

House Engrossed

school personnel; emergency glucagon administration

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2174

AN ACT

AMENDING SECTIONS 15-344.01, 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. Section 15-344.01, Arizona Revised Statutes, is amended  
3 to read:

4 15-344.01. Diabetes management; policies and procedures;  
5 emergency administration of glucagon; voluntary  
6 diabetes care assistants; standing orders for  
7 glucagon; civil immunity

8 A. The school district governing board and the charter school  
9 governing body may adopt policies and procedures for pupils who have been  
10 diagnosed with diabetes by a health professional who is licensed pursuant  
11 to title 32, chapter 13, 14, 17 or 25 or a nurse practitioner who is  
12 licensed pursuant to title 32, chapter 15 to manage their diabetes in the  
13 classroom, on school grounds and at school-sponsored activities as  
14 authorized by the primary health professional who is licensed pursuant to  
15 title 32, chapter 13, 14, 17 or 25, nurse practitioner who is licensed  
16 pursuant to title 32, chapter 15 or pharmacist who is licensed pursuant to  
17 title 32, chapter 18 and who is practicing pursuant to section 32-1970.  
18 If a school district or charter school follows the policies and procedures  
19 adopted pursuant to this section, the employees of the school district or  
20 charter school and members of the school district governing board or  
21 charter school governing body are immune from civil liability with respect  
22 to the actions taken to adopt policies and procedures pursuant to this  
23 section and all decisions made and actions taken that are based on good  
24 faith compliance with policies and procedures adopted pursuant to this  
25 section.

26 B. If a school district governing board or charter school governing  
27 body adopts policies and procedures pursuant to subsection A of this  
28 section, the policies and procedures shall include the following  
29 components:

30 1. The parent or guardian shall annually submit a diabetes medical  
31 management plan to the pupil's school that authorizes the pupil to carry  
32 appropriate medications and monitoring equipment and that acknowledges  
33 that the pupil is capable of self-administration of those medications and  
34 equipment. The diabetes medical management plan provided by the parent or  
35 guardian shall be signed by a health professional who is licensed pursuant  
36 to title 32, chapter 13, 14, 17 or 25, a nurse practitioner who is  
37 licensed pursuant to title 32, chapter 15 or a pharmacist who is licensed  
38 pursuant to title 32, chapter 18 and who is practicing pursuant to section  
39 32-1970, and shall state that the pupil is capable of self-monitoring  
40 blood glucose and shall list the medications, monitoring equipment and  
41 nutritional needs that are medically appropriate for the pupil to  
42 self-administer and that have been prescribed or authorized for that  
43 pupil.

1           2. A requirement that the pupil be able to practice proper safety  
2 precautions for ~~the~~ handling and ~~disposal~~ DISPOSING of the equipment and  
3 medications that the pupil is authorized to use pursuant to this  
4 subsection. The pupil's diabetes medical management plan shall specify a  
5 method to dispose of equipment and medications in a manner agreed on by  
6 the parent or guardian and the school.

7           3. Procedures that enable the school district or charter school to  
8 withdraw a pupil's authorization to monitor blood glucose and  
9 self-administer diabetes medication pursuant to this subsection if the  
10 pupil does not practice proper safety precautions as provided in paragraph  
11 2 of this subsection.

12           4. A requirement that any medication administration services  
13 specified in the child's diabetes medical management plan shall be  
14 provided.

15           C. In addition to the policies and procedures adopted pursuant to  
16 subsections A and B of this section, the school district governing board  
17 and the charter school governing body may adopt policies and procedures to  
18 designate two or more school employees to serve as voluntary diabetes care  
19 assistants. The parent or guardian shall have final approval of the  
20 voluntary diabetes care assistants. Voluntary diabetes care assistants  
21 are allowed to administer insulin, assist the pupil with  
22 self-administration of insulin, administer glucagon in an emergency  
23 situation to a pupil or perform any combination of these actions if all of  
24 the following conditions exist:

25           1. A school nurse or another health professional who is licensed  
26 pursuant to title 32, chapter 13, 14, 17 or 25, a nurse practitioner who  
27 is licensed pursuant to title 32, chapter 15 or a pharmacist who is  
28 licensed pursuant to title 32, chapter 18 and who is practicing pursuant  
29 to section 32-1970 is not immediately available to attend to the pupil at  
30 the time of the emergency.

31           2. If the voluntary diabetes care assistant is authorized to  
32 administer glucagon, EITHER:

33           (a) The parent or guardian of the pupil has provided to the school  
34 an unexpired glucagon kit for the school year that is prescribed for that  
35 pupil by a health professional who is licensed pursuant to title 32,  
36 chapter 13, 14, 17 or 25, a nurse practitioner who is licensed pursuant to  
37 title 32, chapter 15 or a pharmacist who is licensed pursuant to title 32,  
38 chapter 18 and who is practicing pursuant to section 32-1970.

39           (b) THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS OBTAINED GLUCAGON  
40 PURSUANT TO A STANDING ORDER AS PROVIDED IN SUBSECTION E OF THIS SECTION.

41           3. The ~~volunteer~~ VOLUNTARY diabetes care assistant has provided to  
42 the school a written statement signed by a health professional who is  
43 licensed pursuant to title 32, chapter 13, 14, 15, 17, 18 or 25 ATTESTING  
44 that the voluntary diabetes care assistant has received proper training in  
45 ~~the administration of~~ ADMINISTERING glucagon.

1           4. If the voluntary diabetes care assistant is authorized to  
2 administer insulin, the parent or guardian of the pupil has provided  
3 insulin and all equipment and supplies that are necessary for insulin  
4 administration by voluntary diabetes care assistants.

5           5. Notwithstanding any other law, the training provided by a health  
6 professional who is licensed pursuant to title 32, chapter 13, 14, 15, 17,  
7 18 or 25 ~~must include~~ INCLUDES all of the following:

8           (a) An overview of all types of diabetes.

9           (b) The symptoms and treatment of hyperglycemia and hypoglycemia.

10           (c) Techniques for determining the proper dose of insulin in a  
11 specific situation based on instructions provided in the orders submitted  
12 by the pupil's physician.

13           (d) Techniques for recognizing the symptoms that require the  
14 administration of glucagon.

15           (e) Techniques on administering glucagon.

16           D. A school district or charter school employee is not subject to  
17 any penalty or disciplinary action for refusing to serve as a voluntary  
18 diabetes care assistant pursuant to this section.

19           E. A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING  
20 BODY MAY ANNUALLY REQUEST A STANDING ORDER FOR GLUCAGON FROM THE CHIEF  
21 MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH SERVICES, THE CHIEF MEDICAL  
22 OFFICER OF A COUNTY HEALTH DEPARTMENT, A PHYSICIAN WHO IS LICENSED  
23 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS  
24 LICENSED PURSUANT TO TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS  
25 LICENSED PURSUANT TO TITLE 32, CHAPTER 25. IF A SCHOOL DISTRICT GOVERNING  
26 BOARD OR CHARTER SCHOOL GOVERNING BODY OBTAINS A STANDING ORDER PURSUANT  
27 TO THIS SUBSECTION, THE SCHOOL MAY STOCK ONE OR MORE DOSES OF GLUCAGON AT  
28 SCHOOL SITES FOR EMERGENCY ADMINISTRATION TO A PUPIL BY A SCHOOL NURSE, A  
29 NURSE WHO IS UNDER CONTRACT WITH THE SCHOOL DISTRICT OR CHARTER SCHOOL, A  
30 PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 14 OR 17, A  
31 NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15, A  
32 PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25 OR A  
33 VOLUNTARY DIABETES CARE ASSISTANT WHO IS DESIGNATED PURSUANT TO SUBSECTION  
34 C OF THIS SECTION. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ACCEPT  
35 MONETARY DONATIONS FOR OR APPLY FOR GRANTS TO PURCHASE GLUCAGON OR MAY  
36 PARTICIPATE IN THIRD-PARTY PROGRAMS TO OBTAIN GLUCAGON AT NO COST, AT A  
37 FAIR MARKET PRICE OR AT A REDUCED PRICE.

38           F. EACH EMPLOYEE OR CONTRACTOR OF THE SCHOOL DISTRICT OR CHARTER  
39 SCHOOL THAT IMPLEMENTS A DIABETES MEDICAL MANAGEMENT PLAN, OR PART OF A  
40 DIABETES MEDICAL MANAGEMENT PLAN, PURSUANT TO THIS SECTION SHALL PROVIDE  
41 TO THE SCHOOL A WRITTEN STATEMENT SIGNED BY A HEALTH PROFESSIONAL WHO IS  
42 LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 14, 15, 17, 18 OR 25 ATTESTING  
43 THAT THE EMPLOYEE OR CONTRACTOR HAS RECEIVED PROPER TRAINING IN  
44 ADMINISTERING GLUCAGON AS DESCRIBED IN SUBSECTION C, PARAGRAPH 5 OF THIS  
45 SECTION. THE TRAINING REQUIREMENTS PRESCRIBED IN THIS SECTION MUST BE

1 RENEWED AT REGULAR INTERVALS PRESCRIBED BY THE SCHOOL DISTRICT GOVERNING  
2 BOARD OR CHARTER SCHOOL GOVERNING BODY. FOR THE PURPOSES OF THIS  
3 SUBSECTION, "EMPLOYEE OR CONTRACTOR" INCLUDES ANY INDIVIDUAL LISTED IN  
4 SUBSECTION E OF THIS SECTION WHO MAY ADMINISTER GLUCAGON TO A PUPIL DURING  
5 AN EMERGENCY.

6 ~~E. G. A~~ School ~~district~~ DISTRICTS, ~~a~~ charter ~~school~~ SCHOOLS,  
7 employees of a school district or a charter school, ~~and volunteer health~~  
8 ~~professionals~~ THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH  
9 SERVICES, CHIEF MEDICAL OFFICERS OF COUNTY HEALTH DEPARTMENTS, PHYSICIANS  
10 who are licensed pursuant to title 32, chapter 13, 14, ~~15,~~ OR 17, ~~18 or 25~~  
11 NURSE PRACTITIONERS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 15,  
12 PHYSICIAN ASSISTANTS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 25,  
13 PHARMACISTS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 18 AND WHO ARE  
14 PRACTICING PURSUANT TO SECTION 32-1970 and VOLUNTEER HEALTH PROFESSIONALS  
15 who train ~~volunteer~~ VOLUNTARY diabetes care assistants pursuant to  
16 subsection C of this section are immune from civil liability for the  
17 consequences of the good faith adoption and implementation of policies and  
18 procedures pursuant to this section.

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

21 32-1401. Definitions

22 In this chapter, unless the context otherwise requires:

23 1. "Active license" means a valid and existing license to practice  
24 medicine.

25 2. "Adequate records" means legible medical records, produced by  
26 hand or electronically, containing, at a minimum, sufficient information  
27 to identify the patient, support the diagnosis, justify the treatment,  
28 accurately document the results, indicate advice and cautionary warnings  
29 provided to the patient and provide sufficient information for another  
30 practitioner to assume continuity of the patient's care at any point in  
31 the course of treatment.

32 3. "Advisory letter" means a nondisciplinary letter to notify a  
33 licensee that either:

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

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

39 (c) While the licensee has demonstrated substantial compliance  
40 through rehabilitation or remediation that has mitigated the need for  
41 disciplinary action, the board believes that repetition of the activities  
42 that led to the investigation may result in further board action against  
43 the licensee.

1           4. "Approved hospital internship, residency or clinical fellowship  
2 program" means a program at a hospital that at the time the training  
3 occurred was legally incorporated and that had a program that was approved  
4 for internship, fellowship or residency training by the accreditation  
5 council for graduate medical education, the association of American  
6 medical colleges, the royal college of physicians and surgeons of Canada  
7 or any similar body in the United States or Canada approved by the board  
8 whose function is that of approving hospitals for internship, fellowship  
9 or residency training.

10           5. "Approved school of medicine" means any school or college  
11 offering a course of study that, on successful completion, results in the  
12 degree of doctor of medicine and whose course of study has been approved  
13 or accredited by an educational or professional association, recognized by  
14 the board, including the association of American medical colleges, the  
15 association of Canadian medical colleges or the American medical  
16 association.

17           6. "Board" means the Arizona medical board.

18           7. "Completed application" means that the applicant has supplied  
19 all required fees, information and correspondence requested by the board  
20 on forms and in a manner acceptable to the board.

21           8. "Direct supervision" means that a physician, physician assistant  
22 licensed pursuant to chapter 25 of this title or nurse practitioner  
23 certified pursuant to chapter 15 of this title is within the same room or  
24 office suite as the medical assistant in order to be available for  
25 consultation regarding those tasks the medical assistant performs pursuant  
26 to section 32-1456.

27           9. "Dispense" means the delivery by a doctor of medicine of a  
28 prescription drug or device to a patient, except for samples packaged for  
29 individual use by licensed manufacturers or repackagers of drugs, and  
30 includes the prescribing, administering, packaging, labeling and security  
31 necessary to prepare and safeguard the drug or device for delivery.

32           10. "Doctor of medicine" means a natural person holding a license,  
33 registration or permit to practice medicine pursuant to this chapter.

34           11. "Full-time faculty member" means a physician who is employed  
35 full time as a faculty member while holding the academic position of  
36 assistant professor or a higher position at an approved school of  
37 medicine.

38           12. "Health care institution" means any facility as defined in  
39 section 36-401, any person authorized to transact disability insurance, as  
40 defined in title 20, chapter 6, article 4 or 5, any person who is issued a  
41 certificate of authority pursuant to title 20, chapter 4, article 9 or any  
42 other partnership, association or corporation that provides health care to  
43 consumers.

44           13. "Immediate family" means the spouse, natural or adopted  
45 children, father, mother, brothers and sisters of the doctor of medicine

1 and the natural or adopted children, father, mother, brothers and sisters  
2 of the doctor of medicine's spouse.

3 14. "Letter of reprimand" means a disciplinary letter that is  
4 issued by the board and that informs the physician that the physician's  
5 conduct violates state or federal law and may require the board to monitor  
6 the physician.

7 15. "Limit" means taking a nondisciplinary action that alters the  
8 physician's practice or professional activities if the board determines  
9 that there is evidence that the physician is or may be mentally or  
10 physically unable to safely engage in the practice of medicine.

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

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

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

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

26 18. "Medical peer review" means:

27 (a) The participation by a doctor of medicine in the review and  
28 evaluation of the medical management of a patient and the use of resources  
29 for patient care.

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

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

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

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

39 22. "Practice of medicine":

40 (a) Means the diagnosis, the treatment or the correction of or the  
41 attempt or the claim to be able to diagnose, treat or correct any and all  
42 human diseases, injuries, ailments, infirmities or deformities, physical  
43 or mental, real or imaginary, by any means, methods, devices or  
44 instrumentalities, except as the same may be among the acts or persons not  
45 affected by this chapter.

1 (b) Includes the practice of medicine alone or the practice of  
2 surgery alone, or both.

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

7 24. "Special purpose licensing examination" means an examination  
8 that is developed by the national board of medical examiners on behalf of  
9 the federation of state medical boards for use by state licensing boards  
10 to test the basic medical competence of physicians who are applying for  
11 licensure and who have been in practice for a considerable period of time  
12 in another jurisdiction and to determine the competence of a physician who  
13 is under investigation by a state licensing board.

14 25. "Teaching hospital's accredited graduate medical education  
15 program" means that the hospital is incorporated and has an internship,  
16 fellowship or residency training program that is accredited by the  
17 accreditation council for graduate medical education, the American medical  
18 association, the association of American medical colleges, the royal  
19 college of physicians and surgeons of Canada or a similar body in the  
20 United States or Canada that is approved by the board and whose function  
21 is that of approving hospitals for internship, fellowship or residency  
22 training.

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

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

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

30 (b) Intentionally disclosing a professional secret or intentionally  
31 disclosing a privileged communication except as either act may otherwise  
32 be required by law.

33 (c) Committing false, fraudulent, deceptive or misleading  
34 advertising by a doctor of medicine or the doctor of medicine's staff,  
35 employer or representative.

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

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

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



- 1 (g) Using controlled substances except if prescribed by another  
2 physician for use during a prescribed course of treatment.
- 3 (h) Prescribing or dispensing controlled substances to members of  
4 the physician's immediate family.
- 5 (i) Prescribing, dispensing or administering schedule II controlled  
6 substances as prescribed by section 36-2513 or the rules adopted pursuant  
7 to section 36-2513, including amphetamines and similar schedule II  
8 sympathomimetic drugs in the treatment of exogenous obesity for a period  
9 in excess of thirty days in any one year, or the nontherapeutic use of  
10 injectable amphetamines.
- 11 (j) Prescribing, dispensing or administering any controlled  
12 substance or prescription-only drug for other than accepted therapeutic  
13 purposes.
- 14 (k) Dispensing a schedule II controlled substance that is an  
15 opioid, except as provided in sections 32-1491 and 32-3248.03.
- 16 (l) Signing a blank, undated or predated prescription form.
- 17 (m) Committing conduct that the board determines is gross  
18 malpractice, repeated malpractice or any malpractice resulting in the  
19 death of a patient.
- 20 (n) Representing that a manifestly incurable disease or infirmity  
21 can be permanently cured, or that any disease, ailment or infirmity can be  
22 cured by a secret method, procedure, treatment, medicine or device, if  
23 this is not true.
- 24 (o) Refusing to divulge to the board on demand the means, method,  
25 procedure, modality of treatment or medicine used in the treatment of a  
26 disease, injury, ailment or infirmity.
- 27 (p) Having action taken against a doctor of medicine by another  
28 licensing or regulatory jurisdiction due to that doctor of medicine's  
29 mental or physical inability to engage safely in the practice of medicine  
30 or the doctor of medicine's medical incompetence or for unprofessional  
31 conduct as defined by that jurisdiction and that corresponds directly or  
32 indirectly to an act of unprofessional conduct prescribed by this  
33 paragraph. The action taken may include refusing, denying, revoking or  
34 suspending a license by that jurisdiction or a surrendering of a license  
35 to that jurisdiction, otherwise limiting, restricting or monitoring a  
36 licensee by that jurisdiction or placing a licensee on probation by that  
37 jurisdiction.
- 38 (q) Having sanctions imposed by an agency of the federal  
39 government, including restricting, suspending, limiting or removing a  
40 person from the practice of medicine or restricting that person's ability  
41 to obtain financial remuneration.
- 42 (r) Committing any conduct or practice that is or might be harmful  
43 or dangerous to the health of the patient or the public.

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

4 (t) Violating or attempting to violate, directly or indirectly, or  
5 assisting in or abetting the violation of or conspiring to violate any  
6 provision of this chapter.

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

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

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

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

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

28 (z) Using experimental forms of diagnosis and treatment without  
29 adequate informed patient consent, and without conforming to generally  
30 accepted experimental criteria, including protocols, detailed records,  
31 periodic analysis of results and periodic review by a medical peer review  
32 committee as approved by the United States food and drug administration or  
33 its successor agency.

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

40 (i) Engaging in or soliciting sexual relationships, whether  
41 consensual or nonconsensual.

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

- 1 (iii) Intentionally viewing a completely or partially disrobed  
2 patient in the course of treatment if the viewing is not related to  
3 patient diagnosis or treatment under current practice standards.
- 4 (bb) Procuring or attempting to procure a license to practice  
5 medicine or a license renewal by fraud, by misrepresentation or by  
6 knowingly taking advantage of the mistake of another person or an agency.
- 7 (cc) Representing or claiming to be a medical specialist if this is  
8 not true.
- 9 (dd) Maintaining a professional connection with or lending one's  
10 name to enhance or continue the activities of an illegal practitioner of  
11 medicine.
- 12 (ee) Failing to furnish information in a timely manner to the board  
13 or the board's investigators or representatives if legally requested by  
14 the board.
- 15 (ff) Failing to allow properly authorized board personnel on demand  
16 to examine and have access to documents, reports and records maintained by  
17 the physician that relate to the physician's medical practice or medically  
18 related activities.
- 19 (gg) Knowingly failing to disclose to a patient on a form that is  
20 prescribed by the board and that is dated and signed by the patient or  
21 guardian acknowledging that the patient or guardian has read and  
22 understands that the doctor has a direct financial interest in a separate  
23 diagnostic or treatment agency or in nonroutine goods or services that the  
24 patient is being prescribed if the prescribed treatment, goods or services  
25 are available on a competitive basis. This subdivision does not apply to  
26 a referral by one doctor of medicine to another doctor of medicine within  
27 a group of doctors of medicine practicing together.
- 28 (hh) Using chelation therapy in the treatment of arteriosclerosis  
29 or as any other form of therapy, with the exception of treatment of heavy  
30 metal poisoning, without:
- 31 (i) Adequate informed patient consent.
- 32 (ii) Conforming to generally accepted experimental criteria,  
33 including protocols, detailed records, periodic analysis of results and  
34 periodic review by a medical peer review committee.
- 35 (iii) Approval by the United States food and drug administration or  
36 its successor agency.
- 37 (ii) Prescribing, dispensing or administering anabolic-androgenic  
38 steroids to a person for other than therapeutic purposes.
- 39 (jj) Exhibiting a lack of or inappropriate direction, collaboration  
40 or direct supervision of a medical assistant or a licensed, certified or  
41 registered health care provider employed by, supervised by or assigned to  
42 the physician.
- 43 (kk) Knowingly making a false or misleading statement to the board  
44 or on a form required by the board or in a written correspondence,  
45 including attachments, with the board.

- 1 (ll) Failing to dispense drugs and devices in compliance with  
2 article 6 of this chapter.
- 3 (mm) Committing conduct that the board determines is gross  
4 negligence, repeated negligence or negligence resulting in harm to or the  
5 death of a patient.
- 6 (nn) Making a representation by a doctor of medicine or the doctor  
7 of medicine's staff, employer or representative that the doctor of  
8 medicine is boarded or board certified if this is not true or the standing  
9 is not current or without supplying the full name of the specific agency,  
10 organization or entity granting this standing.
- 11 (oo) Refusing to submit to a body fluid examination or any other  
12 examination known to detect the presence of alcohol or other drugs as  
13 required by the board pursuant to section 32-1452 or pursuant to a board  
14 investigation into a doctor of medicine's alleged substance abuse.
- 15 (pp) Failing to report in writing to the Arizona medical board or  
16 the Arizona regulatory board of physician assistants any evidence that a  
17 doctor of medicine or a physician assistant is or may be medically  
18 incompetent, guilty of unprofessional conduct or mentally or physically  
19 unable to safely practice medicine or to perform as a physician assistant.
- 20 (qq) As a physician who is the chief executive officer, the medical  
21 director or the medical chief of staff of a health care institution,  
22 failing to report in writing to the board that the hospital privileges of  
23 a doctor of medicine have been denied, revoked, suspended, supervised or  
24 limited because of actions by the doctor of medicine that appear to show  
25 that the doctor of medicine is or may be medically incompetent, is or may  
26 be guilty of unprofessional conduct or is or may be unable to engage  
27 safely in the practice of medicine.
- 28 (rr) Claiming to be a current member of the board or its staff or a  
29 board medical consultant if this is not true.
- 30 (ss) Failing to make patient medical records in the physician's  
31 possession promptly available to a physician assistant, a nurse  
32 practitioner, a person licensed pursuant to this chapter or a podiatrist,  
33 chiropractor, naturopathic physician, osteopathic physician or homeopathic  
34 physician licensed under chapter 7, 8, 14, 17 or 29 of this title on  
35 receipt of proper authorization to do so from the patient, a minor  
36 patient's parent, the patient's legal guardian or the patient's authorized  
37 representative or failing to comply with title 12, chapter 13,  
38 article 7.1.
- 39 (tt) Prescribing, dispensing or furnishing a prescription  
40 medication or a prescription-only device as defined in section 32-1901 to  
41 a person unless the licensee first conducts a physical or mental health  
42 status examination of that person or has previously established a  
43 doctor-patient relationship. The physical or mental health status  
44 examination may be conducted through telehealth as defined in section  
45 36-3601 with a clinical evaluation that is appropriate for the patient and

1 the condition with which the patient presents, unless the examination is  
2 for the purpose of obtaining a written certification from the physician  
3 for the purposes of title 36, chapter 28.1. This subdivision does not  
4 apply to:

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

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

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

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

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

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

27 (vii) Prescriptions for epinephrine auto-injectors written or  
28 dispensed for a school district or charter school to be stocked for  
29 emergency use pursuant to section 15-157 or for an authorized entity to be  
30 stocked pursuant to section 36-2226.01.

31 (viii) PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL  
32 DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO  
33 SECTION 15-344.01.

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

37 ~~(ix)~~ (x) Prescriptions for naloxone hydrochloride or any other  
38 opioid antagonist approved by the United States food and drug  
39 administration that are written or dispensed for use pursuant to section  
40 36-2228 or 36-2266.

41 (uu) Performing office-based surgery using sedation in violation of  
42 board rules.

43 (vv) Practicing medicine under a false or assumed name in this  
44 state.

1           Sec. 3. Section 32-1854, Arizona Revised Statutes, is amended to  
2 read:

3           32-1854. Definition of unprofessional conduct

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

6           1. Knowingly betraying a professional secret or wilfully violating  
7 a privileged communication except as either of these may otherwise be  
8 required by law. This paragraph does not prevent members of the board  
9 from exchanging information with the licensing and disciplinary boards of  
10 other states, territories or districts of the United States or with  
11 foreign countries or with osteopathic medical organizations located in  
12 this state or in any state, district or territory of this country or in  
13 any foreign country.

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

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

21           4. Being diagnosed by a physician licensed under this chapter or  
22 chapter 13 of this title or a psychologist licensed under chapter 19.1 of  
23 this title as excessively or illegally using alcohol or a controlled  
24 substance.

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

27           6. Engaging in the practice of medicine in a manner that harms or  
28 may harm a patient or that the board determines falls below the community  
29 standard.

30           7. Impersonating another physician.

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

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

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

38           11. Representing that a manifestly incurable disease, injury,  
39 ailment or infirmity can be permanently cured or that a curable disease,  
40 injury, ailment or infirmity can be cured within a stated time if this is  
41 not true.

42           12. Failing to reasonably disclose and inform the patient or the  
43 patient's representative of the method, device or instrumentality the  
44 licensee uses to treat the patient's disease, injury, ailment or  
45 infirmity.

1           13. Refusing to divulge to the board on demand the means, method,  
2 device or instrumentality used to treat a disease, injury, ailment or  
3 infirmity.

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

9           15. Knowingly making any false or fraudulent statement, written or  
10 oral, in connection with the practice of medicine or when applying for or  
11 renewing privileges at a health care institution or a health care program.

12           16. Advertising in a false, deceptive or misleading manner.

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

16           18. Having a license denied or disciplinary action taken against a  
17 license by any other state, territory, district or country, unless it can  
18 be shown that this occurred for reasons that did not relate to the  
19 person's ability to safely and skillfully practice osteopathic medicine or  
20 to any act of unprofessional conduct as provided in this section.

21           19. Committing any conduct or practice contrary to recognized  
22 standards of ethics of the osteopathic medical profession.

23           20. Violating or attempting to violate, directly or indirectly, or  
24 assisting in or abetting the violation of or conspiring to violate any of  
25 the provisions of this chapter.

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

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

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

35           22. Using controlled substances or prescription-only drugs unless  
36 they are provided by a medical practitioner, as defined in section  
37 32-1901, as part of a lawful course of treatment.

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

41           24. Committing nontherapeutic use of injectable amphetamines.

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

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

4           27. Using experimental forms of therapy without adequate informed  
5 patient consent or without conforming to generally accepted criteria and  
6 complying with federal and state statutes and regulations governing  
7 experimental therapies.

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

16           29. Failing to allow properly authorized board personnel to have,  
17 on presentation of a subpoena, access to any documents, reports or records  
18 that are maintained by the physician and that relate to the physician's  
19 medical practice or medically related activities pursuant to section  
20 32-1855.01.

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

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

23           32. Failing to report to the board an osteopathic physician and  
24 surgeon who is or may be guilty of unprofessional conduct or is or may be  
25 mentally or physically unable safely to engage in the practice of  
26 medicine.

27           33. Referring a patient to a diagnostic or treatment facility or  
28 prescribing goods and services without disclosing that the physician has a  
29 direct pecuniary interest in the facility, goods or services to which the  
30 patient has been referred or prescribed. This paragraph does not apply to  
31 a referral by one physician to another physician within a group of  
32 physicians practicing together.

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

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

39           36. Prescribing or dispensing controlled substances or  
40 prescription-only medications without establishing and maintaining  
41 adequate patient records.

42           37. Dispensing a schedule II controlled substance that is an  
43 opioid, except as provided in sections 32-1871 and 32-3248.03.

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



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

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

6           41. With the exception of heavy metal poisoning, using chelation  
7 therapy in the treatment of arteriosclerosis or as any other form of  
8 therapy without adequate informed patient consent and without conforming  
9 to generally accepted experimental criteria, including protocols, detailed  
10 records, periodic analysis of results and periodic review by a medical  
11 peer review committee.

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

14           43. Engaging in sexual conduct with a current patient or with a  
15 former patient within six months after the last medical consultation  
16 unless the patient was the licensee's spouse at the time of the contact  
17 or, immediately preceding the physician-patient relationship, was in a  
18 dating or engagement relationship with the licensee. For the purposes of  
19 this paragraph, "sexual conduct" includes:

20           (a) Engaging in or soliciting sexual relationships, whether  
21 consensual or nonconsensual.

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

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

25           45. Committing conduct that the board determines constitutes gross  
26 negligence, repeated negligence or negligence that results in harm or  
27 death of a patient.

28           46. Committing conduct in the practice of medicine that evidences  
29 unfitness to practice medicine.

30           47. Engaging in disruptive or abusive behavior in a professional  
31 setting.

32           48. Failing to disclose to a patient that the licensee has a direct  
33 financial interest in a prescribed treatment, good or service if the  
34 treatment, good or service is available on a competitive basis. This  
35 paragraph does not apply to a referral by one licensee to another licensee  
36 within a group of licensees who practice together. A licensee meets the  
37 disclosure requirements of this paragraph if both of the following are  
38 true:

39           (a) The licensee makes the disclosure on a form prescribed by the  
40 board.

41           (b) The patient or the patient's guardian or parent acknowledges by  
42 signing the form that the licensee has disclosed the licensee's direct  
43 financial interest.

44           49. Prescribing, dispensing or furnishing a prescription medication  
45 or a prescription-only device to a person if the licensee has not

1 conducted a physical or mental health status examination of that person or  
2 has not previously established a physician-patient relationship. The  
3 physical or mental health status examination may be conducted through  
4 telehealth as defined in section 36-3601 with a clinical evaluation that  
5 is appropriate for the patient and the condition with which the patient  
6 presents, unless the examination is for the purpose of obtaining a written  
7 certification from the physician for the purposes of title 36,  
8 chapter 28.1. This paragraph does not apply to:

9 (a) Emergencies.

10 (b) A licensee who provides patient care on behalf of the patient's  
11 regular treating licensed health care professional or provides a  
12 consultation requested by the patient's regular treating licensed health  
13 care professional.

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

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

23 (e) PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL  
24 DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO  
25 SECTION 15-344.01.

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

29 ~~(f)~~ (g) Prescriptions for naloxone hydrochloride or any other  
30 opioid antagonist approved by the United States food and drug  
31 administration that are written or dispensed for use pursuant to section  
32 36-2228 or 36-2266.

33 50. If a licensee provides medical care by computer, failing to  
34 disclose the licensee's license number and the board's address and  
35 telephone number.

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

38 32-1901.01. Definition of unethical conduct and  
39 unprofessional conduct; permittees; licensees

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

43 1. Committing a felony, whether or not involving moral turpitude,  
44 or a misdemeanor involving moral turpitude or any drug-related offense.

- 1 In either case, conviction by a court of competent jurisdiction or a plea  
2 of no contest is conclusive evidence of the commission.
- 3 2. Committing an act that is substantially related to the  
4 qualifications, functions or duties of a permittee and that demonstrates  
5 an actual or potential unfitness to hold a permit in light of the public's  
6 safety.
- 7 3. Working under the influence of alcohol or other drugs.
- 8 4. Using alcohol or other drugs to such a degree as to render the  
9 permittee unfit to perform the permittee's employment duties.
- 10 5. Violating a federal or state law or administrative rule relating  
11 to the manufacture, sale or distribution of drugs, devices, poisons,  
12 hazardous substances or precursor chemicals.
- 13 6. Violating a federal or state law or administrative rule relating  
14 to marijuana, prescription-only drugs, narcotics, dangerous drugs,  
15 controlled substances or precursor chemicals.
- 16 7. Violating state or federal reporting or recordkeeping  
17 requirements on transactions relating to precursor chemicals.
- 18 8. Intending to sell, transfer or distribute, or to offer for sale,  
19 transfer or distribution, or selling, transferring, distributing or  
20 dispensing or offering for sale, transfer or distribution an imitation  
21 controlled substance, imitation over-the-counter drug or imitation  
22 prescription-only drug as defined in section 13-3451.
- 23 9. Having the permittee's permit to manufacture, sell, distribute  
24 or dispense drugs, devices, poisons, hazardous substances or precursor  
25 chemicals denied or disciplined in another jurisdiction.
- 26 10. Committing an offense in another jurisdiction that if committed  
27 in this state would be grounds for discipline.
- 28 11. Obtaining or attempting to obtain a permit or a permit renewal  
29 by fraud, by misrepresentation or by knowingly taking advantage of the  
30 mistake of another person or an agency.
- 31 12. Wilfully making a false report or record that is required by  
32 this chapter, that is required by federal or state laws pertaining to  
33 drugs, devices, poisons, hazardous substances or precursor chemicals or  
34 that is required to pay for drugs, devices, poisons or hazardous  
35 substances or precursor chemicals or for services pertaining to such drugs  
36 or substances.
- 37 13. Knowingly filing with the board any application, renewal or  
38 other document that contains false or misleading information.
- 39 14. Providing false or misleading information or omitting material  
40 information in any communication to the board or the board's employees or  
41 agents.
- 42 15. Violating or attempting to violate, directly or indirectly, or  
43 assisting in or abetting the violation of, or conspiring to violate this  
44 chapter.

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

4           17. Failing to comply with a board subpoena or failing to comply in  
5 a timely manner with a board subpoena without providing any explanation to  
6 the board for not complying with the subpoena.

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

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

13           20. Failing to promptly produce on the request of the official  
14 conducting a site investigation, inspection or audit any book, record or  
15 document.

16           21. Overruling or attempting to overrule a pharmacist in matters of  
17 pharmacy ethics or interpreting laws pertaining to the practice of  
18 pharmacy or the distribution of drugs or devices.

19           22. Distributing premiums or rebates of any kind in connection with  
20 the sale of prescription medication, other than to the prescription  
21 medication recipient.

22           23. Failing to maintain effective controls against the diversion of  
23 controlled substances or precursor chemicals to unauthorized persons or  
24 entities.

25           24. Fraudulently claiming to have performed a service.

26           25. Fraudulently charging a fee for a service.

27           26. Advertising drugs or devices, or services pertaining to drugs  
28 or devices, in a manner that is untrue or misleading in any particular,  
29 and that is known, or that by the exercise of reasonable care should be  
30 known, to be untrue or misleading.

31           B. In this chapter, unless the context otherwise requires, for the  
32 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional  
33 conduct" means the following, whether occurring in this state or  
34 elsewhere:

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

37           2. Violating any federal or state law, rule or regulation relating  
38 to the manufacture or distribution of drugs and devices or the practice of  
39 pharmacy.

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

- 1           4. Obtaining or attempting to obtain a license to practice pharmacy  
2 or a license renewal by fraud, by misrepresentation or by knowingly taking  
3 advantage of the mistake of another person or an agency.
- 4           5. Having the licensee's license to practice pharmacy denied or  
5 disciplined in another jurisdiction.
- 6           6. Claiming professional superiority in compounding or dispensing  
7 prescription orders.
- 8           7. Failing to comply with the mandatory continuing professional  
9 pharmacy education requirements of sections 32-1936 and 32-1937 and rules  
10 adopted by the board.
- 11          8. Committing a felony, whether or not involving moral turpitude,  
12 or a misdemeanor involving moral turpitude or any drug-related offense.  
13 In either case, conviction by a court of competent jurisdiction or a plea  
14 of no contest is conclusive evidence of the commission.
- 15          9. Working under the influence of alcohol or other drugs.
- 16          10. Violating a federal or state law or administrative rule  
17 relating to marijuana, prescription-only drugs, narcotics, dangerous  
18 drugs, controlled substances or precursor chemicals when determined by the  
19 board or by conviction in a federal or state court.
- 20          11. Knowingly dispensing a drug without a valid prescription order  
21 as required pursuant to section 32-1968, subsection A.
- 22          12. Knowingly dispensing a drug on a prescription order that was  
23 issued in the course of the conduct of business of dispensing drugs  
24 pursuant to diagnosis by mail or the internet, unless the order was any of  
25 the following:
  - 26           (a) Made by a physician who provides temporary patient supervision  
27 on behalf of the patient's regular treating licensed health care  
28 professional or provides a consultation requested by the patient's regular  
29 treating licensed health care professional.
  - 30           (b) Made in an emergency medical situation as defined in  
31 section 41-1831.
  - 32           (c) Written to prepare a patient for a medical examination.
  - 33           (d) Written or the prescription medications were issued for use by  
34 a county or tribal public health department for immunization programs or  
35 emergency treatment or in response to an infectious disease investigation,  
36 a public health emergency, an infectious disease outbreak or an act of  
37 bioterrorism. For the purposes of this subdivision, "bioterrorism" has  
38 the same meaning prescribed in section 36-781.
  - 39           (e) Written or antimicrobials were dispensed by the prescribing or  
40 dispensing physician to a contact as defined in section 36-661 who is  
41 believed to have had significant exposure risk as defined in section  
42 36-661 with another person who has been diagnosed with a communicable  
43 disease as defined in section 36-661.

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

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

9 (h) FOR GLUCAGON THAT IS WRITTEN OR DISPENSED FOR A SCHOOL DISTRICT  
10 OR CHARTER SCHOOL AND THAT IS TO BE STOCKED FOR EMERGENCY USE PURSUANT TO  
11 SECTION 15-344.01.

12 ~~(h)~~ (i) Written by a licensee through a telehealth program that is  
13 covered by the policies and procedures adopted by the administrator of a  
14 hospital or outpatient treatment center.

15 ~~(i)~~ (j) Written pursuant to a physical or mental health status  
16 examination that was conducted through telehealth as defined in section  
17 36-3601 and consistent with federal law.

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

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

25 14. Failing to report in writing to the board any evidence that a  
26 pharmacy technician or pharmacy technician trainee is or may be  
27 professionally incompetent, is or may be guilty of unprofessional conduct  
28 or is or may be mentally or physically unable to safely engage in the  
29 permissible activities of a pharmacy technician or pharmacy technician  
30 trainee.

31 15. Failing to report in writing to the board any evidence that a  
32 permittee or a permittee's employee is or may be guilty of unethical  
33 conduct or is or may be violating this chapter or a rule adopted under  
34 this chapter.

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

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

39 18. Providing false or misleading information or omitting material  
40 information in any communication to the board or the board's employees or  
41 agents.

42 19. Violating or attempting to violate, directly or indirectly, or  
43 assisting in or abetting in the violation of, or conspiring to violate  
44 this chapter.

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

4           21. Failing to comply with a board subpoena or failing to comply in  
5 a timely manner with a board subpoena without providing any explanation to  
6 the board for not complying with the subpoena.

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

10          23. Participating in an arrangement or agreement to allow a  
11 prescription order or a prescription medication to be left at, picked up  
12 from, accepted by or delivered to a place that is not licensed as a  
13 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy  
14 from using an employee or a common carrier to pick up prescription orders  
15 at or deliver prescription medications to the office or home of a medical  
16 practitioner, the residence of a patient or a patient's hospital.

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

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

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

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

24          28. Failing to report a change of the licensee's home address,  
25 contact information, employer or employer's address as required by section  
26 32-1926.

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

29          30. Failing to maintain effective controls against the diversion of  
30 controlled substances or precursor chemicals to unauthorized persons or  
31 entities.

32          C. In this chapter, unless the context otherwise requires, for the  
33 purposes of disciplining a pharmacy technician or pharmacy technician  
34 trainee, "unprofessional conduct" means the following, whether occurring  
35 in this state or elsewhere:

36           1. Using alcohol or other drugs to such a degree as to render the  
37 licensee OR REGISTRANT unfit to perform the licensee's OR REGISTRANT'S  
38 employment duties.

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

41           3. Obtaining or attempting to obtain a pharmacy technician LICENSE  
42 OR LICENSE RENEWAL or pharmacy technician trainee ~~license or a pharmacy~~  
43 ~~technician license renewal~~ REGISTRATION by fraud, by misrepresentation or  
44 by knowingly taking advantage of the mistake of another person or an  
45 agency.

- 1           4. Having the licensee's license to practice as a pharmacy  
2 technician denied or disciplined in another jurisdiction.
- 3           5. Failing to comply with the mandatory continuing professional  
4 education requirements of section 32-1925, subsection H and rules adopted  
5 by the board.
- 6           6. Committing a felony, whether or not involving moral turpitude,  
7 or a misdemeanor involving moral turpitude or any drug-related  
8 offense. In either case, conviction by a court of competent jurisdiction  
9 or a plea of no contest is conclusive evidence of the commission.
- 10          7. Working under the influence of alcohol or other drugs.
- 11          8. Violating a federal or state law or administrative rule relating  
12 to marijuana, prescription-only drugs, narcotics, dangerous drugs,  
13 controlled substances or precursor chemicals when determined by the board  
14 or by conviction in a federal or state court.
- 15          9. Failing to report in writing to the board any evidence that a  
16 pharmacist or pharmacy intern is or may be professionally incompetent, is  
17 or may be guilty of unprofessional conduct or is or may be mentally or  
18 physically unable to safely engage in the practice of pharmacy.
- 19          10. Failing to report in writing to the board any evidence that a  
20 pharmacy technician or pharmacy technician trainee is or may be  
21 professionally incompetent, is or may be guilty of unprofessional conduct  
22 or is or may be mentally or physically unable to safely engage in the  
23 permissible activities of a pharmacy technician or pharmacy technician  
24 trainee.
- 25          11. Failing to report in writing to the board any evidence that a  
26 permittee or a permittee's employee is or may be guilty of unethical  
27 conduct or is or may be violating this chapter or a rule adopted under  
28 this chapter.
- 29          12. Committing an offense in another jurisdiction that if committed  
30 in this state would be grounds for discipline.
- 31          13. Knowingly filing with the board any application, renewal or  
32 other document that contains false or misleading information.
- 33          14. Providing false or misleading information or omitting material  
34 information in any communication to the board or the board's employees or  
35 agents.
- 36          15. Violating or attempting to violate, directly or indirectly, or  
37 assisting in or abetting in the violation of, or conspiring to violate  
38 this chapter.
- 39          16. Violating a formal order, terms of probation, a consent  
40 agreement or a stipulation issued or entered into by the board or its  
41 executive director pursuant to this chapter.
- 42          17. Failing to comply with a board subpoena or failing to comply in  
43 a timely manner with a board subpoena without providing any explanation to  
44 the board for not complying with the subpoena.



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

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