

PROPOSED
SENATE AMENDMENTS TO S.B. 1080
(Reference to printed bill)

1 Page 1, between lines 15 and 16, insert:

2 "(v) USING AND PRESCRIBING HERBAL THERAPIES COMMENSURATE WITH THE
3 ACUPUNCTURIST'S EDUCATION AND TRAINING."

4 Renumber to conform

5 Line 31, strike "herbal"

6 Line 32, strike "THERAPIES,"

7 Page 3, between lines 30 and 31, insert:

8 "Sec. 2. Section 32-3922, Arizona Revised Statutes, is amended to
9 read:

10 32-3922. Acupuncture detoxification specialist for chemical
11 dependency or trauma; certificate; requirements;
12 fingerprint clearance card; informed consent;
13 definition

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

18 1. Provides documentation of successfully completing a
19 board-approved training program in acupuncture for treating alcoholism,
20 substance abuse, trauma or chemical dependency that meets or exceeds
21 standards of training established by the national acupuncture
22 detoxification association or a board-approved group.

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

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

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

7 ~~5.~~ 4. Discloses in an application for initial certification or
8 recertification all other active and past professional health care licenses
9 and certificates issued to the applicant in this state or by another state,
10 district or territory of the United States.

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

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

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

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

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

1 Sec. 3. Section 32-3924, Arizona Revised Statutes, is amended to
2 read:

3 32-3924. Qualifications for licensure; fingerprint clearance
4 card

5 A. To receive a license to practice acupuncture pursuant to this
6 chapter, a person shall submit an application as prescribed by the board.
7 The applicant shall disclose in an application for initial licensure all
8 other active and past professional health care licenses and certificates
9 issued to the applicant in this state or by another state, district or
10 territory of the United States. The application shall document to the
11 board's satisfaction that the applicant has successfully completed a clean
12 needle technique course approved by the board and meets ~~at~~ BOTH of the
13 following:

14 1. Has either:

15 (a) Been certified in acupuncture by the national certification
16 commission for acupuncture and oriental medicine, or its successor
17 organization, or another certifying body or examination that is recognized
18 by the board.

19 (b) Passed the point location module, foundations of oriental
20 medicine module, biomedicine module and acupuncture module offered by the
21 national certification commission for acupuncture and oriental medicine.

22 (c) Been licensed by another state with substantially similar
23 standards, ~~and~~ and has not had certification or licensure revoked.

24 2. Has graduated from or completed training in a board-approved
25 program of acupuncture with a minimum of one thousand eight hundred fifty
26 hours of training that includes at least eight hundred hours of
27 board-approved clinical training.

28 ~~3. Beginning July 1, 2016, has submitted a full set of fingerprints~~
29 ~~to the board for the purpose of obtaining a state and federal criminal~~
30 ~~records check pursuant to section 41-1750 and Public Law 92-544. The~~
31 ~~department of public safety may exchange this fingerprint data with the~~
32 ~~federal bureau of investigation.~~

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

4 Renumber to conform

5 Page 3, line 33, after "duties" insert "; registration required"

6 Page 4, between lines 3 and 4, insert:

7 "3. AN ACUPUNCTURE ASSISTANT SHALL REGISTER WITH THE BOARD ON A FORM
8 PRESCRIBED BY THE BOARD. THE BOARD MAY SUSPEND OR REVOKE THE REGISTRATION
9 OF AN ACUPUNCTURE ASSISTANT WHO VIOLATES ANY PROVISION OF THIS CHAPTER
10 RELATED TO THE PRACTICE OF ACUPUNCTURE OR WHO INDULGES IN CONDUCT OR A
11 PRACTICE THAT IS DETRIMENTAL TO THE HEALTH OR SAFETY OF THE PUBLIC."

12 Between lines 10 and 11, insert:

13 "Sec. 5. Section 41-619.51, Arizona Revised Statutes, is amended to
14 read:

15 41-619.51. Definitions

16 In this article, unless the context otherwise requires:

17 1. "Agency" means the supreme court, the department of economic
18 security, the department of child safety, the department of education, the
19 department of health services, the department of juvenile corrections, the
20 department of emergency and military affairs, the department of public safety,
21 the department of transportation, the state real estate department, the
22 department of insurance and financial institutions, the Arizona game and fish
23 department, the Arizona department of agriculture, the board of examiners of
24 nursing care institution administrators and assisted living facility managers,
25 the state board of dental examiners, the Arizona state board of pharmacy, the
26 board of physical therapy, the state board of psychologist examiners, the
27 board of athletic training, the board of occupational therapy examiners, the
28 state board of podiatry examiners, THE ACUPUNCTURE BOARD OF EXAMINERS or the
29 state board of technical registration.

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

31 3. "Central registry exception" means notification to the department of
32 economic security, the department of child safety or the department of health

1 services, as appropriate, pursuant to section 41-619.57 that the person is not
2 disqualified because of a central registry check conducted pursuant to section
3 8-804.

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

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

9 6. "Person" means a person who is required to be fingerprinted pursuant
10 to this article or who is subject to a central registry check and any of the
11 following:

- 12 (a) Section 3-314.
- 13 (b) Section 8-105.
- 14 (c) Section 8-322.
- 15 (d) Section 8-463.
- 16 (e) Section 8-509.
- 17 (f) Section 8-802.
- 18 (g) Section 8-804.
- 19 (h) Section 15-183.
- 20 (i) Section 15-503.
- 21 (j) Section 15-512.
- 22 (k) Section 15-534.
- 23 (l) Section 15-763.01.
- 24 (m) Section 15-782.02.
- 25 (n) Section 15-1330.
- 26 (o) Section 15-1881.
- 27 (p) Section 17-215.
- 28 (q) Section 28-3228.
- 29 (r) Section 28-3413.
- 30 (s) Section 32-122.02.
- 31 (t) Section 32-122.05.
- 32 (u) Section 32-122.06.

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- 1 (v) Section 32-823.
- 2 (w) Section 32-1232.
- 3 (x) Section 32-1276.01.
- 4 (y) Section 32-1284.
- 5 (z) Section 32-1297.01.
- 6 (aa) Section 32-1904.
- 7 (bb) Section 32-1941.
- 8 (cc) Section 32-1982.
- 9 (dd) Section 32-2022.
- 10 (ee) Section 32-2063.
- 11 (ff) Section 32-2108.01.
- 12 (gg) Section 32-2123.
- 13 (hh) Section 32-2371.
- 14 (ii) Section 32-3430.
- 15 (jj) Section 32-3620.
- 16 (kk) Section 32-3668.
- 17 (ll) Section 32-3669.
- 18 (mm) SECTION 32-3922.
- 19 (nn) SECTION 32-3924.
- 20 ~~(mm)~~ (oo) Section 32-4128.
- 21 ~~(mm)~~ (pp) Section 36-113.
- 22 ~~(oo)~~ (qq) Section 36-207.
- 23 ~~(pp)~~ (rr) Section 36-411.
- 24 ~~(qq)~~ (ss) Section 36-425.03.
- 25 ~~(rr)~~ (tt) Section 36-446.04.
- 26 ~~(ss)~~ (uu) Section 36-594.01.
- 27 ~~(tt)~~ (vv) Section 36-594.02.
- 28 ~~(uu)~~ (ww) Section 36-766.01.
- 29 ~~(vv)~~ (xx) Section 36-882.
- 30 ~~(ww)~~ (yy) Section 36-883.02.
- 31 ~~(xx)~~ (zz) Section 36-897.01.
- 32 ~~(yy)~~ (aaa) Section 36-897.03.

- 1 ~~(zzz)~~ (bbb) Section 36-3008.
- 2 ~~(aaa)~~ (ccc) Section 41-619.53.
- 3 ~~(bbb)~~ (ddd) Section 41-1964.
- 4 ~~(ccc)~~ (eee) Section 41-1967.01.
- 5 ~~(ddd)~~ (fff) Section 41-1968.
- 6 ~~(eee)~~ (ggg) Section 41-1969.
- 7 ~~(fff)~~ (hhh) Section 41-2814.
- 8 ~~(ggg)~~ (iii) Section 46-141, subsection A or B.
- 9 ~~(hhh)~~ (jjj) Section 46-321.

10 Sec. 6. Section 41-1758, Arizona Revised Statutes, is amended to
11 read:

12 41-1758. Definitions

13 In this article, unless the context otherwise requires:

14 1. "Agency" means the supreme court, the department of economic
15 security, the department of child safety, the department of education, the
16 department of health services, the department of juvenile corrections, the
17 department of emergency and military affairs, the department of public safety,
18 the department of transportation, the state real estate department, the
19 department of insurance and financial institutions, the board of
20 fingerprinting, the Arizona game and fish department, the Arizona department
21 of agriculture, the board of examiners of nursing care institution
22 administrators and assisted living facility managers, the state board of
23 dental examiners, the Arizona state board of pharmacy, the board of physical
24 therapy, the state board of psychologist examiners, the board of athletic
25 training, the board of occupational therapy examiners, the state board of
26 podiatry examiners, THE ACUPUNCTURE BOARD OF EXAMINERS or the state board of
27 technical registration.

28 2. "Division" means the fingerprinting division in the department of
29 public safety.

30 3. "Electronic or internet-based fingerprinting services" means a
31 secure system for digitizing applicant fingerprints and transmitting the
32 applicant data and fingerprints of a person or entity submitting fingerprints

1 to the department of public safety for any authorized purpose under this
2 title. For the purposes of this paragraph, "secure system" means a system that
3 complies with the information technology security policy approved by the
4 department of public safety.

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

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

- 9 (a) Section 3-314.
- 10 (b) Section 8-105.
- 11 (c) Section 8-322.
- 12 (d) Section 8-463.
- 13 (e) Section 8-509.
- 14 (f) Section 8-802.
- 15 (g) Section 15-183.
- 16 (h) Section 15-503.
- 17 (i) Section 15-512.
- 18 (j) Section 15-534.
- 19 (k) Section 15-763.01.
- 20 (l) Section 15-782.02.
- 21 (m) Section 15-1330.
- 22 (n) Section 15-1881.
- 23 (o) Section 17-215.
- 24 (p) Section 28-3228.
- 25 (q) Section 28-3413.
- 26 (r) Section 32-122.02.
- 27 (s) Section 32-122.05.
- 28 (t) Section 32-122.06.
- 29 (u) Section 32-823.
- 30 (v) Section 32-1232.
- 31 (w) Section 32-1276.01.
- 32 (x) Section 32-1284.

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- 1 (y) Section 32-1297.01.
- 2 (z) Section 32-1904.
- 3 (aa) Section 32-1941.
- 4 (bb) Section 32-1982.
- 5 (cc) Section 32-2022.
- 6 (dd) Section 32-2063.
- 7 (ee) Section 32-2108.01.
- 8 (ff) Section 32-2123.
- 9 (gg) Section 32-2371.
- 10 (hh) Section 32-3430.
- 11 (ii) Section 32-3620.
- 12 (jj) Section 32-3668.
- 13 (kk) Section 32-3669.
- 14 (ll) SECTION 32-3922.
- 15 (mm) SECTION 32-3924.
- 16 ~~(nn)~~ (nn) Section 32-4128.
- 17 ~~(oo)~~ (oo) Section 36-113.
- 18 ~~(pp)~~ (pp) Section 36-207.
- 19 ~~(qq)~~ (qq) Section 36-411.
- 20 ~~(rr)~~ (rr) Section 36-425.03.
- 21 ~~(ss)~~ (ss) Section 36-446.04.
- 22 ~~(tt)~~ (tt) Section 36-594.01.
- 23 ~~(uu)~~ (uu) Section 36-594.02.
- 24 ~~(vv)~~ (vv) Section 36-766.01.
- 25 ~~(ww)~~ (ww) Section 36-882.
- 26 ~~(xx)~~ (xx) Section 36-883.02.
- 27 ~~(yy)~~ (yy) Section 36-897.01.
- 28 ~~(zz)~~ (zz) Section 36-897.03.
- 29 ~~(aaa)~~ (aaa) Section 36-3008.
- 30 ~~(bbb)~~ (bbb) Section 41-619.52.
- 31 ~~(ccc)~~ (ccc) Section 41-619.53.
- 32 ~~(ddd)~~ (ddd) Section 41-1964.

1 ~~(ccc)~~ (eee) Section 41-1967.01.

2 ~~(ddd)~~ (fff) Section 41-1968.

3 ~~(eee)~~ (ggg) Section 41-1969.

4 ~~(fff)~~ (hhh) Section 41-2814.

5 ~~(ggg)~~ (iii) Section 46-141, subsection A or B.

6 ~~(hhh)~~ (jjj) Section 46-321.

7 6. "Vulnerable adult" has the same meaning prescribed in section
8 13-3623.

9 Sec. 7. Section 41-1758.01, Arizona Revised Statutes, is amended to
10 read:

11 41-1758.01. Fingerprinting division; powers and duties

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

14 1. Conduct fingerprint background checks for persons and applicants who
15 are seeking licenses from state agencies, employment with licensees, contract
16 providers and state agencies or employment or educational opportunities with
17 agencies that require fingerprint background checks pursuant to sections
18 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534,
19 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228, 28-3413, 32-122.02,
20 32-122.05, 32-122.06, 32-823, 32-1232, 32-1276.01, 32-1284, 32-1297.01,
21 32-1904, 32-1941, 32-1982, 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371,
22 32-3430, 32-3620, 32-3668, 32-3669, [32-3922](#), [32-3924](#), 32-4128, 36-113, 36-207,
23 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882,
24 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
25 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A or B
26 and section 46-321.

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

30 3. On submission of an application for a fingerprint clearance card,
31 collect the fees established by the board of fingerprinting pursuant to

1 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
2 monies collected in the board of fingerprinting fund.

3 4. Inform in writing each person who submits fingerprints for a
4 fingerprint background check of the right to petition the board of
5 fingerprinting for a good cause exception pursuant to section 41-1758.03,
6 41-1758.04 or 41-1758.07.

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

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

21 7. Administer and enforce this article.

22 B. The fingerprinting division may contract for electronic or
23 internet-based fingerprinting services through an entity or entities for the
24 acquisition and transmission of applicant fingerprint and data submissions to
25 the department, including identity verified fingerprints pursuant to section
26 15-106. The entity or entities contracted by the department of public safety
27 may charge the applicant a fee for services provided pursuant to this
28 article. The entity or entities contracted by the department of public safety
29 shall comply with:

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

Senate Amendments to S.B. 1080

1 2. The information technology security policy approved by the
2 department of public safety."

3 Renumber to conform

4 Page 4, line 12, strike "July 1, 2023" insert "January 1, 2024"

5 After line 19, insert:

6 "Sec. 9. Effective date

7 Sections 32-3922, 32-3924, 41-619.51, 41-1758 and 41-1758.01, Arizona
8 Revised Statutes, as amended by this act, are effective from and after
9 December 31, 2022."

10 Amend title to conform

NANCY BARTO

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01/25/2022
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C: MH