

REFERENCE TITLE: health professionals; complaints; investigations

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1568

Introduced by
Senator Barto

AN ACT

AMENDING SECTION 32-3223, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3229.01; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3223, Arizona Revised Statutes, is amended to
3 read:

4 32-3223. Health profession regulatory boards; nondisciplinary
5 confidential monitoring programs

6 A. Each health profession regulatory board ~~may~~ SHALL establish a
7 nondisciplinary confidential program, ~~including enrollment criteria for~~
8 ~~participation in the program,~~ AND PROVIDE ALL LICENSEES WITH THE
9 OPPORTUNITY TO PARTICIPATE IN A NONDISCIPLINARY CONFIDENTIAL PROGRAM for
10 ~~the~~ monitoring of a licensee or certificate holder who has been reported
11 to or who voluntarily reports to the licensee's or certificate holder's
12 regulatory board and who may be chemically dependent or have a substance
13 misuse history or who may have a medical, psychiatric, psychological or
14 behavioral health disorder that may impact the licensee's or certificate
15 holder's ability to safely practice or perform health care tasks.

16 B. A program established pursuant to subsection A of this section
17 may include education, intervention, therapeutic treatment and
18 posttreatment monitoring and support. The licensee or certificate holder
19 is responsible for the costs associated with any treatment, rehabilitation
20 or monitoring under a program established pursuant to subsection A of this
21 section. The health profession regulatory board and the licensee or
22 certificate holder may agree to enter into a nondisciplinary confidential
23 stipulated agreement for participation in a program established pursuant
24 to subsection A of this section.

25 C. The HEALTH PROFESSION REGULATORY board may take further action,
26 INCLUDING DISCIPLINARY ACTION, if the licensee or certificate holder
27 refuses to enter into a nondisciplinary confidential stipulated agreement
28 with the board or fails to comply with the agreement's terms. The
29 confidentiality requirements of this section do not apply if the licensee
30 or certificate holder does not comply with the stipulated agreement.

31 Sec. 2. Title 32, chapter 32, article 1, Arizona Revised Statutes,
32 is amended by adding section 32-3229.01, to read:

33 32-3229.01. Health profession regulatory boards; complaints;
34 investigations; complainant confidentiality;
35 exceptions; notice; evaluation expenses

36 A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A HEALTH
37 PROFESSION REGULATORY BOARD SHALL REQUIRE COMPLAINANTS TO IDENTIFY
38 THEMSELVES IN THE COMPLAINT AND MAKE THEMSELVES AVAILABLE FOR AN
39 EVIDENTIARY INTERVIEW. COMPLAINANTS MAY REQUEST THAT THEIR IDENTITY
40 REMAIN CONFIDENTIAL DURING THE PRELIMINARY INVESTIGATORY PROCESS.
41 NOTWITHSTANDING A COMPLAINANT'S REQUEST TO REMAIN CONFIDENTIAL DURING THE
42 PRELIMINARY INVESTIGATORY PROCESS, IF THE INVESTIGATORY PROCESS RESULTS IN
43 A DETERMINATION THAT A VIOLATION OF LAW MAY HAVE OCCURRED, THE RESPONDENT
44 IS ENTITLED TO THE COMPLETE INVESTIGATORY FILE, INCLUDING THE IDENTITY OF

1 THE COMPLAINANT FOR PURPOSES OF PROVIDING A COMPREHENSIVE RESPONSE TO THE
2 COMPLAINT.

3 B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE
4 INVESTIGATION OF A COMPLAINT BY ANY HEALTH PROFESSION REGULATORY BOARD
5 AGAINST A PERMITTEE, CERTIFICATE HOLDER OR LICENSEE SHALL BE SUBMITTED FOR
6 BOARD REVIEW OR ADMINISTRATIVELY DISMISSED, IF UNSUBSTANTIATED, WITHIN ONE
7 HUNDRED EIGHTY DAYS AFTER THE BOARD RECEIVES THE COMPLAINT REGARDLESS OF
8 WHETHER THE COMPLAINT IS FILED ON THE BOARD'S OWN MOTION OR BY A
9 THIRD-PARTY COMPLAINANT. IF THE COMPLAINT INVESTIGATION CANNOT BE
10 REASONABLY COMPLETED WITHIN ONE HUNDRED TWENTY DAYS DUE TO THE COMPLEXITY
11 OF THE MATTER, THE HEALTH PROFESSION REGULATORY BOARD IS ALLOWED AN
12 ADDITIONAL ONE HUNDRED DAYS TO COMPLETE ITS REVIEW AND PROCEED WITH THE
13 ADMINISTRATIVE PROCEDURE TO SUBMIT THE COMPLAINT FOR BOARD REVIEW OR
14 DISMISS THE COMPLAINT.

15 C. BEFORE INTERVIEWING ANY RESPONDENT TO A COMPLAINT, THE HEALTH
16 PROFESSION REGULATORY BOARD SHALL PROVIDE THE RESPONDENT WITH A NOTICE
17 THAT THE RESPONDENT HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AND SHALL
18 BE PROVIDED WITH A REASONABLE PERIOD OF TIME OF AT LEAST TEN BUSINESS DAYS
19 TO RETAIN COUNSEL BEFORE ANSWERING ANY QUESTIONS.

20 D. FOR COMPLAINTS OR INVESTIGATIONS THAT PERTAIN TO A KNOWN OR
21 SUSPECTED PHYSICAL INJURY, PHYSICAL ILLNESS, SUBSTANCE USE DISORDER OR
22 MENTAL ILLNESS THAT MAY IMPAIR THE ABILITY OF A LICENSEE OR CERTIFICATE
23 HOLDER TO SAFELY PRACTICE AND FOR WHICH THE HEALTH PROFESSION REGULATORY
24 BOARD REQUESTS OR REQUIRES A FITNESS FOR DUTY EVALUATION BY A
25 BOARD-APPROVED PRACTITIONER, THE HEALTH PROFESSION REGULATORY BOARD SHALL
26 PAY THE REASONABLE EXPENSES OF THE EVALUATION AND REPORT ON BEHALF OF THE
27 LICENSEE OR CERTIFICATE HOLDER.