

REFERENCE TITLE: health professions; fingerprint clearance cards

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## HB 2796

Introduced by

Representatives Powers Hannley: Abraham, Andrade, Blackwater-Nygren, Bolding, Butler, Cano, DeGrazia, Espinoza, Fernandez B, Hernandez A, Hernandez D, Hernandez M, Jermaine, Liguori, Longdon, Mathis, Pawlik, Quiñonez, Schwiebert, Shah, Sierra, Solorio, Senator Gonzales

AN ACT

AMENDING SECTIONS 32-921, 32-1405, 32-1422, 32-1438, 32-1524, 32-1606, 32-1682, 32-1683, 32-1730, 32-1822, 32-2521, 32-2812, 32-2912 AND 32-2914, ARIZONA REVISED STATUTES; REPEALING SECTION 32-3280, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 33, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-3280; AMENDING SECTIONS 32-3504, 32-3922, 32-3924, 32-4203, 32-4222, 36-754, 36-1923, 36-1926, 36-1940, 36-1940.01, 36-1940.04, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO HEALTH PROFESSIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-921, Arizona Revised Statutes, is amended to  
3 read:

4 32-921. Application for license; qualifications of applicant;  
5 fee; fingerprint clearance card

6 A. A person who wishes to practice chiropractic in this state shall  
7 submit a complete application to the board at least forty-five days before  
8 the next scheduled examinations on a form and in the manner prescribed by  
9 the board.

10 B. To be eligible for an examination and licensure, the applicant  
11 shall:

12 1. Be a person of good character and reputation.

13 2. Be a graduate of a chiropractic college that both:

14 (a) Is accredited by or has status with the council on chiropractic  
15 education or is accredited by an accrediting agency recognized by the  
16 United States department of education or the council on postsecondary  
17 accreditation.

18 (b) Teaches a resident course of four years of not less than nine  
19 months each year, or the equivalent of thirty-six months of continuous  
20 study, and that comprises not less than four thousand credit hours of  
21 resident study required to receive a degree of doctor of chiropractic  
22 (D.C.).

23 3. Be physically and mentally able to practice chiropractic  
24 skillfully and safely.

25 4. Have a certificate of attainment for part I and part II and a  
26 score of three hundred seventy-five or more on part III or IV of the  
27 examination conducted by the national board of chiropractic examiners.

28 C. The board may refuse to give an examination or may deny  
29 licensure to an applicant who:

30 1. Fails to qualify for an examination or licensure under  
31 subsection B of this section.

32 2. Has had a license to practice chiropractic refused, revoked,  
33 suspended or restricted by a regulatory board in this or any other  
34 jurisdiction for any act that constitutes unprofessional conduct pursuant  
35 to this chapter.

36 3. Is currently under investigation by a regulatory board in this  
37 or any other jurisdiction for an act that constitutes unprofessional  
38 conduct pursuant to this chapter.

39 4. Has surrendered a license to practice chiropractic in lieu of  
40 disciplinary action by a regulatory board in this or any other  
41 jurisdiction for an act that constitutes unprofessional conduct pursuant  
42 to this chapter.

43 5. Has engaged in any conduct that constitutes grounds for  
44 disciplinary action pursuant to section 32-924 or board rules.

1 D. On ~~making application~~ APPLYING, the applicant shall pay to the  
2 executive director of the board a nonrefundable fee of not more than ~~three~~  
3 ~~hundred twenty-five dollars~~ \$325 as established by the board. The board  
4 shall keep a register of all applicants and the result of each  
5 examination.

6 ~~E. In order to determine an applicant's eligibility for examination~~  
7 ~~and licensure, the board may require the applicant to submit a full set of~~  
8 ~~fingerprints to the board. The board shall submit the fingerprints to the~~  
9 ~~department of public safety for the purpose of obtaining a state and~~  
10 ~~federal criminal records check pursuant to section 41-1750 and Public Law~~  
11 ~~92-544. The department of public safety may exchange this fingerprint~~  
12 ~~data with the federal bureau of investigation. The board shall charge~~  
13 ~~each applicant a fee that is necessary to cover the cost of the~~  
14 ~~investigation. The board shall forward this fee to the department of~~  
15 ~~public safety.~~

16 E. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
17 LICENSE RENEWAL, A RECIPROCAL LICENSE, LICENSE REINSTATEMENT OR ANY TYPE  
18 OF LIMITED LICENSE PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID  
19 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12,  
20 ARTICLE 3.1.

21 Sec. 2. Section 32-1405, Arizona Revised Statutes, is amended to  
22 read:

23 32-1405. Executive director; compensation; duties; appeal to  
24 the board

25 A. Subject to title 41, chapter 4, article 4, the committee on  
26 executive director selection and retention established by section 32-1403  
27 shall appoint an executive director of the board who shall serve at the  
28 pleasure of the committee. The executive director shall not be a board  
29 member, except that the board may authorize the executive director to  
30 represent the board and to vote on behalf of the board at meetings of the  
31 federation of state medical boards of the United States.

32 B. The executive director is eligible to receive compensation set  
33 by the board within the range determined under section 38-611.

34 C. The executive director or the executive director's designee  
35 shall:

36 1. Subject to title 41, chapter 4, article 4 and, as applicable,  
37 articles 5 and 6, employ, evaluate, dismiss, discipline and direct  
38 professional, clerical, technical, investigative and administrative  
39 personnel necessary to carry on the work of the board. An investigator  
40 shall complete a nationally recognized investigator training program  
41 within one year ~~of~~ AFTER THE date of hire. Until an investigator  
42 completes a training program, the investigator shall work under the  
43 supervision of an investigator who has completed a training program.

44 2. Set compensation for board employees within the range determined  
45 under section 38-611.

- 1           3. As directed by the board, prepare and submit recommendations for  
2 amendments to the medical practice act for consideration by the  
3 legislature.
- 4           4. Subject to title 41, chapter 4, article 4, employ medical  
5 consultants and agents necessary to conduct investigations, gather  
6 information and perform those duties the executive director determines are  
7 necessary and appropriate to enforce this chapter.
- 8           5. Issue licenses, registrations and permits to applicants who meet  
9 the requirements of this chapter.
- 10          6. Manage the board's offices.
- 11          7. Prepare minutes, records, reports, registries, directories,  
12 books and newsletters and record all board transactions and orders.
- 13          8. Collect all monies due and payable to the board.
- 14          9. Pay all bills for authorized expenditures of the board and its  
15 staff.
- 16          10. Prepare an annual budget.
- 17          11. Submit a copy of the budget each year to the governor, the  
18 speaker of the house of representatives and the president of the senate.
- 19          12. Initiate an investigation if evidence appears to demonstrate  
20 that a physician may be engaged in unprofessional conduct or may be  
21 medically incompetent or mentally or physically unable to safely practice  
22 medicine.
- 23          13. Issue subpoenas if necessary to compel the attendance and  
24 testimony of witnesses and the production of books, records, documents and  
25 other evidence.
- 26          14. Provide assistance to the attorney general in preparing and sign  
27 and execute disciplinary orders, rehabilitative orders and notices of  
28 hearings as directed by the board.
- 29          15. Enter into contracts for goods and services pursuant to title  
30 41, chapter 23 that are necessary to carry out board policies and  
31 directives.
- 32          16. Execute board directives.
- 33          17. Manage and supervise the operation of the Arizona regulatory  
34 board of physician assistants.
- 35          18. Issue licenses to physician assistant applicants who meet the  
36 requirements of chapter 25 of this title.
- 37          19. Represent the board with the federal government, other states or  
38 jurisdictions of the United States, this state, political subdivisions of  
39 this state, the news media and the public.
- 40          20. On behalf of the Arizona medical board, enter into stipulated  
41 agreements with persons under the jurisdiction of either the Arizona  
42 medical board or the Arizona regulatory board of physician assistants for  
43 the treatment, rehabilitation and monitoring of chemical substance abuse  
44 or misuse.

1           21. Review all complaints filed pursuant to section 32-1451. The  
2 executive director shall submit all medical complaints alleging harm as a  
3 result of patient care to a medical consultant for review. The executive  
4 director shall submit to the medical consultant only those medical  
5 complaints that involve a standard of care issue and that require medical  
6 training and expertise to determine whether a violation has occurred. If  
7 delegated by the board, the executive director may also dismiss a  
8 complaint if the complaint is without merit. The executive director shall  
9 not dismiss a complaint if a court has entered a medical malpractice  
10 judgment against a physician. The executive director shall submit a  
11 report of the cases dismissed with the complaint number, the name of the  
12 physician and the investigation timeline to the board for review at its  
13 regular board meetings.

14           22. If delegated by the board, directly refer cases to a formal  
15 hearing.

16           23. If delegated by the board, close cases resolved through  
17 mediation.

18           24. If delegated by the board, issue advisory letters.

19           25. If delegated by the board, enter into a consent agreement if  
20 there is evidence of danger to the public health and safety.

21           26. If delegated by the board, grant uncontested requests for  
22 inactive status and cancellation of a license pursuant to sections 32-1431  
23 and 32-1433.

24           27. If delegated by the board, refer cases to the board for a formal  
25 interview.

26           28. Perform all other administrative, licensing or regulatory duties  
27 required by the board.

28           29. Disseminate any information received from the office of  
29 ombudsman-citizens aide to the board at its regular board meetings.

30           D. Medical consultants and agents appointed pursuant to subsection  
31 C, paragraph 4 of this section are eligible to receive compensation  
32 determined by the executive director in an amount not to exceed ~~two~~  
33 ~~hundred dollars~~ \$200 for each day of service.

34           E. A person who is aggrieved by an action taken by the executive  
35 director pursuant to subsection C, paragraphs 21 through 27 of this  
36 section or section 32-1422, subsection ~~E~~ F may request the board to  
37 review that action by filing with the board a written request within  
38 thirty days after that person is notified of the executive director's  
39 action by personal delivery or, if the notification is mailed to that  
40 person's last known residence or place of business, within thirty-five  
41 days after the date on the notification. At the next regular board  
42 meeting, the board shall review the executive director's action. On  
43 review, the board shall approve, modify or reject the executive director's  
44 action.

1           Sec. 3. Section 32-1422, Arizona Revised Statutes, is amended to  
2 read:

3           32-1422. Basic requirements for granting a license to  
4                                   practice medicine; fingerprint clearance card;  
5                                   credentials verification

6           A. An applicant for a license to practice medicine in this state  
7 pursuant to this article shall meet each of the following basic  
8 requirements:

9           1. Graduate from an approved school of medicine or receive a  
10 medical education that the board deems to be of equivalent quality.

11           2. Successfully complete an approved twelve-month hospital  
12 internship, residency or clinical fellowship program.

13           3. Have the physical and mental capability to safely engage in the  
14 practice of medicine.

15           4. Have a professional record that indicates that the applicant has  
16 not committed any act or engaged in any conduct that would constitute  
17 grounds for disciplinary action against a licensee under this chapter.

18           5. Not have had a license to practice medicine revoked by a medical  
19 regulatory board in another jurisdiction in the United States for an act  
20 that occurred in that jurisdiction that constitutes unprofessional conduct  
21 pursuant to this chapter.

22           6. Not be currently under investigation, suspension or restriction  
23 by a medical regulatory board in another jurisdiction in the United States  
24 for an act that occurred in that jurisdiction and that constitutes  
25 unprofessional conduct pursuant to this chapter. If the applicant is  
26 under investigation by a medical regulatory board in another jurisdiction,  
27 the board shall suspend the application process and may not issue or deny  
28 a license to the applicant until the investigation is resolved.

29           7. Not have surrendered a license to practice medicine in lieu of  
30 disciplinary action by a medical regulatory board in another jurisdiction  
31 in the United States for an act that occurred in that jurisdiction and  
32 that constitutes unprofessional conduct pursuant to this chapter.

33           8. Pay all fees required by the board.

34           9. Complete the application as required by the board.

35           10. Complete a training unit as prescribed by the board relating to  
36 the requirements of this chapter and board rules. The applicant shall  
37 submit proof with the application form of having completed the training  
38 unit.

39           11. Have submitted directly to the board, electronically or by hard  
40 copy, verification of the following:

41           (a) Licensure from every state in which the applicant has ever held  
42 a medical license.

43           (b) All medical employment for the five years preceding  
44 application. If the applicant is employed by a hospital or medical group  
45 or organization, the board shall accept the confirmation required under

1 this subdivision from the applicant's employer. For the purposes of this  
2 subdivision, medical employment includes all medical professional  
3 activities.

4 ~~12. Have submitted a full set of fingerprints to the board for the~~  
5 ~~purpose of obtaining a state and federal criminal records check pursuant~~  
6 ~~to section 41-1750 and Public Law 92-544. The department of public safety~~  
7 ~~may exchange this fingerprint data with the federal bureau of~~  
8 ~~investigation.~~

9 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
10 LICENSE RENEWAL, A RECIPROCAL LICENSE, LICENSE REINSTATEMENT OR ANY TYPE  
11 OF LIMITED LICENSE PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID  
12 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12,  
13 ARTICLE 3.1.

14 ~~B.~~ C. The board may require the submission of credentials or other  
15 evidence, written and oral, and make any investigation it deems necessary  
16 to adequately inform itself with respect to an applicant's ability to meet  
17 the requirements prescribed by this section, including a requirement that  
18 the applicant for licensure undergo a physical examination, a mental  
19 evaluation and an oral competence examination and interview, or any  
20 combination thereof, as the board deems proper.

21 ~~C.~~ D. In determining ~~if~~ WHETHER the requirements of subsection A,  
22 paragraph 4 of this section have been met, if the board finds that the  
23 applicant committed an act or engaged in conduct that would constitute  
24 grounds for disciplinary action, the board shall determine to its  
25 satisfaction that the conduct has been corrected, monitored and  
26 resolved. If the matter has not been resolved, the board shall determine  
27 to its satisfaction that mitigating circumstances exist that prevent its  
28 resolution.

29 ~~D.~~ E. In determining ~~if~~ WHETHER the requirements of subsection A,  
30 paragraph 6 of this section have been met, if another jurisdiction has  
31 taken disciplinary action against an applicant, the board shall determine  
32 to its satisfaction that the cause for the action was corrected and the  
33 matter resolved. If the matter has not been resolved by that  
34 jurisdiction, the board shall determine to its satisfaction that  
35 mitigating circumstances exist that prevent its resolution.

36 ~~E.~~ F. The board may delegate authority to the executive director  
37 to deny licenses if applicants do not meet the requirements of this  
38 section.

39 ~~F.~~ G. Any credential information required to be submitted to the  
40 board pursuant to this article must be submitted, electronically or by  
41 hard copy, from the primary source where the document or information  
42 originated, except that the board may accept primary-source verified  
43 credentials from a credentials verification service approved by the  
44 board. The board is not required to verify any documentation or  
45 information received by the board from a credentials verification service

1 that has been approved by the board. If an applicant is unable to provide  
2 a document or information from the primary source due to no fault of the  
3 applicant, the executive director shall forward the issue to the full  
4 board for review and determination. The board shall adopt rules  
5 establishing the criteria that must be met in order to waive a  
6 documentation requirement of this article.

7 Sec. 4. Section 32-1438, Arizona Revised Statutes, is amended to  
8 read:

9 32-1438. Temporary licensure; requirements; fee

10 A. Beginning July 1, 2017, the board may issue a temporary license,  
11 which may not be renewed or extended, to allow a physician who is not a  
12 licensee to practice in this state for a total of up to two hundred fifty  
13 consecutive days if the physician meets all of the following requirements:

14 1. Holds an active and unrestricted license to practice medicine in  
15 a state, territory or possession of the United States.

16 2. Has applied for a license pursuant to section 32-1422 and meets  
17 the requirements specified in section 32-1422, subsection A, paragraphs 1  
18 through 7.

19 3. Has paid any applicable fees.

20 B. The physician shall submit to the board a notarized affidavit  
21 attesting that the physician meets the requirements of subsection A,  
22 paragraphs 1 and 2 of this section. The physician shall notify the board  
23 immediately if any circumstance specified in subsection A, paragraphs 1  
24 and 2 of this section changes during the application period for a  
25 temporary license or while holding a temporary license, at which time the  
26 board may suspend, deny or revoke the temporary license. The board may  
27 suspend, deny or revoke a temporary license and withdraw the application  
28 for initial licensure if the applicant has made a misrepresentation in the  
29 attestation required by this section or any other portion of the  
30 application pursuant to this chapter.

31 C. The board shall approve or deny an application under this  
32 section within thirty days after an applicant files a complete  
33 application. The approval of a temporary license pursuant to this section  
34 allows the physician to practice in this state without restriction.

35 D. If granted, the physician's temporary license expires the  
36 earlier of two hundred fifty days after the date the temporary license is  
37 granted or on approval or denial of the physician's license application  
38 submitted pursuant to section 32-1422.

39 E. For the purpose of meeting the requirements of subsection A of  
40 this section, an applicant shall provide the board the name of each state,  
41 territory or possession of the United States in which the person is  
42 licensed or has held a license and the board shall verify with the  
43 applicable regulatory board that the applicant holds an active and  
44 unrestricted license to practice medicine and has never had a license  
45 revoked or suspended or surrendered a license for disciplinary



1 reasons. An applicant shall also provide the board with all medical  
2 employment as required by section 32-1422, subsection A. The board may  
3 accept the confirmation of this information from each other regulatory  
4 board verbally, in writing or through the use of the other regulatory  
5 board's website, which shall be followed by either an electronic or hard  
6 copy of the verification required by section 32-1422, subsection ~~F~~ G  
7 before the physician's permanent license is granted. If the board is  
8 unable to verify the information within the initial thirty days as  
9 required by subsection C of this section, the board may extend the time  
10 frame by an additional thirty days to receive the necessary verification.

11 F. The board may establish a fee in rule for temporary licensure  
12 under this section.

13 Sec. 5. Section 32-1524, Arizona Revised Statutes, is amended to  
14 read:

15 32-1524. Application; deficiencies in application; interview;  
16 withdrawal; release of information; fingerprint  
17 clearance card

18 A. Each applicant for licensure or certification shall file a  
19 verified completed application in the form and style required and supplied  
20 by the board AND accompanied by the appropriate application fee prescribed  
21 in section 32-1527. The filing of an application grants the board the  
22 authority to obtain information from any licensing board or agency in any  
23 state, district, territory or county of the United States or another  
24 country, from the Arizona criminal justice information system in the  
25 department of public safety and from the federal bureau of investigation.  
26 ~~The fingerprints submitted shall be used to obtain a state and federal~~  
27 ~~criminal records check pursuant to section 41-1750 and P.L. 92-544. The~~  
28 ~~department of public safety is authorized to exchange this fingerprint~~  
29 ~~data with the federal bureau of investigation.~~

30 B. The application shall require the applicant to submit evidence,  
31 credentials and other proof necessary to satisfy the board that the  
32 applicant meets the requirements of a completed application.

33 C. The application shall contain the oath of the applicant that:

34 1. All information contained in the application and evidence  
35 submitted with it are true and correct.

36 2. The credentials submitted were not procured by fraud or  
37 misrepresentation or any mistake of which the applicant is aware.

38 3. The applicant is the lawful holder of the credentials.

39 D. All applications submitted to the board and any attendant  
40 evidence, credentials or other proof submitted with an application are the  
41 property of the board and part of the permanent record of the board and  
42 shall not be returned to a withdrawing applicant.

43 E. The board shall promptly inform an applicant, in writing, of the  
44 deficiencies, if any, in the application ~~which~~ THAT prevent it from being  
45 considered by the board as a completed application.

1 F. The board may interview the applicant to determine whether the  
2 application is sufficient or whether the applicant otherwise qualifies for  
3 licensure or for a certificate.

4 G. Applications are considered withdrawn on THE OCCURRENCE OF any  
5 of the following conditions:

6 1. THE request of the applicant.

7 2. Failure of the applicant to appear for an interview with the  
8 board except for good cause being shown.

9 3. Failure OF THE APPLICANT to submit a completed application  
10 within one year from AFTER the date of the mailing by the board of a  
11 statement to the applicant of the deficiencies in the application under  
12 subsection E of this section.

13 4. Failure OF THE APPLICANT to show, within one year from AFTER the  
14 interview provided for in subsection F of this section, that the completed  
15 application is true and correct.

16 H. BEGINNING JANUARY 1, 2023, applicants for ~~a~~ AN INITIAL license,  
17 FOR LICENSE RENEWAL or for a certificate to engage in a clinical training  
18 program, a preceptorship training program or an internship training  
19 program shall ~~submit a fingerprint card in the manner required by the~~  
20 ~~board~~ POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE  
21 41, CHAPTER 12, ARTICLE 3.1.

22 ~~I. The executive director may issue a temporary certificate to~~  
23 ~~engage in a clinical training program to an applicant whose application is~~  
24 ~~complete except for the completion of a fingerprint check and criminal~~  
25 ~~background analysis. If the criminal background analysis shows the~~  
26 ~~applicant has not been convicted of any felony or any misdemeanor~~  
27 ~~involving a crime of moral turpitude, the executive director shall convert~~  
28 ~~the temporary certificate into a certificate to engage in a clinical~~  
29 ~~training program without any further action by the applicant. The board~~  
30 ~~shall not charge a fee for a temporary certificate.~~

31 Sec. 6. Section 32-1606, Arizona Revised Statutes, is amended to  
32 read:

33 32-1606. Powers and duties of board

34 A. The board may:

35 1. Adopt and revise rules necessary to carry into effect this  
36 chapter.

37 2. Publish advisory opinions regarding registered and practical  
38 nursing practice and nursing education.

39 3. Issue limited licenses or certificates if it determines that an  
40 applicant or licensee cannot function safely in a specific setting or  
41 within the full scope of practice.

42 4. Refer criminal violations of this chapter to the appropriate law  
43 enforcement agency.

- 1           5. Establish a confidential program for monitoring licensees who  
2 are chemically dependent and who enroll in rehabilitation programs that  
3 meet the criteria established by the board. The board may take further  
4 action if the licensee refuses to enter into a stipulated agreement or  
5 fails to comply with ~~its~~ THE AGREEMENT'S terms. In order to protect the  
6 public health and safety, the confidentiality requirements of this  
7 paragraph do not apply if the licensee does not comply with the stipulated  
8 agreement.
- 9           6. On the applicant's or regulated party's request, establish a  
10 payment schedule with the applicant or regulated party.
- 11           7. Provide education regarding board functions.
- 12           8. Collect or assist in collecting workforce data.
- 13           9. Adopt rules to conduct pilot programs consistent with public  
14 safety for innovative applications in nursing practice, education and  
15 regulation.
- 16           10. Grant retirement status on request to retired nurses who are or  
17 were licensed under this chapter, who have no open complaint or  
18 investigation pending against them and who are not subject to discipline.
- 19           11. Accept and spend federal monies and private grants, gifts,  
20 contributions and devises to assist in carrying out the purposes of this  
21 chapter. These monies do not revert to the state general fund at the end  
22 of the fiscal year.
- 23           B. The board shall:
  - 24           1. Approve regulated training and educational programs that meet  
25 the requirements of this chapter and rules adopted by the board.
  - 26           2. By rule, establish approval and reapproval processes for nursing  
27 and nursing assistant training programs that meet the requirements of this  
28 chapter and board rules.
  - 29           3. Prepare and maintain a list of approved nursing programs to  
30 prepare registered NURSES and practical nurses whose graduates are  
31 eligible for licensing under this chapter as registered nurses or as  
32 practical nurses if they satisfy the other requirements of this chapter  
33 and board rules.
  - 34           4. Examine qualified registered NURSE and practical nurse  
35 applicants.
  - 36           5. License and renew the licenses of qualified registered NURSE and  
37 practical nurse applicants and licensed nursing assistants who are not  
38 qualified to be licensed by the executive director.
  - 39           6. Adopt a seal, which the executive director shall keep.
  - 40           7. Keep a record of all proceedings.
  - 41           8. For proper cause, deny or rescind approval of a regulated  
42 training or educational program for failure to comply with this chapter or  
43 the rules of the board.

1           9. Adopt rules to approve credential evaluation services that  
2 evaluate the qualifications of applicants who graduated from an  
3 international nursing program.

4           10. Determine and administer appropriate disciplinary action  
5 against all regulated parties who are found guilty of violating this  
6 chapter or rules adopted by the board.

7           11. Perform functions necessary to carry out the requirements of  
8 THE nursing assistant and nurse aide training and competency evaluation  
9 program as set forth in the omnibus budget reconciliation act of 1987  
10 (P.L. 100-203; 101 Stat. 1330), as amended by the medicare catastrophic  
11 coverage act of 1988 (P.L. 100-360; 102 Stat. 683). These functions shall  
12 include:

- 13           (a) Testing and registering certified nursing assistants.
- 14           (b) Testing and licensing licensed nursing assistants.
- 15           (c) Maintaining a list of board-approved training programs.
- 16           (d) Maintaining a registry of nursing assistants for all certified  
17 nursing assistants and licensed nursing assistants.
- 18           (e) Assessing fees.

19           12. Adopt rules establishing those acts that may be performed by a  
20 registered nurse practitioner or certified nurse midwife, except that the  
21 board does not have authority to decide scope of practice relating to  
22 abortion as defined in section 36-2151.

23           13. Adopt rules that prohibit registered nurse practitioners,  
24 clinical nurse specialists or certified nurse midwives from dispensing a  
25 schedule II controlled substance that is an opioid, except for an  
26 implantable device or an opioid that is for medication-assisted treatment  
27 for substance use disorders.

28           14. Adopt rules establishing educational requirements to certify  
29 school nurses.

30           15. Publish copies of board rules and distribute these copies on  
31 request.

32           ~~16. Require each applicant for initial licensure or certification  
33 to submit a full set of fingerprints to the board for the purpose of  
34 obtaining a state and federal criminal records check pursuant to section  
35 41-1750 and Public Law 92-544. The department of public safety may  
36 exchange this fingerprint data with the federal bureau of investigation.~~

37           16. BEGINNING JANUARY 1, 2023, REQUIRE EACH APPLICANT FOR INITIAL  
38 LICENSURE OR CERTIFICATION, LICENSE OR CERTIFICATION RENEWAL OR LICENSE OR  
39 CERTIFICATION REINSTATEMENT PURSUANT TO THIS CHAPTER TO POSSESS A VALID  
40 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12,  
41 ARTICLE 3.1.

42           17. Except for a licensee who has been convicted of a felony that  
43 has been designated a misdemeanor pursuant to section 13-604, revoke a  
44 license of a person, revoke the multistate licensure privilege of a person  
45 pursuant to section 32-1669 or not issue a license or renewal to an

1 applicant who has one or more felony convictions and who has not received  
2 an absolute discharge from the sentences for all felony convictions three  
3 or more years before the date of filing an application pursuant to this  
4 chapter.

5 18. Establish standards to approve and reapprove REGISTERED nurse  
6 practitioner and clinical nurse specialist programs and provide for  
7 surveys of REGISTERED nurse practitioner and clinical nurse specialist  
8 programs as ~~it~~ THE BOARD deems necessary.

9 19. Provide the licensing authorities of health care institutions,  
10 facilities and homes with any information the board receives regarding  
11 practices that place a patient's health at risk.

12 20. Limit the multistate licensure privilege of any person who  
13 holds or applies for a license in this state pursuant to section 32-1668.

14 21. Adopt rules to establish competency standards for obtaining and  
15 maintaining a license.

16 22. Adopt rules to qualify and certify clinical nurse specialists.

17 23. Adopt rules to approve and reapprove refresher courses for  
18 nurses who are not currently practicing.

19 24. Maintain a list of approved medication assistant training  
20 programs.

21 25. Test and certify medication assistants.

22 26. Maintain a registry and disciplinary record of medication  
23 assistants who are certified pursuant to this chapter.

24 27. Adopt rules to establish the requirements for a clinical nurse  
25 specialist to prescribe and dispense drugs and devices consistent with  
26 section 32-1651 and within the clinical nurse specialist's population or  
27 disease focus.

28 C. The board may conduct an investigation on receipt of information  
29 that indicates that a person or regulated party may have violated this  
30 chapter or a rule adopted pursuant to this chapter. Following the  
31 investigation, the board may take disciplinary action pursuant to this  
32 chapter.

33 D. The board may limit, revoke or suspend the privilege of a nurse  
34 to practice in this state granted pursuant to section 32-1668.

35 E. Failure to comply with any final order of the board, including  
36 an order of censure or probation, is cause for suspension or revocation of  
37 a license or a certificate.

38 F. The president or a member of the board designated by the  
39 president may administer oaths in transacting the business of the board.

40 Sec. 7. Section 32-1682, Arizona Revised Statutes, is amended to  
41 read:

42 32-1682. Applications for initial dispensing optician  
43 license; renewal; examination

44 A. An applicant for licensure shall submit a verified application  
45 to the board on a form prescribed by the board. The application shall

1 contain information the board determines is necessary to assist the board  
2 in determining the applicant's ability to meet the requirements of this  
3 chapter and board rules.

4 B. A person who wishes to renew a license shall submit a verified  
5 renewal application to the board each year on a form prescribed by the  
6 board. The renewal application shall contain information the board  
7 determines is necessary to assist the board in determining that the  
8 applicant is not in default of or in violation of this chapter or board  
9 rules and that the licensee continues to meet the requirements of this  
10 chapter.

11 C. The board may require from all applicants any additional  
12 information that in its judgment is necessary to assist the board in  
13 determining whether the applicant is entitled to initial or continued  
14 licensure.

15 D. To assist ~~it~~ THE BOARD in determining ~~if~~ WHETHER an applicant  
16 has acquired the minimum basic skills required for optical dispensing, the  
17 board shall require a written and practical examination of all applicants  
18 for an initial license. This requirement does not apply to applicants who  
19 qualify pursuant to section 32-1683, SUBSECTION A paragraph ~~5~~ 4,  
20 subdivision (a). The board may prescribe other reasonable rules relating  
21 to the examination of applicants as it determines necessary for the  
22 performance of ~~its~~ THE BOARD'S duties. The board may accept the results  
23 of a written or practical examination prepared by a nationally recognized  
24 body as determined by the board in lieu of those portions of an  
25 examination prepared by the board if they are at least substantially  
26 equivalent to those prepared by the board. The board may keep all  
27 procedures relating to the administration of the examination and the  
28 answer keys confidential.

29 Sec. 8. Section 32-1683, Arizona Revised Statutes, is amended to  
30 read:

31 32-1683. Qualifications of applicants; fingerprint clearance  
32 card

33 A. An applicant for a license issued under this chapter shall:

34 1. Be of good moral character.

35 ~~2. Not have been convicted of a crime involving moral turpitude.~~

36 ~~3.~~ 2. Not be a former licensee under this chapter whose license  
37 was suspended or revoked and not subsequently reinstated.

38 ~~4.~~ 3. Be a high school graduate or the equivalent as prescribed by  
39 rules of the board.

40 ~~5.~~ 4. Establish that the applicant has the required technical  
41 skill and training necessary for licensing by any one of the following  
42 means:

43 (a) Submit evidence of having a valid and subsisting license in  
44 good standing from another state that licenses dispensing opticians or

1 ophthalmic dispensers and whose requirements are substantially equivalent  
2 to the requirements of this chapter.

3 (b) Submit evidence of having served an apprenticeship in optical  
4 dispensing for three of the six years immediately preceding the date of  
5 application under the direct supervision of a dispensing optician,  
6 optometrist or an allopathic or osteopathic physician who holds an active  
7 license in good standing issued by any state. The apprenticeship must  
8 include all principal phases of optical dispensing in order to result in  
9 the applicant acquiring the minimum basic skills required for optical  
10 dispensing. The board may accept a maximum of one thousand hours of  
11 alternative optical laboratory experience toward satisfying the  
12 apprenticeship requirements if that experience meets the standards  
13 established by the board.

14 (c) Submit evidence of graduation from a school of optical  
15 dispensing that presently meets the standards required for approval by a  
16 nationally recognized body on opticianry accreditation as determined by  
17 the board. The applicant must also have served an apprenticeship in  
18 optical dispensing as prescribed in subdivision (b) OF THIS PARAGRAPH for  
19 one of the six years immediately preceding the date of application.

20 (d) Submit evidence of having worked as a dispensing optician or  
21 having served as an apprentice to a dispensing optician, a physician or an  
22 optometrist in a nonlicensing state for three of the six years immediately  
23 preceding the date of application. This work or apprenticeship must  
24 include all principal phases of optical dispensing in order to result in  
25 the applicant acquiring the minimum basic skills required for optical  
26 dispensing.

27 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
28 LICENSE RENEWAL OR LICENSE REINSTATEMENT PURSUANT TO THIS CHAPTER SHALL  
29 POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,  
30 CHAPTER 12, ARTICLE 3.1.

31 Sec. 9. Section 32-1730, Arizona Revised Statutes, is amended to  
32 read:

33 32-1730. Fingerprint clearance card

34 ~~A. Each applicant for licensure and license reinstatement pursuant~~  
35 ~~to this chapter shall submit a full set of fingerprints to the board for~~  
36 ~~the purpose of obtaining a state and federal criminal records check~~  
37 ~~pursuant to section 41-1750 and Public Law 92-544. The department of~~  
38 ~~public safety may exchange this fingerprint data with the federal bureau~~  
39 ~~of investigation.~~

40 ~~B. If the board does not have any evidence or reasonable suspicion~~  
41 ~~that the applicant has a criminal history, the board may issue a license~~  
42 ~~before it receives the results of a criminal records check.~~

43 ~~C. The board shall suspend a license of a person who submits an~~  
44 ~~unreadable set of fingerprints and does not submit a new readable set of~~

1 ~~fingerprints within twenty days after being notified by the board to do~~  
2 ~~so.~~

3 A. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
4 LICENSE RENEWAL OR LICENSE REINSTATEMENT PURSUANT TO THIS CHAPTER SHALL  
5 POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,  
6 CHAPTER 12, ARTICLE 3.1.

7 ~~B.~~ B. This section does not affect the board's authority to  
8 otherwise issue, deny, cancel, terminate, suspend or revoke a license.

9 Sec. 10. Section 32-1822, Arizona Revised Statutes, is amended to  
10 read:

11 32-1822. Qualifications of applicant; application;  
12 fingerprint clearance card; fees

13 A. On a form and in a manner prescribed by the board, an applicant  
14 for licensure shall submit proof that the applicant:

15 1. Is the person named on the application and on all supporting  
16 documents submitted.

17 2. Is a citizen of the United States or a resident alien.

18 3. Is a graduate of a school of osteopathic medicine approved by  
19 the American osteopathic association.

20 4. Has successfully completed an approved internship, the first  
21 year of an approved multiple-year residency or a board-approved  
22 equivalency.

23 5. Has passed the approved examinations for licensure within seven  
24 years of application or has the board-approved equivalency of practice  
25 experience.

26 6. Has not engaged in any conduct that, if it occurred in this  
27 state, would be considered unprofessional conduct or, if the applicant has  
28 engaged in unprofessional conduct, is rehabilitated from the underlying  
29 conduct.

30 7. Is physically, mentally and emotionally able to practice  
31 medicine, or, if limited, restricted or impaired in the ability to  
32 practice medicine, consents to contingent licensure pursuant to subsection  
33 ~~F~~ F of this section or to entry into a program prescribed in section  
34 32-1861.

35 8. Is of good moral character.

36 ~~9. Beginning September 1, 2017, has submitted a full set of~~  
37 ~~fingerprints to the board for the purpose of obtaining a state and federal~~  
38 ~~criminal records check pursuant to section 41-1750 and Public Law~~  
39 ~~92-544. The department of public safety may exchange this fingerprint~~  
40 ~~data with the federal bureau of investigation.~~

41 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
42 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE OR  
43 REGISTRATION PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT  
44 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.





1           5. Not have had a license to practice revoked by a regulatory board  
2 in another jurisdiction in the United States for an act that occurred in  
3 that jurisdiction that constitutes unprofessional conduct pursuant to this  
4 chapter.

5           6. Not be currently under investigation, suspension or restriction  
6 by a regulatory board in another jurisdiction in the United States for an  
7 act that occurred in that jurisdiction AND that constitutes unprofessional  
8 conduct pursuant to this chapter. If the applicant is under investigation  
9 by a regulatory board in another jurisdiction, the board shall suspend the  
10 application process and may not issue or deny a license to the applicant  
11 until the investigation is resolved.

12           7. Not have surrendered, relinquished or given up a license in lieu  
13 of disciplinary action by a regulatory board in another jurisdiction in  
14 the United States for an act that occurred in that jurisdiction AND that  
15 constitutes unprofessional conduct pursuant to this chapter. This  
16 paragraph does not prevent the board from considering the application of  
17 an applicant who surrendered, relinquished or gave up a license in lieu of  
18 disciplinary action by a regulatory board in another jurisdiction if that  
19 regulatory board subsequently reinstated the applicant's license.

20           8. Have submitted verification of all hospital affiliations and  
21 employment for the five years preceding application. Each hospital must  
22 verify the applicant's affiliation or employment on the hospital's  
23 official letterhead or the electronic equivalent.

24           B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
25 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE  
26 PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD  
27 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

28           ~~B.~~ C. The board shall require an applicant to have all credentials  
29 submitted from the primary source where the document originated, either  
30 electronically or by hard copy, except that the board may accept  
31 primary-source verified credentials from a credentials verification  
32 service approved by the board.

33           ~~C.~~ D. The board may make investigations it deems necessary to  
34 advise itself with respect to the qualifications of the applicant,  
35 including physical examinations, mental evaluations, written competency  
36 examinations or any combination of these examinations and evaluations.

37           ~~D.~~ E. If the board finds that the applicant committed an act or  
38 engaged in conduct that would constitute grounds for disciplinary action  
39 in this state, before issuing a license the board must determine to its  
40 satisfaction that the act or conduct has been corrected, monitored and  
41 resolved. If the act or conduct has not been resolved, before issuing a  
42 license the board must determine to its satisfaction that mitigating  
43 circumstances exist that prevent its resolution.

44           ~~E.~~ F. If another jurisdiction has taken disciplinary action  
45 against an applicant, before issuing a license the board must determine to

1 its satisfaction that the cause for the action was corrected and the  
2 matter was resolved. If the other jurisdiction has not resolved the  
3 matter, before issuing a license the board must determine to its  
4 satisfaction that mitigating circumstances exist that prevent its  
5 resolution.

6 ~~F.~~ G. The board may delegate to the executive director the  
7 authority to deny licenses to applicants who do not meet the requirements  
8 of this section.

9 Sec. 12. Section 32-2812, Arizona Revised Statutes, is amended to  
10 read:

11 32-2812. Applications for certificate; qualifications;  
12 fingerprint clearance card; fees; examination;  
13 denial

14 A. An applicant for a certificate shall submit an application for  
15 certification or an application for examination for certification,  
16 accompanied by a nonrefundable fee established by the director. An  
17 applicant who has practiced radiography without certification shall pay a  
18 prorated fee retroactively to the earliest date of uncertified  
19 practice. The fee for a replacement certificate is ~~ten dollars~~ \$10. The  
20 application for examination fee is ~~seventy dollars~~ \$70 and shall not be  
21 prorated. An application shall contain information that the applicant:

- 22 1. Is at least eighteen years of age.
- 23 2. Is of good moral character.
- 24 3. Meets one of the following requirements:

25 (a) In the case of an application for radiologic technologist,  
26 radiation therapy technologist or nuclear medicine technologist  
27 certification, has successfully completed a course of study at a school of  
28 radiologic technology that is approved by the department or an  
29 out-of-state school of radiologic technology that is approved by the joint  
30 review committee on education in radiologic technology, the American  
31 registry of radiologic technologists or the nuclear medicine technology  
32 certification board.

33 (b) In the case of an application for practical technologist in  
34 podiatry certification, practical technologist in bone densitometry  
35 certification and practical technologist in radiology certification,  
36 satisfactorily meets the basic requisites determined by the department  
37 pursuant to section 32-2803.

38 (c) In the case of an application for radiologist assistant  
39 certification, has obtained a baccalaureate degree or postbaccalaureate  
40 certificate from an advanced academic program that encompasses a  
41 nationally recognized radiologist assistant curriculum that includes a  
42 radiologist-directed clinical preceptorship. An applicant for  
43 certification before April 1, 2009 is not required to have a baccalaureate  
44 degree or postbaccalaureate certificate, but must have completed an  
45 advanced academic program that encompasses a nationally recognized

1 radiologist assistant curriculum that includes a radiologist-directed  
2 clinical preceptorship.

3 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL  
4 CERTIFICATION, CERTIFICATION RENEWAL OR CERTIFICATION REINSTATEMENT  
5 PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD  
6 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

7 ~~B.~~ C. If the application is in proper form and it appears that the  
8 applicant meets the eligibility requirements, the applicant shall be  
9 notified of the time and place of the next examination.

10 ~~C.~~ D. The department may accept, in lieu of its own examination, a  
11 certificate issued on the basis of an examination by a  
12 certificate-granting body recognized by the department or a certificate,  
13 registration or license issued by another state if that state's standards  
14 for certification, registration or licensure are satisfactory to the  
15 department.

16 ~~D.~~ E. The department may deny a certificate to an applicant who  
17 has committed an act or engaged in conduct in any jurisdiction that  
18 resulted in a disciplinary action against the applicant or that would  
19 constitute grounds for disciplinary action under this chapter.

20 Sec. 13. Section 32-2912, Arizona Revised Statutes, is amended to  
21 read:

22 32-2912. Qualifications of applicant; applications;  
23 fingerprint clearance card; scope of practice

24 A. The board shall grant a license to practice pursuant to this  
25 chapter to an applicant who meets all of the following requirements:

- 26 1. Is a person of good moral character.
- 27 2. Holds a degree from an approved school of medicine or has  
28 received a medical education that the board determines is of equivalent  
29 quality.
- 30 3. Holds a license in good standing to practice medicine or  
31 osteopathic medicine that is issued under chapter 13 or 17 of this title  
32 or by another state, district or territory of the United States.
- 33 4. Has a professional record that indicates that the applicant has  
34 not had a license to practice medicine refused, revoked, suspended or  
35 restricted in any way by any state, territory, district or country for  
36 reasons that relate to the applicant's ability to competently and safely  
37 practice medicine.
- 38 5. Has a professional record that indicates that the applicant has  
39 not committed any act or engaged in any conduct that would constitute  
40 grounds for disciplinary action against a licensee under this chapter.
- 41 6. Has the physical and mental capacity to safely engage in the  
42 practice of medicine.
- 43 7. Pays all fees and costs required by the board.
- 44 8. Completes the application required by the board.

1 B. Notwithstanding subsection A, paragraphs 2 and 3 of this  
2 section, the board shall issue a license pursuant to this chapter to an  
3 applicant who meets the requirements of subsection A, paragraphs 1, 4, 5,  
4 6, 7 and 8 of this section and who holds a degree from an approved school  
5 of medicine.

6 C. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
7 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE OR  
8 REGISTRATION PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT  
9 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

10 ~~D.~~ D. The board may require an applicant to submit additional  
11 written or oral information and may conduct additional investigations if  
12 it determines that this is necessary to adequately inform itself of the  
13 applicant's ability to meet the requirements of this chapter. If an  
14 applicant has had a license revoked by or has surrendered a license to  
15 another jurisdiction, the applicant may attempt to demonstrate to the  
16 board's satisfaction that the applicant is completely rehabilitated with  
17 respect to the conduct that was the basis for the revocation or surrender  
18 of the license.

19 ~~E.~~ E. The board shall vacate its previous order to deny or revoke  
20 a license if that denial or revocation was based on the applicant's  
21 conviction of a felony or an offense involving moral turpitude and that  
22 conviction has been reversed on appeal. The applicant may resubmit an  
23 application for licensure as soon as the court enters the reversal.

24 ~~F.~~ F. If the board finds that an applicant has committed an act or  
25 engaged in conduct that would constitute grounds for disciplinary action,  
26 the board shall determine to its satisfaction that the conduct has been  
27 corrected, monitored and resolved. If the matter has not been resolved,  
28 before it issues a license the board shall determine to its satisfaction  
29 that mitigating circumstances exist that prevent its resolution.

30 ~~F.~~ G. Except as provided in subsection ~~D~~ E of this section, a  
31 person shall not submit an application for reinstatement or a new  
32 application within five years after the person has completely corrected  
33 the conduct and made full legal restitution to the board's satisfaction.

34 ~~G.~~ H. An applicant shall submit a verified completed application  
35 to the board in a form and within a period of time prescribed by the  
36 board. The application shall include:

- 37 1. The application fee.
- 38 2. Affidavits from three persons who are actively licensed to  
39 practice allopathic, osteopathic or homeopathic medicine in any state or  
40 district of the United States and who are able to attest to the  
41 applicant's good moral character and fitness to practice pursuant to this  
42 chapter.
- 43 3. A diploma or certificate issued by a homeopathic college or any  
44 other educational institution approved by the board or documentation of

1 the applicant's successful completion of preceptorships or formal  
2 postgraduate courses approved by the board.

3 4. If the person is applying for licensure pursuant to subsection A  
4 of this section, proof that the applicant has served a board-approved  
5 internship.

6 5. The applicant's oath that:

7 (a) All of the information contained in the application and the  
8 accompanying evidence or other credentials is correct.

9 (b) The applicant submitted the credentials without fraud or  
10 misrepresentation and that the applicant is the lawful holder of the  
11 credentials.

12 (c) The applicant authorizes the release to the board of any  
13 information from any source that the board determines is necessary for it  
14 to act on the application.

15 ~~H.~~ I. The board shall promptly inform an applicant in writing of  
16 any deficiency in the application that prevents the board from acting on  
17 it.

18 ~~I.~~ J. The board shall consider an application withdrawn if any of  
19 the following is true:

20 1. The applicant submits a written request to withdraw the  
21 application.

22 2. The applicant without good cause fails to appear for a board  
23 interview.

24 3. The applicant fails to submit information to the board within  
25 one year ~~of~~ AFTER the board's request for that information.

26 4. The applicant fails to complete the required examination or  
27 personal interview within one year ~~of~~ AFTER submitting the application.

28 ~~J.~~ K. A person who is issued a license pursuant to subsection B of  
29 this section shall practice only within the scope of practice as  
30 prescribed by this chapter. A licensee who acts outside that scope of  
31 practice commits an act of unprofessional conduct. In addition to all  
32 other available remedies, the board may seek injunctive relieve pursuant  
33 to section 32-2940.

34 Sec. 14. Section 32-2914, Arizona Revised Statutes, is amended to  
35 read:

36 32-2914. Fees

37 A. The board by formal vote at its annual meeting shall establish  
38 fees and penalties that do not exceed the following:

39 1. ~~Five hundred fifty dollars~~ \$550 for an application for a license  
40 to practice homeopathic medicine pursuant to section 32-2912, subsection  
41 ~~G~~ H, paragraph 1.

42 2. ~~Two hundred fifty dollars~~ \$250 for issuance of an initial  
43 license.

44 3. ~~Fifty dollars~~ \$50 for issuance of a duplicate license.

45 4. ~~One thousand dollars~~ \$1,000 for annual renewal of a license.

- 1           5. ~~Three hundred fifty dollars~~ \$350 for late renewal of a license.  
2           6. ~~Two hundred dollars~~ \$200 for initial and annual renewal of a  
3 permit to dispense drugs and devices.  
4           7. ~~Five hundred dollars~~ \$500 for an application for a locum tenens  
5 registration.  
6           8. ~~Two hundred fifty dollars~~ \$250 for issuance of a locum tenens  
7 registration.  
8           9. ~~Two hundred dollars~~ \$200 for annual renewal of a homeopathic  
9 medical assistant registration.  
10          10. ~~Twenty-five cents~~ \$.25 per page for copying board records,  
11 documents, letters, minutes, applications and files.  
12          11. ~~Thirty-five dollars~~ \$35 for a copy of an audiotape.  
13          12. ~~One hundred dollars~~ \$100 for the sale of computerized tapes or  
14 diskettes that do not require programming.  
15          13. ~~Two hundred dollars~~ \$200 for supervising a homeopathic medical  
16 assistant.  
17          14. ~~Three hundred dollars~~ \$300 for each initial application and  
18 annual renewal of a registration to conduct a practical educational  
19 program for supervised medical assistants.  
20          B. The board may charge a licensee with the board's costs to  
21 administer a special purpose licensing examination related to its  
22 investigation of the licensee's competence.  
23          C. The board may charge the actual cost of completing a  
24 professional conduct investigation to the licensee who is the subject of  
25 the investigation if the board determines that the licensee violated this  
26 chapter or a board rule.  
27          D. The board shall charge additional fees for services that it is  
28 not required to provide under this chapter but that it determines are  
29 necessary to carry out its purpose. The board shall charge only the  
30 actual cost of providing these services.  
31          Sec. 15. Repeal  
32          Section ~~32-3280~~, Arizona Revised Statutes, is repealed.  
33          Sec. 16. Title 32, chapter 33, article 3, Arizona Revised Statutes,  
34 is amended by adding a new section ~~32-3280~~, to read:  
35          ~~32-3280. Fingerprint clearance card~~  
36          BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
37 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE  
38 PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD  
39 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.  
40          Sec. 17. Section 32-3504, Arizona Revised Statutes, is amended to  
41 read:  
42          ~~32-3504. Powers and duties; examinations; immunity~~  
43          A. The board shall:  
44          1. Enforce and administer this chapter.  
45          2. Adopt rules necessary to administer this chapter.

1           3. Examine applicants for licensure pursuant to this chapter at  
2 times and places it designates.

3           4. Investigate each applicant for licensure, before a license is  
4 issued, in order to determine ~~if~~ **WHETHER** the applicant is qualified  
5 pursuant to this chapter.

6           5. Keep a record of all its acts and proceedings pursuant to this  
7 chapter, including the issuance, refusal, renewal, suspension or  
8 revocation of licenses.

9           ~~6. Require each applicant for initial licensure to submit a full  
10 set of fingerprints to the board for a state and federal criminal history  
11 records check pursuant to section 41-1750 and Public Law 92-544.~~

12           **6. BEGINNING JANUARY 1, 2023, REQUIRE EACH APPLICANT FOR INITIAL  
13 LICENSURE, LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED  
14 LICENSE PURSUANT TO THIS CHAPTER TO POSSESS A VALID FINGERPRINT CLEARANCE  
15 CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.**

16           7. Maintain a register that contains the name, the last known place  
17 of residence and the date and number of the license of all persons who are  
18 licensed pursuant to this chapter.

19           8. Compile, once every two years, a list of licensed respiratory  
20 care practitioners who are authorized to practice in this state.

21           9. Establish minimum annual continuing education requirements for  
22 persons who are licensed under this chapter. The board shall approve  
23 organizations from which continuing education classes may be accepted.

24           10. Establish a confidential program for ~~the~~ monitoring ~~of~~  
25 licensees who are chemically dependent and who enroll in rehabilitation  
26 programs that meet the criteria established by the board. The board may  
27 take further action if the licensee refuses to enter into a stipulated  
28 agreement or fails to comply with its terms. In order to protect the  
29 public health and safety, the confidentiality requirements of this  
30 paragraph do not apply if the licensee does not comply with the stipulated  
31 agreement.

32           B. The board, in approving education programs for respiratory  
33 therapists, shall consider the requirements and standards set by the  
34 commission on accreditation for respiratory care or its successor  
35 organization. The board may recognize examinations administered by a  
36 national board for respiratory care approved by the board.

37           C. The board may conduct examinations under a uniform examination  
38 system and may make arrangements with the national board of respiratory  
39 care or other organizations regarding examination materials it determines  
40 necessary and desirable.

41           D. The board and its members, personnel and board examiners are  
42 personally immune from suit with respect to all acts done and actions  
43 taken in good faith and in furtherance of the purposes of this chapter.



1           Sec. 18. Section 32-3922, Arizona Revised Statutes, is amended to  
2 read:

3           32-3922. Acupuncture detoxification specialist for chemical  
4                                   dependency or trauma; certificate; requirements;  
5                                   fingerprint clearance card; informed consent;  
6                                   definition

7           A. The board may issue an acupuncture detoxification specialist  
8 certificate to a person who practices auricular acupuncture for the  
9 purpose of treating alcoholism, substance abuse, trauma or chemical  
10 dependency if the person does all of the following:

11           1. Provides documentation of successfully completing a  
12 board-approved training program in acupuncture for treating alcoholism,  
13 substance abuse, trauma or chemical dependency that meets or exceeds  
14 standards of training established by the national acupuncture  
15 detoxification association or a board-approved group.

16           2. Provides documentation satisfactory to the board of successfully  
17 completing a board-approved clean needle technique course.

18           3. Submits an application as prescribed by the board and a fee  
19 prescribed by section 32-3927.

20           ~~4. Submits a full set of fingerprints to the board for the purpose~~  
21 ~~of obtaining a state and federal criminal records check pursuant to~~  
22 ~~section 41-1750 and Public Law 92-544. The department of public safety~~  
23 ~~may exchange this fingerprint data with the federal bureau of~~  
24 ~~investigation.~~

25           ~~5.~~ 4. Discloses in an application for initial certification or  
26 recertification all other active and past professional health care  
27 licenses and certificates issued to the applicant in this state or by  
28 another state, district or territory of the United States.

29           B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL  
30 CERTIFICATION OR RECERTIFICATION PURSUANT TO THIS SECTION SHALL POSSESS A  
31 VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12,  
32 ARTICLE 3.1.

33           ~~B.~~ C. A certificate issued pursuant to this section allows the  
34 certificate holder to practice auricular acupuncture under the supervision  
35 of a person who is licensed pursuant to this chapter.

36           ~~C.~~ D. A certificate issued pursuant to this section is valid for  
37 one year. The certificate may be renewed by the board if the certificate  
38 holder submits an application as prescribed by the board and a fee  
39 prescribed by section 32-3927 before the certificate expires.

40           ~~D.~~ E. Before treating a patient, an auricular acupuncturist shall  
41 obtain from the patient a signed informed consent that has been approved  
42 by the board.

43           ~~E.~~ F. For the purposes of this section, "auricular acupuncture"  
44 means applying acupuncture needles to the pinna, lobe or auditory meatus  
45 to treat alcoholism, substance abuse, trauma or chemical dependency.



1 examination be processed and the results returned to the board within  
2 thirty days after the examination is administered. If, ~~within six months~~  
3 ~~of the effective date of this amendment of this section~~ BY OCTOBER 20,  
4 2005, the testing agency administering the examination fails or is unable  
5 to comply with the requirements of this paragraph, the board shall  
6 designate another examination for applicants to pass.

7 3. Issue licenses to persons who meet the requirements of this  
8 chapter.

9 4. Regulate the practice of massage therapy by interpreting and  
10 enforcing this chapter.

11 5. Establish EDUCATION requirements for ~~the education of~~ licensees  
12 and applicants, including ~~the identification of board recognized~~  
13 IDENTIFYING BOARD-RECOGNIZED schools, AND continuing education programs  
14 and assessing the continuing competence of licensees.

15 6. Adopt rules for ethical and professional conduct to govern the  
16 practice of massage therapy in this state.

17 7. Adopt rules to enforce this chapter.

18 8. Meet at least once each quarter in compliance with the open  
19 meeting requirements of title 38, chapter 3, article 3.1 and keep an  
20 official record of these meetings.

21 9. At its first regular meeting after the start of each calendar  
22 year, elect officers from among its members as necessary to accomplish  
23 board business.

24 10. Provide for the timely orientation and training of new  
25 professional and public appointees to the board regarding board licensing  
26 and disciplinary procedures, this chapter, board rules and board  
27 procedures.

28 11. Maintain a current list of all licensees. ~~This list shall~~  
29 ~~include~~ THAT INCLUDES the licensee's name, current business address and  
30 telephone number and license number and ~~shall be~~ THAT IS regularly  
31 accessible in electronic format to public officials and agencies to verify  
32 the license status of licensees in this state.

33 12. Enter into contracts for services necessary to enforce this  
34 chapter.

35 13. Publish, at least annually, or make available for copying or  
36 reproduction in any format, final disciplinary actions taken against a  
37 licensee.

38 B. The board may:

39 1. Accept and spend federal monies and private grants, gifts,  
40 contributions and devises to assist in carrying out the purposes of this  
41 chapter. These monies do not revert to the state general fund at the end  
42 of a fiscal year.

43 2. Administer oaths and affirmations, subpoena witnesses, take  
44 evidence and require the production of documents, records or information,

1 either kept in original form or electronically stored or recorded, or  
2 other items relevant to a matter within the jurisdiction of the board.

3 ~~5. Require a criminal background check, including the~~  
4 ~~fingerprinting of every applicant for licensure, to assist the board in~~  
5 ~~determining whether grounds exist to deny a license.~~

6 Sec. 21. Section 32-4222, Arizona Revised Statutes, is amended to  
7 read:

8 32-4222. Qualifications for licensure; fingerprint clearance  
9 card

10 A. An applicant for a license as a massage therapist shall:

11 1. Be at least eighteen years of age.

12 2. Be a citizen or legal resident of the United States.

13 3. Satisfy the requirements of section 32-4224.

14 4. Be of good moral character.

15 5. Receive either a high school diploma or general equivalency  
16 diploma or a similar document or certificate or submit proof that the  
17 applicant has passed an ability to benefit examination recognized by the  
18 United States department of education.

19 6. Pay the fees established pursuant to section 32-4227.

20 ~~7. Within five years preceding the date of the application, not~~  
21 ~~have been convicted of:~~

22 ~~(a) A class 1, 2 or 3 felony.~~

23 ~~(b) A class 4, 5 or 6 felony offense involving moral turpitude that~~  
24 ~~has a reasonable relationship to the practice of massage therapy.~~

25 ~~(c) A misdemeanor involving prostitution or solicitation or other~~  
26 ~~similar offense involving moral turpitude that has a reasonable~~  
27 ~~relationship to the practice of massage therapy.~~

28 ~~8.~~ 7. Within the ~~past~~ PRECEDING five years, not have voluntarily  
29 surrendered a license under section 32-4254 or not have had a license to  
30 practice massage therapy or another similar license revoked by a political  
31 subdivision of this state or a regulatory agency in another jurisdiction  
32 in the United States for an act that occurred in that jurisdiction and  
33 that would be subject to discipline pursuant to this chapter.

34 ~~9.~~ 8. Not be currently under investigation, suspension or  
35 restriction by a political subdivision of this state or a regulatory  
36 agency in another jurisdiction in the United States for an act that  
37 occurred in that jurisdiction and that would be subject to discipline  
38 pursuant to this chapter. If the applicant is under investigation by a  
39 regulatory agency in another jurisdiction, the board shall suspend the  
40 application process and may not issue or deny a license to the applicant  
41 until the investigation is resolved.

42 ~~10. Submit a full set of fingerprints to the board for the purpose~~  
43 ~~of obtaining a state and federal criminal records check pursuant to~~  
44 ~~section 41-1750 and Public Law 92-544. The department of public safety~~  
45 ~~may exchange this fingerprint data with the federal bureau of~~

1 ~~investigation. The board may charge the cost of each criminal background~~  
2 ~~check to the applicant.~~

3 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE,  
4 LICENSE RENEWAL, A TEMPORARY LICENSE OR LICENSE REINSTATEMENT PURSUANT TO  
5 THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED  
6 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

7 ~~B.~~ C. In addition to the requirements of subsection A of this  
8 section, an applicant for licensure as a massage therapist shall either:

9 1. Have successfully completed a course of study of massage therapy  
10 or bodywork therapy consisting of a minimum of five hundred classroom and  
11 clinical hours of supervised instruction at a board recognized school in  
12 this state that is accredited by an agency recognized by the secretary of  
13 the United States department of education.

14 2. Have done both of the following:

15 (a) Successfully completed a course of study in massage therapy or  
16 bodywork therapy consisting of a minimum of five hundred classroom and  
17 clinical hours of supervised instruction at a school in this state that is  
18 licensed by the state board for private postsecondary education or at a  
19 school outside of this state that is recognized by the board pursuant to  
20 section 32-4228.

21 (b) Successfully passed an examination administered by a national  
22 board accredited by the certifying agency that has been approved by the  
23 national commission on competency assurance and that is in good standing  
24 with that agency or have successfully passed an examination that is  
25 administered or approved by the board.

26 ~~C.~~ D. The board may adopt rules to allow it to consider the  
27 education and experience of an applicant who came from a foreign country.  
28 The board by rule may increase the minimum number of classroom hours of  
29 supervised instruction at a board recognized school that an applicant for  
30 licensure must successfully have completed.

31 ~~D.~~ E. If the board is satisfied that an applicant meets the  
32 requirements of this section, the board shall issue a license to the  
33 applicant.

34 ~~E.~~ F. The board, by rule, shall establish communication  
35 proficiency requirements related to an applicant's ability to protect  
36 health and safety in connection with the practice of massage therapy.

37 ~~F.~~ G. Subject to the board's approval, the executive director may  
38 issue licenses to applicants who meet the requirements of this chapter.

39 ~~G.~~ H. The board may deny an application for a license if the  
40 applicant committed an act that would subject a person licensed under this  
41 chapter to disciplinary action.

1           Sec. 22. Section 36-754, Arizona Revised Statutes, is amended to  
2 read:

3           36-754. Licensing of midwives; renewal of license;  
4                                   fingerprint clearance card

5           A. The director shall grant a midwife's license to a person ~~meeting~~  
6 **WHO MEETS** the qualifications prescribed by this article and rules adopted  
7 pursuant to this article and ~~paying~~ **WHO PAYS THE** applicable fees.

8           B. A license is valid for two years and may be renewed biennially  
9 on application to the director and payment of applicable fees.

10          C. A person shall file an application for renewal at least thirty  
11 days and ~~no~~ **NOT** more than sixty days before the expiration date of the  
12 current license.

13          D. **BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE OR**  
14 **LICENSE RENEWAL PURSUANT TO THIS ARTICLE SHALL POSSESS A VALID FINGERPRINT**  
15 **CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.**

16           Sec. 23. Section 36-1923, Arizona Revised Statutes, is amended to  
17 read:

18           36-1923. Hearing aid dispensers; licensure requirements;  
19                                   fingerprint clearance card; examination

20          A. An applicant for a hearing aid dispenser license shall pay to  
21 the director a nonrefundable application fee and shall show to the  
22 satisfaction of the director that the applicant:

23           1. Is a person of good moral character.

24           2. Has an education equivalent to a four-year course in an  
25 accredited high school or has continuously engaged in the practice of  
26 fitting and dispensing hearing aids during the three years preceding  
27 August 11, 1970.

28           3. Has not had the applicant's license revoked or suspended by a  
29 state within the ~~past~~ **PRECEDING** two years and is presently not ineligible  
30 for licensure in any state due to prior revocation or suspension.

31          B. An applicant for a hearing aid dispenser license who is notified  
32 by the director that the applicant has fulfilled the requirements of  
33 subsection A of this section shall appear to be examined by written and  
34 practical tests as designated by the director in order to demonstrate that  
35 the applicant is qualified to practice the fitting and dispensing of  
36 hearing aids.

37          C. **BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE OR**  
38 **LICENSE RENEWAL PURSUANT TO THIS ARTICLE SHALL POSSESS A VALID FINGERPRINT**  
39 **CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.**

40          ~~C.~~ D. The director shall give at least two and not ~~exceeding~~ **MORE**  
41 **THAN** four examinations of the type described in this section in each  
42 calendar year unless there is an insufficient number of applicants for the  
43 second annual examination. Sec. 24. Section 36-1926, Arizona Revised  
44 Statutes, is amended to read:



- 1           2. Submit evidence satisfactory to the director that the applicant  
2 has:
- 3           (a) A doctoral degree with an emphasis in audiology from a  
4 nationally or regionally accredited college or university in an accredited  
5 program consistent with the standards of this state's universities.
- 6           (b) Completed supervised clinical rotations in audiology from a  
7 nationally or regionally accredited college or university in an accredited  
8 program consistent with the standards of this state's universities.
- 9           3. Pass an examination pursuant to section 36-1902,  
10 subsection G. The applicant must have completed the examination within  
11 three years before the date of application for licensure pursuant to this  
12 article.
- 13           4. Be of good moral character.
- 14           5. Not have had a license revoked or suspended by a state within  
15 the ~~past~~ PRECEDING two years and not be presently ineligible for licensure  
16 in any state because of a prior revocation or suspension.
- 17           B. A person who has a doctoral degree in audiology and who wishes  
18 to be licensed as an audiologist to fit and dispense hearing aids shall:
- 19           1. Submit a nonrefundable application fee as prescribed by section  
20 36-1908.
- 21           2. Submit evidence satisfactory to the director that the applicant  
22 has:
- 23           (a) A doctoral degree with an emphasis in audiology from a  
24 nationally or regionally accredited college or university in a program  
25 consistent with the standards of this state's universities.
- 26           (b) Completed supervised clinical rotations in audiology from a  
27 nationally or regionally accredited college or a university in an  
28 accredited program that is consistent with the standards of this state's  
29 universities.
- 30           3. Pass an examination pursuant to section 36-1902,  
31 subsection G. The applicant must have completed the examination within  
32 three years before the date of application for licensure pursuant to this  
33 article.
- 34           4. Pass an examination approved by the director in jurisprudence  
35 and ethics related to this chapter within six months after initial  
36 licensure. The director shall offer the examination at least four times  
37 each calendar year.
- 38           5. Be of good moral character.
- 39           6. Not have had a license revoked or suspended by a state within  
40 the ~~past~~ PRECEDING two years and not be presently ineligible for licensure  
41 in any state because of a prior revocation or suspension.
- 42           C. A person who wishes to be licensed as an audiologist to fit and  
43 dispense hearing aids and who was awarded a master's degree in audiology  
44 before December 31, 2007 must:



- 1           1. Submit a nonrefundable application fee as prescribed pursuant to  
2 section 36-1908.
- 3           2. Submit evidence satisfactory to the director that the applicant  
4 meets the requirements prescribed in section 36-1940.02, subsection C for  
5 a waiver of the educational and clinical rotation requirements of this  
6 article.
- 7           3. Pass an audiology examination pursuant to section 36-1902,  
8 subsection E. The applicant must have completed the examination within  
9 three years before the date of application for licensure pursuant to this  
10 article unless the applicant is currently practicing audiology and meets  
11 the audiology examination waiver requirements of section 36-1940.02,  
12 subsection D.
- 13           4. Pass the hearing aid dispenser's examination pursuant to section  
14 36-1924.
- 15           5. Be of good moral character.
- 16           6. Not have had a license to practice as an audiologist or hearing  
17 aid dispenser revoked or suspended by another state within the ~~past~~  
18 **PRECEDING** two years and not currently be ineligible for licensure in any  
19 state because of a prior revocation or suspension.
- 20           D. The director shall adopt rules prescribing criteria for approved  
21 postgraduate professional experience.
- 22           **E. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE OR**  
23 **LICENSE RENEWAL PURSUANT TO THIS SECTION SHALL POSSESS A VALID FINGERPRINT**  
24 **CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.**
- 25           Sec. 26. Section 36-1940.01, Arizona Revised Statutes, is amended  
26 to read:
- 27           **36-1940.01. Speech-language \_\_\_\_\_ pathologists; \_\_\_\_\_ licensure**  
28 **requirements; fingerprint clearance card**
- 29           A. A person who wishes to be licensed as a speech-language  
30 pathologist shall:
- 31           1. Submit a nonrefundable application fee as prescribed by section  
32 36-1908.
- 33           2. Submit evidence satisfactory to the director that the applicant  
34 has:
- 35           (a) A master's degree in speech-language pathology or the  
36 equivalent from a nationally or regionally accredited college or  
37 university in a program consistent with the standards of this state's  
38 universities.
- 39           (b) Completed a supervised clinical practicum in speech-language  
40 pathology from a nationally or regionally accredited college or university  
41 in a program consistent with the standards of this state's universities.
- 42           (c) Completed postgraduate professional experience in the field of  
43 speech-language pathology approved by the director.
- 44           3. Pass an examination pursuant to section 36-1902, subsection G.
- 45           4. Be of good moral character.

1           5. Not have had a license revoked or suspended by a state within  
2 the ~~past~~ PRECEDING two years and not be presently ineligible for licensure  
3 in any state because of a prior revocation or suspension.

4           B. A person who wishes to be licensed as a speech-language  
5 pathologist whose practice is limited to providing services to pupils  
6 under the authority of a local education agency or ~~state supported~~  
7 STATE-SUPPORTED institution shall:

8           1. Submit a nonrefundable application fee as provided by section  
9 36-1908.

10          2. Submit proof of an employee or contractor relationship with a  
11 local education agency or a ~~state supported~~ STATE-SUPPORTED institution.

12          3. Hold a certificate in speech and language therapy awarded by the  
13 state board of education.

14          C. The director shall adopt rules prescribing criteria for approved  
15 postgraduate professional experience.

16          D. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE OR  
17 LICENSE RENEWAL PURSUANT TO THIS ARTICLE SHALL POSSESS A VALID FINGERPRINT  
18 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

19          Sec. 27. Section 36-1940.04, Arizona Revised Statutes, is amended  
20 to read:

21          36-1940.04. Speech-language pathology assistants; licensure  
22 requirements; scope of practice; supervision

23          A. A person who wishes to be licensed as a speech-language  
24 pathology assistant shall:

25          1. Submit a nonrefundable application fee as prescribed by section  
26 36-1908.

27          2. Submit written evidence satisfactory to the director that the  
28 applicant has completed:

29           (a) An approved training program for speech-language pathology  
30 assistants or the equivalent from a nationally or regionally accredited  
31 college or university that consisted of a minimum of sixty semester credit  
32 hours of coursework with the following curriculum content:

33           (i) Twenty to forty semester credit hours of general education or a  
34 bachelor's degree.

35           (ii) Twenty to forty semester credit hours of speech-language  
36 pathology technical coursework.

37           (b) A minimum of one hundred hours of clinical interaction that  
38 does not include observation, under the supervision of a licensed master's  
39 level speech-language pathologist.

40          3. Be of good moral character.

41          4. BEGINNING JANUARY 1, 2023, POSSESS A VALID FINGERPRINT CLEARANCE  
42 CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

43          ~~4.~~ 5. Not have had a license revoked or suspended by a state  
44 within the ~~past~~ PRECEDING two years and not be presently ineligible for  
45 licensure in any state because of a prior revocation or suspension.

1           B. The director may waive the requirements of subsection A,  
2 paragraph 2 of this section if the applicant holds certification as a  
3 speech-language pathology assistant from a nationally recognized  
4 speech-language hearing association approved by the department in the  
5 field for which the applicant is applying for licensure.

6           C. A speech-language pathology assistant may do the following under  
7 the supervision of a licensed speech-language pathologist:

8           1. Conduct speech and language screenings without interpretation,  
9 using screening protocols specified by the supervising speech-language  
10 pathologist.

11           2. Provide direct treatment assistance, including feeding for  
12 nutritional purposes to patients, clients or students except for patients,  
13 clients or students with dysphagia, identified by the supervising  
14 speech-language pathologist by following written treatment plans,  
15 individualized education programs, individual support plans or protocols  
16 developed by the supervising speech-language pathologist.

17           3. Document patient, client or student progress toward meeting  
18 established objectives as stated in the treatment plan, individual support  
19 plan or individualized education program without interpreting the  
20 findings, and report this information to the supervising speech-language  
21 pathologist.

22           4. Assist the speech-language pathologist in collecting and  
23 tallying data for assessment purposes, without interpreting the data.

24           5. Act as a second-language interpreter during assessments.

25           6. Assist with informal documentation during an intervention  
26 session by collecting and tallying data as directed by the speech-language  
27 pathologist, preparing materials and assisting with other clerical duties  
28 as specified by the supervising speech-language pathologist.

29           7. Schedule activities and prepare charts, records, graphs or other  
30 displays of data.

31           8. Perform checks and maintenance of equipment.

32           9. Participate with the speech-language pathologist in research  
33 projects, in-service training and public relations programs.

34           10. Sign and initial treatment notes for review and cosignature by  
35 the supervising speech-language pathologist.

36           D. A speech-language pathology assistant shall not:

37           1. Conduct swallowing screening, assessment and intervention  
38 protocols, including modified barium swallow studies.

39           2. Administer standardized or nonstandardized diagnostic tests or  
40 formal or informal evaluations or interpret test results.

41           3. Participate in parent conferences, case conferences or any  
42 interdisciplinary team meeting without the presence of the supervising  
43 speech-language pathologist, except for individualized education program  
44 or individual support plan meetings if the licensed speech-language

1 pathologist has been excused by the individualized education program team  
2 or the individual support plan team.

3 4. Write, develop or modify a patient's, client's or student's  
4 treatment plan, individual support plan or individualized education  
5 program in any way.

6 5. Provide intervention for patients, clients or students without  
7 following the treatment plan, individual support plan or individualized  
8 education program prepared by the supervising speech-language pathologist.

9 6. Sign any formal documents, including treatment plans, individual  
10 support plans, individualized education programs, reimbursement forms or  
11 reports.

12 7. Select patients, clients or students for services.

13 8. Discharge patients, clients or students from services.

14 9. Unless required by law, disclose clinical or confidential  
15 information orally or in writing to anyone WHO IS not designated by the  
16 speech-language pathologist.

17 10. Make a referral for any additional service.

18 11. Communicate with the patient, client or student or with family  
19 or others regarding any aspect of the patient, client or student status  
20 without the specific consent of the supervising speech-language  
21 pathologist.

22 12. Claim to be a speech-language pathologist.

23 13. Write a formal screening, diagnostic, progress or discharge  
24 note.

25 14. Perform any task without the express knowledge and approval of  
26 the supervising speech-language pathologist.

27 E. All services provided by a speech-language pathology assistant  
28 shall be performed under the direction and supervision of a  
29 speech-language pathologist who is licensed pursuant to this chapter.

30 F. A licensed speech-language pathologist who supervises or directs  
31 the services provided by a speech-language pathology assistant shall:

32 1. Have at least two years of full-time professional experience as  
33 a licensed speech-language pathologist.

34 2. Provide direction and supervision to not more than two full-time  
35 or three part-time speech-language pathology assistants at one time.

36 3. Ensure that the amount and type of supervision and direction  
37 provided to a speech-language pathology assistant is consistent with the  
38 individual's skills and experience, the needs of the patient, client or  
39 student served, the setting in which services are provided and the tasks  
40 assigned and provide:

41 (a) At least twenty percent direct supervision and ten percent  
42 indirect supervision of all the time that the speech-language pathology  
43 assistant is providing services during the individual's first ninety days  
44 of employment. After the first ninety days of the speech-language  
45 pathology assistant's employment, the supervising speech-language

1 pathologist may adjust the amount of supervision if the supervising  
2 speech-language pathologist determines that the speech-language pathology  
3 assistant meets appropriate competencies and skill levels regarding  
4 various disorders of communication and related disorders. Minimum ongoing  
5 supervision after the first ninety days shall include documentation of  
6 direct and indirect supervision provided by the supervising  
7 speech-language pathologist and shall include at least one hour of direct  
8 supervision weekly and as much indirect supervision as needed to maintain  
9 the delivery of quality services. Minimum ongoing supervision after the  
10 first ninety days shall include documentation by the supervising  
11 speech-language pathologist of the supervisor's direct contact with at  
12 least ten percent of the speech-language pathology assistant's patients,  
13 clients or students served each quarter. The supervising speech-language  
14 pathologist shall ensure that the ten percent direct client contact varies  
15 each quarter. The supervising speech-language pathologist shall require  
16 direct supervision of a speech-language pathology assistant when services  
17 are provided to a medically fragile individual.

18 (b) At least ten percent direct supervision and ten percent  
19 indirect supervision of all the time that the speech-language pathology  
20 assistant is providing services during the individual's first thirty days  
21 of employment if the speech-language pathology assistant completed  
22 supervision pursuant to subdivision (a) of this paragraph at a previous  
23 employer and provides documentation of that supervision to the supervising  
24 speech-language pathologist. After the first thirty days of the  
25 speech-language pathology assistant's employment, the supervising  
26 speech-language pathologist may adjust the amount of supervision if the  
27 supervising speech-language pathologist determines that the  
28 speech-language pathology assistant meets appropriate competencies and  
29 skill levels regarding various disorders of communication and related  
30 disorders. Minimum ongoing supervision after the first thirty days of  
31 employment shall include documentation of direct and indirect supervision  
32 provided by the supervising speech-language pathologist and shall include  
33 at least one hour of direct supervision weekly and as much indirect  
34 supervision as needed to maintain the delivery of quality services.  
35 Minimum ongoing supervision after the first ninety days shall include  
36 documentation by the supervising speech-language pathologist of the  
37 supervisor's direct contact with at least ten percent of the  
38 speech-language pathology assistant's patients, clients or students served  
39 each quarter. The supervising speech-language pathologist shall ensure  
40 that the ten percent direct client contact varies each quarter. The  
41 supervising speech-language pathologist shall require direct supervision  
42 of a speech-language pathology assistant when services are provided to a  
43 medically fragile individual.

44 4. Inform a patient, client or student when the services of a  
45 speech-language pathology assistant are being provided.

1           5. Document all periods of direct supervision and indirect  
2 supervision provided to a speech-language pathology assistant.

3           G. If more than one speech-language pathologist provides  
4 supervision to a speech-language pathology assistant, one of the  
5 speech-language pathologists shall be designated as the primary supervisor  
6 who is responsible for coordinating any supervision provided by other  
7 speech-language pathologists.

8           Sec. 28. Section 41-619.51, Arizona Revised Statutes, is amended to  
9 read:

10           41-619.51. Definitions

11           In this article, unless the context otherwise requires:

12           1. "Agency" means the supreme court, the department of economic  
13 security, the department of child safety, the department of education, the  
14 department of health services, the department of juvenile corrections, the  
15 department of emergency and military affairs, the department of public  
16 safety, the department of transportation, the state real estate  
17 department, the department of insurance and financial institutions, the  
18 Arizona game and fish department, the Arizona department of agriculture,  
19 the board of examiners of nursing care institution administrators and  
20 assisted living facility managers, the state board of dental examiners,  
21 the Arizona state board of pharmacy, the board of physical therapy, the  
22 state board of psychologist examiners, the board of athletic training, the  
23 board of occupational therapy examiners, the state board of podiatry  
24 examiners, ~~or~~ the state board of technical registration, THE STATE BOARD  
25 OF CHIROPRACTIC EXAMINERS, THE ARIZONA MEDICAL BOARD, THE NATUROPATHIC  
26 PHYSICIANS MEDICAL BOARD, THE ARIZONA STATE BOARD OF NURSING, THE STATE  
27 BOARD OF DISPENSING OPTICIANS, THE STATE BOARD OF OPTOMETRY, THE ARIZONA  
28 BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY, THE ARIZONA  
29 REGULATORY BOARD OF PHYSICIAN ASSISTANTS, THE BOARD OF HOMEOPATHIC AND  
30 INTEGRATED MEDICINE EXAMINERS, THE BOARD OF BEHAVIORAL HEALTH EXAMINERS,  
31 THE BOARD OF RESPIRATORY CARE EXAMINERS, THE ACUPUNCTURE BOARD OF  
32 EXAMINERS OR THE BOARD OF MASSAGE THERAPY.

33           2. "Board" means the board of fingerprinting.

34           3. "Central registry exception" means notification to the  
35 department of economic security, the department of child safety or the  
36 department of health services, as appropriate, pursuant to section  
37 41-619.57 that the person is not disqualified because of a central  
38 registry check conducted pursuant to section 8-804.

39           4. "Expedited review" means an examination, in accordance with  
40 board rule, of the documents an applicant submits by the board or its  
41 hearing officer without the applicant being present.

42           5. "Good cause exception" means the issuance of a fingerprint  
43 clearance card to an employee pursuant to section 41-619.55.

- 1           6. "Person" means a person who is required to be fingerprinted  
2 pursuant to this article or who is subject to a central registry check and  
3 any of the following:
- 4           (a) Section 3-314.
  - 5           (b) Section 8-105.
  - 6           (c) Section 8-322.
  - 7           (d) Section 8-463.
  - 8           (e) Section 8-509.
  - 9           (f) Section 8-802.
  - 10          (g) Section 8-804.
  - 11          (h) Section 15-183.
  - 12          (i) Section 15-503.
  - 13          (j) Section 15-512.
  - 14          (k) Section 15-534.
  - 15          (l) Section 15-763.01.
  - 16          (m) Section 15-782.02.
  - 17          (n) Section 15-1330.
  - 18          (o) Section 15-1881.
  - 19          (p) Section 17-215.
  - 20          (q) Section 28-3228.
  - 21          (r) Section 28-3413.
  - 22          (s) Section 32-122.02.
  - 23          (t) Section 32-122.05.
  - 24          (u) Section 32-122.06.
  - 25          (v) Section 32-823.
  - 26          (w) SECTION 32-921.
  - 27          ~~(w)~~ (x) Section 32-1232.
  - 28          ~~(x)~~ (y) Section 32-1276.01.
  - 29          ~~(y)~~ (z) Section 32-1284.
  - 30          ~~(z)~~ (aa) Section 32-1297.01.
  - 31          (bb) SECTION 32-1422.
  - 32          (cc) SECTION 32-1524.
  - 33          (dd) SECTION 32-1606.
  - 34          (ee) SECTION 32-1683.
  - 35          (ff) SECTION 32-1730.
  - 36          (gg) SECTION 32-1822.
  - 37          ~~(aa)~~ (hh) Section 32-1904.
  - 38          ~~(bb)~~ (ii) Section 32-1941.
  - 39          ~~(cc)~~ (jj) Section 32-1982.
  - 40          ~~(dd)~~ (kk) Section 32-2022.
  - 41          ~~(ee)~~ (ll) Section 32-2063.
  - 42          ~~(ff)~~ (mm) Section 32-2108.01.
  - 43          ~~(gg)~~ (nn) Section 32-2123.
  - 44          ~~(hh)~~ (oo) Section 32-2371.
  - 45          (pp) SECTION 32-2521.

- 1 (qq) SECTION 32-2812.
- 2 (rr) SECTION 32-2912.
- 3 (ss) SECTION 32-3280.
- 4 ~~(tt)~~ (tt) Section 32-3430.
- 5 (uu) SECTION 32-3504.
- 6 ~~(vv)~~ (vv) Section 32-3620.
- 7 ~~(ww)~~ (ww) Section 32-3668.
- 8 ~~(xx)~~ (xx) Section 32-3669.
- 9 (yy) SECTION 32-3922.
- 10 (zz) SECTION 32-3924.
- 11 ~~(aaa)~~ (aaa) Section 32-4128.
- 12 (bbb) SECTION 32-4222.
- 13 ~~(ccc)~~ (ccc) Section 36-113.
- 14 ~~(ddd)~~ (ddd) Section 36-207.
- 15 ~~(eee)~~ (eee) Section 36-411.
- 16 ~~(fff)~~ (fff) Section 36-425.03.
- 17 ~~(ggg)~~ (ggg) Section 36-446.04.
- 18 ~~(hhh)~~ (hhh) Section 36-594.01.
- 19 ~~(iii)~~ (iii) Section 36-594.02.
- 20 (jjj) SECTION 36-754.
- 21 ~~(kkk)~~ (kkk) Section 36-766.01.
- 22 ~~(lll)~~ (lll) Section 36-882.
- 23 ~~(mmm)~~ (mmm) Section 36-883.02.
- 24 ~~(nnn)~~ (nnn) Section 36-897.01.
- 25 ~~(ooo)~~ (ooo) Section 36-897.03.
- 26 (ppp) SECTION 36-1923.
- 27 (qqq) SECTION 36-1940.
- 28 (rrr) SECTION 36-1940.01.
- 29 (sss) SECTION 36-1940.04.
- 30 ~~(ttt)~~ (ttt) Section 36-3008.
- 31 ~~(uuu)~~ (uuu) Section 41-619.53.
- 32 ~~(vvv)~~ (vvv) Section 41-1964.
- 33 ~~(www)~~ (www) Section 41-1967.01.
- 34 ~~(xxx)~~ (xxx) Section 41-1968.
- 35 ~~(yyy)~~ (yyy) Section 41-1969.
- 36 ~~(zzz)~~ (zzz) Section 41-2814.
- 37 ~~(aaaa)~~ (aaaa) Section 46-141, subsection A or B.
- 38 ~~(bbbb)~~ (bbbb) Section 46-321.

39 Sec. 29. Section 41-1758, Arizona Revised Statutes, is amended to  
 40 read:

41 41-1758. Definitions

42 In this article, unless the context otherwise requires:

- 43 1. "Agency" means the supreme court, the department of economic
- 44 security, the department of child safety, the department of education, the
- 45 department of health services, the department of juvenile corrections, the



1 department of emergency and military affairs, the department of public  
2 safety, the department of transportation, the state real estate  
3 department, the department of insurance and financial institutions, the  
4 board of fingerprinting, the Arizona game and fish department, the Arizona  
5 department of agriculture, the board of examiners of nursing care  
6 institution administrators and assisted living facility managers, the  
7 state board of dental examiners, the Arizona state board of pharmacy, the  
8 board of physical therapy, the state board of psychologist examiners, the  
9 board of athletic training, the board of occupational therapy examiners,  
10 the state board of podiatry examiners, ~~or~~ the state board of technical  
11 registration, THE STATE BOARD OF CHIROPRACTIC EXAMINERS, THE ARIZONA  
12 MEDICAL BOARD, THE NATUROPATHIC PHYSICIANS MEDICAL BOARD, THE ARIZONA  
13 STATE BOARD OF NURSING, THE STATE BOARD OF DISPENSING OPTICIANS, THE STATE  
14 BOARD OF OPTOMETRY, THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE  
15 AND SURGERY, THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS, THE  
16 BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS, THE BOARD OF  
17 BEHAVIORAL HEALTH EXAMINERS, THE BOARD OF RESPIRATORY CARE EXAMINERS, THE  
18 ACUPUNCTURE BOARD OF EXAMINERS OR THE BOARD OF MASSAGE THERAPY.

19 2. "Division" means the fingerprinting division in the department  
20 of public safety.

21 3. "Electronic or internet-based fingerprinting services" means a  
22 secure system for digitizing applicant fingerprints and transmitting the  
23 applicant data and fingerprints of a person or entity submitting  
24 fingerprints to the department of public safety for any authorized purpose  
25 under this title. For the purposes of this paragraph, "secure system"  
26 means a system that complies with the information technology security  
27 policy approved by the department of public safety.

28 4. "Good cause exception" means the issuance of a fingerprint  
29 clearance card to an applicant pursuant to section 41-619.55.

30 5. "Person" means a person who is required to be fingerprinted  
31 pursuant to any of the following:

- 32 (a) Section 3-314.
- 33 (b) Section 8-105.
- 34 (c) Section 8-322.
- 35 (d) Section 8-463.
- 36 (e) Section 8-509.
- 37 (f) Section 8-802.
- 38 (g) Section 15-183.
- 39 (h) Section 15-503.
- 40 (i) Section 15-512.
- 41 (j) Section 15-534.
- 42 (k) Section 15-763.01.
- 43 (l) Section 15-782.02.
- 44 (m) Section 15-1330.
- 45 (n) Section 15-1881.

- 1 (o) Section 17-215.
- 2 (p) Section 28-3228.
- 3 (q) Section 28-3413.
- 4 (r) Section 32-122.02.
- 5 (s) Section 32-122.05.
- 6 (t) Section 32-122.06.
- 7 (u) Section 32-823.
- 8 (v) SECTION 32-921.
- 9 ~~(v)~~ (w) Section 32-1232.
- 10 ~~(w)~~ (x) Section 32-1276.01.
- 11 ~~(x)~~ (y) Section 32-1284.
- 12 ~~(y)~~ (z) Section 32-1297.01.
- 13 (aa) SECTION 32-1422.
- 14 (bb) SECTION 32-1524.
- 15 (cc) SECTION 32-1606.
- 16 (dd) SECTION 32-1683.
- 17 (ee) SECTION 32-1730.
- 18 (ff) SECTION 32-1822.
- 19 ~~(z)~~ (gg) Section 32-1904.
- 20 ~~(aa)~~ (hh) Section 32-1941.
- 21 ~~(bb)~~ (ii) Section 32-1982.
- 22 ~~(cc)~~ (jj) Section 32-2022.
- 23 ~~(dd)~~ (kk) Section 32-2063.
- 24 ~~(ee)~~ (ll) Section 32-2108.01.
- 25 ~~(ff)~~ (mm) Section 32-2123.
- 26 ~~(gg)~~ (nn) Section 32-2371.
- 27 (oo) SECTION 32-2521.
- 28 (pp) SECTION 32-2812.
- 29 (qq) SECTION 32-2912.
- 30 (rr) SECTION 32-3280.
- 31 ~~(hh)~~ (ss) Section 32-3430.
- 32 (tt) SECTION 32-3504.
- 33 ~~(ii)~~ (uu) Section 32-3620.
- 34 ~~(jj)~~ (vv) Section 32-3668.
- 35 ~~(kk)~~ (ww) Section 32-3669.
- 36 (xx) SECTION 32-3922.
- 37 (yy) SECTION 32-3924.
- 38 ~~(ii)~~ (zz) Section 32-4128.
- 39 (aaa) SECTION 32-4222.
- 40 ~~(mm)~~ (bbb) Section 36-113.
- 41 ~~(nn)~~ (ccc) Section 36-207.
- 42 ~~(oo)~~ (ddd) Section 36-411.
- 43 ~~(pp)~~ (eee) Section 36-425.03.
- 44 ~~(qq)~~ (fff) Section 36-446.04.
- 45 ~~(rr)~~ (ggg) Section 36-594.01.

- 1           ~~(ss)~~ (hhh) Section 36-594.02.
- 2           (iii) SECTION 36-754.
- 3           ~~(tt)~~ (jjj) Section 36-766.01.
- 4           ~~(uu)~~ (kkk) Section 36-882.
- 5           ~~(vv)~~ (lll) Section 36-883.02.
- 6           ~~(ww)~~ (mmm) Section 36-897.01.
- 7           ~~(xx)~~ (nnn) Section 36-897.03.
- 8           (ooo) SECTION 36-1923.
- 9           (ppp) SECTION 36-1940.
- 10          (qqq) SECTION 36-1940.01.
- 11          (rrr) SECTION 36-1940.04.
- 12          ~~(yy)~~ (sss) Section 36-3008.
- 13          ~~(zz)~~ (ttt) Section 41-619.52.
- 14          ~~(aaa)~~ (uuu) Section 41-619.53.
- 15          ~~(bbb)~~ (vvv) Section 41-1964.
- 16          ~~(ccc)~~ (www) Section 41-1967.01.
- 17          ~~(ddd)~~ (xxx) Section 41-1968.
- 18          ~~(eee)~~ (yyy) Section 41-1969.
- 19          ~~(fff)~~ (zzz) Section 41-2814.
- 20          ~~(ggg)~~ (aaaa) Section 46-141, subsection A or B.
- 21          ~~(hhh)~~ (bbbb) Section 46-321.

22          6. "Vulnerable adult" has the same meaning prescribed in section  
23 13-3623.

24          Sec. 30. Section 41-1758.01, Arizona Revised Statutes, is amended  
25 to read:

26          41-1758.01. Fingerprinting division; powers and duties

27          A. The fingerprinting division is established in the department of  
28 public safety and shall:

- 29          1. Conduct fingerprint background checks for persons and applicants  
30 who are seeking licenses from state agencies, employment with licensees,  
31 contract providers and state agencies or employment or educational  
32 opportunities with agencies that require fingerprint background checks  
33 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,  
34 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,  
35 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, [32-921](#),  
36 32-1232, 32-1276.01, 32-1284, 32-1297.01, [32-1422](#), [32-1524](#), [32-1606](#),  
37 [32-1683](#), [32-1730](#), [32-1822](#), 32-1904, 32-1941, 32-1982, 32-2022, 32-2063,  
38 32-2108.01, 32-2123, 32-2371, [32-2521](#), [32-2812](#), [32-2912](#), [32-3280](#), 32-3430,  
39 [32-3504](#), 32-3620, 32-3668, 32-3669, [32-3922](#), [32-3924](#), 32-4128, [32-4222](#),  
40 36-113, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,  
41 [36-754](#), 36-766.01, 36-882, 36-883.02, 36-897.01, 36-897.03, [36-1923](#),  
42 [36-1940](#), [36-1940.01](#), [36-1940.04](#), 36-3008, 41-619.52, 41-619.53, 41-1964,  
43 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A or  
44 B and section 46-321.

1           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
2 clearance card becomes the personal property of the cardholder and the  
3 cardholder shall retain possession of the fingerprint clearance card.

4           3. On submission of an application for a fingerprint clearance  
5 card, collect the fees established by the board of fingerprinting pursuant  
6 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,  
7 the monies collected in the board of fingerprinting fund.

8           4. Inform in writing each person who submits fingerprints for a  
9 fingerprint background check of the right to petition the board of  
10 fingerprinting for a good cause exception pursuant to section 41-1758.03,  
11 41-1758.04 or 41-1758.07.

12           5. If after conducting a state and federal criminal history records  
13 check the division determines that it is not authorized to issue a  
14 fingerprint clearance card to a person, inform the person in writing that  
15 the division is not authorized to issue a fingerprint clearance card. The  
16 notice shall include the criminal history information on which the denial  
17 was based. This criminal history information is subject to dissemination  
18 restrictions pursuant to section 41-1750 and Public Law 92-544.

19           6. Notify the person in writing if the division suspends, revokes  
20 or places a driving restriction notation on a fingerprint clearance card  
21 pursuant to section 41-1758.04. The notice shall include the criminal  
22 history information on which the suspension, revocation or placement of  
23 the driving restriction notation was based. This criminal history  
24 information is subject to dissemination restrictions pursuant to section  
25 41-1750 and Public Law 92-544.

26           7. Administer and enforce this article.

27           B. The fingerprinting division may contract for electronic or  
28 internet-based fingerprinting services through an entity or entities for  
29 the acquisition and transmission of applicant fingerprint and data  
30 submissions to the department, including identity verified fingerprints  
31 pursuant to section 15-106. The entity or entities contracted by the  
32 department of public safety may charge the applicant a fee for services  
33 provided pursuant to this article. The entity or entities contracted by  
34 the department of public safety shall comply with:

35           1. All information privacy and security measures and submission  
36 standards established by the department of public safety.

37           2. The information technology security policy approved by the  
38 department of public safety.

39           Sec. 31. Effective date

40           This act is effective from and after December 31, 2022.