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REFERENCE TITLE: **physicians; medical schools; cultural competency**

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SB 1468

Introduced by
Senator Miranda

AN ACT

**AMENDING SECTIONS 15-1626, 32-1422 AND 32-1822, ARIZONA REVISED STATUTES;
RELATING TO MEDICAL EDUCATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1626, Arizona Revised Statutes, is amended to
3 read:

4 15-1626. General administrative powers of board

5 A. The board shall:

6 1. Have and exercise the powers necessary for the effective governance
7 and administration of the institutions under its control. To that end, the
8 board may adopt, and authorize each university to adopt, such regulations,
9 policies, rules or measures as are deemed necessary and may delegate in
10 writing to its committees, to its university presidents, or their designees,
11 or to other entities under its control, any part of its authority for the
12 administration and governance of such institutions, including those powers
13 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
14 3, 4, 7, 8, 10 and 11 of this subsection, and subsection B of this section.
15 Any delegation of authority may be rescinded by the board at any time in
16 whole or in part.

17 2. Appoint and employ and determine the compensation of presidents
18 with such power and authority and for such purposes in connection with the
19 operation of the institutions as the board deems necessary.

20 3. Appoint and employ and determine the compensation of
21 vice-presidents, deans, professors, instructors, lecturers, fellows and such
22 other officers and employees with such power and authority and for such
23 purposes in connection with the operation of the institutions as the board
24 deems necessary, or delegate its authority pursuant to paragraph 1 of this
25 subsection.

26 4. Remove any officer or employee when the interests of education in
27 this state so require in accordance with its personnel rules and policies.

28 5. Fix tuitions and fees to be charged and graduate the tuitions and
29 fees between institutions and between residents, nonresidents and students
30 from foreign countries. The amount of tuition, registration fees and other
31 revenues included in the operating budget for the university adopted by the
32 board as prescribed in paragraph 12 of this subsection shall be deposited,
33 pursuant to sections 35-146 and 35-147. All other tuition and fee revenue
34 shall be retained by each university for expenditure as approved by the
35 board. Except as provided in subsection H of this section, the Arizona board
36 of regents shall adopt rules to govern its tuition and fee setting process
37 ~~which shall provide~~ THAT PROVIDES for the following:

38 (a) At least one public hearing at each university as an opportunity
39 for students and members of the public to comment upon any proposed increase
40 in tuition or fees.

41 (b) Publication of the notice of public hearing at least ten days
42 prior to the hearing in a newspaper of general circulation in Maricopa
43 county, Coconino county and Pima county. The notice shall include the date,
44 time and location of the public hearing.

45 (c) Public disclosure by each university of any proposed increases in
46 tuition or fees at least ten days prior to the public hearing.

1 (d) Final board action on changes in tuition or fees shall be taken by
2 roll call vote.

3 The procedural requirements of subdivisions (a), (b), (c) and (d) apply only
4 to those changes in tuition or fees that require board approval.

5 6. Pursuant to section 35-115, submit a budget request for each
6 institution under its jurisdiction that includes the estimated tuition and
7 fee revenue available to support the programs of the institution as described
8 in the budget request. The estimated available tuition and fee revenue shall
9 be based on the tuition and registration fee rates in effect at the time the
10 budget request is submitted with adjustments for projected changes in
11 enrollment as provided by the board.

12 7. Establish curriculums and designate courses at the several
13 institutions ~~which~~ THAT in its judgment will best serve the interests of this
14 state.

15 8. Award such degrees and diplomas upon the completion of such courses
16 and curriculum requirements as it deems appropriate.

17 9. Prescribe qualifications for admission of all students to the
18 universities. The board shall establish policies for guaranteed admission
19 that assure fair and equitable access to students in this state from public,
20 private, charter and home schools. For the purpose of determining the
21 qualifications of honorably discharged veterans, veterans are those who
22 served in the armed forces for a minimum of two years and who were previously
23 enrolled at a university or community college in this state. No prior
24 failing grades received by the veteran at the university or community college
25 in this state may be considered.

26 10. Adopt any energy conservation standards promulgated by the
27 department of administration for the construction of new buildings.

28 11. Employ for such time and purposes as the board requires attorneys
29 whose compensation shall be fixed and paid by the board. Litigation to which
30 the board is a party and for which self-insurance is not provided may be
31 compromised or settled at the direction of the board.

32 12. Adopt annually an operating budget for each university equal to the
33 sum of appropriated general fund monies and the amount of tuition,
34 registration fees and other revenues approved by the board and allocated to
35 each university operating budget.

36 13. In consultation with the state board of education and other
37 education groups, develop and implement a program to award honors
38 endorsements to be affixed to the high school diplomas of qualifying high
39 school pupils and to be included in the transcripts of pupils who are awarded
40 endorsements. The board shall develop application procedures and testing
41 criteria and adopt testing instruments and procedures to administer the
42 program. In order to receive an honors endorsement, a pupil must demonstrate
43 an extraordinary level of knowledge, skill and competency as measured by the
44 testing instruments adopted by the board in mathematics, English, science and
45 social studies. Additional subjects may be added at the determination of the
46 board. The program is voluntary for pupils.

1 14. Require the publisher of each literary and nonliterary textbook
2 used in the universities of this state to furnish computer software in a
3 standardized format when software becomes available for nonliterary
4 textbooks, to the Arizona board of regents from which braille versions of the
5 textbooks may be produced.

6 15. Require universities that provide a degree in education to require
7 courses that are necessary to obtain a provisional structured English
8 immersion endorsement as prescribed by the state board of education.

9 16. IN CONSULTATION WITH A NATIONALLY RECOGNIZED ORGANIZATION THAT
10 REVIEWS MEDICAL SCHOOL CURRICULA, ESTABLISH A CURRICULUM AND DESIGNATE A
11 COURSE AT EACH SCHOOL OF MEDICINE IN CULTURAL COMPETENCY THAT ADDRESSES THE
12 PROBLEM OF RACE AND GENDER BASED DISPARITIES IN MEDICAL TREATMENT DECISIONS.
13 THE BOARD SHALL REQUIRE SUCCESSFUL COMPLETION OF THIS COURSE AS A CONDITION
14 OF RECEIVING A DIPLOMA. THE BOARD SHALL REQUIRE THAT THE MEDICAL SCHOOLS
15 MAKE THIS COURSE AVAILABLE TO APPLICANTS FOR INITIAL LICENSURE OR RELICENSURE
16 PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

17 B. The board shall adopt personnel rules. All nonacademic employees
18 of the universities are subject to these rules except for university
19 presidents, university vice-presidents, university deans, legal counsel and
20 administrative officers. The personnel rules shall be similar to the
21 personnel rules under section 41-783. The rules shall include provisions for
22 listing available positions with the department of economic security,
23 competitive employment processes for applicants, probationary status for new
24 nonacademic employees, nonprobationary status on successful completion of
25 probation and due process protections of nonprobationary employees after
26 discharge. The board shall provide notice of proposed rule adoption and an
27 opportunity for public comment on all personnel rules proposed for adoption.

28 C. The Arizona board of regents may employ legal assistance in
29 procuring loans for the institutions from the United States government. Fees
30 or compensation paid for such legal assistance shall not be a claim upon the
31 general fund of this state but shall be paid from funds of the institutions.

32 D. The board shall approve or disapprove any contract or agreement
33 entered into by the university of Arizona hospital with the Arizona health
34 facilities authority.

35 E. The board may adopt policies ~~which~~ THAT authorize the institutions
36 under its jurisdiction to enter into employment contracts with nontenured
37 employees for periods of more than one year but not more than five years.
38 The policies shall prescribe limitations on the authority of the institutions
39 to enter into employment contracts for periods of more than one year but not
40 more than five years, including the requirement that the board approve the
41 contracts.

42 F. The board may adopt a plan or plans for employee benefits ~~which~~
43 THAT allow for participation in a cafeteria plan that meets the requirements
44 of the United States internal revenue code of 1986.

45 G. The board may establish a program for the exchange of students
46 between the universities under the jurisdiction of the board and colleges and

1 universities located in the state of Sonora, Mexico. Notwithstanding
2 subsection A, paragraph 5 of this section, the program may provide for
3 in-state tuition at the universities under the jurisdiction of the board for
4 fifty Sonoran students in exchange for similar tuition provisions for up to
5 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
6 universities. The board may direct the universities to work in conjunction
7 with the Arizona-Mexico commission to coordinate recruitment and admissions
8 activities.

9 H. Subsection A, paragraph 5, subdivisions (a), (b), (c) and (d) of
10 this section do not apply to fee increases that are set by individual
11 universities and that do not require approval by the Arizona board of regents
12 before the fee increase becomes effective.

13 Sec. 2. Section 32-1422, Arizona Revised Statutes, is amended to read:
14 32-1422. Basic requirements for granting a license to practice
15 medicine

16 A. An applicant for a license to practice medicine in this state
17 pursuant to this article shall meet each of the following basic requirements:

18 1. Graduate from an approved school of medicine or receive a medical
19 education ~~which~~ THAT the board deems to be of equivalent quality.

20 2. Successfully complete an approved twelve month hospital internship,
21 residency or clinical fellowship program.

22 3. Have the physical and mental capability to safely engage in the
23 practice of medicine.

24 4. Have a professional record ~~which~~ THAT indicates that the applicant
25 has not committed any act or engaged in any conduct ~~which~~ THAT would
26 constitute grounds for disciplinary action against a licensee under this
27 chapter.

28 5. ~~Has~~ Not HAVE had a license to practice medicine revoked by a
29 medical regulatory board in another jurisdiction in the United States for an
30 act that occurred in that jurisdiction that constitutes unprofessional
31 conduct pursuant to this chapter.

32 6. ~~Is~~ Not currently BE under investigation, suspension or restriction
33 by a medical regulatory board in another jurisdiction in the United States
34 for an act that occurred in that jurisdiction that constitutes unprofessional
35 conduct pursuant to this chapter. If the applicant is under investigation by
36 a medical regulatory board in another jurisdiction, the board shall suspend
37 the application process and may not issue or deny a license to the applicant
38 until the investigation is resolved.

39 7. ~~Has~~ Not HAVE surrendered, ~~relinquished or given up~~ a license to
40 practice medicine in lieu of disciplinary action by a medical regulatory
41 board in another jurisdiction in the United States for an act that occurred
42 in that jurisdiction that constitutes unprofessional conduct pursuant to this
43 chapter.

44 8. Pay all fees required by the board.

45 9. Complete the application as required by the board.

1 10. SUCCESSFULLY COMPLETE A COURSE IN CULTURAL COMPETENCY THAT MEETS
2 THE REQUIREMENTS OF SECTION 15-1626, SUBSECTION A, PARAGRAPH 16. IF THE
3 APPLICANT GRADUATED FROM A SCHOOL OF ALLOPATHIC MEDICINE OUTSIDE OF THIS
4 STATE, THE APPLICANT MUST PRESENT EVIDENCE SATISFACTORY TO THE BOARD THAT THE
5 APPLICANT HAS SUCCESSFULLY COMPLETED A COURSE OF STUDY THAT SUBSTANTIALLY
6 COMPLIES WITH THE REQUIREMENTS OF SECTION 15-1626, SUBSECTION A,
7 PARAGRAPH 16.

8 B. The board may require the submission of ~~such~~ credentials or other
9 evidence, written and oral, and make any investigation it deems necessary to
10 adequately inform itself with respect to an applicant's ability to meet the
11 requirements prescribed by this section, including a requirement that the
12 applicant for licensure undergo a physical examination, a mental evaluation
13 and an oral competence examination and interview, or any combination ~~thereof~~
14 OF THESE, as the board deems proper.

15 C. In determining if the requirements of subsection A, paragraph 4
16 have been met, if the board finds that the applicant committed an act or
17 engaged in conduct that would constitute grounds for disciplinary action, the
18 board shall determine to its satisfaction that the conduct has been
19 corrected, monitored and resolved. If the matter has not been resolved, the
20 board shall determine to its satisfaction that mitigating circumstances exist
21 ~~which~~ THAT prevent its resolution.

22 D. In determining if the requirements of subsection A, paragraph 6
23 have been met, if another jurisdiction has taken disciplinary action against
24 an applicant, the board shall determine to its satisfaction that the cause
25 for the action was corrected and the matter resolved. If the matter has not
26 been resolved by that jurisdiction, the board shall determine to its
27 satisfaction that mitigating circumstances exist ~~which~~ THAT prevent its
28 resolution.

29 E. The board may delegate authority to the executive director to deny
30 licenses if applicants do not meet the requirements of this section.

31 Sec. 3. Section 32-1822, Arizona Revised Statutes, is amended to read:
32 32-1822. Qualifications of applicant; application; fees

33 A. On a form and in a manner prescribed by the board, an applicant for
34 licensure shall submit proof that the applicant:

35 1. Is the person named on the application and on all supporting
36 documents submitted.

37 2. Is a citizen of the United States or a resident alien.

38 3. Is a graduate of a board approved school of osteopathic medicine.

39 4. Has completed an approved internship, the first year of an approved
40 multiple year residency or board approved equivalency.

41 5. Has passed the approved examinations for licensure within seven
42 years of application or has the board approved equivalency of practice
43 experience.

44 6. Has not engaged in any conduct that, if it occurred in this state,
45 would be considered unprofessional conduct or, if the applicant has engaged
46 in unprofessional conduct, is rehabilitated from the underlying conduct.

1 7. Is physically, mentally and emotionally able to practice medicine,
2 or, if limited, restricted or impaired in the ability to practice medicine,
3 consents to contingent licensure pursuant to subsection E of this section or
4 to entry into a program prescribed in section 32-1861.

5 8. HAS SUCCESSFULLY COMPLETED A COURSE IN CULTURAL COMPETENCY THAT
6 MEETS THE REQUIREMENTS OF SECTION 15-1626, SUBSECTION A, PARAGRAPH 16. IF
7 THE APPLICANT GRADUATED FROM A SCHOOL OF OSTEOPATHIC MEDICINE OUTSIDE OF THIS
8 STATE, THE APPLICANT MUST PRESENT EVIDENCE SATISFACTORY TO THE BOARD THAT THE
9 APPLICANT HAS SUCCESSFULLY COMPLETED A COURSE OF STUDY THAT SUBSTANTIALLY
10 COMPLIES WITH THE REQUIREMENTS OF SECTION 15-1626, SUBSECTION A,
11 PARAGRAPH 16.

12 B. An applicant must submit with the application the application fee
13 prescribed in section 32-1826 and pay the prescribed license issuance fee to
14 the board at the time the license is issued.

15 C. The board or the executive director may require an applicant to
16 submit to a personal interview, a physical examination or a mental evaluation
17 or any combination of these at a reasonable time and place as prescribed by
18 the board if the board determines that this is necessary to provide the board
19 adequate information regarding the applicant's ability to meet the licensure
20 requirements of this chapter. An interview may include medical knowledge
21 questions and other matters that are relevant to licensure.

22 D. The board may deny a license for any unprofessional conduct that
23 would constitute grounds for disciplinary action pursuant to this chapter or
24 as determined by a competent domestic or foreign jurisdiction.

25 E. The board may issue a license that is contingent on the applicant
26 entering into a stipulated order that may include a period of probation or a
27 restriction on the licensee's practice.

28 F. The executive director may issue licenses to applicants who meet
29 the requirements of this section.

30 G. A person whose license has been revoked, denied or surrendered in
31 this or any other state may apply for licensure not sooner than two years
32 after the revocation, denial or surrender.

33 H. A license issued pursuant to this section is valid for the
34 remainder of the calendar year in which it was issued, at which time it is
35 eligible for renewal.

36 Sec. 4. Physicians; cultural competency education

37 An applicant for relicensure pursuant to title 32, chapter 13 or 17,
38 Arizona Revised Statutes, must submit evidence satisfactory to the Arizona
39 medical board or the Arizona board of osteopathic medicine of successful
40 completion of a cultural competency training course that meets the
41 requirements of section 15-1626, subsection A, paragraph 16 on or before
42 November 15, 2008 if the applicant has not taken a course that meets those
43 requirements before that date.