

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1380

(Reference to printed bill)

1 Page 1, line 27, strike "and" insert ". EACH MEMBER MAY BE APPOINTED ONLY ONCE TO
2 FILL A VACANCY CAUSED OTHER THAN BY EXPIRATION OF A TERM."

3 Line 28, strike "~~two~~ ONE" insert "two"; strike "~~terms~~ TERM. A MEMBER'S SERVICE
4 ON THE"

5 Line 29, strike "BOARD MAY NOT EXCEED A TOTAL OF TEN YEARS, EXCEPT THAT" insert
6 "terms."

7 Page 2, line 8, after "governor" insert "AND THE MEMBERS OF THE HEALTH AND HUMAN
8 SERVICES COMMITTEE OF THE SENATE AND THE HEALTH COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES,"

10 Line 10, after the period insert "THE REPORT MUST INCLUDE BOTH OF THE FOLLOWING:

11 1. INFORMATION REGARDING STAFF TURNOVER THAT INDICATES WHETHER THE
12 PERSON WAS TEMPORARY, PART-TIME OR FULL-TIME AND WHICH DEPARTMENT OR DIVISION
13 THE PERSON WORKED IN.

14 2. THE NUMBER OF INVESTIGATORS THAT HAVE BEEN HIRED AND HOW MANY OF
15 THEM HAVE COMPLETED THE INVESTIGATOR TRAINING PROGRAM REQUIRED BY SECTION
16 32-1405.

17 H."

18 Page 3, line 21, after "REMOVE" insert "WITHIN THIRTY DAYS"

19 Between lines 27 and 28, insert:

20 "Sec. 3. Section 32-1404, Arizona Revised Statutes, is amended to
21 read:

22 32-1404. Meetings; quorum; committees; rules; posting

23 A. The board shall hold regular quarterly meetings on a date and at
24 the time and place designated by the chairman. The board shall hold special
25 meetings, including meetings using communications equipment that allows all

1 members participating in the meeting to hear each other, as the chairman
2 determines are necessary to carry out the functions of the board. The board
3 shall hold special meetings on any day that the chairman determines ~~is~~ ARE
4 necessary to carry out the functions of the board. The vice-chairman may
5 call meetings and special meetings if the chairman is not available.

6 B. The presence of seven board members at a meeting constitutes a
7 quorum. A majority vote of the quorum is necessary for the board to take any
8 action.

9 C. The chairman may establish committees from the membership of the
10 board and define committee duties necessary to carry out the functions of the
11 board.

12 D. The board may adopt rules pursuant to title 41, chapter 6 that are
13 necessary and proper to carry out the purposes of this chapter.

14 E. Meetings held pursuant to subsection A of this section shall be
15 audio AND VIDEO recorded. THE BOARD SHALL POST THE VIDEO RECORDING ON THE
16 BOARD'S WEBSITE WITHIN THREE BUSINESS DAYS AFTER THE MEETING.

17 Sec. 4. Section 32-1405, Arizona Revised Statutes, is amended to read:
18 32-1405. Executive director; compensation; duties; appeal to
19 the board

20 A. Subject to title 41, chapter 4, article 4, the board shall appoint
21 an executive director who shall serve at the pleasure of the board. The
22 executive director shall not be a board member, except that the board may
23 authorize the executive director to represent the board and to vote on behalf
24 of the board at meetings of the federation of state medical boards of the
25 United States.

26 B. The executive director is eligible to receive compensation set by
27 the board within the range determined under section 38-611.

28 C. The executive director or the executive director's designee shall:

29 1. Subject to title 41, chapter 4, article 4 and, as applicable,
30 articles 5 and 6, employ, evaluate, dismiss, discipline and direct
31 professional, clerical, technical, investigative and administrative personnel
32 necessary to carry on the work of the board. ~~Investigative personnel~~ AN

1 INVESTIGATOR shall complete a nationally recognized investigator training
2 program within one year of date of hire. Until ~~investigative personnel~~ AN
3 INVESTIGATOR completes a training program, the ~~investigative personnel~~
4 INVESTIGATOR shall work under the supervision of an investigator who has
5 completed a training program.

6 2. Set compensation for board employees within the range determined
7 under section 38-611.

8 3. As directed by the board, prepare and submit recommendations for
9 amendments to the medical practice act for consideration by the legislature.

10 4. Subject to title 41, chapter 4, article 4, employ medical
11 consultants and agents necessary to conduct investigations, gather
12 information and perform those duties the executive director determines are
13 necessary and appropriate to enforce this chapter.

14 5. Issue licenses, registrations and permits to applicants who meet
15 the requirements of this chapter.

16 6. Manage the board's offices.

17 7. Prepare minutes, records, reports, registries, directories, books
18 and newsletters and record all board transactions and orders.

19 8. Collect all monies due and payable to the board.

20 9. Pay all bills for authorized expenditures of the board and its
21 staff.

22 10. Prepare an annual budget.

23 11. Submit a copy of the budget each year to the governor, the speaker
24 of the house of representatives and the president of the senate.

25 12. Initiate an investigation if evidence appears to demonstrate that a
26 physician may be engaged in unprofessional conduct or may be medically
27 incompetent or mentally or physically unable to safely practice medicine.

28 13. Issue subpoenas if necessary to compel the attendance and testimony
29 of witnesses and the production of books, records, documents and other
30 evidence.

1 14. Provide assistance to the attorney general in preparing and sign
2 and execute disciplinary orders, rehabilitative orders and notices of
3 hearings as directed by the board.

4 15. Enter into contracts for goods and services pursuant to title 41,
5 chapter 23 that are necessary to carry out board policies and directives.

6 16. Execute board directives.

7 17. Manage and supervise the operation of the Arizona regulatory board
8 of physician assistants.

9 18. Issue licenses to physician assistant applicants who meet the
10 requirements of chapter 25 of this title.

11 19. Represent the board with the federal government, other states or
12 jurisdictions of the United States, this state, political subdivisions of
13 this state, the news media and the public.

14 20. On behalf of the Arizona medical board, enter into stipulated
15 agreements with persons under the jurisdiction of either the Arizona medical
16 board or the Arizona regulatory board of physician assistants for the
17 treatment, rehabilitation and monitoring of chemical substance abuse or
18 misuse.

19 21. Review all complaints filed pursuant to section 32-1451. **THE**
20 **EXECUTIVE DIRECTOR SHALL SUBMIT ALL MEDICAL COMPLAINTS TO A MEDICAL**
21 **CONSULTANT FOR REVIEW.** If delegated by the board, the executive director may
22 also dismiss a complaint if the complaint is without merit. The executive
23 director shall not dismiss a complaint if a court has entered a medical
24 malpractice judgment against a physician. The executive director shall
25 submit a report of the cases dismissed with the complaint number, the name of
26 the physician and the investigation timeline to the board for review at its
27 regular board meetings.

28 22. If delegated by the board, directly refer cases to a formal
29 hearing.

30 23. If delegated by the board, close cases resolved through mediation.

31 24. If delegated by the board, issue advisory letters.

1 25. If delegated by the board, enter into a consent agreement if there
2 is evidence of danger to the public health and safety.

3 26. If delegated by the board, grant uncontested requests for inactive
4 status and cancellation of a license pursuant to sections 32-1431 and
5 32-1433.

6 27. If delegated by the board, refer cases to the board for a formal
7 interview.

8 28. Perform all other administrative, licensing or regulatory duties
9 required by the board.

10 29. DISSEMINATE ANY INFORMATION RECEIVED FROM THE OFFICE OF THE
11 OMBUDSMAN-CITIZENS AIDE TO THE BOARD AT ITS REGULAR BOARD MEETINGS.

12 D. Medical consultants and agents appointed pursuant to subsection C,
13 paragraph 4 of this section are eligible to receive compensation determined
14 by the executive director in an amount not to exceed two hundred dollars for
15 each day of service.

16 E. A person who is aggrieved by an action taken by the executive
17 director pursuant to subsection C, paragraphs 21 through 27 of this section
18 or section 32-1422, subsection E, ~~may~~ may request the board to review that
19 action by filing with the board a written request within thirty days after
20 that person is notified of the executive director's action by personal
21 delivery or, if the notification is mailed to that person's last known
22 residence or place of business, within thirty-five days after the date on the
23 notification. At the next regular board meeting, the board shall review the
24 executive director's action. On review, the board shall approve, modify or
25 reject the executive director's action."

26 Renumber to conform

27 Page 4, line 26, after "92-544" insert "OR TO A THIRD-PARTY VENDOR FOR THE PURPOSE
28 OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK"

29 Page 5, line 7, strike "CHAPTER" insert "ARTICLE"

30 Line 15, after the period insert "THE BOARD SHALL ADOPT RULES ESTABLISHING THE
31 CRITERIA THAT MUST BE MET IN ORDER TO WAIVE A DOCUMENTATION REQUIREMENT OF
32 THIS ARTICLE."

1 Page 6, strike lines 21 through 34, insert:

2 "Sec. 8. Section 32-1451.03, Arizona Revised Statutes, is amended to
3 read:

4 32-1451.03. Complaints; requirements; confidentiality; exception

5 A. The board shall not act on any complaint in which an allegation of
6 unprofessional conduct or any other violation of this chapter occurred more
7 than seven years before the complaint is received by the board. The time
8 limitation does not apply to medical malpractice settlements or judgments.

9 B. IF A COMPLAINANT WISHES TO REMAIN ANONYMOUS, THE BOARD SHALL ENTER
10 INTO A WRITTEN AGREEMENT WITH THE COMPLAINANT STATING THAT THE COMPLAINANT'S
11 IDENTIFYING INFORMATION WILL NOT BE PROVIDED TO THE PHYSICIAN AGAINST WHOM
12 THE ALLEGATION OF UNPROFESSIONAL CONDUCT IS BEING MADE.

13 ~~B.~~ C. The board shall not open an investigation if identifying
14 information regarding the complainant is not provided.

15 Sec. 9. Section 41-3022.09, Arizona Revised Statutes, is renumbered as
16 section 41-3019.04 and, as so renumbered, is amended to read:

17 41-3019.04. Arizona medical board; termination July 1, 2019

18 A. The Arizona medical board terminates on July 1, ~~2022~~ 2019.

19 B. Title 32, chapter 13 is repealed on January 1, ~~2023~~ 2020."

20 Amend title to conform

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