ARIZONA: Summary of Fraud and Abuse Statutes and Regulations

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CONTENT:
1) Anti-Kickback
2) Prohibitions on Self-Referral
3) False Claims / Fraud and Abuse
4) Unfair Business Practices
5) General Whistleblower Protections
6) Helpful Links

1) ANTI-KICKBACK

Criminal Code—Miscellaneous Offenses—A.R.S. § 13-3713(A)—Consideration for referral of patient, client or customer; fraud; violation; classification.

It is unlawful for a person to knowingly offer, deliver, receive, or accept any rebate, refund, commission, preference, or other consideration in exchange for a patient, client, or customer referral to any individual, pharmacy, laboratory, clinic, or health care institution providing medical or health-related services or items under A.R.S. § 11-291 et seq. (providing for indigent care), or A.R.S. § 36-2901 et seq., or providing for the Arizona Health Care Cost Containment System (AHCCCS), other than specifically provided under those sections. Certain payments in connection with clinical trials regulated by the U.S. Food and Drug Administration from a medical researcher to a physician licensed by the Arizona Medical Board or the Board of Osteopathic Examiners in Medicine and Surgery are not violations of this section. A violator is guilty of: a class 3 felony for payment of $1,000 or more; a class 4 felony for payment of more than $100 but less than $1,000; or a class 6 felony for payment of $100 or less.

Public Health and Safety—Health Care Institutions—A.R.S. § 36-427(A)—Suspension or revocation; intermediate sanctions.

Director of the Arizona Department of Health Services may pursue disciplinary actions against a health care institution if its owners, officers, agents, or employees knowingly aid, permit, or abet the commission of any crime involving medical and health-related services, or have been, are or may continue to be in substantial
violation of the requirements for licensure of the institution, as a result of which the health or safety of one or more patients or the general public is in immediate danger.

Public Health and Safety—Health Care Institutions—A.R.S. § 36-446.07(A) - (C)—Disciplinary actions; grounds for disciplinary action; renewal; continuing education; inactive status; hearings; settlement; judicial review.
The Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers can suspend or revoke the license of any nursing care institution administrator for, among other reasons, payment to any person for solicitation or procurement, either directly or indirectly, of nursing home patronage. Also, the board can suspend or revoke the license of any nursing care institution administrator or an assisted living facility manager or pursue other disciplinary actions for conviction of a felony. The board may impose a civil penalty in an amount not to exceed $500 on any nursing care institution administrator or assisted living facility manager who violates this article or any rule adopted pursuant this article.

Professions and Occupations—Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers—A.A.C. R4-33-208(B)(3), (D)—Standards of conduct; disciplinary action.
An administrator shall not directly or indirectly permit a nursing care institution or its owners, officers, or employees to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with the furnishing of items or services to patients of the institution or for referral of patients to another person or place if the resulting economic benefit is not directly passed on to the patients. An administrator who violates any provision of this article is subject to discipline under A.R.S. § 36-446.07.

Professions and Occupations—Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers—A.A.C. R4-33-407(B)(3), (D)—Standards of conduct; disciplinary action.
A manager shall not directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to residents or for referring a resident to another person or place, unless the resulting economic benefit is directly passed to the resident. Any manager who violates the provisions of this article is subject to provisions of A.R.S. § 36-446.07 relating to suspension, revocation, or denial of the certificate.

Health Services—Arizona Health Care Cost Containment System Administration—Children’s Health Insurance Program—A.A.C. R9-22-504(A), (B)—Marketing; prohibition against inducements; misrepresentations; discrimination; sanctions.
A contractor or a contractor’s marketing representative shall not offer or give any form of compensation or reward, or engage in behavior or activity that can be reasonably construed to be coercive, to induce or procure AHCCCS enrollment with the contractor. A marketing representative shall not misrepresent itself, the
contracting health plan represented, or the AHCCCS program through false statements, false advertising, or in any other manner to induce a member of another contractor to enroll in the represented health plan. Any marketing solicitation offering a benefit, good, or service in excess of the covered services is deemed an inducement.

Health Services—Arizona Health Care Cost Containment System Administration—A.A.C. R9-31-504—Marketing; prohibition against inducements; misrepresentations; discrimination; sanctions. The Children’s Health Insurance Program follows the requirements of A.A.C. R9-22-504.

Public Health and Safety—Clinical Laboratories—A.R.S. § 36-472(A)—Rebates, fee splitting, and solicitation of referrals prohibited. An owner or director of a laboratory is prohibited from soliciting referrals to his or another laboratory in a manner that offers or implies an offer of rebates to the person submitting specimens or other fee-splitting inducements or participate in any fee-splitting arrangements. Prohibited solicitation can occur personally or through an agent. The prohibition applies to contents of fee schedules, billing methods, or personal solicitation. A fixed-fee contract for laboratory services independent of the number of submitted specimens is a violation of this section.

Professions and Occupations—Podiatry—A.R.S. § 32-854.01(1), (7), (8), (10), (19), (22), (24)—Unprofessional Conduct. Unprofessional conduct, under the Podiatry chapter, whether occurring in Arizona or another state, includes requesting, listing, accepting, or receiving any rebate or commission for prescribing or recommending any footwear, drug, medicine, or other article to the licensee’s patients. It also includes fee splitting under any guise whatsoever and committing a felony, or a misdemeanor involving moral turpitude. Obtaining a fee by fraud, deceit, or misrepresentation, or charging for services not rendered will constitute unprofessional conduct. The statute also mentions that unprofessional conduct includes violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of the Podiatry chapter. Additionally, under A.R.S. § 32.852.01, unprofessional conduct includes a podiatrist failing to report any evidence that appears to show a violation of this section.

Unprofessional conduct defined as offering, giving, or promising, either directly or indirectly, any gift in return for the procurement of a patient or patients for podiatry treatment only includes a situation where the podiatrist promises something of value in return for getting a person to induce another person to obtain treatment from that podiatrist.
Professions and Occupations—Chiropractic—A.R.S. § 32-924(A)(11)—*Grounds for disciplinary action; hearing; civil penalty; definition.*
Regardless of where it occurs, giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly, are grounds for disciplinary action.

Professions and Occupations—Dentistry—A.R.S. § 32-1201.01(11), (28)—*Definition of unprofessional conduct.*
Unprofessional conduct, under the Dentistry chapter, includes dividing a professional fee or receiving any consideration for patient referrals among or between dental care providers or dental care institutions or entities. However, the division of fees among licensees who are engaged in a bona fide employment, partnership, or corporate or contractual relationship for the delivery of professional services is not prohibited. Unprofessional conduct includes failing to report in writing evidence that a licensee is engaging in unprofessional conduct.

Professions and Occupations—Medicine and Surgery—A.R.S. § 32-1401(27)(s), (u), (ff)—*Definitions.*
Unprofessional conduct, under the Medicine and Surgery chapter, whether occurring in Arizona or elsewhere includes dividing a professional fee, or instituting a contractual arrangement that has the same effect, for patient referrals among health care providers or health care institutions or between these providers and institutions. The fee-splitting provision does not apply to payments from a medical researcher to a physician for clinical trials regulated by the U.S. Food and Drug Administration. Unprofessional conduct also includes: violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of the Medicine and Surgery chapter; and knowingly failing to disclose to a patient on a form that is prescribed by the Board of Medical Examiners and that is dated and signed by the patient acknowledging that the doctor has a direct financial interest in a separate diagnostic or treatment agency or in non-routine goods and services prescribed to the patient if available on a competitive basis, except this prohibition does not apply to a referral by one doctor of medicine to another doctor of medicine within a group of doctors of medicine practicing together.

Professions and Occupations—Naturopathic Medicine—A.R.S. § 32-1501(31)(n), (ff), (pp)—*Definitions.*
Unprofessional conduct, under the Naturopathic Medicine chapter, whether occurring in Arizona or elsewhere includes giving or receiving, or aiding or abetting the giving or receiving of, rebates, either directly or indirectly. It includes charging a fee for a service not rendered or dividing a professional fee (or instituting a contractual arrangement that has the same effect) for patient referrals among health care providers or health care institutions or between these providers and institutions. It also includes failing to report in writing to the board evidence that a person licensed, certified, or registered pursuant to this chapter is or may be medically incompetent, guilty of unprofessional conduct, or mentally or physically unable to safely practice or assist in the practice of naturopathic medicine.
Professions and Occupations—Dispensing Opticians—A.R.S. § 32-1696(A)(3)—Unlawful acts; grounds for disciplinary action; classification.
It is unlawful for dispensing opticians to give, pay, or receive, or offer to give, pay, or receive, directly or indirectly, any gift, premium, discount, rebate, or remuneration to or from any physician or optometrist in return for the referral of patients or customers.

Professions and Occupations—Optometry—A.R.S. § 32-1701(8)(b)—Definitions
Unprofessional conduct includes charging a fee for services not rendered or dividing a professional fee, or instituting a contractual arrangement that has the same effect, for patient referrals among health care providers or health care institutions or between these providers and institutions. This subdivision does not prohibit a bona fide lease based on revenues earned by a licensee.

Professions and Occupations—Osteopathic Physicians and Surgeons—A.R.S. § 32-1854(14), (20)—Definition of unprofessional conduct.
Unprofessional conduct, under the Osteopathic Physician and Surgeons chapter, whether occurring in Arizona or elsewhere, includes charging a fee for services not rendered or dividing a professional fee for referrals. This does not include payments from a medical researcher to a physician in connection with clinical trials regulated by the U.S. Food and Drug Administration. It also includes violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.

Professions and Occupations—Pharmacy—A.R.S. § 32-1901.01(A)(18), (25), (B)(19), (24), (C)(15)—Definition of unethical and unprofessional conduct; permittees; licensees.
Unprofessional conduct by a pharmacist, pharmacy intern, or graduate intern, under the Pharmacy chapter, whether occurring in Arizona or another state, includes: paying rebates or entering into an agreement for the payment of rebates to a medical practitioner or any other person in the health care field; and violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate, this chapter. Unprofessional conduct, under the Pharmacy chapter, for the purpose of disciplining a pharmacy technician or pharmacy technician trainee includes: violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate, this chapter. Unprofessional conduct, under the Pharmacy chapter, whether occurring in Arizona or another state, for the purpose of disciplining a permittee includes distributing premiums or rebates of any kind in connection with the sale of prescription medication. However, distributing rebates or premiums to the prescription medication recipient is permitted. Unethical conduct, similar to unprofessional conduct also includes violating and attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate, this chapter.
Professions and Occupations—Pharmacy—**A.R.S. § 32-1979.02(D)**—**Oral fluoride varnish; prescription and administration authority; requirements.**
A pharmacist may not give or receive, either directly or indirectly, a payment, kickback, rebate, bonus or other remuneration for a referral to a dentist or physician for any patients identified as at moderate or high-risk of caries.

Discount for prompt payment offered by a pharmacist to a nursing home would be a rebate and a violation of A.R.S. § 32-1927 and § 32-1932, which authorizes the suspension, revocation, or placing on probation a pharmacy permit for rebates of any kind in connection with the sale of prescription medication, other than to the prescription medication recipient.

Professions and Occupations—Board of Pharmacy—**A.A.C. R4-23-404(A), (B), (D)**—**Unethical Practices.**
Rebates are prohibited. A pharmacist or pharmacy permittee shall not offer, deliver, receive, or accept any unearned rebate, refund, commission, preference, patronage dividend, discount, or other unearned consideration, whether in the form of money or otherwise, as compensation or inducement to refer a patient, client, or customer to any person. However, the regulation does allow a rebate or premium paid completely and directly to the patient. A pharmacist or pharmacy permittee shall not make payment for a prescription order prescribed by the medical practitioner and shall not make payment to a long term care or assisted living facility or other health care institution in money, discount, rental, or other consideration in an amount above the prevailing rate for prescription medication or devices dispensed or sold for a patient or resident of the facility institution or drug selection or drug utilization review services, drug therapy management services, or other pharmacy consultation services provided for a patient or resident of the facility or institution. Additionally, prescription order-blank advertising is prohibited. A pharmacist or pharmacist permittee shall not directly or indirectly furnish a medical practitioner with, nor actively or passively participate in an arrangement for, order-blanks that display the name of a pharmacy or pharmacist in any manner. A pharmacist shall not claim a fee for service that is not performed or earned or divide a prescription order to obtain an additional fee.

Professions and Occupations—Board of Physical Therapy—**A.R.S. § 32-2044(7), (11), (13), (17)**—**Grounds for disciplinary action.**
Directly or indirectly requesting, receiving, or participating in dividing, transferring, assigning, rebating, or refunding of an unearned fee or profiting by means of any credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services is grounds for disciplinary action under the Board of Physical Therapy chapter. This does not prohibit members of a regularly and properly organized business entity, recognized by law and composed of physical therapists, from dividing fees amongst themselves to cover joint operating expenses. Also, grounds for disciplinary action are: a violation of the Board of Physical Therapy chapter; charging unreasonable or
fraudulent fees for services performed or not performed; committing a felony, or a misdemeanor involving moral turpitude; and failing to report directly knowledge of an unprofessional or illegal act that appears in violation of this chapter or board rules.

Unethical professional conduct, under the Radiologic Technologists chapter, whether occurring in Arizona or elsewhere includes: giving or receiving, or aiding or abetting the giving or receiving, of rebates, either directly or indirectly; and violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate the provisions of this chapter or a rule adopted by the board.

Professions and Occupations—Homeopathic Physicians—A.R.S. § 32-2933(A)(3), (5), (15), (18), (22), (33)—Definition of unprofessional conduct.
Unprofessional conduct, under the Homeopathic Physicians chapter, whether occurring in Arizona or elsewhere includes giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly. It also includes: committing a felony, or committing a misdemeanor involving moral turpitude; violating a federal, state, county, or municipal law or regulation applicable to the practice of medicine or relating to public health; charging a fee for services not rendered or charging and collecting a clearly unreasonable fee; being disciplined by another licensing jurisdiction for unprofessional conduct as defined by that jurisdiction that directly or indirectly corresponds to any act of unprofessional conduct under this section; and violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate this chapter or any board rule.

Professions and Occupations—Behavioral Health Professionals—A.R.S. § 32-3251(16)(a), (n), (ee), (ff), (ii), (ll)—Definitions.
Unprofessional conduct, under the Behavioral Health chapter, whether occurring in Arizona or another state, includes giving or receiving a payment, kickback, rebate, bonus, or other remuneration for a referral; conviction for a felony; failing to comply with or violating, attempting to violate, or assisting in or abetting the violation of any provision of this chapter or rule adopted pursuant to the chapter; being the subject of discipline related to a professional license, certificate, or registration in another jurisdiction; violating any federal or state law, rule, or regulation applicable to the practice of behavioral health; and failing to report to the Board of Behavioral Health Examiners information that would cause a reasonable licensee to believe that another licensee is guilty of unprofessional conduct. This duty to report does not extend to information provided by a licensee that is protected by the behavioral health professional-client privilege unless there is a clear and imminent danger to the client or others.
Professions and Occupations—Respiratory Care—A.R.S. § 32-3501(9)(a), (k), (l)—Definitions.
Unprofessional conduct, under the Respiratory Care chapter, includes committing a felony or a misdemeanor involving moral turpitude, and violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this chapter. Unprofessional conduct also includes the failure to report to the Board of Respiratory Care Examiners within ten calendar days an incident or incidents which appear to show the existence of a cause for disciplinary action.

2) PROHIBITIONS ON SELF-REFERRAL

Professions and Occupations—Board of Chiropractic Examiners—A.A.C. R4-7-902(1)—Unprofessional or Dishonorable Conduct.
Unprofessional or dishonorable conduct under A.R.S. § 32-924 includes failing to disclose in writing to a patient or third-party payor that the chiropractor has a financial interest in the diagnostic or treatment facility, test, good, or service when referring a patient for a prescribed diagnostic test, treatment, good, or service and that the diagnostic test, treatment, good or service is available on a competitive basis from another provider. This does not apply to a referral by one licensee to another within a group practice.

Unprofessional conduct, under the Medicine and Surgery chapter, whether occurring in Arizona or elsewhere includes knowingly failing to disclose to a patient that the doctor has a direct financial interest in a separate diagnostic or treatment agency or in non-routine goods or services that the patient is being prescribed. This disclosure should be made on a form, prescribed by the Medical Board, stating that the patient understands the direct financial interest, and which is dated and signed by the patient or guardian. The doctor also should disclose that the goods or services are available on a competitive basis. This disclosure requirement does not apply to a referral by one doctor of medicine to another doctor of medicine within a group of doctors of medicine practicing together.

Unprofessional conduct, under the Naturopathic Medicine chapter, whether occurring in Arizona or elsewhere includes referral to a diagnostic or treatment facility or prescription of goods or services without disclosure to a patient that the naturopathic physician has a pecuniary interest in the referred to or prescribed facility, goods, or services. This disclosure requirement does not apply to a referral by one physician or practitioner to another physician or practitioner practicing together.
Professions and Occupations—Board of Optometry—A.A.C. R4-21-303(C)—Affirmative Disclosures Required.
A licensee who refers a patient to a facility in which the licensee or a member of the licensee’s family has an ownership or employment interest shall advise the patient of the interest at time of referral.

Professions and Occupations—Osteopathic Physicians and Surgeons—A.R.S. § 32-1854(33), (47)(a)–(b)—Definition of unprofessional conduct.
Unprofessional conduct, under the Osteopathic Physicians and Surgeons chapter, whether occurring in Arizona or elsewhere, includes referring a patient to a diagnostic or treatment facility or prescribing goods and services without disclosing that the physician has a direct pecuniary interest in the facility, goods, or services to which the patient has been referred or prescribed. This provision does not apply to a referral by one physician to another physician within a group of physicians practicing together. It also includes failing to disclose to a patient that the licensee has a direct financial interest in a prescribed treatment, good, or service if the treatment, good, or service is available on a competitive basis. This provision does not apply to a referral by one licensee to another licensee within a group of licensees who practice together. A licensee meets the disclosure requirements of this provision if all of the following are true: the licensee makes the disclosure on a form prescribed by the Board of Osteopathic Examiners; and the patient or the patient’s guardian or parent acknowledges by signing the form that the licensee has disclosed the licensee’s direct financial interest.

Professions and Occupations—Board of Physical Therapy—A.R.S. § 32-2044(17), (21)—Grounds for disciplinary action.
Promoting an unnecessary device, treatment intervention, or service for the financial gain of the practitioner or of a third party, and failing to report direct knowledge of an unprofessional, incompetent, or illegal act that appears in violation of this chapter or board rules, and a violation of the Board of Physical Therapy chapter are grounds for disciplinary action under the Board of Physical Therapy chapter.

Unprofessional conduct, under the Physician Assistants chapter, whether occurring in Arizona or another state includes knowingly failing to disclose to a patient that the licensee has a direct financial interest in a separate diagnostic or treatment agency or in non-routine goods or services that the patient is being prescribed. This disclosure should be made on a form prescribed by the Board of Physician Assistants, stating that the patient understands the direct financial interest, and which is dated and signed by the patient or guardian. The physician assistant also should disclose that the goods or services are available on a competitive basis. This disclosure requirement does not apply to a referral by one physician assistant to another physician assistant or to a doctor of medicine or doctor of osteopathy within a group working together.
3) FALSE CLAIMS/FRAUD & ABUSE

In any matter related to business conducted by any department, agency, board, commission, or political subdivision of Arizona, it is a class 5 felony for any person, pursuant to a scheme or artifice to defraud or deceive, to knowingly falsify, conceal, or cover up a material fact by any trick, scheme, or device or make or to use any false writing or document knowing that it contains false or fraudulent statements.

Criminal Code—Miscellaneous Offenses—A.R.S. § 13-3713(B), (C), (F)—Consideration for referral of patient, client or customer; fraud; violation; classification.
A person who knowingly presents false information or misrepresents or conceals a material fact on an application for coverage under the AHCCCS or under A.R.S. § 11-291 or knowingly fails to notify the county of residence of a change in conditions that would have resulted in a termination of or change in eligibility status under the AHCCCS or under A.R.S. § 11-291 is guilty of a class 6 felony. Knowing use of any means of identification not authorized by the AHCCCS to obtain or attempt to obtain coverage or using identification fraudulently to obtain or attempt to obtain coverage is a class 5 or 6 felony or a class 1 misdemeanor depending on the value of medical or health coverage. A person who knowingly aids or abets a person in commission of an offense under this section is guilty of a class 5 felony.

Insurance—Transaction of Insurance Business—A.R.S. § 20-463(A)(1)(C), (A)(5)—Fraud; injunction; penalties; restitution; definitions.
In connection with a claim for payment or benefit from an insurance policy, it is unlawful and fraudulent practice for a person to knowingly present, prepare with knowledge or belief that it will be presented, or cause to be presented to an insurer, insurer, insurance producer, or agent of a re-insurer, untrue statements of material fact or statements omitting a material fact. This includes preparation of computer-generated documents. It is also unlawful and a fraudulent practice for a person to knowingly assist, abet, solicit, or conspire with another person to present such false statements or omissions.

Public Health and Safety—Health Care Institutions—A.R.S. § 36-427(A)_2—Suspension or revocation; intermediate sanctions.
The director of the Arizona Department of Health Services may pursue disciplinary actions against health care institutions if its owners, officers, agents, or employees knowingly aid, permit, or abet the commission of any crime involving medical and health-related services.

Public Health and Safety—Arizona Health Care Cost Containment System Administration—A.R.S. § 36-2905.04(A-C), (I)—Eligibility by fraud; penalties; enforcement; classification.
A person shall not provide or cause to be provided false or fraudulent information to the state as part of an application for coverage eligibility in the AHCCCS. In addition
to other penalties, if the person would have been ineligible for the system had true information been provided, the person providing the information is subject to a civil penalty not to exceed the amount incurred by the system on behalf of the person, and the person’s eligibility may be discontinued. In addition to requirements in state law, the Medicaid fraud and abuse controls that are enacted under federal law apply to all persons eligible for the system and all contractors, non-contracting providers, and subcontracted providers that provide services to persons who are eligible for the system. A person who knowingly aids or abets a person under this section is guilty of a class 5 felony.

Public Health and Safety—Arizona Health Care Cost Containment System Administration—**A.R.S. § 36-2918(A)(2), (A)(3)(a-c), (B)**—Prohibited acts; penalties; subpoena power. A person may not present or cause to be presented a claim for medical or other item or service under the AHCCCS to the state or to a contractor that the person knows or has reason to know is false or fraudulent. A person may also not present or cause to be presented to the state or a contractor a claim for payment that the person knows or has reason to know may not be made by the System as the person was terminated or suspended from the program on the date for which the claim is being made, the item or service was substantially more than was needed or of a quality that does not meet professionally recognized standards of care, or the patient was not a member on the date for which the claim is being made. A person who violates this section is subject to, in addition to other penalties, a civil penalty not to exceed $2,000 for each item or service claimed and is subject to an assessment not to exceed twice the amount claimed for each item or service.

Public Health and Safety—Arizona Health Care Cost Containment System Administration—**A.R.S. § 36-2918.01**—Duty to report fraud or abuse; immunity. All contractors, subcontracted providers of care, and non-contracting providers shall notify the director of the AHCCCS or director’s designee immediately in a written report of any cases of suspected fraud or abuse. Failure to do so is considered an act of unprofessional conduct, subject to disciplinary action by the appropriate professional regulatory board or department. Information or records furnished in good faith pursuant to this section grants the person immunity from civil liability for providing the information.

Public Health and Safety—Arizona Health Care Cost Containment System Administration—**A.R.S. § 36-2957(A)(2), (A)(3)(b), (B)**—Prohibited acts; penalties. A person may not present or cause to be presented a claim for an item or other service under the Arizona Long Term Care System to the state or to a contractor that the person knows or has reason to know is false or fraudulent. A person may not present a claim for payment for an item or service which the person knows or has reason to know is substantially in excess of the needs of the individual or of a quality that fails to meet professionally recognized standards of care. A person who violates this section is subject to, in addition to other penalties, a civil penalty not to
exceed $2,000 for each item or service claimed and is subject to an assessment not to exceed twice the amount claimed for each item or service.

Public Health and Safety—Arizona Health Care Cost Containment System Administration—A.R.S. § 36-2991(A-C), (H)—Fraud; penalties; enforcement; violation; classification.
A person shall not provide or cause to be provided false or fraudulent information to the state as part of an application for coverage eligibility in the Children’s Health Insurance Program. In addition to other penalties, if the person would have been ineligible for the system had true information been provided, the person is subject to a civil penalty not to exceed the amount incurred by the system on behalf of the person. In addition to requirements in state law, applicable fraud and abuse controls that are enacted under federal law apply to all persons eligible for the system and all contractors, non-contracting providers, and subcontracted providers that provide services to persons who are eligible for the system. A person who knowingly aids or abets a person under this section is guilty of a class 5 felony.

All contractors and non-contracting providers shall notify the director of the AHCCCS or director’s designee immediately in a written report of any cases of suspected fraud or abuse regarding the Children’s Health Insurance Program. Failure to do so is considered an act of unprofessional conduct, subject to disciplinary action by the appropriate professional regulatory board or department. Information or records furnished in good faith pursuant to this section grants the person immunity from civil liability for providing the information.

A doctor who sends a specimen to another laboratory for processing may only bill what the independent laboratory actually charged and may add a separate bill for specimen collection.

Professions and Occupations—Chiropractic—A.R.S. § 32-924(A)(1), (5)-(6), (11), (13-14), (16), (23-26), (B)—Grounds for disciplinary action; hearing; civil penalty; definition.
Regardless of where they occur, the following, among other things, are grounds for disciplinary action by the state Board of Chiropractic Examiners: employment of fraud or deception in securing a license; unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession; giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly; advertising in a false, deceptive, or misleading manner; having had a license refused, revoked, or suspended by any other state or country, unless it can be shown that the action was not taken for reasons that relate to the ability to safely and skillfully practice chiropractic or to any act of unprofessional conduct; intentionally misrepresenting to or omitting a material fact from the patient
or third-party payer concerning charges, services, appliances, tests, equipment, an
X-ray examination, or other procedures offered or provided; advertising chiropractic
services, appliances, tests, equipment, X-ray examinations, or other procedures for
a specified price without also specifying the services, procedures, or items included
in the advertised price; advertising chiropractic services, appliances, tests, equipment, X-ray examinations, or other procedures as free without also disclosing
what services or items are included in the advertised service or item; billing or
charging a patient or third-party payer a higher price than the advertised price in
effect at the time the services, appliances, tests, equipment, X-ray examinations, or
other procedures were provided; conviction of a felony or of a misdemeanor
involving moral turpitude; and violating or attempting to violate, directly or indirectly,
or assisting in or abetting the violation of or conspiring to violate any of the
provisions of this chapter or any board order. The state Board of Chiropractic
Examiners can on its own motion or in response to a complaint investigate
information that appears to show that a chiropractor is or may be in violation of this
chapter or any board rules, or may be mentally or physically unable to safely engage
in the practice of chiropractic. The Board shall notify the licensee as to the content of
the complaint as soon as is reasonable. Any person who reports or provides
information to the board in good faith is not subject to civil damages as a result of
that action.

Professions and Occupations—State Board of Chiropractic Examiners—A.A.C.
R4-7-901—Advertising of a Deceptive and Misleading Nature.
Advertising of a false, deceptive, or misleading manner includes: advertising
painless procedures; advertising complete health services; or advertising that uses
the words “specialist,” “specializing,” or “expert.” The state Board of Chiropractic
Examiners shall investigate and may sanction a licensee for such an allegation
under A.R.S. § 32-924.

Professions and Occupations—Dentistry—A.R.S. § 32-1201.01—Definition of
unprofessional conduct.
Unprofessional conduct, under the Dentistry chapter, whether occurring in Arizona or
elsewhere, includes: intentional betrayal of a professional confidence or intentional
violation of a privileged communication except as otherwise required by law; using
controlled substances, narcotic drugs, dangerous drugs or marijuana, or hypnotic
drugs, or alcohol to the extent it affects the ability of the dentist, denturist, or dental
hygienist to practice; prescribing, dispensing, or using drugs for other than accepted
dental therapeutic purposes or for other than medically indicated supportive therapy
in conjunction with managing a patient’s dental needs; gross malpractice or repeated
acts constituting malpractice; acting or assuming to act as a member of the state
Board of Dental Examiners if not true; procuring or attempting to procure a certificate
of the national Board of Dental Examiners or a license to practice dentistry or dental
hygiene by fraud or misrepresentation or by knowingly taking advantage of the
mistake of another; or having professional connection with or lending one’s name to
an illegal practitioner of dentistry or other healing arts. It also includes representing
that a manifestly not correctable condition, disease, injury, ailment, or infirmity can
be permanently corrected, or that if correctable, can be corrected within a stated time, if this is not true; offering, undertaking or agreeing to correct, cure, or treat a condition, disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality; refusing to divulge to the Board the means, method, device, or instrumentality used in the treatment of a condition, disease, injury, ailment, or infirmity; dividing a professional fee or offering, providing or receiving any consideration for patient referrals among or between dental care providers or institutions; or knowingly making any false or fraudulent statement, written or oral, in connection with the practice of dentistry. In addition, unprofessional conduct includes the refusal, revocation or suspension of a license or any other disciplinary action taken against a dentist by, or the voluntary surrender of a license in lieu of disciplinary action to, any other state, territory, district or country, unless the Board finds that this action was not taken for reasons that relate to the person's ability to safely and skillfully practice dentistry or to any act of unprofessional conduct; any conduct or practice that constitutes a danger to the health, welfare, or safety of the patient or public; repeated irregularities in billing; obtaining a fee by fraud or misrepresentation; or willfully or intentionally filing a fraudulent claim with a third party for services rendered or to be rendered to a patient; employing unlicensed persons to perform or aiding and abetting unlicensed persons in the performance of work that can only be legally done by licensed persons; practicing dentistry under a false or assumed name; willfully or intentionally causing or permitting supervised personnel or auxiliary personnel operating under the licensee's supervision to commit illegal acts or perform an act or operation other than those permitted under the Dentistry chapter; directly or indirectly publishing or circulating false, fraudulent, or misleading statements concerning the skill, methods, or practices of the licensee or another person or any other advertising that tends to deceive or defraud the public; failing to appropriately dispense drugs or devises; failing to comply with a Board order; failing to comply with a Board subpoena in a timely manner; failing or refusing to maintain adequate patient records or allow properly authorized Board personnel to inspect the place of practice and have access to the documents, books, and records; refusing to submit to a body fluid examination as required through a monitored treatment program or pursuant to a Board investigation; failing to inform a patient of a type of material the dentist will use in the patient’s dental filling and the reason why it is used; failing to report any evidence to the Board in writing that, or filing a false report that, a dentist, denturist, or dental hygienist is or may be professionally incompetent, engaging in unprofessional conduct, impaired by drugs or alcohol, or mentally or physically unable to safely engage in the activities of a dentist, denturist, or dental hygienist; or practicing dentistry, dental hygiene, or denturism in an entity that is not registered with the Board.

Professions and Occupations—Medicine and Surgery—A.R.S. § 32-1401(27)(c), (p), (s), (l), (u), (v), (w), (pp)—Definitions. Unprofessional conduct, under the Medicine and Surgery chapter, whether occurring in Arizona or elsewhere, includes: false, fraudulent, or misleading advertising by a doctor of medicine or the doctor’s staff, employer, or representative; sanctions imposed by an agency of the federal government, including restricting, suspending,
limiting, or removing a person from the practice of medicine or restricting the
person’s ability to obtain financial remuneration; violating or attempting to violate,
directly or indirectly, or assisting in or abetting the violation of or conspiring to violate
any provision of the medicine and surgery chapter; knowingly making any false or
fraudulent statement, written or oral, in connection with the practice of medicine or if
applying for privileges or renewing an application for privileges at a health care
institution; charging a fee for services not rendered or dividing a professional fee for
patient referrals among health care providers or health care institutions or between
these providers and institutions or a contractual arrangement that has the same
effect; obtaining a fee by fraud, deceit, or misrepresentation; charging or collecting a
clearly excessive fee; and the failure of a physician who is the chief executive officer,
medical director, or medical chief of staff of a health care institution to report to the
board in writing that the hospital privileges of a doctor have been denied, revoked,
suspended, supervised, or limited because the doctor may be medically
incompetent, guilty of unprofessional conduct, or may be unable to safely engage in
the practice of medicine.

Professions and Occupations—Naturopathic Medicine—A.R.S. § 32-
1501(31)(i), (n), (u), (w), (pp), (qq)—Definitions.
Unprofessional conduct, under the Naturopathic Medicine chapter, whether
occurring in Arizona or elsewhere includes: procuring or attempting to procure a
license or a certificate pursuant to this chapter by fraud, misrepresentation, or
knowingly taking advantage of the mistake of another person or agency; false,
fraudulent, or misleading advertising or advertising the quality of a medical or health
care service, by a naturopathic physician, the physician’s staff, employer, or
representative; giving or receiving, or aiding or abetting the giving or receiving of
rebates, either directly or indirectly; referring a patient to a diagnostic or treatment
facility or prescribing goods and services without disclosing in writing to the
patient that the physician has a pecuniary interest in the facility, goods, or services to which
the patient as referred or prescribed; charging a fee for services not rendered or
dividing a professional fee for patient referrals among health care providers or health
care institutions or between these providers and institutions or a contractual
arrangement that has this effect; and obtaining a fee by fraud, deceit, or
misrepresentation.

Professions and Occupations—Dispensing Opticians—A.R.S. § 32-1696(A)(1,
4, 8), (B), (C)—Unlawful acts; grounds for disciplinary action; classification.
It is unlawful for a dispensing optician to: obtain or attempt to obtain a license by
fraud or misrepresentation or by knowingly taking advantage of a mistake of another
person or agency; engage in false or misleading representations by knowingly and
with the intent to sell to the public real or personal property or services; or induce the
public to acquire an interest in real or personal property or services, make and
publish an advertisement, either printed or by public proclamation, or otherwise,
containing any false, fraudulent, deceptive, or misleading representations in respect
to such property or services or the manner of sale or distribution. It is also unlawful
for a dispensing optician to fraudulently, dishonestly, illegally, or unprofessionally
conduct the practice of optical dispensing or engage in any conduct that would tend to do harm to the visual health of the public. A person who violates a rule of the state Board of Dispensing Opticians is subject to disciplinary action. A person who violates any of the provisions provided above is guilty of a class 1 misdemeanor.

**Professions and Occupations—Optometry**—**A.R.S. § 32-1743(A)(1-4, 6, 8, 12, 14)**—Grounds for censure, civil penalty, probation, suspension, revocation, denial or renewal of license, certificate or registration. The state Board of Optometry may, in its discretion and after notice and a hearing, censure, impose a civil penalty, prescribe probation, suspend, or revoke the license of a doctor of optometry or refuse to issue or renew a license, certificate, or registration for, among other things, any of the following reasons: conviction of a felony or any offense involving moral turpitude; procuring or attempting to procure a license to practice optometry or a certificate to use pharmaceutical agents by fraud, deceit, misrepresentation, or knowingly taking advantage of the mistake of another person or agency; conduct likely to deceive or defraud the public; unprofessional conduct; obtaining a fee or compensation by fraud or misrepresentation; using a profit-sharing plan or partnership with a person not licensed to practice optometry in the state or any other device to evade the provisions of the Optometry chapter; any violation of any provision of this chapter or any statutes, laws, or rules regulating the practice of optometry in this state or any other jurisdiction in the United States; and gross malpractice or repeated acts constituting malpractice.

**Professions and Occupations—State Board of Optometry**—**A.A.C. R4-21-302**—Advertising. This statute prohibits a licensee from knowingly making, publishing, or using an advertisement that contains any false, fraudulent, deceptive, or misleading representations. A licensee may advertise that the licensee has a practice limited in some way if the licensee does not use term "specialist" or any derivative of the term "specialist." A licensee must also ensure that the content of any advertisement or directory that includes the licensee’s name and address is accurate and includes the title and type of license that the licensee holds.

**Professions and Occupations—Osteopathic Physicians and Surgeons**—**A.R.S. § 32-1854(2, 9, 12, 13, 15, 16, 19, 26, 31, 35, 38, 45)**—Definition of unprofessional conduct. Unprofessional conduct, under the Osteopathic Physicians and Surgeons chapter, whether occurring in Arizona or elsewhere, includes advertising in a false, deceptive, or misleading manner. It also includes: committing a felony or a misdemeanor involving moral turpitude; procuring, renewing, or attempting to procure or renew a license to practice osteopathic medicine by fraud or misrepresentation; failing to reasonably disclose and inform the patient or the patient’s representative of the method, device or instrumentality used to treat the patient’s disease, injury, ailment, or infirmity; refusing to divulge to the board on demand the means, method, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity; knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine or when applying for or renewing privileges at a health
care institution or a health care program; any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession; charging or collecting an inappropriate fee; obtaining a fee by fraud, deceit, or misrepresentation; violating a federal law, state law, or a rule applicable to the practice of medicine; any conduct or practice that endangers a patient’s or the public’s health or may reasonably be expected to do so; or conduct in the practice of medicine that evidences moral unfitness to practice medicine.

Professions and Occupations—Pharmacy—A.R.S. § 32-1901.01(A)(1, 14-16, 25, 27-29), (B)(8, 17, 18, 24, 26, 27)—Definition of unethical and unprofessional conduct; permittees; licensees.
For the purpose of disciplining a permittee, unprofessional conduct under the Pharmacy chapter, whether occurring in Arizona or another state, includes: committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude or any drug-related offense; obtaining or attempting to obtain a permit or a permit renewal by fraud, misrepresentation, or knowingly taking advantage of the mistake of another person or an agency; willfully making a false report or record required by this chapter, required by federal or state law pertaining to drugs, devices, poisons, hazardous substances, or precursor chemicals or required for the payment for drugs, devices, poisons, or hazardous substances or precursor chemicals or for services pertaining to such drugs or substances; knowingly filing with the board any application, renewal, or other document that contains false or misleading information; distributing premiums or rebates of any kind in connection with the sale of prescription medication, other than to the prescription medication recipient; fraudulently claiming to have performed a service; fraudulently charging a fee for service; and advertising drugs or devices, or services pertaining to drugs or devices, in a manner that is untrue or misleading in any particular, and that is known, or that by the exercise of reasonable care should be known, to be untrue or misleading.

For the purpose of disciplining a pharmacist, pharmacy intern, or graduate intern, unprofessional conduct under the Pharmacy chapter includes, among other things: committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude or any drug-related offense; knowingly filing with the board any application, renewal, or other document that contains false or misleading information; providing false or misleading information or omitting material information in any communication to the board or its employees or agents; paying rebates or entering into an agreement for the payment of rebates to a medical practitioner or any other person in the health care field; fraudulently claiming to have performed a professional service; and fraudulently charging a fee for a professional service.

Professions and Occupations—Psychologists—A.R.S. § 32-2061(16)(a, c, i, j, m, p, x)—Definitions.
Unprofessional conduct, under the Psychologists chapter, whether occurring in Arizona or another state, includes: obtaining a fee by fraud or misrepresentation; making or using statements of a character tending to deceive or mislead; using
fraud, misrepresentation, or deception to obtain or attempt to obtain a psychology license or to pass or attempt to pass a psychology licensing examination or in assisting another person to do so; commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude; making a fraudulent or untrue statement to the board or its investigators, staff, or consultants; falsely or fraudulently claiming to have performed a professional service, charging for a service, or representing a service as the licensee’s own when the licensee has not rendered the service or assumed supervisory responsibility for the service; and engaging in false, deceptive, or misleading advertising.

Unprofessional conduct, under the Physician Assistants chapter, whether occurring in Arizona or another state, includes: false, fraudulent, deceptive, or misleading advertising by a physician assistant or the physician assistant’s staff or representative; knowingly making any written or oral false or fraudulent statement in connection with the performance of health care tests; or when applying for privileges or renewing an application for privileges at a health care institution; knowingly making a false or misleading statement on a form required by the board or in written correspondence or attachments furnished to the board; committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude; knowingly failing to disclose to a patient on a form that is prescribed by the board and that is dated and signed by the patient or guardian acknowledging that the patient or guardian has read and understands that the licensee has a direct financial interest in a separate diagnostic or treatment agency or in non-routine goods or services that the patient is being prescribed and if the prescribed treatment, goods, or services are available on a competitive basis.

Unprofessional conduct, under the Homeopathic Physicians chapter, whether occurring in Arizona or elsewhere, includes advertising in a false, deceptive, or misleading manner. It also includes: commission of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude; procuring or attempting to procure a license to practice homeopathic medicine by fraud, misrepresentation, or knowingly taking advantage of the mistake of another; offering, undertaking, or agreeing to cure or treat a disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality; refusing to divulge to the board on demand the means, method, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity; giving or receiving, or aiding or abetting the giving or receiving of rebates, either directly or indirectly; knowingly making any false or fraudulent statement, written or oral, in connection with the practice of homeopathic medicine except as the same may be necessary for accepted therapeutic purposes; charging a fee for services not rendered or charging and collecting a clearly unreasonable fee; knowingly making a false or misleading statement on a form required by the board or in written correspondence with the board; and failing to
obtain from a patient before an examination or treatment a signed informed consent that includes language that makes it clear the licensee is providing homeopathic medical treatment instead of or in addition to standard conventional allopathic or osteopathic treatment.

Professions and Occupations—Behavioral Health Professionals—A.R.S. § 32-3251 (16)(b, d, h, k, ee)—Definitions.
Unprofessional conduct, under the Behavioral Health Professionals chapter, whether occurring in Arizona or another state, includes any false, fraudulent, or deceptive statement connected with the practice of behavioral health, including false or misleading advertising by the licensee or the licensee’s staff or a representative compensated by the licensee. Unprofessional conduct also includes, among other things: use of fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter; obtaining a fee by fraud, deceit, or misrepresentation; any conduct or practice contrary to recognized standards of ethics in the behavioral health profession or that constitutes a danger to the health, welfare, or safety of the client; and giving or receiving a payment, kickback, rebate, bonus, or other remuneration for a referral.

4) UNFAIR BUSINESS PRACTICES

A person commits deceptive business practices if in the course of engaging in a business, occupation, or profession such person recklessly: uses or possess for use a false weight or measure or any other device for falsely determining or recording any quality or quantity; sells, offers, or exposes for sale or delivers less than the represented quantity of any commodity or service; takes or attempts to take more than the represented quantity of any goods or service when as buyer such person furnishes the weight or measure; or sells or offers or exposes for sale adulterated or mislabeled goods or services. Engaging in a deceptive business practice is a class 1 misdemeanor.

A person commits false advertising if, in connection with the promotion of the sale of property or services, such person recklessly causes to be made or makes a false or misleading statement in any advertisement. Engaging in false advertising is a class 1 misdemeanor.

Trade and Commerce—Competition and Competitive Practices—A.R.S. § 44-1481—Fraudulent advertising practices defined; violation; classification.
It is unlawful for a person to knowingly and with intent to sell to the public real or personal property or services, or to induce the public to acquire an interest therein, to make and publish an advertisement, either printed or by public outcry or
proclamation or otherwise, that contains false, fraudulent, deceptive, or misleading representations in respect to such property or services, or the manner of its sale or distribution. Such false advertising is a class 3 misdemeanor. Similarly, a person is guilty of a class 3 misdemeanor who publishes, circulates, or disseminates any statement or assertion of fact concerning real estate which is known by him to be untrue, and which is made or disseminated with the intention of misleading. Additionally, a merchant who advertises or displays any brand of goods known to the general public and quotes prices in connection therewith as an inducement to attract purchasers to a place of business and makes false statements regarding the quality or merit of the goods advertised is guilty of a class 3 misdemeanor.


The act, use, or employment by any person of any deception, deceptive or unfair act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression, or omission, in connection with the sale or advertisement of any merchandise whether or not any person has been misled, deceived, or damaged thereby, is an unlawful practice.

5) GENERAL WHISTLEBLOWER PROTECTIONS

Public Officers and Employees—Conduct of Office—**A.R.S. § 38-532(A) – (C), (E)**—Prohibited personnel practice; violation; reinstatement; exceptions; civil penalty.

The Arizona whistleblower protection statute for public employees prohibits a public employee who has control over personnel actions from taking reprisal against another public employee for that employee’s disclosure of information of a matter of public concern by the employee to a public body. The employee disclosing such information should reasonably believe that the information evidences a violation of law or mismanagement, a gross waste of money, or an abuse of authority, and should be submitted to the public body in writing, listing the date of disclosure, name of the employee making the disclosure, the nature of the alleged violation, and where possible, the date or range of dates on which the alleged violation(s) occurred. A public employee with control over personnel actions who knowingly commits an act of reprisal, which is a prohibited personnel practice, shall pay a civil penalty of up to $5,000. The employee who commits the prohibited practice, rather than the governmental entity, shall pay the fine. The employer, upon a finding that the employee committed a prohibited personnel practice, shall take disciplinary action, including dismissal. On a finding that an employee committed a prohibited personnel practice against an employee who disclosed information that the employee reasonably believed evidenced a violation of any law, the employee who knowingly committed the prohibited personnel practice is subject to a civil penalty of up to $10,000, the employer shall dismiss the employee, and the employee is barred from any future employment by the government entity. If disclosure of information was in a manner prohibited by law or the materials or information are prescribed as
confidential by law, the employee with control over personnel actions does not commit a prohibited employment practice through an act of reprisal.

**Labor—Labor Relations**—A.R.S. § 23-1361(a) et seq.—Blacklist; definition; exceptions; privileged communications; immunity.
Arizona law prohibits any understanding or agreement whereby the name of any person or persons, list of names, descriptions, or other means of identification shall be spoken, written, printed, or implied for the purpose of being communicated or transmitted between two or more employers, bosses, foremen, superintendents, managers, officers or other agents, whereby the employee is prevented or prohibited from engaging in a useful occupation.

An employee may have a claim against an employer for termination of employment if termination occurred in retaliation for disclosure by the employee in a reasonable manner that the employee has information or a reasonable belief that the employer, or an employee of the employer, has violated, is violating, or will violate the Constitution of Arizona or a statute of the state. This statute protects disclosure to either the employer or a representative of the employer who the employee reasonably believes is in a managerial or supervisory position and has the authority to investigate the information provided by the employee and to take action to prevent further violation. Additionally, the statute protects disclosure to an employee of a public body or political subdivision of Arizona or any agency of a public body or political subdivision.

Constructive discharge can be established through evidence of difficult or unpleasant working conditions or evidence of outrageous conduct by the employer.

**Public Health and Safety—Health Care institutions**—A.R.S. § 36-450 et seq.—Definitions.
A.R.S. § 36-450.02 requires that each licensed health care institution adopt a policy that prohibits retaliatory action against a health professional who in good faith makes a report to the health institution pursuant to A.R.S. § 36-450.01 and, having provided the health care institution a reasonable opportunity to address the report, provides the information to a private health care accreditation organization or governmental entity. A.R.S. § 36-450.01 requires health care institutions to adopt a procedure for reviewing reports made in good faith by a health professional concerning an activity, policy, or practice that the professional reasonably believes both violates a professional standard of practice or is against the law and poses a substantial risk to the health, safety, or welfare of the patient. The procedure shall include reasonable measures to maintain the confidentiality of the reporting professional. The statute establishes a rebuttable presumption that any termination or other adverse action
occurring more than 180 days after the report is not a retaliatory action. Retaliatory action means termination of or other adverse action against a health professional’s employment taken by a health care institution because the professional has made a report pursuant to A.R.S. § 36-450.01.

Professions and Occupations—Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers—A.A.C. R4-33-208(B)(15)—Standards of conduct; disciplinary action.
An administrator shall not retaliate against any person who reports in good faith to the Board of Examiners for Nursing Care Institution Administration and Assisted Living Facility Managers alleged incompetence or illegal or unethical conduct of any administrator. An administrator who does so is subject to discipline under A.R.S. § 36-446.07.

Professions and Occupations—Board of Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers—A.A.C. R4-33-407(B)(15)—Standards of conduct; disciplinary action.
A manager shall not retaliate against any person who reports in good faith to the Board of Examiners for Nursing Care Institution Administration and Assisted Living Facility Managers alleged incompetence or illegal or unethical conduct of any manager. Any manager who does so is subject to discipline under A.R.S. § 36-446.07.

Professions and Occupations—Board of Respiratory Care Examiners—A.A.C. R4-45-214(18)—Standards of professional conduct.
Conduct or practice that is contrary to recognized standards of ethics of the respiratory therapy profession as used in A.R.S. § 32-3501(i) includes retaliating against any person who reports in good faith to the Board of Respiratory Care Examiners alleged incompetence or illegal or unethical conduct of any practitioner.

6) HELPFUL LINKS
• Arizona Revised Statutes
• Arizona Administrative Code
• Arizona Health Care Cost Containment System
• Arizona Department of Health Services