

REFERENCE TITLE: school personnel; emergency glucagon administration

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

HB 2174

Introduced by
Representatives Pingerelli: Gress

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 ~~E. F. A~~ School ~~district~~ DISTRICTS, ~~a~~ charter ~~school~~ SCHOOLS,
39 employees of a school district or a charter school, ~~and volunteer health~~
40 ~~professionals~~ THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH
41 SERVICES, CHIEF MEDICAL OFFICERS OF COUNTY HEALTH DEPARTMENTS, PHYSICIANS
42 who are licensed pursuant to title 32, chapter 13, 14, ~~15,~~ OR 17, ~~18 or 25~~
43 NURSE PRACTITIONERS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 15,
44 PHYSICIAN ASSISTANTS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 25,
45 PHARMACISTS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 18 AND WHO ARE

1 PRACTICING PURSUANT TO SECTION 32-1970 and VOLUNTEER HEALTH PROFESSIONALS
2 who train ~~volunteer~~ VOLUNTARY diabetes care assistants pursuant to
3 subsection C of this section are immune from civil liability for the
4 consequences of the good faith adoption and implementation of policies and
5 procedures pursuant to this section.

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

8 32-1401. Definitions

9 In this chapter, unless the context otherwise requires:

10 1. "Active license" means a valid and existing license to practice
11 medicine.

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

19 3. "Advisory letter" means a nondisciplinary letter to notify a
20 licensee that either:

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

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

26 (c) While the licensee has demonstrated substantial compliance
27 through rehabilitation or remediation that has mitigated the need for
28 disciplinary action, the board believes that repetition of the activities
29 that led to the investigation may result in further board action against
30 the licensee.

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

40 5. "Approved school of medicine" means any school or college
41 offering a course of study that, on successful completion, results in the
42 degree of doctor of medicine and whose course of study has been approved
43 or accredited by an educational or professional association, recognized by
44 the board, including the association of American medical colleges, the

1 association of Canadian medical colleges or the American medical
2 association.

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

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

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

13 9. "Dispense" means the delivery by a doctor of medicine of a
14 prescription drug or device to a patient, except for samples packaged for
15 individual use by licensed manufacturers or repackagers of drugs, and
16 includes the prescribing, administering, packaging, labeling and security
17 necessary to prepare and safeguard the drug or device for delivery.

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

20 11. "Full-time faculty member" means a physician who is employed
21 full time as a faculty member while holding the academic position of
22 assistant professor or a higher position at an approved school of
23 medicine.

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

30 13. "Immediate family" means the spouse, natural or adopted
31 children, father, mother, brothers and sisters of the doctor of medicine
32 and the natural or adopted children, father, mother, brothers and sisters
33 of the doctor of medicine's spouse.

34 14. "Letter of reprimand" means a disciplinary letter that is
35 issued by the board and that informs the physician that the physician's
36 conduct violates state or federal law and may require the board to monitor
37 the physician.

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

42 16. "Medical assistant" means an unlicensed person who meets the
43 requirements of section 32-1456, has completed an education program
44 approved by the board, assists in a medical practice under the supervision
45 of a doctor of medicine, physician assistant or nurse practitioner and

1 performs delegated procedures commensurate with the medical assistant's
2 education and training but does not diagnose, interpret, design or modify
3 established treatment programs or perform any functions that would violate
4 any statute applicable to the practice of medicine.

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

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

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

12 18. "Medical peer review" means:

13 (a) The participation by a doctor of medicine in the review and
14 evaluation of the medical management of a patient and the use of resources
15 for patient care.

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

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

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

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

25 22. "Practice of medicine":

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

32 (b) Includes the practice of medicine alone or the practice of
33 surgery alone, or both.

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

38 24. "Special purpose licensing examination" means an examination
39 that is developed by the national board of medical examiners on behalf of
40 the federation of state medical boards for use by state licensing boards
41 to test the basic medical competence of physicians who are applying for
42 licensure and who have been in practice for a considerable period of time
43 in another jurisdiction and to determine the competence of a physician who
44 is under investigation by a state licensing board.

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

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

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

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

17 (b) Intentionally disclosing a professional secret or intentionally
18 disclosing a privileged communication except as either act may otherwise
19 be required by law.

20 (c) Committing false, fraudulent, deceptive or misleading
21 advertising by a doctor of medicine or the doctor of medicine's staff,
22 employer or representative.

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

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

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

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

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

36 (i) Prescribing, dispensing or administering schedule II controlled
37 substances as prescribed by section 36-2513 or the rules adopted pursuant
38 to section 36-2513, including amphetamines and similar schedule II
39 sympathomimetic drugs in the treatment of exogenous obesity for a period
40 in excess of thirty days in any one year, or the nontherapeutic use of
41 injectable amphetamines.

42 (j) Prescribing, dispensing or administering any controlled
43 substance or prescription-only drug for other than accepted therapeutic
44 purposes.

- 1 (k) Dispensing a schedule II controlled substance that is an
2 opioid, except as provided in sections 32-1491 and 32-3248.03.
- 3 (l) Signing a blank, undated or predated prescription form.
- 4 (m) Committing conduct that the board determines is gross
5 malpractice, repeated malpractice or any malpractice resulting in the
6 death of a patient.
- 7 (n) Representing that a manifestly incurable disease or infirmity
8 can be permanently cured, or that any disease, ailment or infirmity can be
9 cured by a secret method, procedure, treatment, medicine or device, if
10 this is not true.
- 11 (o) Refusing to divulge to the board on demand the means, method,
12 procedure, modality of treatment or medicine used in the treatment of a
13 disease, injury, ailment or infirmity.
- 14 (p) Having action taken against a doctor of medicine by another
15 licensing or regulatory jurisdiction due to that doctor of medicine's
16 mental or physical inability to engage safely in the practice of medicine
17 or the doctor of medicine's medical incompetence or for unprofessional
18 conduct as defined by that jurisdiction and that corresponds directly or
19 indirectly to an act of unprofessional conduct prescribed by this
20 paragraph. The action taken may include refusing, denying, revoking or
21 suspending a license by that jurisdiction or a surrendering of a license
22 to that jurisdiction, otherwise limiting, restricting or monitoring a
23 licensee by that jurisdiction or placing a licensee on probation by that
24 jurisdiction.
- 25 (q) Having sanctions imposed by an agency of the federal
26 government, including restricting, suspending, limiting or removing a
27 person from the practice of medicine or restricting that person's ability
28 to obtain financial remuneration.
- 29 (r) Committing any conduct or practice that is or might be harmful
30 or dangerous to the health of the patient or the public.
- 31 (s) Violating a formal order, probation, consent agreement or
32 stipulation issued or entered into by the board or its executive director
33 under this chapter.
- 34 (t) Violating or attempting to violate, directly or indirectly, or
35 assisting in or abetting the violation of or conspiring to violate any
36 provision of this chapter.
- 37 (u) Knowingly making any false or fraudulent statement, written or
38 oral, in connection with the practice of medicine or if applying for
39 privileges or renewing an application for privileges at a health care
40 institution.
- 41 (v) Charging a fee for services not rendered or dividing a
42 professional fee for patient referrals among health care providers or
43 health care institutions or between these providers and institutions or a
44 contractual arrangement that has the same effect. This subdivision does
45 not apply to payments from a medical researcher to a physician in

1 connection with identifying and monitoring patients for a clinical trial
2 regulated by the United States food and drug administration.

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

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

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

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

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

25 (i) Engaging in or soliciting sexual relationships, whether
26 consensual or nonconsensual.

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

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

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

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

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

40 (ee) Failing to furnish information in a timely manner to the board
41 or the board's investigators or representatives if legally requested by
42 the board.

43 (ff) Failing to allow properly authorized board personnel on demand
44 to examine and have access to documents, reports and records maintained by

1 the physician that relate to the physician's medical practice or medically
2 related activities.

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

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

15 (i) Adequate informed patient consent.

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

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

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

23 (jj) Exhibiting a lack of or inappropriate direction, collaboration
24 or direct supervision of a medical assistant or a licensed, certified or
25 registered health care provider employed by, supervised by or assigned to
26 the physician.

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

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

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

35 (nn) Making a representation by a doctor of medicine or the doctor
36 of medicine's staff, employer or representative that the doctor of
37 medicine is boarded or board certified if this is not true or the standing
38 is not current or without supplying the full name of the specific agency,
39 organization or entity granting this standing.

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

44 (pp) Failing to report in writing to the Arizona medical board or
45 the Arizona regulatory board of physician assistants any evidence that a

1 doctor of medicine or a physician assistant is or may be medically
2 incompetent, guilty of unprofessional conduct or mentally or physically
3 unable to safely practice medicine or to perform as a physician assistant.

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

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

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

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

34 (i) A physician who provides temporary patient supervision on
35 behalf of the patient's regular treating licensed health care professional
36 or provides a consultation requested by the patient's regular treating
37 licensed health care professional.

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

39 (iii) Prescriptions written to prepare a patient for a medical
40 examination.

41 (iv) Prescriptions written or prescription medications issued for
42 use by a county or tribal public health department for immunization
43 programs or emergency treatment or in response to an infectious disease
44 investigation, public health emergency, infectious disease outbreak or act

1 of bioterrorism. For the purposes of this item, "bioterrorism" has the
2 same meaning prescribed in section 36-781.

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

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

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

16 (viii) **PRESCRIPTIONS FOR GLUCAGON WRITTEN OR DISPENSED FOR A SCHOOL**
17 **DISTRICT OR CHARTER SCHOOL TO BE STOCKED FOR EMERGENCY USE PURSUANT TO**
18 **SECTION 15-344.01.**

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

22 ~~(ix)~~ (x) Prescriptions for naloxone hydrochloride or any other
23 opioid antagonist approved by the United States food and drug
24 administration that are written or dispensed for use pursuant to section
25 36-2228 or 36-2266.

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

28 (vv) Practicing medicine under a false or assumed name in this
29 state.

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

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

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

35 1. Knowingly betraying a professional secret or wilfully violating
36 a privileged communication except as either of these may otherwise be
37 required by law. This paragraph does not prevent members of the board
38 from exchanging information with the licensing and disciplinary boards of
39 other states, territories or districts of the United States or with
40 foreign countries or with osteopathic medical organizations located in
41 this state or in any state, district or territory of this country or in
42 any foreign country.

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

- 1 3. Practicing medicine while under the influence of alcohol, a
2 dangerous drug as defined in section 13-3401, narcotic or hypnotic drugs
3 or any substance that impairs or may impair the licensee's ability to
4 safely and skillfully practice medicine.
- 5 4. Being diagnosed by a physician licensed under this chapter or
6 chapter 13 of this title or a psychologist licensed under chapter 19.1 of
7 this title as excessively or illegally using alcohol or a controlled
8 substance.
- 9 5. Prescribing, dispensing or administering controlled substances
10 or prescription-only drugs for other than accepted therapeutic purposes.
- 11 6. Engaging in the practice of medicine in a manner that harms or
12 may harm a patient or that the board determines falls below the community
13 standard.
- 14 7. Impersonating another physician.
- 15 8. Acting or assuming to act as a member of the board if this is
16 not true.
- 17 9. Procuring, renewing or attempting to procure or renew a license
18 to practice osteopathic medicine by fraud or misrepresentation.
- 19 10. Having professional connection with or lending one's name to an
20 illegal practitioner of osteopathic medicine or any of the other healing
21 arts.
- 22 11. Representing that a manifestly incurable disease, injury,
23 ailment or infirmity can be permanently cured or that a curable disease,
24 injury, ailment or infirmity can be cured within a stated time if this is
25 not true.
- 26 12. Failing to reasonably disclose and inform the patient or the
27 patient's representative of the method, device or instrumentality the
28 licensee uses to treat the patient's disease, injury, ailment or
29 infirmity.
- 30 13. Refusing to divulge to the board on demand the means, method,
31 device or instrumentality used to treat a disease, injury, ailment or
32 infirmity.
- 33 14. Charging a fee for services not rendered or dividing a
34 professional fee for patient referrals. This paragraph does not apply to
35 payments from a medical researcher to a physician in connection with
36 identifying and monitoring patients for clinical trial regulated by the
37 United States food and drug administration.
- 38 15. Knowingly making any false or fraudulent statement, written or
39 oral, in connection with the practice of medicine or when applying for or
40 renewing privileges at a health care institution or a health care program.
- 41 16. Advertising in a false, deceptive or misleading manner.
- 42 17. Representing or claiming to be an osteopathic medical
43 specialist if the physician has not satisfied the applicable requirements
44 of this chapter or board rules.

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

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

8 20. Violating or attempting to violate, directly or indirectly, or
9 assisting in or abetting the violation of or conspiring to violate any of
10 the provisions of this chapter.

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

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

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

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

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

26 24. Committing nontherapeutic use of injectable amphetamines.

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

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

32 27. Using experimental forms of therapy without adequate informed
33 patient consent or without conforming to generally accepted criteria and
34 complying with federal and state statutes and regulations governing
35 experimental therapies.

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

44 29. Failing to allow properly authorized board personnel to have,
45 on presentation of a subpoena, access to any documents, reports or records

1 that are maintained by the physician and that relate to the physician's
2 medical practice or medically related activities pursuant to section
3 32-1855.01.

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

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

6 32. Failing to report to the board an osteopathic physician and
7 surgeon who is or may be guilty of unprofessional conduct or is or may be
8 mentally or physically unable safely to engage in the practice of
9 medicine.

10 33. Referring a patient to a diagnostic or treatment facility or
11 prescribing goods and services without disclosing that the physician has a
12 direct pecuniary interest in the facility, goods or services to which the
13 patient has been referred or prescribed. This paragraph does not apply to
14 a referral by one physician to another physician within a group of
15 physicians practicing together.

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

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

22 36. Prescribing or dispensing controlled substances or
23 prescription-only medications without establishing and maintaining
24 adequate patient records.

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

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

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

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

34 41. With the exception of heavy metal poisoning, using chelation
35 therapy in the treatment of arteriosclerosis or as any other form of
36 therapy without adequate informed patient consent and without conforming
37 to generally accepted experimental criteria, including protocols, detailed
38 records, periodic analysis of results and periodic review by a medical
39 peer review committee.

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

42 43. Engaging in sexual conduct with a current patient or with a
43 former patient within six months after the last medical consultation
44 unless the patient was the licensee's spouse at the time of the contact
45 or, immediately preceding the physician-patient relationship, was in a

1 dating or engagement relationship with the licensee. For the purposes of
2 this paragraph, "sexual conduct" includes:

3 (a) Engaging in or soliciting sexual relationships, whether
4 consensual or nonconsensual.

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

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

8 45. Committing conduct that the board determines constitutes gross
9 negligence, repeated negligence or negligence that results in harm or
10 death of a patient.

11 46. Committing conduct in the practice of medicine that evidences
12 unfitness to practice medicine.

13 47. Engaging in disruptive or abusive behavior in a professional
14 setting.

15 48. Failing to disclose to a patient that the licensee has a direct
16 financial interest in a prescribed treatment, good or service if the
17 treatment, good or service is available on a competitive basis. This
18 paragraph does not apply to a referral by one licensee to another licensee
19 within a group of licensees who practice together. A licensee meets the
20 disclosure requirements of this paragraph if both of the following are
21 true:

22 (a) The licensee makes the disclosure on a form prescribed by the
23 board.

24 (b) The patient or the patient's guardian or parent acknowledges by
25 signing the form that the licensee has disclosed the licensee's direct
26 financial interest.

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

37 (a) Emergencies.

38 (b) A licensee who provides patient care on behalf of the patient's
39 regular treating licensed health care professional or provides a
40 consultation requested by the patient's regular treating licensed health
41 care professional.

42 (c) Prescriptions written or antimicrobials dispensed to a contact
43 as defined in section 36-661 who is believed to have had significant
44 exposure risk as defined in section 36-661 with another person who has

1 been diagnosed with a communicable disease as defined in section 36-661 by
2 the prescribing or dispensing physician.

3 (d) Prescriptions for epinephrine auto-injectors written or
4 dispensed for a school district or charter school to be stocked for
5 emergency use pursuant to section 15-157 or for an authorized entity to be
6 stocked pursuant to section 36-2226.01.

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

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

13 ~~(f)~~ (g) Prescriptions for naloxone hydrochloride or any other
14 opioid antagonist approved by the United States food and drug
15 administration that are written or dispensed for use pursuant to section
16 36-2228 or 36-2266.

17 50. If a licensee provides medical care by computer, failing to
18 disclose the licensee's license number and the board's address and
19 telephone number.

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

22 32-1901.01. Definition of unethical conduct and
23 unprofessional conduct; permittees; licensees

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

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

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

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

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

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

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

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

- 1 8. Intending to sell, transfer or distribute, or to offer for sale,
2 transfer or distribution, or selling, transferring, distributing or
3 dispensing or offering for sale, transfer or distribution an imitation
4 controlled substance, imitation over-the-counter drug or imitation
5 prescription-only drug as defined in section 13-3451.
- 6 9. Having the permittee's permit to manufacture, sell, distribute
7 or dispense drugs, devices, poisons, hazardous substances or precursor
8 chemicals denied or disciplined in another jurisdiction.
- 9 10. Committing an offense in another jurisdiction that if committed
10 in this state would be grounds for discipline.
- 11 11. Obtaining or attempting to obtain a permit or a permit renewal
12 by fraud, by misrepresentation or by knowingly taking advantage of the
13 mistake of another person or an agency.
- 14 12. Wilfully making a false report or record that is required by
15 this chapter, that is required by federal or state laws pertaining to
16 drugs, devices, poisons, hazardous substances or precursor chemicals or
17 that is required to pay for drugs, devices, poisons or hazardous
18 substances or precursor chemicals or for services pertaining to such drugs
19 or substances.
- 20 13. Knowingly filing with the board any application, renewal or
21 other document that contains false or misleading information.
- 22 14. Providing false or misleading information or omitting material
23 information in any communication to the board or the board's employees or
24 agents.
- 25 15. Violating or attempting to violate, directly or indirectly, or
26 assisting in or abetting the violation of, or conspiring to violate this
27 chapter.
- 28 16. Violating a formal order, terms of probation, a consent
29 agreement or a stipulation issued or entered into by the board or its
30 executive director pursuant to this chapter.
- 31 17. Failing to comply with a board subpoena or failing to comply in
32 a timely manner with a board subpoena without providing any explanation to
33 the board for not complying with the subpoena.
- 34 18. Failing to provide the board or its employees or agents or an
35 authorized federal or state official conducting a site investigation,
36 inspection or audit with access to any place for which a permit has been
37 issued or for which an application for a permit has been submitted.
- 38 19. Failing to notify the board of a change of ownership,
39 management or pharmacist in charge.
- 40 20. Failing to promptly produce on the request of the official
41 conducting a site investigation, inspection or audit any book, record or
42 document.
- 43 21. Overruling or attempting to overrule a pharmacist in matters of
44 pharmacy ethics or interpreting laws pertaining to the practice of
45 pharmacy or the distribution of drugs or devices.

1 22. Distributing premiums or rebates of any kind in connection with
2 the sale of prescription medication, other than to the prescription
3 medication recipient.

4 23. Failing to maintain effective controls against the diversion of
5 controlled substances or precursor chemicals to unauthorized persons or
6 entities.

7 24. Fraudulently claiming to have performed a service.

8 25. Fraudulently charging a fee for a service.

9 26. Advertising drugs or devices, or services pertaining to drugs
10 or devices, in a manner that is untrue or misleading in any particular,
11 and that is known, or that by the exercise of reasonable care should be
12 known, to be untrue or misleading.

13 B. In this chapter, unless the context otherwise requires, for the
14 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional
15 conduct" means the following, whether occurring in this state or
16 elsewhere:

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

19 2. Violating any federal or state law, rule or regulation relating
20 to the manufacture or distribution of drugs and devices or the practice of
21 pharmacy.

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

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

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

32 6. Claiming professional superiority in compounding or dispensing
33 prescription orders.

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

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

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

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

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

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

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

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

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

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

20 (e) Written or antimicrobials were dispensed by the prescribing or
21 dispensing physician to a contact as defined in section 36-661 who is
22 believed to have had significant exposure risk as defined in section
23 36-661 with another person who has been diagnosed with a communicable
24 disease as defined in section 36-661.

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

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

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

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

39 ~~(j)~~ (j) Written pursuant to a physical or mental health status
40 examination that was conducted through telehealth as defined in section
41 36-3601 and consistent with federal law.

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

- 1 13. Failing to report in writing to the board any evidence that a
2 pharmacist or pharmacy intern is or may be professionally incompetent, is
3 or may be guilty of unprofessional conduct or is or may be mentally or
4 physically unable to safely engage in the practice of pharmacy.
- 5 14. Failing to report in writing to the board any evidence that a
6 pharmacy technician or pharmacy technician trainee is or may be
7 professionally incompetent, is or may be guilty of unprofessional conduct
8 or is or may be mentally or physically unable to safely engage in the
9 permissible activities of a pharmacy technician or pharmacy technician
10 trainee.
- 11 15. Failing to report in writing to the board any evidence that a
12 permittee or a permittee's employee is or may be guilty of unethical
13 conduct or is or may be violating this chapter or a rule adopted under
14 this chapter.
- 15 16. Committing an offense in another jurisdiction that if committed
16 in this state would be grounds for discipline.
- 17 17. Knowingly filing with the board any application, renewal or
18 other document that contains false or misleading information.
- 19 18. Providing false or misleading information or omitting material
20 information in any communication to the board or the board's employees or
21 agents.
- 22 19. Violating or attempting to violate, directly or indirectly, or
23 assisting in or abetting in the violation of, or conspiring to violate
24 this chapter.
- 25 20. Violating a formal order, terms of probation, a consent
26 agreement or a stipulation issued or entered into by the board or its
27 executive director pursuant to this chapter.
- 28 21. Failing to comply with a board subpoena or failing to comply in
29 a timely manner with a board subpoena without providing any explanation to
30 the board for not complying with the subpoena.
- 31 22. Refusing without just cause to allow authorized agents of the
32 board to examine documents that are required to be kept pursuant to this
33 chapter or title 36.
- 34 23. Participating in an arrangement or agreement to allow a
35 prescription order or a prescription medication to be left at, picked up
36 from, accepted by or delivered to a place that is not licensed as a
37 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy
38 from using an employee or a common carrier to pick up prescription orders
39 at or deliver prescription medications to the office or home of a medical
40 practitioner, the residence of a patient or a patient's hospital.
- 41 24. Paying rebates or entering into an agreement for paying rebates
42 to a medical practitioner or any other person in the health care field.
- 43 25. Providing or causing to be provided to a medical practitioner
44 prescription order blanks or forms bearing the pharmacist's or pharmacy's
45 name, address or other means of identification.

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

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

3 28. Failing to report a change of the licensee's home address,
4 contact information, employer or employer's address as required by section
5 32-1926.

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

8 30. Failing to maintain effective controls against the diversion of
9 controlled substances or precursor chemicals to unauthorized persons or
10 entities.

11 C. In this chapter, unless the context otherwise requires, for the
12 purposes of disciplining a pharmacy technician or pharmacy technician
13 trainee, "unprofessional conduct" means the following, whether occurring
14 in this state or elsewhere:

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

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

20 3. Obtaining or attempting to obtain a pharmacy technician LICENSE
21 OR LICENSE RENEWAL or pharmacy technician trainee ~~license or a pharmacy~~
22 ~~technician license renewal~~ REGISTRATION by fraud, by misrepresentation or
23 by knowingly taking advantage of the mistake of another person or an
24 agency.

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

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

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

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

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

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

43 10. Failing to report in writing to the board any evidence that a
44 pharmacy technician or pharmacy technician trainee is or may be
45 professionally incompetent, is or may be guilty of unprofessional conduct

- 1 or is or may be mentally or physically unable to safely engage in the
2 permissible activities of a pharmacy technician or pharmacy technician
3 trainee.
- 4 11. Failing to report in writing to the board any evidence that a
5 permittee or a permittee's employee is or may be guilty of unethical
6 conduct or is or may be violating this chapter or a rule adopted under
7 this chapter.
- 8 12. Committing an offense in another jurisdiction that if committed
9 in this state would be grounds for discipline.
- 10 13. Knowingly filing with the board any application, renewal or
11 other document that contains false or misleading information.
- 12 14. Providing false or misleading information or omitting material
13 information in any communication to the board or the board's employees or
14 agents.
- 15 15. Violating or attempting to violate, directly or indirectly, or
16 assisting in or abetting in the violation of, or conspiring to violate
17 this chapter.
- 18 16. Violating a formal order, terms of probation, a consent
19 agreement or a stipulation issued or entered into by the board or its
20 executive director pursuant to this chapter.
- 21 17. Failing to comply with a board subpoena or failing to comply in
22 a timely manner with a board subpoena without providing any explanation to
23 the board for not complying with the subpoena.
- 24 18. Failing to report a change of the licensee's OR REGISTRANT'S
25 home address, contact information, employer or employer's address as
26 required by section 32-1926.
- 27 19. Failing to report a change in the licensee's OR REGISTRANT'S
28 residency status as required by section 32-1926.01.