
8 pled no contest.

9 3. The number of pending complaints and final board disciplinary and  
10 nondisciplinary actions, ~~including dismissals~~, within the last five years.  
11 Information concerning pending complaints shall contain the following  
12 statement:

13 Pending complaints represent unproven allegations. On  
14 investigation, many complaints are found to be without merit and  
15 are dismissed.

16 4. All medical malpractice court judgments and all medical malpractice  
17 awards or settlements in which a payment is made to a complaining party  
18 within the last five years. Information concerning malpractice actions shall  
19 contain the following statement:

20 The settlement of a medical malpractice action may occur for a  
21 variety of reasons that do not necessarily reflect negatively on  
22 the professional competence or conduct of the physician  
23 assistant. A payment in settlement of a medical malpractice  
24 action does not create a presumption that medical malpractice  
25 occurred.

26 5. The name and location of the licensee's training and the date of  
27 graduation.

28 6. The licensee's primary practice location.

29 B. Each licensee shall submit the information required pursuant to  
30 subsection A each year as directed by the board. An applicant for licensure  
31 shall submit this information at the time of application. The applicant and  
32 licensee shall submit the information on a form prescribed by the board. A  
33 licensee shall submit immediately any changes in information required  
34 pursuant to subsection A, paragraphs 1, 2 and 4. The board shall update  
35 immediately its internet web site to reflect changes in information relating  
36 to subsection A, paragraphs 1 through 4. The board shall update the internet  
37 web site information at least annually.

38 C. The board shall provide each licensee with a copy of the licensee's  
39 profile and give the licensee reasonable time to correct the profile before  
40 it is available to the public.

41 D. It is an act of unprofessional conduct for a licensee to provide  
42 erroneous information pursuant to this section. In addition to other  
43 disciplinary action, the board may impose a civil penalty of not more than  
44 one thousand dollars for each erroneous statement.

1           Sec. 4. Title 32, chapter 25, article 3, Arizona Revised Statutes, is  
2 amended by adding section 32-2535, to read:

3           32-2535. Emergency medical care; supervision

4           A. NOTWITHSTANDING THE REQUIREMENTS OF THIS ARTICLE, IN RESPONSE TO  
5 A NATURAL DISASTER, ACCIDENT OR OTHER EMERGENCY, A PHYSICIAN ASSISTANT WHO  
6 IS LICENSED PURSUANT TO THIS CHAPTER, LICENSED OR CERTIFIED BY ANOTHER  
7 REGULATORY JURISDICTION IN THE UNITED STATES OR CREDENTIALLED AS A PHYSICIAN  
8 ASSISTANT BY A FEDERAL EMPLOYER MAY PROVIDE MEDICAL CARE AT ANY LOCATION AND  
9 WITH OR WITHOUT SUPERVISION.

10           B. A PHYSICIAN WHO SUPERVISES A PHYSICIAN ASSISTANT WHO IS PROVIDING  
11 MEDICAL CARE PURSUANT TO THIS SECTION IS NOT REQUIRED TO COMPLY WITH THE  
12 REQUIREMENTS OF THIS ARTICLE RELATING TO SUPERVISING PHYSICIANS.

13           Sec. 5. Section 32-2551, Arizona Revised Statutes, is amended to read:

14           32-2551. Grounds for disciplinary action; duty to report;  
15                           immunity; proceedings; board action; notice; civil  
16                           penalty

17           A. The board on its own motion may investigate any evidence that  
18 appears to show that a physician assistant is or may be medically  
19 incompetent, is or may be guilty of unprofessional conduct or is or may be  
20 mentally or physically unable to carry out approved health care tasks. Any  
21 physician, physician assistant or health care institution as defined in  
22 section 36-401 shall, and any other person may, report to the board any  
23 information the physician, physician assistant, health care institution or  
24 other person has that appears to show that a physician assistant is or may  
25 be medically incompetent, is or may be guilty of unprofessional conduct or  
26 is or may be mentally or physically unable to carry out approved health care  
27 tasks. The board or the executive director shall notify the physician  
28 assistant and the approved supervising physician of the content of the  
29 reported information in writing within one hundred twenty days of its receipt  
30 of the information. Any physician, physician assistant, health care  
31 institution or other person that reports or provides information to the board  
32 in good faith is not subject to an action for civil damages as a result of  
33 reporting or providing information, and, if requested, the name of the  
34 reporter shall not be disclosed unless the information is essential to  
35 proceedings conducted pursuant to this section.

36           B. The board or, if delegated by the board, the executive director may  
37 require a mental, physical or medical competency examination or any  
38 combination of those examinations or may make investigations including  
39 investigational interviews between representatives of the board and the  
40 physician assistant and the supervising physician as it deems necessary to  
41 fully inform itself with respect to any information reported pursuant to  
42 subsection A of this section. THESE EXAMINATIONS MAY INCLUDE BIOLOGICAL  
43 FLUID TESTING AND OTHER EXAMINATIONS KNOWN TO DETECT THE PRESENCE OF ALCOHOL  
44 OR OTHER DRUGS. The board or, if delegated by the board, the executive  
45 director may require the physician assistant, at the physician assistant's

1 expense, to undergo assessment by a board approved rehabilitative, retraining  
2 or assessment program.

3 C. If the board finds, based on the information it receives under  
4 subsections A and B of this section, that the public safety imperatively  
5 requires emergency action, and incorporates a finding to that effect in its  
6 order, the board may restrict a license or order a summary suspension of a  
7 license pending proceedings for revocation or other action. If the board  
8 acts pursuant to this subsection, the physician assistant shall also be  
9 served with a written notice of complaint and formal hearing, setting forth  
10 the charges, and is entitled to a formal hearing before the board or an  
11 administrative law judge on the charges within sixty days pursuant to title  
12 41, chapter 6, article 10.

13 D. If, after completing its investigation, the board finds that the  
14 information provided pursuant to subsection A of this section is not of  
15 sufficient seriousness to merit disciplinary action against the physician  
16 assistant's license, it may take the following actions:

17 1. Dismiss if, in the opinion of the board, the complaint is without  
18 merit.

19 2. File an advisory letter. The licensee may file a written response  
20 with the board within thirty days after receiving the advisory letter.

21 E. If the board finds that it can take rehabilitative or disciplinary  
22 action without the presence of the physician assistant at a formal interview  
23 it may enter into a consent agreement with the physician assistant to limit  
24 or restrict the physician assistant's practice or to rehabilitate the  
25 physician assistant, protect the public and ensure the physician assistant's  
26 ability to safely practice. The board may also require the physician  
27 assistant to successfully complete a board approved rehabilitative,  
28 retraining or assessment program at the physician assistant's own expense.

29 F. The board shall not disclose the name of the person who provided  
30 the information regarding a licensee's drug or alcohol impairment or the name  
31 of the person who files a complaint if that person requests anonymity.

32 G. If, after completing its investigation, the board believes that the  
33 information is or may be true and that the information may be of sufficient  
34 seriousness to merit direct action against the physician assistant's license,  
35 it may request a formal interview with the physician assistant and the  
36 supervising physician. If the physician assistant refuses the invitation for  
37 a formal interview, the board may issue a formal complaint and order that a  
38 hearing be held pursuant to title 41, chapter 6, article 10. The board shall  
39 notify the physician assistant in writing of the time, date and place of the  
40 formal interview at least twenty days before the interview. The notice shall  
41 include the right to be represented by counsel and shall fully set forth the  
42 conduct or matters to be discussed.

43 H. After the formal interview, the board may take the following  
44 actions:

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

3           2. File an advisory letter. The licensee may file a written response  
4 with the board within thirty days after receiving the advisory letter.

5           3. Enter into a stipulation with the physician assistant to restrict  
6 or limit the physician assistant's practice or medical activities or to  
7 rehabilitate, retrain or assess the physician assistant, in order to protect  
8 the public and ensure the physician assistant's ability to safely perform  
9 health care tasks. The board may also require the physician assistant to  
10 successfully complete a board approved rehabilitative, retraining or  
11 assessment program at the physician assistant's own expense as prescribed in  
12 subsection E of this section.

13           4. File a letter of reprimand.

14           5. Issue a decree of censure. A decree of censure is a disciplinary  
15 action against the physician assistant's license and may include a  
16 requirement for restitution of fees to a patient resulting from violations  
17 of this chapter or rules adopted under this chapter.

18           6. Fix a period and terms of probation best adapted to protect the  
19 public health and safety and rehabilitate or educate the physician assistant.  
20 Failure to comply with any terms of probation is cause for initiating formal  
21 proceedings pursuant to title 41, chapter 6, article 10. Probation may  
22 include:

23           (a) Restrictions on the health care tasks the physician assistant may  
24 perform.

25           (b) Temporary suspension for not to exceed twelve months.

26           (c) Restitution of patient fees.

27           (d) Education or rehabilitation at the licensee's own expense.

28           I. If the board finds that the information provided pursuant to  
29 subsection A of this section warrants suspension or revocation of a physician  
30 assistant's license, it shall immediately initiate formal proceedings for the  
31 suspension or revocation of the license as provided in title 41, chapter 6,  
32 article 10. The notice of complaint and hearing is fully effective by  
33 mailing a true copy of the notice of complaint and hearing by certified mail  
34 addressed to the physician assistant's last known address of record in the  
35 board's files. The notice of complaint and hearing is complete at the time  
36 of its deposit in the mail.

37           J. A physician assistant who after a formal hearing pursuant to title  
38 41, chapter 6, article 10 is found to be medically incompetent, guilty of  
39 unprofessional conduct or mentally or physically unable to safely carry out  
40 the physician assistant's approved health care tasks, or any combination of  
41 these, is subject to censure, probation, suspension or revocation, or any  
42 combination of these, for a period of time or permanently and under  
43 conditions the board deems appropriate for the protection of the public  
44 health and safety.

1 K. In a formal interview pursuant to subsection G of this section or  
2 in a hearing pursuant to subsection I of this section, the board in addition  
3 to any other action may impose a civil penalty in the amount of not less than  
4 three hundred dollars nor more than ten thousand dollars for each violation  
5 of this chapter or a rule adopted under this chapter.

6 L. An advisory letter is a public document and may be used in future  
7 disciplinary actions against a physician assistant.

8 M. The board may charge the costs of a formal hearing to the licensee  
9 if it finds the licensee in violation of this chapter.

10 N. If the board acts to modify a physician assistant's prescription  
11 writing privileges, the Arizona regulatory board of physician assistants  
12 shall immediately notify the Arizona state board of pharmacy and the United  
13 States drug enforcement administration of this modification.

14 O. If during the course of an investigation the ARIZONA REGULATORY  
15 board OF PHYSICIAN ASSISTANTS determines that a criminal violation may have  
16 occurred involving the performance of health care tasks, it shall provide  
17 evidence of the violation to the appropriate criminal justice agency.

18 P. The board may accept the surrender of an active license from a  
19 person who admits in writing to any of the following:

- 20 1. Being unable to safely engage in the practice of medicine.
- 21 2. Having committed an act of unprofessional conduct.
- 22 3. Having violated this chapter or a board rule.

23 Q. In determining the appropriate disciplinary action under this  
24 section, the board shall consider all previous nondisciplinary and  
25 disciplinary actions against a licensee.

APPROVED BY THE GOVERNOR APRIL 7, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2004.

Passed the House January 26, 2004,

Passed the Senate March 31, 2004,

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Elake  
Speaker of the House

Paul Plunett  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
1st day of April, 2004

at 1:40 o'clock P. M.

Veninder Sharma  
Secretary to the Governor

Approved this 7 day of

April, 2004,

at 9:20 o'clock A. M.

J. D. Noyes  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 7 day of April, 2004,

at 12:18 o'clock P. M.

Janice K. Brewer  
Secretary of State