

REFERENCE TITLE: school personnel; emergency glucagon administration

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1649**

Introduced by

Senators Burch: Alston, Bennett, Farnsworth, Fernandez, Gabaldón,  
Gonzales, Kaiser, Marsh, Mendez, Miranda, Wadsack; Representatives Terech,  
Travers

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-158.01; AMENDING SECTIONS 15-189.04, 15-203, 15-342,  
15-501.01, 32-1401, 32-1854 AND 32-1901.01, ARIZONA REVISED STATUTES;  
RELATING TO SCHOOL SAFETY REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised  
3 Statutes, is amended by adding section 15-158.01, to read:

4 15-158.01. Emergency administration of glucagon by trained  
5 personnel; immunity

6 A. PURSUANT TO A STANDING ORDER ISSUED BY THE CHIEF MEDICAL OFFICER  
7 OF A COUNTY HEALTH DEPARTMENT, A PHYSICIAN LICENSED PURSUANT TO TITLE 32,  
8 CHAPTER 13 OR 17 OR A NURSE PRACTITIONER LICENSED PURSUANT TO TITLE 32,  
9 CHAPTER 15, A NURSE WHO IS UNDER CONTRACT WITH A SCHOOL DISTRICT OR  
10 CHARTER SCHOOL OR AN EMPLOYEE OF A SCHOOL DISTRICT OR CHARTER SCHOOL WHO  
11 IS TRAINED IN THE ADMINISTRATION OF GLUCAGON MAY ADMINISTER OR ASSIST IN  
12 THE ADMINISTRATION OF GLUCAGON TO A STUDENT OR AN ADULT WHOM THE EMPLOYEE  
13 BELIEVES IN GOOD FAITH TO BE EXHIBITING SYMPTOMS OF HYPOGLYCEMIA WHILE AT  
14 SCHOOL OR AT A SCHOOL-SPONSORED ACTIVITY. A SCHOOL DISTRICT OR CHARTER  
15 SCHOOL MAY ACCEPT MONETARY DONATIONS FOR OR APPLY FOR GRANTS FOR THE  
16 PURCHASE OF GLUCAGON OR MAY ACCEPT DONATIONS OF GLUCAGON DIRECTLY FROM THE  
17 PRODUCT MANUFACTURER.

18 B. CHIEF MEDICAL OFFICERS OF COUNTY HEALTH DEPARTMENTS, PHYSICIANS  
19 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17, NURSE PRACTITIONERS  
20 LICENSED PURSUANT TO TITLE 32, CHAPTER 15, SCHOOL DISTRICTS, CHARTER  
21 SCHOOLS AND EMPLOYEES OF SCHOOL DISTRICTS AND CHARTER SCHOOLS ARE IMMUNE  
22 FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN  
23 THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS  
24 SECTION, EXCEPT IN CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR  
25 INTENTIONAL WRONGDOING.

26 Sec. 2. Section 15-189.04, Arizona Revised Statutes, is amended to  
27 read:

28 15-189.04. Policies and procedures for the emergency  
29 administration of epinephrine, inhalers and  
30 glucagon

31 A. The governing body of each charter school shall prescribe and  
32 enforce policies and procedures for the emergency administration of  
33 epinephrine auto-injectors by a trained employee of the charter school  
34 pursuant to section 15-157. ~~and~~

35 B. THE GOVERNING BODY OF EACH CHARTER SCHOOL may prescribe and  
36 enforce policies and procedures for ~~the~~ A TRAINED EMPLOYEE OF THE CHARTER  
37 SCHOOL OR A NURSE WHO IS UNDER CONTRACT WITH THE CHARTER SCHOOL PURSUANT  
38 TO SECTION 15-158 OR 15-158.01 TO PROVIDE EACH OF THE FOLLOWING:

39 1. Emergency administration of inhalers ~~by a trained employee of~~  
40 ~~the charter school or a nurse who is under contract with the charter~~  
41 ~~school pursuant to section 15-158.~~

42 2. EMERGENCY ADMINISTRATION OF GLUCAGON.

1           Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to  
2 read:

3           15-203. Powers and duties; definition

4           A. The state board of education shall:

5           1. Exercise general supervision over and regulate the conduct of  
6 the public school system and adopt any rules and policies it deems  
7 necessary to accomplish this purpose.

8           2. Keep a record of its proceedings.

9           3. Make rules for its own government.

10          4. Determine the policy and work undertaken by it.

11          5. Subject to title 41, chapter 4, article 4, employ staff.

12          6. Prescribe and supervise the duties of its employees pursuant to  
13 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

14          7. Delegate to the superintendent of public instruction the  
15 execution of board policies and rules.

16          8. Recommend to the legislature changes or additions to the  
17 statutes pertaining to schools.

18          9. Prepare, publish and distribute reports concerning the  
19 educational welfare of this state.

20          10. Prepare a budget for expenditures necessary for proper  
21 maintenance of the board and accomplishment of its purposes and present  
22 the budget to the legislature.

23          11. Aid in the enforcement of laws relating to schools.

24          12. Prescribe a minimum course of study in the common schools,  
25 minimum competency requirements for the promotion of pupils from the third  
26 grade and minimum course of study and competency requirements for the  
27 promotion of pupils from the eighth grade. The state board of education  
28 shall prepare a fiscal impact statement of any proposed changes to the  
29 minimum course of study or competency requirements and, on completion,  
30 shall send a copy to the director of the joint legislative budget  
31 committee and the director of the school facilities division within the  
32 department of administration. The state board of education shall not  
33 adopt any changes in the minimum course of study or competency  
34 requirements in effect on July 1, 1998 that will have a fiscal impact on  
35 school capital costs.

36          13. Prescribe minimum course of study and competency requirements  
37 for the graduation of pupils from high school. The state board of  
38 education shall prepare a fiscal impact statement of any proposed changes  
39 to the minimum course of study or competency requirements and, on  
40 completion, shall send a copy to the director of the joint legislative  
41 budget committee and the director of the school facilities division within  
42 the department of administration. The state board of education shall not  
43 adopt any changes in the minimum course of study or competency  
44 requirements in effect on July 1, 1998 that will have a fiscal impact on  
45 school capital costs.

1           14. Pursuant to section 15-501.01, supervise and control the  
2 certification of persons engaged in instructional work directly as any  
3 classroom, laboratory or other teacher or indirectly as a supervisory  
4 teacher, speech therapist, principal or superintendent in a school  
5 district, including school district preschool programs, or any other  
6 educational institution below the community college, college or university  
7 level, and prescribe rules for certification.

8           15. Adopt a list of approved tests for determining special  
9 education assistance to gifted pupils as defined in and as provided in  
10 chapter 7, article 4.1 of this title. The adopted tests shall provide  
11 separate scores for quantitative reasoning, verbal reasoning and nonverbal  
12 reasoning and shall be capable of providing reliable and valid scores at  
13 the highest ranges of the score distribution.

14           16. Adopt rules governing the methods for the administration of all  
15 proficiency examinations.

16           17. Adopt proficiency examinations for its use and determine the  
17 passing score for the proficiency examinations.

18           18. Include within its budget the cost of contracting for the  
19 purchase, distribution and scoring of the examinations as provided in  
20 paragraphs 16 and 17 of this subsection.

21           19. Supervise and control the qualifications of professional  
22 nonteaching school personnel and prescribe standards relating to  
23 qualifications. The standards shall not require the business manager of a  
24 school district to obtain certification from the state board of education.

25           20. Impose such disciplinary action, including disciplinary action  
26 pursuant to section 15-505 or the issuance of a letter of censure,  
27 suspension, suspension with conditions or revocation of a certificate, on  
28 a finding of immoral or unprofessional conduct.

29           21. Establish an assessment, data gathering and reporting system  
30 for pupil performance as prescribed in chapter 7, article 3 of this title,  
31 including qualifying examinations for the college credit by examination  
32 incentive program pursuant to section 15-249.06.

33           22. Adopt a rule to promote braille literacy pursuant to section  
34 15-214.

35           23. Adopt rules prescribing procedures for the state board of  
36 education to investigate every written complaint alleging that a  
37 certificated person, a person seeking certification or a noncertificated  
38 person has engaged in immoral or unprofessional conduct.

39           24. For purposes of federal law, serve as the state board for  
40 vocational and technological education and meet at least four times each  
41 year solely to execute the powers and duties of the state board for  
42 vocational and technological education.

43           25. Develop and maintain a handbook for use in the schools of this  
44 state that provides guidance for the teaching of moral, civic and ethical  
45 education. The handbook shall promote existing curriculum frameworks and

1 shall encourage school districts to recognize moral, civic and ethical  
2 values within instructional and programmatic educational development  
3 programs for the general purpose of instilling character and ethical  
4 principles in pupils in kindergarten programs and grades one through  
5 twelve.

6 26. Require pupils to recite the following passage from the  
7 declaration of independence for pupils in grades four through six at the  
8 commencement of the first class of the day in the schools, except that a  
9 pupil shall not be required to participate if the pupil or the pupil's  
10 parent or guardian objects:

11 We hold these truths to be self-evident, that all men  
12 are created equal, that they are endowed by their creator with  
13 certain unalienable rights, that among these are life, liberty  
14 and the pursuit of happiness. That to secure these rights,  
15 governments are instituted among men, deriving their just  
16 powers from the consent of the governed. . . .

17 27. Adopt rules that provide for certification reciprocity pursuant  
18 to section 15-501.01.

19 28. Adopt rules that provide for the presentation of an honorary  
20 high school diploma to a person who has never obtained a high school  
21 diploma and who meets both of the following requirements:

22 (a) Currently resides in this state.

23 (b) Provides documented evidence from the department of veterans'  
24 services that the person enlisted in the armed forces of the United States  
25 and served in World War I, World War II, the Korean conflict or the  
26 Vietnam conflict.

27 29. Cooperate with the Arizona-Mexico commission in the governor's  
28 office and with researchers at universities in this state to collect data  
29 and conduct projects in the United States and Mexico on issues that are  
30 within the scope of the duties of the department of education and that  
31 relate to quality of life, trade and economic development in this state in  
32 a manner that will help the Arizona-Mexico commission to assess and  
33 enhance the economic competitiveness of this state and of the  
34 Arizona-Mexico region.

35 30. Adopt rules to define and provide guidance to schools as to the  
36 activities that would constitute immoral or unprofessional conduct of  
37 certificated and noncertificated persons.

38 31. Adopt guidelines to encourage pupils in grades nine, ten,  
39 eleven and twelve to volunteer for twenty hours of community service  
40 before graduation from high school. A school district that complies with  
41 the guidelines adopted pursuant to this paragraph is not liable for  
42 damages resulting from a pupil's participation in community service unless  
43 the school district is found to have demonstrated wanton or reckless  
44 disregard for the safety of the pupil and other participants in community

1 service. For the purposes of this paragraph, "community service" may  
2 include service learning. The guidelines shall include the following:

3 (a) A list of the general categories in which community service may  
4 be performed.

5 (b) A description of the methods by which community service will be  
6 monitored.

7 (c) A consideration of risk assessment for community service  
8 projects.

9 (d) Orientation and notification procedures of community service  
10 opportunities for pupils entering grade nine, including the development of  
11 a notification form. The notification form shall be signed by the pupil  
12 and the pupil's parent or guardian, except that a pupil shall not be  
13 required to participate in community service if the parent or guardian  
14 notifies the principal of the pupil's school in writing that the parent or  
15 guardian does not wish the pupil to participate in community service.

16 (e) Procedures for a pupil in grade nine to prepare a written  
17 proposal that outlines the type of community service that the pupil would  
18 like to perform and the goals that the pupil hopes to achieve as a result  
19 of community service. The pupil's written proposal shall be reviewed by a  
20 faculty advisor, a guidance counselor or any other school employee who is  
21 designated as the community service program coordinator for that school.  
22 The pupil may alter the written proposal at any time before performing  
23 community service.

24 (f) Procedures for a faculty advisor, a guidance counselor or any  
25 other school employee who is designated as the community service program  
26 coordinator to evaluate and certify the completion of community service  
27 performed by pupils.

28 32. To facilitate the transfer of military personnel and their  
29 dependents to and from the public schools of this state, pursue, in  
30 cooperation with the Arizona board of regents, reciprocity agreements with  
31 other states concerning the transfer credits for military personnel and  
32 their dependents. A reciprocity agreement entered into pursuant to this  
33 paragraph shall:

34 (a) Address procedures for each of the following:

35 (i) Transferring student records.

36 (ii) Awarding credit for completed coursework.

37 (iii) Allowing a student to satisfy the graduation requirements  
38 prescribed in section 15-701.01 through the successful performance on  
39 comparable exit-level assessment instruments administered in another  
40 state.

41 (b) Include appropriate criteria developed by the state board of  
42 education and the Arizona board of regents.

43 33. Adopt guidelines that school district governing boards shall  
44 use in identifying pupils who are eligible for gifted programs and in  
45 providing gifted education programs and services. The state board of

1 education shall adopt any other guidelines and rules that it deems  
2 necessary in order to carry out the purposes of chapter 7, article 4.1 of  
3 this title.

4 34. For each of the alternative textbook formats of human-voiced  
5 audio, large-print and braille, designate alternative media producers to  
6 adapt existing standard print textbooks or to provide specialized  
7 textbooks, or both, for pupils with disabilities in this state. Each  
8 alternative media producer shall be capable of producing alternative  
9 textbooks in all relevant subjects in at least one of the alternative  
10 textbook formats. The board shall post the designated list of alternative  
11 media producers on its website.

12 35. Adopt a list of approved professional development training  
13 providers for use by school districts as provided in section 15-107,  
14 subsection J. The professional development training providers shall meet  
15 the training curriculum requirements determined by the state board of  
16 education in at least the areas of school finance, governance, employment,  
17 staffing, inventory and human resources, internal controls and  
18 procurement.

19 36. Adopt rules to prohibit a person who violates the notification  
20 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
21 section 15-550, subsection D from certification pursuant to this title  
22 until the person is no longer charged or is acquitted of any offenses  
23 listed in section 41-1758.03, subsection B. The state board shall also  
24 adopt rules to prohibit a person who violates the notification  
25 requirements, certification surrender requirements or fingerprint  
26 clearance card surrender requirements prescribed in section 15-183,  
27 subsection C, paragraph 9 or section 15-550, subsection E from  
28 certification pursuant to this title for at least ten years after the date  
29 of the violation.

30 37. Adopt rules for the alternative certification of teachers of  
31 nontraditional foreign languages that allow for the passing of a  
32 nationally accredited test to substitute for the education coursework  
33 required for certification.

34 38. Adopt rules to define competency-based educational pathways for  
35 college and career readiness that may be used by schools. The rules shall  
36 include the following components:

37 (a) The establishment of learning outcomes that will be expected  
38 for students in a particular subject, beginning with math.

39 (b) On or before December 31, 2022, a mechanism to allow pupils in  
40 grades seven through twelve who have demonstrated competency in a subject  
41 to immediately obtain credit for the mastery of that subject. The rules  
42 shall include a list of applicable subjects.

43 39. In consultation with the department of health services, the  
44 department of education, medical professionals, school health  
45 professionals, school administrators and an organization that represents

1 school nurses in this state, adopt rules that prescribe the following for  
2 school districts and charter schools:

3 (a) Annual training in the administration of auto-injectable  
4 epinephrine for designated medical and nonmedical school personnel. The  
5 annual training prescribed in this subdivision is optional during any  
6 fiscal year in which a school does not stock epinephrine auto-injectors at  
7 the school during that fiscal year.

8 (b) Annual training for all school site personnel on the  
9 recognition of anaphylactic shock symptoms and the procedures to follow  
10 when anaphylactic shock occurs, following the national guidelines of the  
11 American academy of pediatrics. The annual training prescribed in this  
12 subdivision is optional during any fiscal year in which a school does not  
13 stock epinephrine auto-injectors at the school during that fiscal year.

14 (c) Procedures for the administration of epinephrine auto-injectors  
15 in emergency situations.

16 (d) Procedures for annually requesting a standing order for  
17 epinephrine auto-injectors pursuant to section 15-157 from the chief  
18 medical officer of the department of health services, the chief medical  
19 officer of a county health department, a doctor of medicine licensed  
20 pursuant to title 32, chapter 13, a doctor of naturopathic medicine  
21 licensed pursuant to title 32, chapter 14 or a doctor of osteopathic  
22 medicine licensed pursuant to title 32, chapter 17.

23 (e) Procedures for reporting the use of epinephrine auto-injectors  
24 to the department of health services.

25 40. In consultation with the department of education, medical  
26 professionals, school health professionals, school administrators and an  
27 organization that represents school nurses in this state, adopt rules that  
28 prescribe the following for school districts and charter schools that  
29 elect to administer inhalers:

30 (a) Annual training in the recognition of respiratory distress  
31 symptoms and the procedures to follow when respiratory distress occurs, in  
32 accordance with good clinical practice, and the administration of  
33 inhalers, as directed on the prescription protocol, by designated medical  
34 and nonmedical school personnel.

35 (b) Requirements for school districts and charter schools that  
36 elect to administer inhalers to designate at least two employees at each  
37 school to be trained in the recognition of respiratory distress symptoms  
38 and the procedures to follow when respiratory distress occurs, in  
39 accordance with good clinical practice, and at least two employees at each  
40 school to be trained in the administration of inhalers, as directed on the  
41 prescription protocol.

42 (c) Procedures for the administration of inhalers in emergency  
43 situations, as directed on the prescription protocol.

44 (d) Procedures for annually requesting a standing order for  
45 inhalers and spacers or holding chambers pursuant to section 15-158 from



1 the chief medical officer of a county health department, a physician  
2 licensed pursuant to title 32, chapter 13, 14 or 17 or a nurse  
3 practitioner licensed pursuant to title 32, chapter 15.

4 (e) Procedures for notifying a parent once an inhaler has been  
5 administered.

6 41. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, MEDICAL  
7 PROFESSIONALS, SCHOOL HEALTH PROFESSIONALS, SCHOOL ADMINISTRATORS AND AN  
8 ORGANIZATION THAT REPRESENTS SCHOOL NURSES IN THIS STATE, ADOPT RULES THAT  
9 PRESCRIBE THE FOLLOWING FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT  
10 ELECT TO ADMINISTER GLUCAGON:

11 (a) ANNUAL TRAINING IN THE PROCEDURES TO FOLLOW, IN ACCORDANCE WITH  
12 GOOD CLINICAL PRACTICE, WHEN ASSISTING A STUDENT WITH DIABETES, INCLUDING  
13 TRAINING TO DO THE FOLLOWING:

14 (i) CHECK BLOOD GLUCOSE AND RECORD RESULTS.

15 (ii) RECOGNIZE AND RESPOND TO THE SYMPTOMS OF HYPOGLYCEMIA.

16 (iii) RECOGNIZE AND RESPOND TO THE SYMPTOMS OF HYPERGLYCEMIA.

17 (iv) ESTIMATE THE NUMBER OF CARBOHYDRATES IN A SNACK OR LUNCH.

18 (v) ADMINISTER GLUCAGON, AS DIRECTED ON THE PRESCRIPTION PROTOCOL,  
19 BY DESIGNATED MEDICAL SCHOOL PERSONNEL.

20 (b) REQUIREMENTS FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT  
21 ELECT TO ADMINISTER GLUCAGON TO DESIGNATE AT LEAST TWO EMPLOYEES AT EACH  
22 SCHOOL TO RECEIVE THE TRAINING PRESCRIBED IN SUBDIVISION (a) OF THIS  
23 PARAGRAPH.

24 (c) PROCEDURES FOR THE ADMINISTRATION OF GLUCAGON IN EMERGENCY  
25 SITUATIONS, AS DIRECTED ON THE PRESCRIPTION PROTOCOL.

26 (d) PROCEDURES FOR ANNUALLY REQUESTING A STANDING ORDER FOR  
27 GLUCAGON PURSUANT TO SECTION 15-158.01 FROM THE CHIEF MEDICAL OFFICER OF A  
28 COUNTY HEALTH DEPARTMENT, A PHYSICIAN LICENSED PURSUANT TO TITLE 32,  
29 CHAPTER 13 OR 17 OR A NURSE PRACTITIONER LICENSED PURSUANT TO TITLE 32,  
30 CHAPTER 15.

31 (e) PROCEDURES FOR CALLING 911 AND NOTIFYING A PARENT ONCE GLUCAGON  
32 HAS BEEN ADMINISTERED.

33 ~~41.~~ 42. Adopt rules for certification that allow substitute  
34 teachers who can demonstrate primary teaching responsibility in a  
35 classroom as defined by the state board of education to use the time spent  
36 in that classroom toward the required capstone experience for standard  
37 teaching certification.

38 ~~42.~~ 43. For the purposes of Sandra Day O'Connor civics celebration  
39 day instruction under section 15-710.01, develop a list of recommended  
40 resources relating to civics education that align with the academic  
41 standards prescribed by the state board of education in social studies  
42 pursuant to sections 15-701 and 15-701.01. The state board shall  
43 establish a process that allows public schools to recommend resources for  
44 addition to the list.

1           ~~43.~~ 44. Direct and oversee the work of all investigators related  
2 to investigating certificated persons, persons seeking certification and  
3 noncertificated persons for immoral or unprofessional conduct under this  
4 title and rules adopted pursuant to this title. The investigators shall  
5 be housed within and are employees of the state board of education.

6           ~~44.~~ 45. Establish best practices for social media and cellular  
7 telephone use between students and school personnel, including teachers,  
8 coaches and counselors, and encourage school district governing boards and  
9 charter school governing bodies to adopt policies that implement these  
10 best practices. The state board of education shall make these best  
11 practices available to both public and private schools.

12           ~~45.~~ 46. For the purposes of 9/11 education day instruction under  
13 section 15-710.02, develop a list of recommended resources relating to  
14 age-appropriate education on the terrorist attacks of September 11, 2001  
15 that align with the academic standards prescribed by the state board  
16 pursuant to sections 15-701 and 15-701.01. The state board shall  
17 establish a process that allows public schools to recommend resources for  
18 addition to the list.

19           B. The state board of education may:

20           1. Contract.

21           2. Sue and be sued.

22           3. Distribute and score the tests prescribed in chapter 7, article  
23 3 of this title.

24           4. Provide for an advisory committee or hearing officers to conduct  
25 hearings and screenings to determine whether grounds exist to impose  
26 disciplinary action against a certificated person, whether grounds exist  
27 to reinstate a revoked or surrendered certificate, whether grounds exist  
28 to approve or deny an initial application for certification or a request  
29 for renewal of a certificate and whether grounds exist to impose or lift  
30 disciplinary action against a noncertificated person. The board may  
31 delegate its responsibility to conduct hearings and screenings to its  
32 advisory committee or hearing officers. Hearings shall be conducted  
33 pursuant to title 41, chapter 6, article 6.

34           5. Proceed with the disposal of any complaint requesting  
35 disciplinary action against a noncertificated person after the board has  
36 imposed disciplinary action pursuant to section 15-505 or against a person  
37 holding a certificate as prescribed in subsection A, paragraph 14 of this  
38 section after the suspension or expiration of the certificate or surrender  
39 of the certificate by the holder.

40           6. Assess costs and reasonable attorney fees against a person who  
41 files a frivolous complaint or who files a complaint in bad faith. Costs  
42 assessed pursuant to this paragraph shall not exceed the expenses incurred  
43 by the state board of education in the investigation of the complaint.

1           7. Issue subpoenas to compel the attendance and testimony of  
2 witnesses and production of documents or any physical evidence in  
3 connection with an investigation or hearing of an allegation that a  
4 certificated person, a person seeking certification or a noncertificated  
5 person has engaged in immoral or unprofessional conduct. If a subpoena  
6 issued by the board is disobeyed, the board may petition the superior  
7 court to enforce the subpoena. Any failure to obey an order of the court  
8 pursuant to this paragraph may be punished by the court as contempt.

9           C. For the purposes of this section, "noncertificated person" has  
10 the same meaning prescribed in section 15-505.

11           Sec. 4. Section 15-342, Arizona Revised Statutes, is amended to  
12 read:

13           15-342. Discretionary powers

14           The governing board may:

15           1. Expel pupils for misconduct.  
16           2. Exclude from grades one through eight children under six years  
17 of age.

18           3. Make such separation of groups of pupils as it deems advisable.

19           4. Maintain such special schools during vacation as deemed  
20 necessary for the benefit of the pupils of the school district.

21           5. Allow a superintendent or principal or representatives of the  
22 superintendent or principal to travel for a school purpose, as determined  
23 by a majority vote of the board. The board may allow members and  
24 members-elect of the board to travel within or without the school district  
25 for a school purpose and receive reimbursement. Any expenditure for  
26 travel and subsistence pursuant to this paragraph shall be as provided in  
27 title 38, chapter 4, article 2. The designated post of duty referred to  
28 in section 38-621 shall be construed, for school district governing board  
29 members, to be the member's actual place of residence, as opposed to the  
30 school district office or the school district boundaries. Such  
31 expenditures shall be a charge against the budgeted school district funds.  
32 The governing board of a school district shall prescribe procedures and  
33 amounts for reimbursement of lodging and subsistence expenses.  
34 Reimbursement amounts shall not exceed the maximum amounts established  
35 pursuant to section 38-624, subsection C.

36           6. Construct or provide in rural districts housing facilities for  
37 teachers and other school employees that the board determines are  
38 necessary to operate the school.

39           7. Sell or lease to the state, a county, a city, another school  
40 district or a tribal government agency any school property required for a  
41 public purpose if the sale or lease of the property will not affect the  
42 normal operations of a school within the school district.

43           8. Annually budget and spend monies for membership in an  
44 association of school districts within this state.

1           9. Enter into leases or lease-purchase agreements for school  
2 buildings or grounds, or both, as lessor or as lessee, for periods of less  
3 than twenty years subject to voter approval for construction of school  
4 buildings as prescribed in section 15-341, subsection A, paragraph 7.

5           10. Subject to title 41, chapter 56, sell school sites or enter  
6 into leases or lease-purchase agreements for school buildings and grounds,  
7 as lessor or as lessee, for a period of twenty years or more, but not to  
8 exceed ninety-nine years, if authorized by a vote of the school district  
9 electors in an election called by the governing board as provided in  
10 section 15-491, except that authorization by the school district electors  
11 in an election is not required if one of the following requirements is  
12 met:

13           (a) The market value of the school property is less than \$50,000 or  
14 the property is procured through a renewable energy development agreement,  
15 an energy performance contract, which among other items includes a  
16 renewable energy power service agreement, or a simplified energy  
17 performance contract pursuant to section 15-213.01.

18           (b) The buildings and sites are completely funded with monies  
19 distributed by the ~~school facilities~~ division OF SCHOOL FACILITIES within  
20 the department of administration or at the direction of the school  
21 facilities oversight board, or its predecessor.

22           (c) The transaction involves the sale of improved or unimproved  
23 property pursuant to an agreement with the school facilities oversight  
24 board in which the school district agrees to sell the improved or  
25 unimproved property and transfer the proceeds of the sale to the school  
26 facilities oversight board in exchange for monies from the school  
27 facilities oversight board for the acquisition of a more suitable school  
28 site. For a sale of property acquired by a school district before July 9,  
29 1998, a school district shall transfer to the school facilities oversight  
30 board that portion of the proceeds that equals the cost of the acquisition  
31 of a more suitable school site. If there are any remaining proceeds after  
32 the transfer of monies to the school facilities oversight board, a school  
33 district shall only use those remaining proceeds for future land purchases  
34 approved by the school facilities oversight board, or for capital  
35 improvements not funded by the school facilities oversight board for any  
36 existing or future facility.

37           (d) The transaction involves the sale of improved or unimproved  
38 property pursuant to a formally adopted plan and the school district uses  
39 the proceeds of this sale to purchase other property that will be used for  
40 similar purposes as the property that was originally sold if the sale  
41 proceeds of the improved or unimproved property are used within two years  
42 after the date of the original sale to purchase the replacement  
43 property. If the sale proceeds of the improved or unimproved property are  
44 not used within two years after the date of the original sale to purchase  
45 replacement property, the sale proceeds shall be used toward paying any

1 outstanding bonded indebtedness. If any sale proceeds remain after paying  
2 for outstanding bonded indebtedness, or if the district has no outstanding  
3 bonded indebtedness, sale proceeds shall be used to reduce the district's  
4 primary tax levy. A school district shall not use this subdivision unless  
5 all of the following conditions exist:

6 (i) The school district is the sole owner of the improved or  
7 unimproved property that the school district intends to sell.

8 (ii) The school district did not purchase the improved or  
9 unimproved property that the school district intends to sell with monies  
10 that were distributed pursuant to title 41, chapter 56.

11 (iii) The transaction does not violate section 15-341,  
12 subsection G.

13 11. Review the decision of a teacher to promote a pupil to a grade  
14 or retain a pupil in a grade in a common school or to pass or fail a pupil  
15 in a course in high school. The pupil has the burden of proof to overturn  
16 the decision of a teacher to promote, retain, pass or fail the pupil. In  
17 order to sustain the burden of proof, the pupil shall demonstrate to the  
18 governing board that the pupil has mastered the academic standards adopted  
19 by the state board of education pursuant to sections 15-701 and 15-701.01.  
20 If the governing board overturns the decision of a teacher pursuant to  
21 this paragraph, the governing board shall adopt a written finding that the  
22 pupil has mastered the academic standards. Notwithstanding title 38,  
23 chapter 3, article 3.1, the governing board shall review the decision of a  
24 teacher to promote a pupil to a grade or retain a pupil in a grade in a  
25 common school or to pass or fail a pupil in a course in high school in  
26 executive session unless a parent or legal guardian of the pupil or the  
27 pupil, if emancipated, disagrees that the review should be conducted in  
28 executive session and then the review shall be conducted in an open  
29 meeting. If the review is conducted in executive session, the board shall  
30 notify the teacher of the date, time and place of the review and shall  
31 allow the teacher to be present at the review. If the teacher is not  
32 present at the review, the board shall consult with the teacher before  
33 making its decision. Any request, including the written request as  
34 provided in section 15-341, the written evidence presented at the review  
35 and the written record of the review, including the decision of the  
36 governing board to accept or reject the teacher's decision, shall be  
37 retained by the governing board as part of its permanent records.

38 12. Provide transportation or site transportation loading and  
39 unloading areas for any child or children if deemed for the best interest  
40 of the district, whether within or without the district, county or state.

41 13. Enter into intergovernmental agreements and contracts with  
42 school districts or other governing bodies as provided in section 11-952.  
43 Intergovernmental agreements and contracts between school districts or  
44 between a school district and other governing bodies as provided in

1 section 11-952 are exempt from competitive bidding under the procurement  
2 rules adopted by the state board of education pursuant to section 15-213.

3 14. Include in the curricula it prescribes for high schools in the  
4 school district career and technical education, vocational education and  
5 technology education programs and career and technical, vocational and  
6 technology program improvement services for the high schools, subject to  
7 approval by the state board of education. The governing board may  
8 contract for the provision of career and technical, vocational and  
9 technology education as provided in section 15-789.

10 15. Suspend a teacher or administrator from the teacher's or  
11 administrator's duties without pay for a period of time of not to exceed  
12 ten school days, if the board determines that suspension is warranted  
13 pursuant to section 15-341, subsection A, paragraph 21 or 22.

14 16. Dedicate school property within an incorporated city or town to  
15 that city or town or within a county to that county for use as a public  
16 right-of-way if both of the following apply:

17 (a) Pursuant to an ordinance adopted by the city, town or county,  
18 there will be conferred on the school district privileges and benefits  
19 that may include benefits related to zoning.

20 (b) The dedication will not affect the normal operation of any  
21 school within the district.

22 17. Enter into option agreements for the purchase of school sites.

23 18. Donate surplus or outdated learning materials, educational  
24 equipment and furnishings to nonprofit community organizations if the  
25 governing board determines that the anticipated cost of selling the  
26 learning materials, educational equipment or furnishings equals or exceeds  
27 the estimated market value of the materials.

28 19. Prescribe policies to assess reasonable fees for students to  
29 use district-provided parking facilities. The fees are to be applied by  
30 the district solely against costs incurred in operating or securing the  
31 parking facilities. Any policy adopted by the governing board pursuant to  
32 this paragraph shall include a fee waiver provision in appropriate cases  
33 of need or economic hardship.

34 20. Establish alternative education programs that are consistent  
35 with the laws of this state to educate pupils, including pupils who have  
36 been reassigned pursuant to section 15-841, subsection E or F.

37 21. Require a period of silence to be observed at the commencement  
38 of the first class of the day in the schools. If a governing board  
39 chooses to require a period of silence to be observed, the teacher in  
40 charge of the room in which the first class is held shall announce that a  
41 period of silence not to exceed one minute in duration will be observed  
42 for meditation, and during that time no activities shall take place and  
43 silence shall be maintained.

44 22. Require students to wear uniforms.

1           23. Exchange unimproved property or improved property, including  
2 school sites, if the governing board determines that the improved property  
3 is unnecessary for the continued operation of the school district without  
4 requesting authorization by a vote of the school district electors and if  
5 the governing board determines that the exchange is necessary to protect  
6 the health, safety or welfare of pupils or if the governing board  
7 determines that the exchange is based on sound business principles for  
8 either:

9           (a) Unimproved or improved property of equal or greater value.

10           (b) Unimproved property that the owner contracts to improve if the  
11 value of the property ultimately received by the school district is of  
12 equal or greater value.

13           24. For common and high school pupils, assess reasonable fees for  
14 optional extracurricular activities and programs conducted when the common  
15 or high school is not in session, except that fees shall not be charged  
16 for pupils' access to or use of computers or related materials. For high  
17 school pupils, the governing board may assess reasonable fees for fine  
18 arts and vocational education courses and for optional services, equipment  
19 and materials offered to the pupils beyond those required to successfully  
20 complete the basic requirements of any other course, except that fees  
21 shall not be charged for pupils' access to or use of computers or related  
22 materials. Fees assessed pursuant to this paragraph shall be adopted at a  
23 public meeting after notice has been given to all parents of pupils  
24 enrolled at schools in the district and shall not exceed the actual costs  
25 of the activities, programs, services, equipment or materials. The  
26 governing board shall authorize principals to waive the assessment of all  
27 or part of a fee assessed pursuant to this paragraph if it creates an  
28 economic hardship for a pupil. For the purposes of this paragraph,  
29 "extracurricular activity" means any optional, noncredit, educational or  
30 recreational activity that supplements the education program of the  
31 school, whether offered before, during or after regular school hours.

32           25. Notwithstanding section 15-341, subsection A, paragraphs 7 and  
33 9, construct school buildings and purchase or lease school sites, without  
34 a vote of the school district electors, if the buildings and sites are  
35 totally funded from one or more of the following:

36           (a) Monies in the unrestricted capital outlay fund, except that the  
37 estimated cost shall not exceed \$250,000 for a district that uses section  
38 15-949.

39           (b) Monies distributed at the direction of the school facilities  
40 oversight board established by section 41-5701.02 or by the ~~school~~  
41 ~~facilities~~ division **OF SCHOOL FACILITIES** within the department of  
42 administration pursuant to title 41, chapter 56.

43           (c) Monies specifically donated for the purpose of constructing  
44 school buildings.

1 This paragraph does not eliminate the requirement for an election to raise  
2 revenues for a capital outlay override pursuant to section 15-481 or a  
3 bond election pursuant to section 15-491.

4 26. Conduct a background investigation that includes a fingerprint  
5 check conducted pursuant to section 41-1750, subsection G for certificated  
6 personnel and personnel who are not paid employees of the school district,  
7 as a condition of employment. A school district may release the results  
8 of a background check to another school district for employment purposes.  
9 The school district may charge the costs of fingerprint checks to its  
10 fingerprinted employee, except that the school district may not charge the  
11 costs of fingerprint checks for personnel who are not paid employees of  
12 the school district.

13 27. Unless otherwise prohibited by law, sell advertising as  
14 follows:

15 (a) Advertisements shall be age appropriate and not promote any  
16 substance that is illegal for minors such as alcohol, tobacco and drugs or  
17 gambling. Advertisements shall comply with the state sex education policy  
18 of abstinence.

19 (b) Advertising approved by the governing board for the exterior of  
20 school buses may appear only on the sides of the bus in the following  
21 areas:

22 (i) The signs shall be below the seat level rub rail and not extend  
23 above the bottom of the side windows.

24 (ii) The signs shall be at least three inches from any required  
25 lettering, lamp, wheel well or reflector behind the service door or stop  
26 signal arm.

27 (iii) The signs shall not extend from the body of the bus so as to  
28 allow a handhold or present a danger to pedestrians.

29 (iv) The signs shall not interfere with the operation of any door  
30 or window.

31 (v) The signs shall not be placed on any emergency doors.

32 (c) The school district shall establish an advertisement fund that  
33 is composed of revenues from the sale of advertising. The monies in an  
34 advertisement fund are not subject to reversion.

35 28. Assess reasonable damage deposits to pupils in grades seven  
36 through twelve for using textbooks, musical instruments, band uniforms or  
37 other equipment required for academic courses. The governing board shall  
38 adopt policies on any damage deposits assessed pursuant to this paragraph  
39 at a public meeting called for this purpose after providing notice to all  
40 parents of pupils in grades seven through twelve in the school district.  
41 Principals of individual schools within the district may waive the damage  
42 deposit requirement for any textbook or other item if the payment of the  
43 damage deposit would create an economic hardship for the pupil. The  
44 school district shall return the full amount of the damage deposit for any  
45 textbook or other item if the pupil returns the textbook or other item in



1 reasonably good condition within the time period prescribed by the  
2 governing board. For the purposes of this paragraph, "in reasonably good  
3 condition" means the textbook or other item is in the same or a similar  
4 condition as it was when the pupil received it, plus ordinary wear and  
5 tear.

6 29. Notwithstanding section 15-1105, expend surplus monies in the  
7 civic center school fund for maintenance and operations or unrestricted  
8 capital outlay if sufficient monies are available in the fund after  
9 meeting the needs of programs established pursuant to section 15-1105.

10 30. Notwithstanding section 15-1143, spend surplus monies in the  
11 community school program fund for maintenance and operations or  
12 unrestricted capital outlay if sufficient monies are available in the fund  
13 after meeting the needs of programs established pursuant to section  
14 15-1142.

15 31. Adopt guidelines to standardize the format of the school report  
16 cards required by section 15-746 for schools within the district.

17 32. Adopt policies that require parental notification when a law  
18 enforcement officer interviews a pupil on school grounds. Policies  
19 adopted pursuant to this paragraph shall not impede a peace officer from  
20 performing the peace officer's duties. If the school district governing  
21 board adopts a policy that requires parental notification:

22 (a) The policy may provide reasonable exceptions to the parental  
23 notification requirement.

24 (b) The policy shall set forth whether and under what circumstances  
25 a parent may be present when a law enforcement officer interviews the  
26 pupil, including reasonable exceptions to the circumstances under which a  
27 parent may be present when a law enforcement officer interviews the pupil,  
28 and shall specify a reasonable maximum time after a parent is notified  
29 that an interview of a pupil by a law enforcement officer may be delayed  
30 to allow the parent to be present.

31 33. Enter into voluntary partnerships with any party to finance  
32 with monies other than school district monies and cooperatively design  
33 school facilities that comply with the adequacy standards prescribed in  
34 section 41-5711 and the square footage per pupil requirements pursuant to  
35 section 41-5741, subsection D, paragraph 3, subdivision (b). The design  
36 plans and location of any such school facility shall be submitted to the  
37 school facilities oversight board for approval pursuant to section  
38 41-5741, subsection 0. If the school facilities oversight board approves  
39 the design plans and location of any such school facility, the party in  
40 partnership with the school district may cause to be constructed and the  
41 district may begin operating the school facility before monies are  
42 distributed at the direction of the school facilities oversight board  
43 pursuant to section 41-5741. Monies distributed from the new school  
44 facilities fund to a school district in a partnership with another party  
45 to finance and design the school facility shall be paid to the school

1 district pursuant to section 41-5741. The school district shall reimburse  
2 the party in partnership with the school district from the monies paid to  
3 the school district pursuant to section 41-5741, in accordance with the  
4 voluntary partnership agreement. Before the school facilities oversight  
5 board directs the distribution of any monies pursuant to this subsection,  
6 the school district shall demonstrate to the school facilities oversight  
7 board that the facilities to be funded pursuant to section 41-5741,  
8 subsection 0 meet the minimum adequacy standards prescribed in section  
9 41-5711. If the cost to construct the school facility exceeds the amount  
10 that the school district receives from the new school facilities fund, the  
11 partnership agreement between the school district and the other party  
12 shall specify that, except as otherwise provided by the other party, any  
13 such excess costs shall be the responsibility of the school district. The  
14 school district governing board shall adopt a resolution in a public  
15 meeting that an analysis has been conducted on the prospective effects of  
16 the decision to operate a new school with existing monies from the school  
17 district's maintenance and operations budget and how this decision may  
18 affect other schools in the school district. If a school district  
19 acquires land by donation at an appropriate school site approved by the  
20 school facilities oversight board and a school facility is financed and  
21 built on the land pursuant to this paragraph, the school facilities  
22 oversight board shall direct the distribution of an amount equal to twenty  
23 percent of the fair market value of the land that can be used for academic  
24 purposes. The school district shall place the monies in the unrestricted  
25 capital outlay fund and increase the unrestricted capital budget limit by  
26 the amount of the monies placed in the fund. Monies distributed under  
27 this paragraph shall be distributed from the new school facilities fund  
28 pursuant to section 41-5741. If a school district acquires land by  
29 donation at an appropriate school site approved by the school facilities  
30 oversight board and a school facility is financed and built on the land  
31 pursuant to this paragraph, the school district shall not receive monies  
32 for the donation of real property pursuant to section 41-5741,  
33 subsection F. It is unlawful for:

34 (a) A county, city or town to require as a condition of any land  
35 use approval that a landowner or landowners that entered into a  
36 partnership pursuant to this paragraph provide any contribution, donation  
37 or gift, other than a site donation, to a school district. This  
38 subdivision only applies to the property in the voluntary partnership  
39 agreement pursuant to this paragraph.

40 (b) A county, city or town to require as a condition of any land  
41 use approval that the landowner or landowners located within the  
42 geographic boundaries of the school subject to the voluntary partnership  
43 pursuant to this paragraph provide any donation or gift to the school  
44 district except as provided in the voluntary partnership agreement  
45 pursuant to this paragraph.

1 (c) A community facilities district established pursuant to title  
2 48, chapter 4, article 6 to be used for reimbursement of financing the  
3 construction of a school pursuant to this paragraph.

4 (d) A school district to enter into an agreement pursuant to this  
5 paragraph with any party other than a master planned community party. Any  
6 land area consisting of at least three hundred twenty acres that is the  
7 subject of a development agreement with a county, city or town entered  
8 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a  
9 master planned community. For the purposes of this subdivision, "master  
10 planned community" means a land area consisting of at least three hundred  
11 twenty acres, which may be noncontiguous, that is the subject of a zoning  
12 ordinance approved by the governing body of the county, city or town in  
13 which the land is located that establishes the use of the land area as a  
14 planned area development or district, planned community development or  
15 district, planned unit development or district or other land use category  
16 or district that is recognized in the local ordinance of such county, city  
17 or town and that specifies the use of such land is for a master planned  
18 development.

19 34. Enter into an intergovernmental agreement with a presiding  
20 judge of the juvenile court to implement a law-related education program  
21 as defined in section 15-154. The presiding judge of the juvenile court  
22 may assign juvenile probation officers to participate in a law-related  
23 education program in any school district in the county. The cost of  
24 juvenile probation officers who participate in the program implemented  
25 pursuant to this paragraph shall be funded by the school district.

26 35. Offer to sell outdated learning materials, educational  
27 equipment or furnishings at a posted price commensurate with the value of  
28 the items to pupils who are currently enrolled in that school district  
29 before those materials are offered for public sale.

30 36. If the school district is a small school district as defined in  
31 section 15-901, and if allowed by federal law, opt out of federal grant  
32 opportunities if the governing board determines that the federal  
33 requirements impose unduly burdensome reporting requirements.

34 37. Prescribe and enforce policies and procedures for the emergency  
35 administration of inhalers OR GLUCAGON, OR BOTH, by trained employees of  
36 the school district and nurses who are under contract with the school  
37 district pursuant to section 15-158.

38 38. Develop policies and procedures to allow principals to budget  
39 for or assist with budgeting federal, state and local monies.

40 39. Subject to article IX, section 7, constitution of Arizona, the  
41 laws pertaining to travel and subsistence, gifts, grants, including  
42 federal grants, or devises and policies adopted by the department of  
43 education, provide food and beverages at school district events, including  
44 official school functions and trainings.

1           Sec. 5. Section 15-501.01, Arizona Revised Statutes, is amended to  
2 read:

3           15-501.01. Requirements for teachers; teaching certificates;  
4           rules; reciprocity; placement; posting

5           A. Notwithstanding any other law, all teachers who are certificated  
6 pursuant to this section must have a baccalaureate degree and a valid  
7 fingerprint clearance card.

8           B. The state board of education shall adopt rules for the issuance  
9 of the following types of certificates for teachers:

10           1. Standard teaching certificate.

11           2. Alternative teaching certificate for persons who obtain training  
12 pursuant to subsection C, paragraph 1 of this section.

13           3. Subject-matter expert standard teaching certificate for persons  
14 who obtain training pursuant to subsection C, paragraph 8 of this section.

15           4. Classroom-based standard teaching certificate for individuals  
16 who obtain training from a school district or charter school.

17           5. Career and technical education teaching certificate.

18           C. The state board of education shall adopt rules to carry out the  
19 purposes of this section. The rules:

20           1. Shall provide for a variety of alternative teacher and  
21 administrator preparation programs that allow for variations in program  
22 sequence and design to apply for program approval. The state board shall  
23 adopt rules pursuant to this paragraph designed to allow for a variety of  
24 formats and shall not require a prescribed answer or design from the  
25 program provider in order to obtain approval from the state board. Any  
26 rules adopted by the state board pursuant to this paragraph shall be  
27 substantially different from the rules adopted for the approval of  
28 traditional preparation programs and may not unnecessarily restrict a  
29 variety of alternative preparation programs from operating and providing  
30 instruction in this state. The state board shall evaluate each program  
31 provider based on the program's ability to prepare teachers and  
32 administrators and to recruit teachers and administrators with a variety  
33 of experiences and talents. The state board shall allow universities  
34 under the jurisdiction of the Arizona board of regents, community colleges  
35 in this state, private postsecondary institutions licensed by this state,  
36 school districts, charter schools, professional organizations, nonprofit  
37 organizations and private entities to apply for program approval and shall  
38 create application procedures and certification criteria that are  
39 substantially less restrictive than those for traditional preparation  
40 programs. At the completion of an alternative preparation program,  
41 graduates shall:

42           (a) Hold a bachelor's degree from an accredited postsecondary  
43 education institution.

44           (b) If applicable, demonstrate professional knowledge and subject  
45 knowledge proficiency pursuant to section 15-533.

1 (c) Obtain a valid fingerprint clearance card pursuant to section  
2 15-534.

3 (d) If applicable, complete training in structured English  
4 immersion as prescribed by the state board pursuant to section 15-756.09.

5 (e) If applicable, complete training in research-based systematic  
6 phonics instruction as prescribed in paragraph 2 of this subsection.

7 (f) Demonstrate the required proficiency in the Constitutions of  
8 the United States and Arizona as prescribed in section 15-532.

9 2. Shall require that, within three years after a certificate for  
10 elementary education or early childhood education is issued, the  
11 certificate holder complete, from a public or private provider, at least  
12 forty-five classroom hours or three college-level credit hours, or the  
13 equivalent, in both research-based:

14 (a) Science of reading instruction, including systematic phonics  
15 instruction.

16 (b) Reading instruction, including training on assessments,  
17 instructional practices and interventions to improve student reading  
18 proficiency. Beginning July 1, 2021, instruction provided pursuant to  
19 this subdivision must meet the requirements for dyslexia training  
20 prescribed in section 15-219.

21 3. Beginning August 1, 2025, shall establish a literacy endorsement  
22 as a requirement for all certificated teachers who provide literacy  
23 instruction in kindergarten programs or in any of grades one through five  
24 as determined by the board. The rules shall require that a certificated  
25 teacher who receives a certificate after August 1, 2025 and who provides  
26 literacy instruction in kindergarten programs or in any of grades one  
27 through five must obtain a literacy endorsement within three years after  
28 the teacher's certificate is issued. The rules shall require that a  
29 certificated teacher who received a certificate before August 1, 2025 and  
30 who provides literacy instruction in kindergarten programs or in any of  
31 grades one through five must obtain a literacy endorsement on or before  
32 August 1, 2028. The literacy endorsement shall require the teacher to  
33 complete evidence-based science of reading training or coursework as  
34 determined by the board and to pass a literacy instruction assessment to  
35 show that the teacher is capable of doing all of the following:

36 (a) Effectively teaching foundational reading skills, phonological  
37 awareness, phonics, fluency, vocabulary and comprehension.

38 (b) Implementing reading instruction using high-quality  
39 instructional materials.

40 (c) Providing effective instruction and interventions for students  
41 with reading deficiencies, including students with characteristics of  
42 dyslexia.

43 4. Beginning August 1, 2022, shall require all approved educator  
44 preparation programs in elementary education and early childhood education

1 to require the courses that are necessary to obtain a literacy endorsement  
2 pursuant to paragraph 3 of this subsection.

3 5. Shall establish a process to allow a local education agency, at  
4 the request of a teacher, to verify to the department of education that  
5 the teacher possesses the instructional knowledge and skills prescribed in  
6 paragraph 3 of this subsection, demonstrated through classroom  
7 observations and student achievement data across subgroups using  
8 evidence-based measures. A certificated teacher who has had a local  
9 education agency verify the teacher's knowledge and skills in the science  
10 of reading pursuant to this paragraph is not required to complete the  
11 coursework, training or assessment requirements prescribed in paragraph 3  
12 of this subsection to obtain the literacy endorsement.

13 6. Shall not require a teacher to obtain a master's degree or to  
14 take any additional graduate courses as a condition of certification or  
15 recertification.

16 7. Shall allow but shall not require the superintendent of a school  
17 district to obtain certification from the state board of education.

18 8. Shall provide for the issuance of a subject-matter expert  
19 standard teaching certificate to persons who have expertise in a content  
20 area or a subject matter. Persons who are certified pursuant to this  
21 paragraph shall complete training, if applicable, in structured English  
22 immersion as prescribed by the state board pursuant to section 15-756.09.  
23 Persons who are certified pursuant to this paragraph are exempt from the  
24 subject knowledge proficiency requirements prescribed in section 15-533  
25 and from the proficiency requirements prescribed in section 15-532 on the  
26 Constitutions of the United States and Arizona. Persons who are subject  
27 to subdivision (a) of this paragraph are also exempt from the professional  
28 knowledge proficiency requirements pursuant to section 15-533. A person  
29 who obtains a subject-matter expert standard teaching certificate pursuant  
30 to this paragraph may provide instruction in the person's field of  
31 expertise in grades six through twelve at any public school in this state.  
32 Issuance of the subject-matter expert standard teaching certificate may  
33 not be conditioned on the person's employment with a local education  
34 agency. A person who meets the requirements of this paragraph shall be  
35 issued a subject-matter expert standard teaching certificate without  
36 having to demonstrate professional knowledge proficiency pursuant to  
37 section 15-533, except that the person shall have at least two years to  
38 demonstrate professional knowledge proficiency pursuant to section 15-533.  
39 School districts shall evaluate and provide support pursuant to section  
40 15-537 to teachers who are certified pursuant to this paragraph. If a  
41 person fails to meet the professional knowledge requirements of this  
42 section within two years, the department of education or state board of  
43 education may temporarily suspend the subject-matter expert standard  
44 teaching certificate. A certificate that is temporarily suspended  
45 pursuant to this paragraph is not considered a disciplinary action, and a

1 person shall be allowed to correct the deficiency within the remaining  
2 time of the subject-matter expert standard teaching certification. This  
3 paragraph does not require a person who has obtained another type of  
4 teaching certificate from the state board to obtain a subject-matter  
5 expert standard teaching certificate pursuant to this paragraph in order  
6 to provide instruction in grades six through twelve. Persons who are  
7 certificated pursuant to this paragraph shall review and attest to  
8 reviewing the best practices for social media and cellular telephone use  
9 between students and school personnel adopted by the state board of  
10 education pursuant to section 15-203, subsection A, paragraph ~~44~~ 45 before  
11 receiving a certificate and, within two years after receiving a  
12 certificate, complete training in professionalism and ethics from a public  
13 or private provider approved by the state board of education, which may  
14 include a no-cost option to the person provided by the state board. A  
15 person is eligible for a subject-matter expert standard teaching  
16 certificate pursuant to this paragraph if the person has a baccalaureate  
17 degree and meets any of the following requirements:

18 (a) Has taught courses relevant to a content area or subject matter  
19 for the last two consecutive years and for a total of at least three years  
20 at one or more regionally or nationally accredited public or private  
21 postsecondary institutions. A person demonstrates compliance with this  
22 requirement by providing the state board with written proof of employment  
23 for specific durations from one or more qualifying postsecondary  
24 institutions.

25 (b) Has either a baccalaureate degree, a master's degree or a  
26 doctoral degree in a specific subject area that is relevant to a content  
27 area or subject matter taught in public schools.

28 (c) Demonstrates expertise through relevant work experience of at  
29 least five years in a field that is relevant to a content area or subject  
30 matter taught in public schools. A person demonstrates compliance with  
31 this requirement by providing the state board with written proof of  
32 employment.

33 9. Notwithstanding section 15-533, shall exempt persons applying  
34 for a secondary education certificate from the subject knowledge portion  
35 of the proficiency examination if the state board determines that the  
36 person has work experience in science, technology, engineering or  
37 mathematics and can demonstrate adequate knowledge of a particular subject  
38 through a postsecondary education degree or twenty-four credit hours of  
39 relevant coursework.

40 10. Shall allow for a certificate issued to a person pursuant to  
41 subsection B, paragraph 1, 3, 4 or 5 of this section or section 15-203 or  
42 15-782.01, as applicable, to be both issued and renewed for at least  
43 twelve years and may not require more than fifteen hours of continuing  
44 education credits each year in order to renew that certificate pursuant to  
45 this paragraph.

1           11. Shall allow for a certificate issued to a person pursuant to  
2 subsection B of this section or section 15-132, 15-203 or 15-782.01, as  
3 applicable, and any endorsement or approved area related to that  
4 certificate, to be renewed at least two years but not more than ten years  
5 after that certificate expires without any other requirements adopted by  
6 the state board of education or the department of education if the person  
7 is in good standing and possesses a valid fingerprint clearance card  
8 issued pursuant to section 15-534. A certificate renewed pursuant to this  
9 paragraph shall be identical to the expired certificate.

10           D. The rules for certification reciprocity shall include a  
11 requirement that the applicant possess a comparable valid certification  
12 from another state and be in good standing with that other state. An  
13 applicant who possesses a valid certification from another state and a  
14 fingerprint clearance card pursuant to section 15-534 and who is in good  
15 standing with that other state shall be issued a comparable standard  
16 certificate or a comparable certificate issued pursuant to section 15-132,  
17 15-203 or 15-782.01, as applicable, without any other requirements from  
18 the state board of education or the department of education. A person who  
19 is issued a certificate pursuant to this subsection is not required to  
20 meet any requirement prescribed in section 15-533.

21           E. Placement decisions of teaching intern certificate holders  
22 issued pursuant to subsection C, paragraph 1 of this section and section  
23 15-552 shall be based on agreements between the teacher preparation  
24 provider, the provider's partner organizations and the local education  
25 agency. The practices of the department of education and the rules and  
26 policies of the state board of education may not restrict placement of  
27 teaching intern certification holders based on local education agency  
28 instructional models and may only consider the academic quality of the  
29 school, the effectiveness of the teaching intern certification holder's  
30 on-site mentor and the opportunity for a wide variety of schools and  
31 school models to access teaching intern certification holders.

32           F. Notwithstanding subsection A of this section, the following  
33 persons are not required to have a baccalaureate degree:

34           1. A teacher who is otherwise exempt by law from obtaining a  
35 baccalaureate degree and who provides instruction in STEM or career and  
36 technical education pursuant to section 15-782.01.

37           2. A person who obtains any of the following:

38           (a) A Native American language certificate.

39           (b) A student teaching intern certificate.

40           (c) A junior reserve officer training corps certificate.

41           (d) An athletic coaching certificate.

42           (e) An emergency substitute certificate.



1 G. On or before November 15 of each year, the department of  
2 education shall report and post on its website all of the following:

3 1. The total number of teaching certificates issued in the previous  
4 calendar year disaggregated by the type of teaching certificate and  
5 demographics.

6 2. The total number of currently issued teaching certificates in  
7 this state disaggregated by the type of teaching certificate and  
8 demographics.

9 3. Any other historical data or trends regarding certificated  
10 individuals in this state.

11 Sec. 6. Section 32-1401, Arizona Revised Statutes, is amended to  
12 read:

13 32-1401. Definitions

14 In this chapter, unless the context otherwise requires:

15 1. "Active license" means a valid and existing license to practice  
16 medicine.

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

24 3. "Advisory letter" means a nondisciplinary letter to notify a  
25 licensee that either:

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

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

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

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

- 1           5. "Approved school of medicine" means any school or college  
2 offering a course of study that, on successful completion, results in the  
3 degree of doctor of medicine and whose course of study has been approved  
4 or accredited by an educational or professional association, recognized by  
5 the board, including the association of American medical colleges, the  
6 association of Canadian medical colleges or the American medical  
7 association.
- 8           6. "Board" means the Arizona medical board.
- 9           7. "Completed application" means that the applicant has supplied  
10 all required fees, information and correspondence requested by the board  
11 on forms and in a manner acceptable to the board.
- 12           8. "Direct supervision" means that a physician, physician assistant  
13 licensed pursuant to chapter 25 of this title or nurse practitioner  
14 certified pursuant to chapter 15 of this title is within the same room or  
15 office suite as the medical assistant in order to be available for  
16 consultation regarding those tasks the medical assistant performs pursuant  
17 to section 32-1456.
- 18           9. "Dispense" means the delivery by a doctor of medicine of a  
19 prescription drug or device to a patient, except for samples packaged for  
20 individual use by licensed manufacturers or repackagers of drugs, and  
21 includes the prescribing, administering, packaging, labeling and security  
22 necessary to prepare and safeguard the drug or device for delivery.
- 23           10. "Doctor of medicine" means a natural person holding a license,  
24 registration or permit to practice medicine pursuant to this chapter.
- 25           11. "Full-time faculty member" means a physician who is employed  
26 full time as a faculty member while holding the academic position of  
27 assistant professor or a higher position at an approved school of  
28 medicine.
- 29           12. "Health care institution" means any facility as defined in  
30 section 36-401, any person authorized to transact disability insurance, as  
31 defined in title 20, chapter 6, article 4 or 5, any person who is issued a  
32 certificate of authority pursuant to title 20, chapter 4, article 9 or any  
33 other partnership, association or corporation that provides health care to  
34 consumers.
- 35           13. "Immediate family" means the spouse, natural or adopted  
36 children, father, mother, brothers and sisters of the doctor OF MEDICINE  
37 and the natural or adopted children, father, mother, brothers and sisters  
38 of the ~~doctor's~~ DOCTOR OF MEDICINE'S spouse.
- 39           14. "Letter of reprimand" means a disciplinary letter that is  
40 issued by the board and that informs the physician that the physician's  
41 conduct violates state or federal law and may require the board to monitor  
42 the physician.
- 43           15. "Limit" means taking a nondisciplinary action that alters the  
44 physician's practice or professional activities if the board determines

1 that there is evidence that the physician is or may be mentally or  
2 physically unable to safely engage in the practice of medicine.

3 16. "Medical assistant" means an unlicensed person who meets the  
4 requirements of section 32-1456, has completed an education program  
5 approved by the board, assists in a medical practice under the supervision  
6 of a doctor of medicine, physician assistant or nurse practitioner and  
7 performs delegated procedures commensurate with the MEDICAL assistant's  
8 education and training but does not diagnose, interpret, design or modify  
9 established treatment programs or perform any functions that would violate  
10 any statute applicable to the practice of medicine.

11 17. "Medically incompetent" means a person who the board determines  
12 is incompetent based on a variety of factors, including:

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

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

18 18. "Medical peer review" means:

19 (a) The participation by a doctor of medicine in the review and  
20 evaluation of the medical management of a patient and the use of resources  
21 for patient care.

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

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

26 20. "~~Office-based~~ OFFICE-BASED surgery" means a medical procedure  
27 conducted in a physician's office or other outpatient setting that is not  
28 part of a licensed hospital or licensed ambulatory surgical center.

29 21. "Physician" means a doctor of medicine who is licensed pursuant  
30 to this chapter.

31 22. "Practice of medicine":

32 (a) Means the diagnosis, the treatment or the correction of or the  
33 attempt or the claim to be able to diagnose, treat or correct any and all  
34 human diseases, injuries, ailments, infirmities or deformities, physical  
35 or mental, real or imaginary, by any means, methods, devices or  
36 instrumentalities, except as the same may be among the acts or persons not  
37 affected by this chapter. ~~The practice of medicine~~

38 (b) Includes the practice of medicine alone or the practice of  
39 surgery alone, or both.

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

44 24. "Special purpose licensing examination" means an examination  
45 that is developed by the national board of medical examiners on behalf of

1 the federation of state medical boards for use by state licensing boards  
2 to test the basic medical competence of physicians who are applying for  
3 licensure and who have been in practice for a considerable period of time  
4 in another jurisdiction and to determine the competence of a physician who  
5 is under investigation by a state licensing board.

6 25. "Teaching hospital's accredited graduate medical education  
7 program" means that the hospital is incorporated and has an internship,  
8 fellowship or residency training program that is accredited by the  
9 accreditation council for graduate medical education, the American medical  
10 association, the association of American medical colleges, the royal  
11 college of physicians and surgeons of Canada or a similar body in the  
12 United States or Canada that is approved by the board and whose function  
13 is that of approving hospitals for internship, fellowship or residency  
14 training.

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

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

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

22 (b) Intentionally disclosing a professional secret or intentionally  
23 disclosing a privileged communication except as either act may otherwise  
24 be required by law.

25 (c) Committing false, fraudulent, deceptive or misleading  
26 advertising by a doctor of medicine or the ~~doctor's~~ DOCTOR OF MEDICINE'S  
27 staff, employer or representative.

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

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

33 (f) Exhibiting a pattern of using or being under the influence of  
34 alcohol or drugs or a similar substance while practicing medicine or to  
35 the extent that judgment may be impaired and the practice of medicine  
36 detrimentally affected.

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

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

41 (i) Prescribing, dispensing or administering schedule II controlled  
42 substances as prescribed by section 36-2513 or the rules adopted pursuant  
43 to section 36-2513, including amphetamines and similar schedule II  
44 sympathomimetic drugs in the treatment of exogenous obesity for a period

1 in excess of thirty days in any one year, or the nontherapeutic use of  
2 injectable amphetamines.

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

6 (k) Dispensing a schedule II controlled substance that is an  
7 opioid, except as provided in section 32-1491.

8 (l) Signing a blank, undated or predated prescription form.

9 (m) Committing conduct that the board determines is gross  
10 malpractice, repeated malpractice or any malpractice resulting in the  
11 death of a patient.

12 (n) Representing that a manifestly incurable disease or infirmity  
13 can be permanently cured, or that any disease, ailment or infirmity can be  
14 cured by a secret method, procedure, treatment, medicine or device, if  
15 this is not true.

16 (o) Refusing to divulge to the board on demand the means, method,  
17 procedure, modality of treatment or medicine used in the treatment of a  
18 disease, injury, ailment or infirmity.

19 (p) Having action taken against a doctor of medicine by another  
20 licensing or regulatory jurisdiction due to that ~~doctor's~~ DOCTOR OF  
21 MEDICINE'S mental or physical inability to engage safely in the practice  
22 of medicine or the ~~doctor's~~ DOCTOR OF MEDICINE'S medical incompetence or  
23 for unprofessional conduct as defined by that jurisdiction and that  
24 corresponds directly or indirectly to an act of unprofessional conduct  
25 prescribed by this paragraph. The action taken may include refusing,  
26 denying, revoking or suspending a license by that jurisdiction or a  
27 surrendering of a license to that jurisdiction, otherwise limiting,  
28 restricting or monitoring a licensee by that jurisdiction or placing a  
29 licensee on probation by that jurisdiction.

30 (q) Having sanctions imposed by an agency of the federal  
31 government, including restricting, suspending, limiting or removing a  
32 person from the practice of medicine or restricting that person's ability  
33 to obtain financial remuneration.

34 (r) Committing any conduct or practice that is or might be harmful  
35 or dangerous to the health of the patient or the public.

36 (s) Violating a formal order, probation, consent agreement or  
37 stipulation issued or entered into by the board or its executive director  
38 under this chapter.

39 (t) Violating or attempting to violate, directly or indirectly, or  
40 assisting in or abetting the violation of or conspiring to violate any  
41 provision of this chapter.

42 (u) Knowingly making any false or fraudulent statement, written or  
43 oral, in connection with the practice of medicine or if applying for  
44 privileges or renewing an application for privileges at a health care  
45 institution.

1 (v) Charging a fee for services not rendered or dividing a  
2 professional fee for patient referrals among health care providers or  
3 health care institutions or between these providers and institutions or a  
4 contractual arrangement that has the same effect. This subdivision does  
5 not apply to payments from a medical researcher to a physician in  
6 connection with identifying and monitoring patients for a clinical trial  
7 regulated by the United States food and drug administration.

8 (w) Obtaining a fee by fraud, deceit or misrepresentation.

9 (x) Charging or collecting a clearly excessive fee. In determining  
10 whether a fee is clearly excessive, the board shall consider the fee or  
11 range of fees customarily charged in this state for similar services in  
12 light of modifying factors such as the time required, the complexity of  
13 the service and the skill requisite to perform the service properly. This  
14 subdivision does not apply if there is a clear written contract for a  
15 fixed fee between the physician and the patient that has been entered into  
16 before the provision of the service.

17 (y) Committing conduct that is in violation of section 36-2302.

18 (z) Using experimental forms of diagnosis and treatment without  
19 adequate informed patient consent, and without conforming to generally  
20 accepted experimental criteria, including protocols, detailed records,  
21 periodic analysis of results and periodic review by a medical peer review  
22 committee as approved by the United States food and drug administration or  
23 its successor agency.

24 (aa) Engaging in sexual conduct with a current patient or with a  
25 former patient within six months after the last medical consultation  
26 unless the patient was the licensee's spouse at the time of the contact  
27 or, immediately preceding the physician-patient relationship, was in a  
28 dating or engagement relationship with the licensee. For the purposes of  
29 this subdivision, "sexual conduct" includes:

30 (i) Engaging in or soliciting sexual relationships, whether  
31 consensual or nonconsensual.

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

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

37 (bb) Procuring or attempting to procure a license to practice  
38 medicine or a license renewal by fraud, by misrepresentation or by  
39 knowingly taking advantage of the mistake of another person or an agency.

40 (cc) Representing or claiming to be a medical specialist if this is  
41 not true.

42 (dd) Maintaining a professional connection with or lending one's  
43 name to enhance or continue the activities of an illegal practitioner of  
44 medicine.

1 (ee) Failing to furnish information in a timely manner to the board  
2 or the board's investigators or representatives if legally requested by  
3 the board.

4 (ff) Failing to allow properly authorized board personnel on demand  
5 to examine and have access to documents, reports and records maintained by  
6 the physician that relate to the physician's medical practice or medically  
7 related activities.

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

17 (hh) Using chelation therapy in the treatment of arteriosclerosis  
18 or as any other form of therapy, with the exception of treatment of heavy  
19 metal poisoning, without:

20 (i) Adequate informed patient consent.

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

24 (iii) Approval by the United States food and drug administration or  
25 its successor agency.

26 (ii) Prescribing, dispensing or administering anabolic-androgenic  
27 steroids to a person for other than therapeutic purposes.

28 (jj) Exhibiting a lack of or inappropriate direction, collaboration  
29 or direct supervision of a medical assistant or a licensed, certified or  
30 registered health care provider employed by, supervised by or assigned to  
31 the physician.

32 (kk) Knowingly making a false or misleading statement to the board  
33 or on a form required by the board or in a written correspondence,  
34 including attachments, with the board.

35 (ll) Failing to dispense drugs and devices in compliance with  
36 article 6 of this chapter.

37 (mm) Committing conduct that the board determines is gross  
38 negligence, repeated negligence or negligence resulting in harm to or the  
39 death of a patient.

40 (nn) Making a representation by a doctor of medicine or the  
41 ~~doctor's~~ DOCTOR OF MEDICINE'S staff, employer or representative that the  
42 doctor OF MEDICINE is boarded or board certified if this is not true or  
43 the standing is not current or without supplying the full name of the  
44 specific agency, organization or entity granting this standing.

1 (oo) Refusing to submit to a body fluid examination or any other  
2 examination known to detect the presence of alcohol or other drugs as  
3 required by the board pursuant to section 32-1452 or pursuant to a board  
4 investigation into a doctor of medicine's alleged substance abuse.

5 (pp) Failing to report in writing to the Arizona medical board or  
6 the Arizona regulatory board of physician assistants any evidence that a  
7 doctor of medicine or a physician assistant is or may be medically  
8 incompetent, guilty of unprofessional conduct or mentally or physically  
9 unable to safely practice medicine or to perform as a physician assistant.

10 (qq) As a physician who is the chief executive officer, the medical  
11 director or the medical chief of staff of a health care institution,  
12 failing to report in writing to the board that the hospital privileges of  
13 a doctor of medicine have been denied, revoked, suspended, supervised or  
14 limited because of actions by the doctor OF MEDICINE that appear to show  
15 that the doctor is or may be medically incompetent, is or may be guilty of  
16 unprofessional conduct or is or may be unable to engage safely in the  
17 practice of medicine.

18 (rr) Claiming to be a current member of the board or its staff or a  
19 board medical consultant if this is not true.

20 (ss) Failing to make patient medical records in the physician's  
21 possession promptly available to a physician assistant, a nurse  
22 practitioner, a person licensed pursuant to this chapter or a podiatrist,  
23 chiropractor, naturopathic physician, osteopathic physician or homeopathic  
24 physician licensed under chapter 7, 8, 14, 17 or 29 of this title on  
25 receipt of proper authorization to do so from the patient, a minor  
26 patient's parent, the patient's legal guardian or the patient's authorized  
27 representative or failing to comply with title 12, chapter 13,  
28 article 7.1.

29 (tt) Prescribing, dispensing or furnishing a prescription  
30 medication or a prescription-only device as defined in section 32-1901 to  
31 a person unless the licensee first conducts a physical or mental health  
32 status examination of that person or has previously established a  
33 doctor-patient relationship. The physical or mental health status  
34 examination may be conducted through telehealth as defined in section  
35 36-3601 with a clinical evaluation that is appropriate for the patient and  
36 the condition with which the patient presents, unless the examination is  
37 for the purpose of obtaining a written certification from the physician  
38 for the purposes of title 36, chapter 28.1. This subdivision does not  
39 apply to:

40 (i) A physician who provides temporary patient supervision on  
41 behalf of the patient's regular treating licensed health care professional  
42 or provides a consultation requested by the patient's regular treating  
43 licensed health care professional.

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



1 (iii) Prescriptions written to prepare a patient for a medical  
2 examination.

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

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

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

18 (vii) Prescriptions for epinephrine auto-injectors written or  
19 dispensed for a school district or charter school to be stocked for  
20 emergency use pursuant to section 15-157 or for an authorized entity to be  
21 stocked pursuant to section 36-2226.01.

22 (viii) **PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL**  
23 **DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO**  
24 **SECTION 15-158.01.**

25 ~~(viii)~~ (ix) Prescriptions written by a licensee through a  
26 telehealth program that is covered by the policies and procedures adopted  
27 by the administrator of a hospital or outpatient treatment center.

28 ~~(ix)~~ (x) Prescriptions for naloxone hydrochloride or any other  
29 opioid antagonist approved by the United States food and drug  
30 administration that are written or dispensed for use pursuant to section  
31 36-2228 or 36-2266.

32 (uu) Performing ~~office-based~~ **OFFICE-BASED** surgery using sedation in  
33 violation of board rules.

34 (vv) Practicing medicine under a false or assumed name in this  
35 state.

36 Sec. 7. Section 32-1854, Arizona Revised Statutes, is amended to  
37 read:

38 **32-1854. Definition of unprofessional conduct**

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

41 1. Knowingly betraying a professional secret or wilfully violating  
42 a privileged communication except as either of these may otherwise be  
43 required by law. This paragraph does not prevent members of the board  
44 from exchanging information with the licensing and disciplinary boards of  
45 other states, territories or districts of the United States or with

1 foreign countries or with osteopathic medical organizations located in  
2 this state or in any state, district or territory of this country or in  
3 any foreign country.

4 2. Committing a felony or a misdemeanor involving moral turpitude.  
5 In either case conviction by any court of competent jurisdiction is  
6 conclusive evidence of the commission of the offense.

7 3. Practicing medicine while under the influence of alcohol, a  
8 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs  
9 or any substance that impairs or may impair the licensee's ability to  
10 safely and skillfully practice medicine.

11 4. Being diagnosed by a physician licensed under this chapter or  
12 chapter 13 of this title or a psychologist licensed under chapter 19.1 of  
13 this title as excessively or illegally using alcohol or a controlled  
14 substance.

15 5. Prescribing, dispensing or administering controlled substances  
16 or prescription-only drugs for other than accepted therapeutic purposes.

17 6. Engaging in the practice of medicine in a manner that harms or  
18 may harm a patient or that the board determines falls below the community  
19 standard.

20 7. Impersonating another physician.

21 8. Acting or assuming to act as a member of the board if this is  
22 not true.

23 9. Procuring, renewing or attempting to procure or renew a license  
24 to practice osteopathic medicine by fraud or misrepresentation.

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

28 11. Representing that a manifestly incurable disease, injury,  
29 ailment or infirmity can be permanently cured or that a curable disease,  
30 injury, ailment or infirmity can be cured within a stated time if this is  
31 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  
35 infirmity.

36 13. Refusing to divulge to the board on demand the means, method,  
37 device or instrumentality used to treat a disease, injury, ailment or  
38 infirmity.

39 14. Charging a fee for services not rendered or dividing a  
40 professional fee for patient referrals. This paragraph does not apply to  
41 payments from a medical researcher to a physician in connection with  
42 identifying and monitoring patients for clinical trial regulated by the  
43 United States food and drug administration.

- 1           15. Knowingly making any false or fraudulent statement, written or  
2 oral, in connection with the practice of medicine or when applying for or  
3 renewing privileges at a health care institution or a health care program.  
4           16. Advertising in a false, deceptive or misleading manner.  
5           17. Representing or claiming to be an osteopathic medical  
6 specialist if the physician has not satisfied the applicable requirements  
7 of this chapter or board rules.  
8           18. Having a license denied or disciplinary action taken against a  
9 license by any other state, territory, district or country, unless it can  
10 be shown that this occurred for reasons that did not relate to the  
11 person's ability to safely and skillfully practice osteopathic medicine or  
12 to any act of unprofessional conduct as provided in this section.  
13           19. Committing any conduct or practice contrary to recognized  
14 standards of ethics of the osteopathic medical profession.  
15           20. Violating or attempting to violate, directly or indirectly, or  
16 assisting in or abetting the violation of or conspiring to violate any of  
17 the provisions of this chapter.  
18           21. Failing or refusing to establish and maintain adequate records  
19 on a patient as follows:  
20           (a) If the patient is an adult, for at least six years after the  
21 last date the licensee provided the patient with medical or health care  
22 services.  
23           (b) If the patient is a child, either for at least three years  
24 after the child's eighteenth birthday or for at least six years after the  
25 last date the licensee provided that patient with medical or health care  
26 services, whichever date occurs later.  
27           22. Using controlled substances or prescription-only drugs unless  
28 they are provided by a medical practitioner, as defined in section  
29 32-1901, as part of a lawful course of treatment.  
30           23. Prescribing controlled substances to members of one's immediate  
31 family unless there is no other physician available within fifty miles to  
32 treat a member of the family and an emergency exists.  
33           24. Committing nontherapeutic use of injectable amphetamines.  
34           25. Violating a formal order, probation or a stipulation issued by  
35 the board under this chapter.  
36           26. Charging or collecting an inappropriate fee. This paragraph  
37 does not apply to a fee that is fixed in a written contract between the  
38 physician and the patient and entered into before treatment begins.  
39           27. Using experimental forms of therapy without adequate informed  
40 patient consent or without conforming to generally accepted criteria and  
41 complying with federal and state statutes and regulations governing  
42 experimental therapies.  
43           28. Failing to make patient medical records in the physician's  
44 possession promptly available to a physician assistant, a nurse  
45 practitioner, a person licensed pursuant to this chapter or a podiatrist,

1 chiropractor, naturopathic physician, physician or homeopathic physician  
2 licensed under chapter 7, 8, 13, 14 or 29 of this title on receipt of  
3 proper authorization to do so from the patient, a minor patient's parent,  
4 the patient's legal guardian or the patient's authorized representative or  
5 failing to comply with title 12, chapter 13, article 7.1.

6 29. Failing to allow properly authorized board personnel to have,  
7 on presentation of a subpoena, access to any documents, reports or records  
8 that are maintained by the physician and that relate to the physician's  
9 medical practice or medically related activities pursuant to section  
10 32-1855.01.

11 30. Signing a blank, undated or predated prescription form.

12 31. Obtaining a fee by fraud, deceit or misrepresentation.

13 32. Failing to report to the board an osteopathic physician and  
14 surgeon who is or may be guilty of unprofessional conduct or is or may be  
15 mentally or physically unable safely to engage in the practice of  
16 medicine.

17 33. Referring a patient to a diagnostic or treatment facility or  
18 prescribing goods and services without disclosing that the physician has a  
19 direct pecuniary interest in the facility, goods or services to which the  
20 patient has been referred or prescribed. This paragraph does not apply to  
21 a referral by one physician to another physician within a group of  
22 physicians practicing together.

23 34. Exhibiting a lack of or inappropriate direction, collaboration  
24 or supervision of a licensed, certified or registered health care provider  
25 or office personnel employed by or assigned to the physician in the  
26 medical care of patients.

27 35. Violating a federal law, a state law or a rule applicable to  
28 the practice of medicine.

29 36. Prescribing or dispensing controlled substances or  
30 prescription-only medications without establishing and maintaining  
31 adequate patient records.

32 37. Dispensing a schedule II controlled substance that is an  
33 opioid, except as provided in section 32-1871.

34 38. Failing to dispense drugs and devices in compliance with  
35 article 4 of this chapter.

36 39. Committing any conduct or practice that endangers a patient's  
37 or the public's health or may reasonably be expected to do so.

38 40. Committing any conduct or practice that impairs the licensee's  
39 ability to safely and skillfully practice medicine or that may reasonably  
40 be expected to do so.

41 41. With the exception of heavy metal poisoning, using chelation  
42 therapy in the treatment of arteriosclerosis or as any other form of  
43 therapy without adequate informed patient consent and without conforming  
44 to generally accepted experimental criteria, including protocols, detailed

1 records, periodic analysis of results and periodic review by a medical  
2 peer review committee.

3 42. Prescribing, dispensing or administering anabolic-androgenic  
4 steroids to a person for other than therapeutic purposes.

5 43. Engaging in sexual conduct with a current patient or with a  
6 former patient within six months after the last medical consultation  
7 unless the patient was the licensee's spouse at the time of the contact  
8 or, immediately preceding the physician-patient relationship, was in a  
9 dating or engagement relationship with the licensee. For the purposes of  
10 this paragraph, "sexual conduct" includes:

11 (a) Engaging in or soliciting sexual relationships, whether  
12 consensual or nonconsensual.

13 (b) Making sexual advances, requesting sexual favors or engaging in  
14 any other verbal conduct or physical conduct of a sexual nature.

15 44. Committing conduct that is in violation of section 36-2302.

16 45. Committing conduct that the board determines constitutes gross  
17 negligence, repeated negligence or negligence that results in harm or  
18 death of a patient.

19 46. Committing conduct in the practice of medicine that evidences  
20 unfitness to practice medicine.

21 47. Engaging in disruptive or abusive behavior in a professional  
22 setting.

23 48. Failing to disclose to a patient that the licensee has a direct  
24 financial interest in a prescribed treatment, good or service if the  
25 treatment, good or service is available on a competitive basis. This  
26 paragraph does not apply to a referral by one licensee to another licensee  
27 within a group of licensees who practice together. A licensee meets the  
28 disclosure requirements of this paragraph if both of the following are  
29 true:

30 (a) The licensee makes the disclosure on a form prescribed by the  
31 board.

32 (b) The patient or the patient's guardian or parent acknowledges by  
33 signing the form that the licensee has disclosed the licensee's direct  
34 financial interest.

35 49. Prescribing, dispensing or furnishing a prescription medication  
36 or a prescription-only device to a person if the licensee has not  
37 conducted a physical or mental health status examination of that person or  
38 has not previously established a physician-patient relationship. The  
39 physical or mental health status examination may be conducted through  
40 telehealth as defined in section 36-3601 with a clinical evaluation that  
41 is appropriate for the patient and the condition with which the patient  
42 presents, unless the examination is for the purpose of obtaining a written  
43 certification from the physician for the purposes of title 36,  
44 chapter 28.1. This paragraph does not apply to:

45 (a) Emergencies.

1 (b) A licensee who provides patient care on behalf of the patient's  
2 regular treating licensed health care professional or provides a  
3 consultation requested by the patient's regular treating licensed health  
4 care professional.

5 (c) Prescriptions written or antimicrobials dispensed to a contact  
6 as defined in section 36-661 who is believed to have had significant  
7 exposure risk as defined in section 36-661 with another person who has  
8 been diagnosed with a communicable disease as defined in section 36-661 by  
9 the prescribing or dispensing physician.

10 (d) Prescriptions for epinephrine auto-injectors written or  
11 dispensed for a school district or charter school to be stocked for  
12 emergency use pursuant to section 15-157 or for an authorized entity to be  
13 stocked pursuant to section 36-2226.01.

14 (e) PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL  
15 DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO  
16 SECTION 15-158.01.

17 ~~(e)~~ (f) Prescriptions written by a licensee through a telehealth  
18 program that is covered by the policies and procedures adopted by the  
19 administrator of a hospital or outpatient treatment center.

20 ~~(f)~~ (g) Prescriptions for naloxone hydrochloride or any other  
21 opioid antagonist approved by the United States food and drug  
22 administration that are written or dispensed for use pursuant to section  
23 36-2228 or 36-2266.

24 50. If a licensee provides medical care by computer, failing to  
25 disclose the licensee's license number and the board's address and  
26 telephone number.

27 Sec. 8. Section 32-1901.01, Arizona Revised Statutes, is amended to  
28 read:

29 32-1901.01. Definition of unethical conduct and  
30 unprofessional conduct; permittees; licensees

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

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

38 2. Committing an act that is substantially related to the  
39 qualifications, functions or duties of a permittee and that demonstrates  
40 an actual or potential unfitness to hold a permit in light of the public's  
41 safety.

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

43 4. Using alcohol or other drugs to such a degree as to render the  
44 permittee unfit to perform the permittee's employment duties.

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

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

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

9           8. Intending to sell, transfer or distribute, or to offer for sale,  
10 transfer or distribution, or selling, transferring, distributing or  
11 dispensing or offering for sale, transfer or distribution an imitation  
12 controlled substance, imitation over-the-counter drug or imitation  
13 prescription-only drug as defined in section 13-3451.

14           9. Having the permittee's permit to manufacture, sell, distribute  
15 or dispense drugs, devices, poisons, hazardous substances or precursor  
16 chemicals denied or disciplined in another jurisdiction.

17           10. Committing an offense in another jurisdiction that if committed  
18 in this state would be grounds for discipline.

19           11. Obtaining or attempting to obtain a permit or a permit renewal  
20 by fraud, by misrepresentation or by knowingly taking advantage of the  
21 mistake of another person or an agency.

22           12. Wilfully making a false report or record that is required by  
23 this chapter, that is required by federal or state laws pertaining to  
24 drugs, devices, poisons, hazardous substances or precursor chemicals or  
25 that is required to pay for drugs, devices, poisons or hazardous  
26 substances or precursor chemicals or for services pertaining to such drugs  
27 or substances.

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

30           14. Providing false or misleading information or omitting material  
31 information in any communication to the board or the board's employees or  
32 agents.

33           15. Violating or attempting to violate, directly or indirectly, or  
34 assisting in or abetting the violation of, or conspiring to violate this  
35 chapter.

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

39           17. Failing to comply with a board subpoena or failing to comply in  
40 a timely manner with a board subpoena without providing any explanation to  
41 the board for not complying with the subpoena.

42           18. Failing to provide the board or its employees or agents or an  
43 authorized federal or state official conducting a site investigation,  
44 inspection or audit with access to any place for which a permit has been  
45 issued or for which an application for a permit has been submitted.

1           19. Failing to notify the board of a change of ownership,  
2 management or pharmacist in charge.

3           20. Failing to promptly produce on the request of the official  
4 conducting a site investigation, inspection or audit any book, record or  
5 document.

6           21. Overruling or attempting to overrule a pharmacist in matters of  
7 pharmacy ethics or interpreting laws pertaining to the practice of  
8 pharmacy or the distribution of drugs or devices.

9           22. Distributing premiums or rebates of any kind in connection with  
10 the sale of prescription medication, other than to the prescription  
11 medication recipient.

12           23. Failing to maintain effective controls against the diversion of  
13 controlled substances or precursor chemicals to unauthorized persons or  
14 entities.

15           24. Fraudulently claiming to have performed a service.

16           25. Fraudulently charging a fee for a service.

17           26. Advertising drugs or devices, or services pertaining to drugs  
18 or devices, in a manner that is untrue or misleading in any particular,  
19 and that is known, or that by the exercise of reasonable care should be  
20 known, to be untrue or misleading.

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

25           1. Using alcohol or other drugs to such a degree as to render the  
26 licensee unfit to practice the profession of pharmacy.

27           2. Violating any federal or state law, rule or regulation relating  
28 to the manufacture or distribution of drugs and devices or the practice of  
29 pharmacy.

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

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

38           5. Having the licensee's license to practice pharmacy denied or  
39 disciplined in another jurisdiction.

40           6. Claiming professional superiority in compounding or dispensing  
41 prescription orders.

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



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

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

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

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

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

16           (a) Made by a physician who provides temporary patient supervision  
17 on behalf of the patient's regular treating licensed health care  
18 professional or provides a consultation requested by the patient's regular  
19 treating licensed health care professional.

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

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

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

29           (e) Written or antimicrobials were dispensed by the prescribing or  
30 dispensing physician to a contact as defined in section 36-661 who is  
31 believed to have had significant exposure risk as defined in section  
32 36-661 with another person who has been diagnosed with a communicable  
33 disease as defined in section 36-661.

34           (f) Written or the prescription medications were issued for  
35 administering immunizations or vaccines listed in the United States  
36 centers for disease control and prevention's recommended immunization  
37 schedule to a household member of a patient.

38           (g) For epinephrine auto-injectors that are written or dispensed  
39 for a school district or charter school and that are to be stocked for  
40 emergency use pursuant to section 15-157 or for an authorized entity to be  
41 stocked pursuant to section 36-2226.01.

42           (h) FOR GLUCAGON THAT IS WRITTEN OR DISPENSED FOR A SCHOOL DISTRICT  
43 OR CHARTER SCHOOL AND THAT IS TO BE STOCKED FOR EMERGENCY USE PURSUANT TO  
44 SECTION 15-158.01.

1           ~~(i)~~ (i) Written by a licensee through a telehealth program that is  
2 covered by the policies and procedures adopted by the administrator of a  
3 hospital or outpatient treatment center.

4           ~~(j)~~ (j) Written pursuant to a physical or mental health status  
5 examination that was conducted through telehealth as defined in section  
6 36-3601 and consistent with federal law.

7           ~~(k)~~ (k) For naloxone hydrochloride or any other opioid antagonist  
8 approved by the United States food and drug administration and written or  
9 dispensed for use pursuant to section 36-2228 or 36-2266.

10           13. Failing to report in writing to the board any evidence that a  
11 pharmacist or pharmacy intern is or may be professionally incompetent, is  
12 or may be guilty of unprofessional conduct or is or may be mentally or  
13 physically unable to safely engage in the practice of pharmacy.

14           14. Failing to report in writing to the board any evidence that a  
15 pharmacy technician or pharmacy technician trainee is or may be  
16 professionally incompetent, is or may be guilty of unprofessional conduct  
17 or is or may be mentally or physically unable to safely engage in the  
18 permissible activities of a pharmacy technician or pharmacy technician  
19 trainee.

20           15. Failing to report in writing to the board any evidence that a  
21 permittee or a permittee's employee is or may be guilty of unethical  
22 conduct or is or may be violating this chapter or a rule adopted under  
23 this chapter.

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

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

28           18. Providing false or misleading information or omitting material  
29 information in any communication to the board or the board's employees or  
30 agents.

31           19. Violating or attempting to violate, directly or indirectly, or  
32 assisting in or abetting in the violation of, or conspiring to violate  
33 this chapter.

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

37           21. Failing to comply with a board subpoena or failing to comply in  
38 a timely manner with a board subpoena without providing any explanation to  
39 the board for not complying with the subpoena.

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

43           23. Participating in an arrangement or agreement to allow a  
44 prescription order or a prescription medication to be left at, picked up  
45 from, accepted by or delivered to a place that is not licensed as a

1 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy  
2 from using an employee or a common carrier to pick up prescription orders  
3 at or deliver prescription medications to the office or home of a medical  
4 practitioner, the residence of a patient or a patient's hospital.

5 24. Paying rebates or entering into an agreement for paying rebates  
6 to a medical practitioner or any other person in the health care field.

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

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

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

12 28. Failing to report a change of the licensee's home address,  
13 contact information, employer or employer's address as required by section  
14 32-1926.

15 29. Failing to report a change in the licensee's residency status  
16 as required by section 32-1926.01.

17 30. Failing to maintain effective controls against the diversion of  
18 controlled substances or precursor chemicals to unauthorized persons or  
19 entities.

20 C. In this chapter, unless the context otherwise requires, for the  
21 purposes of disciplining a pharmacy technician or pharmacy technician  
22 trainee, "unprofessional conduct" means the following, whether occurring  
23 in this state or elsewhere:

24 1. Using alcohol or other drugs to such a degree as to render the  
25 licensee unfit to perform the licensee's employment duties.

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

28 3. Obtaining or attempting to obtain a pharmacy technician LICENSE  
29 OR LICENSE RENEWAL or pharmacy technician trainee ~~license or a pharmacy~~  
30 ~~technician license renewal~~ REGISTRATION by fraud, by misrepresentation or  
31 by knowingly taking advantage of the mistake of another person or an  
32 agency.

33 4. Having the licensee's license to practice as a pharmacy  
34 technician denied or disciplined in another jurisdiction.

35 5. Failing to comply with the mandatory continuing professional  
36 education requirements of section 32-1925, subsection H and rules adopted  
37 by the board.

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

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

43 8. Violating a federal or state law or administrative rule relating  
44 to marijuana, prescription-only drugs, narcotics, dangerous drugs,

1 controlled substances or precursor chemicals when determined by the board  
2 or by conviction in a federal or state court.

3 9. Failing to report in writing to the board any evidence that a  
4 pharmacist or pharmacy intern is or may be professionally incompetent, is  
5 or may be guilty of unprofessional conduct or is or may be mentally or  
6 physically unable to safely engage in the practice of pharmacy.

7 10. Failing to report in writing to the board any evidence that a  
8 pharmacy technician or pharmacy technician trainee is or may be  
9 professionally incompetent, is or may be guilty of unprofessional conduct  
10 or is or may be mentally or physically unable to safely engage in the  
11 permissible activities of a pharmacy technician or pharmacy technician  
12 trainee.

13 11. Failing to report in writing to the board any evidence that a  
14 permittee or a permittee's employee is or may be guilty of unethical  
15 conduct or is or may be violating this chapter or a rule adopted under  
16 this chapter.

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

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

21 14. Providing false or misleading information or omitting material  
22 information in any communication to the board or the board's employees or  
23 agents.

24 15. Violating or attempting to violate, directly or indirectly, or  
25 assisting in or abetting in the violation of, or conspiring to violate  
26 this chapter.

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

30 17. Failing to comply with a board subpoena or failing to comply in  
31 a timely manner with a board subpoena without providing any explanation to  
32 the board for not complying with the subpoena.

33 18. Failing to report a change of the licensee's OR REGISTRANT'S  
34 home address, contact information, employer or employer's address as  
35 required by section 32-1926.

36 19. Failing to report a change in the licensee's OR REGISTRANT'S  
37 residency status as required by section 32-1926.01.