

Attorney General

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Robert R. Corbin

December 13, 1990

The Honorable Jane Hull  
Speaker of the House  
State Capitol - House Wing  
Phoenix, Arizona 85007

Re: I90-103 (R90-141)

Dear Speaker Hull:

You have asked whether the Department of Administration (Department) may insure "medical paraprofessionals<sup>1/</sup>" who are employed by a private corporation, University Physicians, Inc., to assist state-employed doctors to perform services on behalf of the University of Arizona College of Medicine (College of Medicine). Specifically, you asked whether the Department may insure these medical paraprofessionals pursuant to A.R.S. § 41-621(A)(3), which authorizes the Department to insure "such others as may be necessary and in the best interest of the state . . . ." We conclude that the Department may insure these medical paraprofessionals if the Department determines as follows: (1) that the paraprofessionals are in a better position than state employees to accomplish the lawful functions of the College of Medicine, and (2) that the paraprofessionals are authorized by law to act on behalf of the State.

You have indicated the following concerning these

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<sup>1/</sup> Your letter defines "medical paraprofessionals" to include "registered nurses, licensed practical nurses, nursing assistants, radiology technicians, physical therapists and speech/hearing therapists."

medical paraprofessionals:

1. They practice exclusively with members of University Physicians, Inc. and with faculty members of the College of Medicine in providing clinical services on behalf of the College of Medicine;
2. They provide services indispensable to the clinical activities of the College of Medicine, as performed and supervised by members of University Physicians, Inc. and of the College of Medicine faculty; and
3. They are not College of Medicine faculty or otherwise employees of the Board of Regents.

A.R.S. § 41-621 provides, in pertinent part, as follows:

A. The department of administration shall obtain insurance against loss, to the extent it is determined necessary and in the best interests of the state as provided in subsection E, on the following:

. . . . .  
3. The state and its departments, agencies, boards and commissions and all officers, agents and employees thereof and such others as may be necessary to accomplish the functions or business of the state, its departments, agencies, boards and commissions against liability for acts or omissions of any nature while acting in authorized governmental or proprietary capacities and in the course and scope of employment or authorization except as prescribed by this chapter.

(Emphasis supplied.)

In order to insure the medical paraprofessionals employed by University Physicians, Inc., the Department must determine whether these persons are in a more advantageous position to assist the state-employed doctors than are state employees. We have previously interpreted A.R.S. § 41-621(A)(3) as follows:

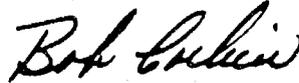
the class of entities which may be insured by [the Department] pursuant to the "such others

as may be necessary" provision is extremely small and limited to those unique or emergency situations where "such others" are in a more advantageous position than the State or its authorized agents to perform the State's functions or business . . . .

Ariz. Atty. Gen. Op. No. 190-009.

Also, to insure these persons, the Department must determine whether the medical paraprofessionals are authorized by law to act on behalf of the State. See A.R.S. § 15-1601(B). The Department must make this determination based upon the specific circumstances under which the corporation's employees would be assisting the state-employed doctors.

Sincerely,



BOB CORBIN  
Attorney General

BC/SWH/scl