Senate Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
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Second Regular Session
2004

CHAPTER 14

SENATE BILL 1086

AN ACT

AMENDING SECTIONS 32-1525, 32-1528 AND 32-1561, ARIZONA REVISED STATUTES; RELATING TO THE NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 32-1525, Arizona Revised Statutes, is amended to read:

32-1525. Examinations

~~A. Examinations required under sections 32-1522 and 32-1523 shall be conducted at a time and place designated by the board but no less frequently than semiannually. An applicant to be examined shall have first filed a completed application found to be true and correct and approved by the board. An applicant approved by the board shall be given at least thirty days' written notice of the time and place at which the examination shall be given. The board shall recognize a written national examination and may administer its own examination only for those areas that are not covered on the national examination. The board must accept the grade issued on the national examination without adjustment. A board member or staff member shall not have any financial interest in the national examination administered by the board.~~

A. THE BOARD SHALL USE THE NATUROPATHIC PHYSICIANS LICENSING EXAMINATION CONDUCTED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS, OR ITS SUCCESSOR AGENCY, FOR THE EXAMINATIONS REQUIRED UNDER SECTIONS 32-1522 AND 32-1523. THE BOARD MAY ADMINISTER ITS OWN EXAMINATION ONLY FOR THOSE AREAS THAT ARE DETERMINED BY THE BOARD TO BE NECESSARY FOR THE SAFE PRACTICE OF NATUROPATHIC MEDICINE AND NOT COVERED ON THE NATUROPATHIC PHYSICIANS LICENSING EXAMINATION. THE BOARD MUST ACCEPT THE GRADE ISSUED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS WITHOUT ADJUSTMENT. A BOARD MEMBER OR STAFF MEMBER SHALL NOT HAVE ANY FINANCIAL INTEREST IN THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR THE NATUROPATHIC PHYSICIANS LICENSING EXAMINATION.

B. The examination required for a license under section 32-1522 shall include the following subjects:

1. The basic medical science subjects of anatomy, basic pharmacology and toxicology, biochemistry, microbiology and immunology, physiology, pathology and naturopathic jurisprudence.

2. The clinical medical science subjects of dermatology, ophthalmology and otolaryngology, geriatrics, infectious diseases, neurology and psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical medicine and rehabilitation.

3. The clinical competency medical subjects of emergency medicine and minor surgery, clinical pharmacology, internal medicine, laboratory diagnosis and diagnostic imaging, clinical nutrition, botanicals and diet therapy.

4. For all persons applying for a license after January 1, 2005, pharmacotherapeutics.

C. The examination required for a license by endorsement under section 32-1523 shall consist of an examination in Arizona naturopathic jurisprudence that is administered by the board.

D. Examinations for licensure under this chapter shall:

1. Be practical in character and consist of multiple choice and true and false questions.

2. Be designed to ascertain the applicant's knowledge of naturopathic medicine and the applicant's ability to practice naturopathic medicine.

3. Include examination questions that are generally accepted as necessary for a competent knowledge of the practice of naturopathic medicine.

E. THE BOARD BY RULE SHALL PRESCRIBE ANY SUBJECTS ON WHICH THE APPLICANT MUST BE TESTED IN ADDITION TO THOSE REQUIRED BY THIS SECTION. The board ~~shall~~ MAY prescribe rules for conducting ITS OWN examinations.

F. An applicant shall obtain a scaled grade average of seventy-five per cent or more on the national examination with no single grade less than seventy per cent and shall obtain a grade of seventy-five per cent or more in each subject administered by the board that is not covered on the national examination.

G. An applicant may challenge the applicant's grade on an examination CONDUCTED BY THE BOARD by submitting a written request to the board within sixty days of receiving the grade. If the board upholds the applicant's challenge, it may CHANGE, within one hundred twenty days of the challenge, ~~change~~ the grade on the examination on the vote of a majority of the full board.

H. An applicant for examination shall take and complete all of the examinations required by this section within a five year period. Each time an applicant files a request with the board to retake any part of an examination, the applicant shall pay the examination fee pursuant to section 32-1527.

~~I. The board shall accept examinations conducted by a national board of examiners recognized by the board for those subjects encompassed pursuant to subsection B, paragraphs 1, 2 and 3 of this section if the applicant for licensure successfully passed the examination with a scaled grade average of at least seventy-five per cent with no single grade less than seventy per cent and the national board submits an affidavit to the board that confirms the examination grade of the applicant.~~

~~J.~~ I. All examination materials and records of examination grading are confidential and are not public records.

Sec. 2. Section 32-1528, Arizona Revised Statutes, is amended to read:

32-1528. Retired licensee; waiver of fees; reinstatement

A. The board may waive a physician's annual renewal fee if the physician has paid all past fees and presents an affidavit to the board that the physician has permanently retired from the practice of naturopathic medicine.

B. A physician whose annual renewal fee has been waived by the board and who is permanently retired from the practice of naturopathic medicine is not required to comply with any continuing medical education requirements of this chapter.

C. If a retired physician who has had the annual renewal fee waived by the board engages in the practice of naturopathic medicine, the physician is subject to the same penalties that are imposed under this chapter on a person who practices naturopathic medicine without a license or without being exempt from licensure.

D. The board may reinstate a retired physician to active practice on payment of the annual renewal fee and presentation of evidence satisfactory to the board that the physician meets the qualifications prescribed under section 32-1522, subsection A, paragraphs 4, 5 and 6.

E. If an applicant for reinstatement of a retired license has not been licensed and actively practicing in a jurisdiction of the United States or Canada in the three years immediately preceding the application, the board may issue a limited license that requires a period of general OR DIRECT supervision by another licensed naturopathic physician not to exceed one year.

Sec. 3. Section 32-1561, Arizona Revised Statutes, is amended to read:

32-1561. Internship, clinical fellowship and preceptorship programs; duties; prohibitions

A. A person who is a graduate of an approved school with a degree of doctor of naturopathic medicine and who wishes to engage in an internship program, a clinical fellowship or a preceptorship program shall submit an application for certification as prescribed in section 32-1524.

B. If the application submitted pursuant to subsection A of this section is approved by the board, that person may engage in a board approved internship program, clinical fellowship or preceptorship program under the direct supervision of a physician licensed under this chapter or by a physician licensed pursuant to chapter 13, 17 or 29 of this title.

C. The board by rule may prescribe naturopathic medical treatment procedures that a person who is certified under this section may perform under the direct supervision of a physician licensed under this chapter if the board determines that these procedures:

1. May be competently performed by the graduate.

2. Do not exceed the procedures that the supervising physician has been licensed by this state to perform.

D. A person who is certified under this section may do clerical tasks without direct supervision if the tasks do not involve diagnosing or treating a patient's condition.

E. If the supervising physician of a person who is certified under this section withdraws from direct supervision, the certificate to engage in the training program held by that person is automatically canceled.

F. A PERSON WHO IS CERTIFIED UNDER THIS SECTION SHALL NOT EMPLOY THAT PERSON'S SUPERVISING PHYSICIAN AND SHALL NOT HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS OWNED BY THAT PERSON'S SUPERVISING PHYSICIAN.

APPROVED BY THE GOVERNOR MARCH 30, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2004.