

REGARDING MEDICAL MARIJUANA CERTIFICATION

Effective July 3, 2015 A.R.S. 32-1501(31) UNPROFESSIONAL CONDUCT

(yy) WHEN ISSUING A WRITTEN CERTIFICATION AS DEFINED IN SECTION 36-2801, FAILING OR REFUSING TO INCLUDE IN THE ADEQUATE MEDICAL RECORDS OF A PATIENT A COPY OF ALL OF THE FOLLOWING:

(i) THE MEDICAL RECORDS RELIED ON BY THE PHYSICIAN TO SUPPORT THE DIAGNOSIS OR CONFIRM DIAGNOSIS OF THE PATIENT'S DEBILITATING MEDICAL CONDITION.

(ii) THE WRITTEN CERTIFICATION.

(iii) THE PATIENT'S PROFILE ON THE ARIZONA BOARD OF PHARMACY CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM DATABASE.

Current Statute and Rule The Arizona Medical Marijuana Act Title 36 Chapter 28.1

A.R.S. §36-2801 (18) defines a written certification as: a document dated and signed by a physician, stating that in the physician's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. The physician must: (a) Specify the qualifying patient's debilitating medical condition in the written certification. (b) Sign and date the written certification only in the course of a physician-patient relationship after the physician has completed a full assessment of the qualifying patient's medical history.

The Arizona Administrative Register Title 9, Chapter 17 21. "Medical record" means the same as: "Adequate medical records" as defined in A.R.S. § 32-1501: Legible medical records containing, at a minimum, sufficient information to identify the patient, support the diagnosis, describe the treatment, accurately document the results, indicate advice and cautionary warning provided to the patient and provide sufficient information for a similarly qualified practitioner to assume continuity of the patient's care at any point in the course of treatment.

R9-17-202. Applying for a Registry Identification Card for a Qualifying Patient (5.) A physician's written certification in a Department-provided format dated within 90 calendar days before the submission of the qualifying patient's application that includes:

c. A statement that the physician has made or confirmed a diagnosis of a debilitating medical condition as defined in A.R.S. § 36-2801 for the qualifying patient; d. An identification, initialed by the physician, of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition; e. If the debilitating medical condition identified in subsection (F)(5)(d) is a condition in: i. R9-17-201(9) through (13), the underlying chronic or debilitating disease or medical condition; or ii. R9-17-201(14), the debilitating medical condition; f. A statement, initialed by the physician, that the physician: i. Has established a medical record for the qualifying patient, and ii. Is maintaining the qualifying patient's medical record as required in A.R.S. § 12-2297; g. A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 calendar days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician; h. The date the physician conducted the in-person physical examination of the qualifying patient; i. A statement, initialed by the physician, that the physician reviewed the qualifying patient's: i. Medical records including medical records from other treating physicians from the previous 12 months, ii. Response to conventional medications and medical therapies, and iii. Profile on the Arizona Board of Pharmacy Controlled Substances Prescription Monitoring Program database; j. A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient; k. A statement, initialed by the physician, that in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition; l. A statement, initialed by the physician, that if the physician has

referred the qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any personal or professional relationship the physician has with the dispensary; m. An attestation that the information provided in the written certification is true and correct; and n. the physician's signature and the date the physician signed;