

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2739

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 32-1505, Arizona Revised Statutes, is amended to  
3 read:

4 32-1505. Naturopathic physicians medical board fund

5 A. The naturopathic physicians medical board fund is established.  
6 The board shall administer the fund. Pursuant to sections 35-146 and  
7 35-147, the board shall deposit ten ~~per cent~~ PERCENT of all monies ~~from~~  
8 ~~whatever~~ COLLECTED PURSUANT TO THIS CHAPTER, CHAPTER 29 OF THIS TITLE AND  
9 ANY OTHER source that come into the possession of the board in the state  
10 general fund and deposit the remaining ninety ~~per cent~~ PERCENT in the  
11 naturopathic physicians medical board fund.

12 B. Monies deposited in the naturopathic physicians medical board  
13 fund are subject to section 35-143.01.

14 Sec. 2. Section 32-2901, Arizona Revised Statutes, is amended to  
15 read:

16 32-2901. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Acupuncture" means a medical therapy in which ailments are  
19 diagnosed and treated by the specific application of needles, heat or  
20 physical and electromagnetic impulses or currents to specific anatomic  
21 points on the body through any of the following:

22 (a) The diagnosis and treatment of ailments according to the  
23 systematic principles of traditional Asian medicine.

1 (b) The diagnosis and treatment of pain, neuromuscular disorders and  
2 other ailments based on the body's biophysics and neuroanatomic structure.

3 (c) The use of devices to determine the biologic electrical response  
4 pattern of acupuncture points as a guide to diagnose bodily ailments and to  
5 guide the prescription of homeopathic substances, orthomolecular therapy or  
6 pharmaceutical medicine.

7 2. "Adequate records" means legible medical records that contain at  
8 a minimum sufficient information to identify the patient, support the  
9 diagnosis, document the treatment, accurately describe the results,  
10 indicate advice, cautionary warnings and informed consent discussions with  
11 the patient and provide sufficient information for another licensed health  
12 care practitioner to assume continuity of the patient's care and to  
13 continue or modify the treatment plan.

14 3. "Approved internship" means that the applicant has completed  
15 training in a hospital that was approved for internship, fellowship or  
16 residency training by the council on medical education in hospitals of the  
17 American medical association, the association of American medical colleges,  
18 the royal college of physicians and surgeons of Canada, the American  
19 osteopathic association or any ~~board-approved~~ BOARD-APPROVED similar body  
20 in the United States or Canada that approves hospitals for internship,  
21 fellowship or residency training.

22 4. "Approved school of medicine":

23 (a) As it relates to a person who is seeking licensure pursuant to  
24 section 32-2912, subsection A, means a school or college that offers a  
25 course of study that on successful conclusion results in a degree of doctor  
26 of medicine or doctor of osteopathic medicine and that offers a course of  
27 study that is approved or accredited by the association of American medical  
28 colleges, the association of Canadian medical colleges, the American  
29 medical association, the American osteopathic association or any  
30 board-approved similar body in the United States or Canada that accredits  
31 this course of study.

1 (b) As it relates to a person who is seeking licensure pursuant to  
2 section 32-2912, subsection B, means a school or college that on successful  
3 completion results in a degree of doctor of homeopathy and that is approved  
4 or accredited by the accreditation commission for homeopathic education in  
5 North America or any board-approved similar body that accredits this course  
6 of study.

7 5. "Board" means the ~~board of homeopathic and integrated medicine~~  
8 ~~examiners~~ NATUROPATHIC PHYSICIANS MEDICAL BOARD ESTABLISHED BY SECTION  
9 32-1502.

10 6. "Chelation therapy" means an experimental medical therapy to  
11 restore cellular homeostasis through the use of intravenous, metal-binding  
12 and bioinorganic agents such as ethylene diamine tetraacetic acid.  
13 Chelation therapy is not an experimental therapy if it is used to treat  
14 heavy metal poisoning.

15 7. "Controlled substance" means a drug or substance or a drug's or  
16 substance's immediate precursor that is defined or listed in title 36,  
17 chapter 27, article 2 or the rules adopted pursuant to title 36, chapter  
18 27, article 2.

19 8. "Drug" means a medication or substance that is any of the  
20 following:

21 (a) Recognized in the official compendia or for which standards or  
22 specifications are prescribed in the official compendia.

23 (b) Intended for use in the diagnosis, cure, mitigation, treatment  
24 or prevention of human diseases.

25 (c) Articles other than food that are intended to affect the  
26 structure or function of the human body.

27 9. "Homeopathic medication" means a substance of animal, vegetable  
28 or mineral origin that is prepared according to homeopathic pharmacology  
29 and that is given usually in a homeopathic microdosage.

1           10. "Homeopathic microdosage" means a substance prepared so that it  
2 is diluted from ten to the minus one to ten to the minus ten thousandth or  
3 higher of its original concentration.

4           11. "Homeopathy" means a system of medicine that employs homeopathic  
5 medication in accordance with the principle that a substance that produces  
6 symptoms in a healthy person can cure those symptoms in an ill person.

7           12. "Immediate family" means a person's spouse, natural or adopted  
8 children, parents and siblings and the natural or adopted children, parents  
9 and siblings of the person's spouse.

10           13. "Letter of concern" means an advisory letter to notify a  
11 licensee that, while there is insufficient evidence to support disciplinary  
12 action, the board believes the licensee should modify or eliminate certain  
13 practices.

14           14. "Licensee" means a person who is licensed pursuant to this  
15 chapter.

16           15. "Medical assistant" means an unlicensed person who has completed  
17 an educational program approved by the board, who assists in a homeopathic  
18 practice under the supervision of a doctor of homeopathy and who performs  
19 delegated procedures commensurate with the assistant's education and  
20 training but who does not diagnose, interpret, design or modify established  
21 treatment programs or violate any statute.

22           16. "Medical incompetence":

23           (a) Means the lack of sufficient medical knowledge or skill by a  
24 licensee to a degree that is likely to endanger a patient's health.

25 ~~Medical incompetence~~

26           (b) Includes the range of knowledge expected for basic licensure  
27 pursuant to this chapter or as a medical or osteopathic physician in any  
28 professional regulatory jurisdiction of the United States and additional  
29 knowledge of homeopathic treatments and modalities expected of persons who  
30 are licensed pursuant to this chapter.

1           17. "Minor surgery":

2           (a) Means surgical procedures that are conducted by a licensee who  
3 is licensed pursuant to section 32-2912, subsection A in an outpatient  
4 setting and that involve the removal or repair of lesions or injuries to  
5 the skin, mucous membranes and subcutaneous tissues, the use of topical,  
6 local or regional anesthetic agents, the treatment by stabilizing or  
7 casting nondisplaced and uncomplicated fractures of the extremities and  
8 diagnostic endoscopies of the intestinal tract, nasopharynx and vagina.

9 ~~Minor surgery also~~

10           (b) Includes diagnostic aspiration of joints and subcutaneous cysts,  
11 therapeutic injections of muscular trigger points, tendons, ligaments and  
12 scars and the subcutaneous implantation of medical therapeutic agents.

13 ~~Minor surgery~~

14           (c) Does not include the use of general, spinal or epidural  
15 anesthesia, the opening of body cavities, the repair of blood vessels and  
16 nerves or the biopsy by incision, excision or needle aspiration of internal  
17 organs, the breast or the prostate.

18           18. "Neuromuscular integration" means musculoskeletal therapy that  
19 uses any combination of manual methods, physical agents and physical  
20 medicine procedures and devices to improve physiological function by  
21 normalizing body structure.

22           19. "Nutrition" means the recommendation by a licensee of  
23 therapeutic or preventative dietary measures, food factor concentrates,  
24 fasting and cleansing regimens and the rebalancing by a licensee of  
25 digestive system function to correct diseases of malnutrition, to resolve  
26 conditions of metabolic imbalance and to support optimal vitality.

27           20. "Orthomolecular therapy":

28           (a) Means therapy to provide the optimum concentration of substances  
29 normally present in the human body such as vitamins, minerals, amino acids  
30 and enzymes. ~~Orthomolecular therapy~~

1 (b) Includes the diagnosis of ailments or physiologic stresses that  
2 occur as a result of genetic or environmental influences as well as  
3 acquired or inherited allergy and hypersensitivity responses.

4 21. "Pharmaceutical medicine" means a drug therapy that uses  
5 prescription-only and nonprescription pharmaceutical agents as well as  
6 medicinal agents of botanical, biological or mineral origin and that is  
7 based on current scientific indications or traditional or historical usage  
8 indications.

9 22. "Practice of homeopathic medicine":

10 (a) For the purposes of a person who is licensed pursuant to section  
11 32-2912, subsection A, means the practice of medicine in which a person  
12 purports to diagnose, treat or correct real or imagined human diseases,  
13 injuries, ailments, infirmities and deformities of a physical or mental  
14 origin and includes acupuncture, chelation therapy, homeopathy, minor  
15 surgery, neuromuscular integration, nutrition, orthomolecular therapy and  
16 pharmaceutical medicine.

17 (b) For the purposes of a person who is licensed pursuant to section  
18 32-2912, subsection B, means the practice of medicine in which a person  
19 purports to diagnose, treat or correct real or imagined human diseases,  
20 injuries, ailments, infirmities and deformities of a physical or mental  
21 origin by means of homeopathy or nutrition.

22 23. "Preceptorship" means an extended period of individual study  
23 with one or more experienced homeopathic physicians or institutions.

24 24. "Prescription-only drug" does not include a controlled substance  
25 but does include:

26 (a) A drug that is generally regarded by medical experts to be  
27 unsafe if its use and dosage are not supervised by a medical practitioner.

28 (b) A drug that is approved for use under the supervision of a  
29 medical practitioner pursuant to the federal new drug application law or  
30 section 32-1962.

1 (c) A potentially harmful drug if its labeling does not contain full  
2 directions for its use by the patient.

3 (d) A drug that is required by federal law to bear on its label the  
4 following words: "Caution: Federal law prohibits dispensing without  
5 prescription."

6 25. "Professional negligence" means any of the following:

7 (a) That a licensee administers treatment to a patient in a manner  
8 that is contrary to accepted practices and that harms the patient if it can  
9 be shown to the board's satisfaction that accepted practices are inherently  
10 less hazardous.

11 (b) That a licensee commits an act of unprofessional conduct or  
12 displays an unreasonable lack of professional skill or fidelity.

13 (c) That a licensee's negligence, carelessness or disregard of  
14 established principles or practice results in a patient's injury,  
15 unnecessary suffering or death.

16 26. "Special purpose licensing examination" means an examination  
17 developed by the national board of medical examiners on behalf of the  
18 federation of state medical boards for use by state licensing boards to  
19 test the basic medical competence of physicians who are applying for  
20 licensure and who have been in practice in another jurisdiction of the  
21 United States and to determine the competence of a physician under  
22 investigation by a state licensing board.

23 Sec. 3. Repeal

24 Sections 32-2902 and 32-2903, Arizona Revised Statutes, are repealed.

25 Sec. 4. Repeal; transfer of monies

26 A. Section 32-2906, Arizona Revised Statutes, is repealed.

27 B. All unexpended and unencumbered monies remaining in the board of  
28 homeopathic and integrated medicine examiners' fund established by section  
29 32-2906, Arizona Revised Statutes, as repealed by subsection A of this  
30 section, are transferred to the naturopathic physicians medical board fund  
31 established by section 32-1505, Arizona Revised Statutes, as amended by  
32 this act, on the effective date of this section.

1           Sec. 5. Section 32-2916, Arizona Revised Statutes, is amended to  
2 read:

3           32-2916. Directory; change of address; civil penalty; fees

4           A. The board may publish an annual directory containing the  
5 following:

6           1. The names and addresses of the officers and members of the board.

7           2. The names and addresses of all persons WHO ARE certified,  
8 licensed or registered by the board.

9           3. The current certified board rules.

10          4. A copy of this chapter.

11          5. A list of approved postgraduate and continuing education courses  
12 in the treatment modalities pertinent to the practice of homeopathic  
13 medicine.

14          6. A list of approved schools of medicine.

15          7. Additional information that the board determines is of interest  
16 and importance to licensees.

17          B. Each licensee shall inform the board in writing of the licensee's  
18 home address, home telephone number, office address and office telephone  
19 number as requested by the board and within forty-five days ~~of~~ AFTER a  
20 change in any of this information. The board shall keep a licensee's home  
21 address and home telephone number confidential. The board may assess a  
22 licensee who fails to comply with this subsection with the board's costs to  
23 locate the licensee. The board may also impose a civil penalty on that  
24 licensee of not more than ~~one hundred dollars~~ \$100.

25          C. The board shall provide each licensee with one copy of the  
26 directory free of charge. The board may provide additional copies to the  
27 public and licensee for a cost of not more than ~~twenty-five dollars~~ \$25 for  
28 each directory.

1           D. The board shall deposit, pursuant to sections 35-146 and 35-147,  
2 monies collected under this section in the ~~board of homeopathic and~~  
3 ~~integrated medicine examiners~~ NATUROPATHIC PHYSICIANS MEDICAL BOARD fund  
4 ESTABLISHED BY SECTION 32-1505.

5           Sec. 6. Conforming legislation

6           The legislative council staff shall prepare proposed legislation  
7 conforming the Arizona Revised Statutes to the provisions of this act for  
8 consideration in the fifty-seventh legislature, first regular session."

9 Amend title to conform

LAURIN HENDRIX

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C: MH