

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

**CHAPTER 322**  
**HOUSE BILL 2545**

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3213; AMENDING TITLE 32, CHAPTER 44, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-4404; RELATING TO PROFESSIONS AND OCCUPATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes,  
3 is amended by adding section 32-3213, to read:

4 32-3213. Board actions; records; website; compliance deadline

5 A. IF A HEALTH PROFESSION REGULATORY BOARD DISMISSES A COMPLAINT, THE  
6 RECORD OF THAT COMPLAINT IS AVAILABLE TO THAT REGULATORY BOARD AND THE PUBLIC  
7 AT ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE. FOR THE PURPOSES OF  
8 THIS SUBSECTION, "DISMISSES A COMPLAINT" MEANS THAT A BOARD DOES NOT ISSUE A  
9 DISCIPLINARY OR NONDISCIPLINARY ORDER OR ACTION AGAINST A LICENSEE OR  
10 CERTIFICATE HOLDER.

11 B. IF A HEALTH PROFESSION REGULATORY BOARD ISSUES A NONDISCIPLINARY  
12 ORDER OR ACTION AGAINST A LICENSEE OR CERTIFICATE HOLDER, THE RECORD OF THE  
13 NONDISCIPLINARY ORDER OR ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT  
14 ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE.

15 C. IF A HEALTH PROFESSION REGULATORY BOARD ISSUES AN ADVISORY LETTER  
16 OR LETTER OF CONCERN OR IMPOSES A PRACTICE LIMITATION, DOCUMENTATION OF THAT  
17 ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT ALL TIMES AND MAY APPEAR  
18 ON THE BOARD'S WEBSITE, REGARDLESS OF WHETHER THE BOARD DEFINES THE ACTION AS  
19 A DISCIPLINARY OR NONDISCIPLINARY ACTION.

20 D. IF A HEALTH PROFESSION REGULATORY BOARD MAINTAINS A WEBSITE, THE  
21 BOARD MUST DISPLAY ON ITS WEBSITE A STATEMENT THAT A PERSON MAY OBTAIN  
22 ADDITIONAL PUBLIC RECORDS RELATED TO ANY LICENSEE OR CERTIFICATE HOLDER,  
23 INCLUDING DISMISSED COMPLAINTS AND NONDISCIPLINARY ACTIONS AND ORDERS, BY  
24 CONTACTING THE BOARD DIRECTLY.

25 E. THIS SECTION DOES NOT PROHIBIT A HEALTH PROFESSION REGULATORY BOARD  
26 FROM CONDUCTING ITS AUTHORIZED DUTIES IN A PUBLIC MEETING.

27 F. A HEALTH PROFESSION REGULATORY BOARD MUST COMPLY WITH THE  
28 REQUIREMENTS OF THIS SECTION ON OR BEFORE JANUARY 1, 2012.

29 Sec. 2. Title 32, chapter 44, article 1, Arizona Revised Statutes, is  
30 amended by adding section 32-4404, to read:

31 32-4404. Board actions; records; website; compliance deadline

32 A. IF A NONHEALTH PROFESSION REGULATORY BOARD DISMISSES A COMPLAINT,  
33 THE RECORD OF THAT COMPLAINT IS AVAILABLE TO THAT REGULATORY BOARD AND THE  
34 PUBLIC AT ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE. FOR THE  
35 PURPOSES OF THIS SUBSECTION, "DISMISSES A COMPLAINT" MEANS THAT A BOARD DOES  
36 NOT ISSUE A DISCIPLINARY OR NONDISCIPLINARY ORDER OR ACTION AGAINST A  
37 LICENSEE OR CERTIFICATE HOLDER.

38 B. IF A NONHEALTH PROFESSION REGULATORY BOARD ISSUES A NONDISCIPLINARY  
39 ORDER OR ACTION AGAINST A LICENSEE OR CERTIFICATE HOLDER, THE RECORD OF THE  
40 NONDISCIPLINARY ORDER OR ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT  
41 ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE.

42 C. IF A NONHEALTH PROFESSION REGULATORY BOARD ISSUES AN ADVISORY  
43 LETTER OR LETTER OF CONCERN OR IMPOSES A PRACTICE LIMITATION, DOCUMENTATION  
44 OF THAT ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT ALL TIMES AND MAY  
45 APPEAR ON THE BOARD'S WEBSITE, REGARDLESS OF WHETHER THE BOARD DEFINES THE  
46 ACTION AS A DISCIPLINARY OR NONDISCIPLINARY ACTION.

- 1           D. IF A NONHEALTH PROFESSION REGULATORY BOARD MAINTAINS A WEBSITE, THE  
2 BOARD MUST DISPLAY ON ITS WEBSITE A STATEMENT THAT A PERSON MAY OBTAIN  
3 ADDITIONAL PUBLIC RECORDS RELATED TO ANY LICENSEE OR CERTIFICATE HOLDER,  
4 INCLUDING DISMISSED COMPLAINTS AND NONDISCIPLINARY ACTIONS AND ORDERS, BY  
5 CONTACTING THE BOARD DIRECTLY.  
6           E. THIS SECTION DOES NOT PROHIBIT A NONHEALTH PROFESSION REGULATORY  
7 BOARD FROM CONDUCTING ITS AUTHORIZED DUTIES IN A PUBLIC MEETING.  
8           F. A NONHEALTH PROFESSION REGULATORY BOARD MUST COMPLY WITH THE  
9 REQUIREMENTS OF THIS SECTION ON OR BEFORE JANUARY 1, 2012.

APPROVED BY THE GOVERNOR MAY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.