

HEALTH PROFESSIONS: CONSEQUENCES OF DUI PROSECUTION & CONVICTION

Health Professionals: “Certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this & title 36, chapter 17”¹

<ul style="list-style-type: none"> • Acupuncturist • Assoc. Counselor • Assoc. Marriage & Family Therapist • Assoc. Substance Abuse Counselor • Athletic Trainer • Audiologist • Auricular Cert. Holder • Baccalaureate Social Worker • Behavioral Analysts • Chiropractor • Chiropractor Assistant • Clinical Social Worker; • Clinical Nurse Specialist • Dental Hygienist 	<ul style="list-style-type: none"> • Dentist • Denturist • Equine Dental Tech • Homeopathic Physician • Homeopathic Medical Assistant • Independent Substance Abuse Counselor • Marriage & Family Therapist • Massage Therapists • Master Social Worker; • Medical Physician • Medical Assistant • Naturopathic Physician • Registered Nurse • Occupational Therapist 	<ul style="list-style-type: none"> • Occupational Therapy Assistant • Optometrist • Osteopathic Physician • Pharmacist • Pharmacy technician • Pharmacist Tech Trainee • Physical Therapists • Physical therapist assistant • Physician Assistants • Podiatrist • Practical tech-podiatry • Practical tech-radiology 	<ul style="list-style-type: none"> • Professional Counselor • Psychologists • Radiologic technologist • Radiologist assistant • Respiratory Therapist • Respiratory Therapy Technician • Speech-language pathologists • Speech-language pathology assistants • Veterinarian • Veterinary Technician
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UNIFORM REPORTING REQUIREMENT & AUTHORIZATION TO INVESTIGATE

	Pre-Conviction Reporting	Pre-conviction investigation?	Failure to Report- Penalty
ALL HEALTH PROFESSIONS	<ul style="list-style-type: none"> - 10 days to inform relevant regulatory board - “Charged with misdemeanor involving conduct that may affect patient safety or a felony” 	<p>Always permitted.</p> <p>ARS § 32-3208(C).</p>	<ul style="list-style-type: none"> • independent disciplinary violation • fine of up to \$1,000 <p>ARS § 32-3208(D)</p>

REPORTABLE MISDEMEANORS (NOT EVEN CLOSE TO EXCLUSIVE LIST)

<ul style="list-style-type: none"> - § 13-1201 Endangerment - § 13-1203 Assault - § 28-1381 Simple DUI - § 28-1382 Extreme DUI 	<ul style="list-style-type: none"> - § 13-2904 Disorderly Conduct - § 13-1802 Theft - § 13-1805 Shoplifting - § 13-3406 Prescription Drugs - Local ordinances involving intoxicants or drugs of any kind
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OTHER REPORTING REQUIREMENTS & DISCIPLINE MEASURES

- Statutes & regulations applicable to specific professions often **impose reporting requirements** on other parties: e.g., health care institutions, other professionals.
 - o Mandatory reporting or disciplinary violation if fail to report
 - o Often extend to professionals and their assistants/interns if subject to regulation
- Almost all professionals subject to similar range of punishments: Letters of Concern, Censure, Probation, Limitations on Practice, Suspension & Revocation. Civil fines of varying ranges often also available.
- **Summary suspension** often authorized if agency finds emergency threat to safety of patient or others

TABLE OF BOARDS/PROFESSIONS: ADDITIONAL NOTICE, SUMMARY SUSPENSION, DISCIPLINE GROUNDS

	Other Mandatory Notice	Summary Suspension	Relevant Grounds for Discipline
Acupuncture	N	No	(1) conviction of any felony, or a misdemeanor involving a crime of moral turpitude (2) Committing a felony (3) habitual intemperance in the use of alcohol or any substance abuse that interferes with the ability to safely practice acupuncture (4) Conduct that may constitute a danger to the health, welfare or safety of the patient or the public.

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Athletic Trainer	Person, trainer, corporation, educational institution, athletic organization or health care facility and governmental agencies “any conviction, determination or finding”	Y	committing any felony or a misdemeanor involving moral turpitude
Behavioral Health	Behavioral Analysts & Health Care Institutions	Y	(1) conviction of a felony; (2) active habitual intemperance in use of alcohol or active habitual substance abuse
Chiropractic Examiners	Chiropractors. ²	Y	(1) Habitual use of alcohol, narcotics or stimulants (2) Conviction of a misdemeanor involving moral turpitude or a felony; (3) unprofessional conduct likely to deceive or defraud the public or discredit the profession.
Dental Examiners	Dentists	N	(1) Conviction of a felony or of a misdemeanor involving moral turpitude (2) conduct or practice that constitutes a danger to the health, welfare or safety of the patient or public. (3) Drug use

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	Other Mandatory Notice	Summary Suspension	Relevant Grounds for Discipline
Homeopathic Medicine	Homeopathic physicians, ³ Arizona homeopathic and integrative medical association, health care institutions	Y	<p>(1) Commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude.</p> <p>(2) Habitual intemperance in the use of alcohol or habitual substance abuse.</p> <p>(3) Immorality or misconduct that tends to discredit the profession.</p> <p>(4) any conduct or practice that does or might constitute a danger to the health, welfare or safety of the patient or the public</p>
Massage Therapy	Massage Therapists ⁴	Y	<p>(1) Using drugs or intoxicating liquors to an extent that affects professional competency.</p> <p>(2) Being convicted of a felony or other offense involving moral turpitude or any conviction for prostitution, solicitation or another similar offense. A conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.</p> <p>(3) Engaging in conduct that could result in harm or injury to the public.</p>

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	Other Mandatory Notice	Summary Suspension	Relevant Grounds for Discipline
Medical Board	Medical doctors, ⁵ Arizona Med Assoc, Health care institutions	Y.	<p>(1) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude...</p> <p>(2) Habitual intemperance in the use of alcohol or habitual substance abuse</p> <p>(3) Any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public</p>
Naturopathic	Naturopath doctors, Arizona Nat. Med. Assoc, Health care institutions. ⁶	Y.	<p>(1) Any dishonorable conduct reflecting unfavorably on the profession.</p> <p>(2) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude.</p> <p>(3) Habitual intemperance in the use of alcohol or any substance abuse</p>

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Occupational Therapy	Occupational therapist, ⁷ & Health care institution	N	<p>(1) Habitual intemperance in the use of alcohol.</p> <p>(2) Any conduct or practice that does or might constitute a danger to the health, welfare or safety of the client or the public or any conduct, practice or condition that does or might impair the licensee's ability to safely and skillfully practice occupational therapy.</p> <p>(3) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude.</p>
Optometry	N	N	<p>(1) drug use; use of intoxicating beverages to excess...</p> <p>(2) Any conduct or practice, including incompetency, that constitutes a danger to the health, welfare or safety of patients or the public.</p> <p>(3) Conduct that discredits the profession.</p> <p>(4) Conviction of a felony or any offense involving moral turpitude</p>

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	Other Mandatory Notice	Summary Suspension	Relevant Grounds for Discipline
Osteopathic Examiners	Osteopathic doctor, ⁸ Arizona osteopathic medical association, health care institution	Y	<p>(1) Committing a felony, [regardless of] moral turpitude, or misdemeanor involving moral turpitude.</p> <p>(2) Conduct or practice that endangers ...the public's health or may reasonably be expected to do so.</p> <p>(3) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or may reasonably be expected to do so</p> <p>(4) Conduct in the practice of medicine that evidences moral unfitness to practice medicine</p>
Pharmacy	Pharmacist, Intern	Y	<p>(1) Committing a felony, [regardless of] moral turpitude, or a misdemeanor involving moral turpitude or any drug related offense.</p> <p>(2) act that is substantially related to the qualifications, functions or duties and demonstrates lack of good moral character or an actual/potential unfitness to hold a permit in light of public's safety</p> <p>(3) alcohol/drug addiction to such a degree as to render the permittee unfit for duty</p> <p>(4) Alcohol/drug addiction to such a degree as to render the licensee unfit to practice the profession</p>

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Physical Therapy	Physical therapist	Y	<p>(1) Conviction of a felony, [regardless of moral turpitude], or a misdemeanor involving moral turpitude</p> <p>(2) Failing to adhere to standards of ethics of the profession.</p>
Physician Assistant	Physician, physician assistant or health care institution	Y	<p>(1) Habitual intemperance in the use of alcohol or habitual substance abuse.</p> <p>(2) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.</p> <p>(3) Committing a felony, [regardless of] moral turpitude, or a misdemeanor involving moral turpitude.</p>
Podiatry Examiners	Podiatrist, the Arizona podiatry association	Y.	<p>(1) commission of felony, or misdemeanor involving moral turpitude;</p> <p>(2) habitual intemperance in the use of alcohol or habitual substance abuse;</p> <p>(3) guilty of other conduct that disqualifies him to practice podiatry with regard to the safety and welfare of the public.</p>
Psychology	Psychologist, Health care institution	Y	Commission of a felony, or a misdemeanor involving moral turpitude.

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	Other Mandatory Notice	Summary Suspension	Relevant Grounds for Discipline
Radiological Tech	N	N	<p>(1) use of alcohol to the extent that it affects the ability of the certificate or permit holder to practice his profession.</p> <p>(2) conduct or practice which does or would constitute a danger to the health of the patient or the public.</p> <p>(3) Convicted of a crime involving moral turpitude</p> <p>(4) Is an habitual drunkard</p>
Respiratory Care	Respiratory Therapists ⁹	Y	<p>(1) Committing a felony, [regardless of] moral turpitude, or misdemeanor involving moral turpitude.</p> <p>(2) Habitual intemperance in the use of alcohol. Immorality or misconduct that tends to discredit the respiratory therapy profession</p> <p>(3) conduct/ practice which does/ might be danger to health, welfare or safety of patient or public.</p>
Veterinary	N	Y	<p>(1) Chronic inebriety or unlawful use of narcotics, dangerous drugs or controlled substances.</p> <p>(2) Conviction of a crime involving moral turpitude, or conviction of a felony</p>

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CHART OF PROFESSIONS/STATUTES & STATE REGULATIONS

AREA/BOARD	PROFESSIONALS	STATUTES (A.R.S)	REGULATIONS (Ariz. Admin. Code)
Acupuncture Board of Examiners	Acupuncture Licensee; Auricular Certificate Holder	32-3901 § 3954	R4-8-101 § 706
Athletic Trainer	Trainers	32-4101 § 4161	R4-49-101 § 405
Behavioral Health	Professional Counselor; Associate Counselor; Licensed Marriage and Family Therapist; Licensed Associate Marriage and Family Therapist; Licensed Clinical Social Worker; Licensed Master Social Worker; Licensed Baccalaureate Social Worker; Licensed Independent Substance Abuse Counselor; Licensed Associate Substance Abuse Counselor	32-3251 § 3321	R4-6-101 § 1105
Chiropractic Examiners	Chiropractor; Chiropractor Assistant	32-3201 § 3234	R4-7-101 § 1301
Dental Examiners	Dentist; Denturist; Dental Hygienist	32-3201 § 3234	R4-11-101 § 1802
Homeopathic Medicine	Doctor of Homeopathic Medicine, Medical Assistant in Homeopathic Medicine	32-2901 § 2951	R4-38-101 § 403

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BOARD	PROFESSIONALS	STATUTES (A.R.S)	REGULATIONS (Ariz. Admin. Code)
Massage Therapy	Massage Therapist	32-4201 □ 4259	R4-15-101 □ 401
Medical Board	Medical Doctors; Medical Assistants	32-3201 □ 3234	R4-25-101 □ 605
Naturopathic	Naturopathic Physician	32-3201 □ 3234	R4-18-101 □ 802
Nursing	Registered Nurse; Clinical Nurse Specialist	32-1501 □ 1581	R4-19-101 □ 815
Occupational Therapy	Occupational Therapists, Occupational Therapy Assistants	32-3401 □ 3445	R4-43-201 □ 302
Optometry	Optometrists	32-1701 □ 1774	R4-21-201 □ 309
Osteopathic Examiners	Osteopathic Physicians	32-1800 □ 1871	R4-22-101 □ 212
Pharmacy	Pharmacists, Pharmacy technician, Pharmacist Tech Trainee	32-1901 □ 1996	R4-23-101 □ 1211
Physical Therapy	Physical therapists, Physical therapist assistants	32-2001 □ 2052	R4-24-101 □ 506

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BOARD	PROFESSIONALS	STATUTES (A.R.S)	REGULATIONS (Ariz. Admin. Code)
Physician Assistant (Medical Board)	Physician Assistants	32-2501 § 2558	R4-17-101 § 403
Podiatry Examiners	Doctors of Podiatry	32-801 § 871	R4-25-101 § 605
Psychology	Psychologists, Behavioral Analysts	32-2061 § 2091.14	R4-26-101 § 308
Radiological Tech	Radiologic technologist Radiologist assistant	32-2801 § 2843	
Respiratory Care	Respiratory Therapist; Respiratory Therapy Technician	32-3501 § 3558	R4-45-101 § 302
Veterinary	Vets; Vet Technician; Equine Dental Tech	32-2201 § 2250	R3-11-101 § 1010