

REFERENCE TITLE: health professions; fingerprint cards; websites

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2190

Introduced by
Representatives Longdon: Schwiebert, Stahl Hamilton, Senator Alston

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; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3222.01; 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, 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; background investigations

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 graduate of a chiropractic college that both:

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

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

22 2. Be physically and mentally able to practice chiropractic
23 skillfully and safely.

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

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

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

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

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

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

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

1 D. On applying, the applicant shall pay to the executive director
2 of the board a nonrefundable fee of not more than \$325 as established by
3 the board. The board shall keep a register of all applicants and the
4 result of each examination.

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

15 E. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
16 LICENSE RENEWAL, A RECIPROCAL LICENSE, LICENSE REINSTATEMENT OR ANY TYPE
17 OF LIMITED LICENSE PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID
18 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12,
19 ARTICLE 3.1.

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

22 32-1405. Executive director; compensation; duties; appeal to
23 the board

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

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

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

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

43 2. Set compensation for board employees within the range determined
44 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
27 sign 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
38 or jurisdictions of the United States, this state, political subdivisions
39 of 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
25 formal interview.

26 28. Perform all other administrative, licensing or regulatory
27 duties 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, 2024, 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 board.
44 The board is not required to verify any documentation or information
45 received by the board from a credentials verification service that has

1 been approved by the board. If an applicant is unable to provide a
2 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 ARIZONA MEDICAL board the
41 name of each state, territory or possession of the United States in which
42 the person is licensed or has held a license and the ARIZONA MEDICAL board
43 shall verify with the applicable regulatory board that the applicant holds
44 an active and unrestricted license to practice medicine and has never had
45 a license revoked or suspended or surrendered a license for disciplinary

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

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

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

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

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

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

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

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

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

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

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

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

4 F. The board may interview the applicant to determine whether the
5 application is sufficient or whether the applicant otherwise qualifies for
6 licensure or for a certificate.

7 G. Applications are considered withdrawn on THE OCCURRENCE OF any
8 of the following ~~conditions~~:

9 1. THE request of the applicant.

10 2. Failure of the applicant to appear for an interview with the
11 board except for good cause ~~being shown~~.

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

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

19 H. BEGINNING JANUARY 1, 2024, applicants for ~~a~~ AN INITIAL license,
20 FOR LICENSE RENEWAL or for a certificate to engage in a clinical training
21 program, a preceptorship training program or an internship training
22 program shall ~~submit a fingerprint card in the manner required by the~~
23 ~~board~~ POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE
24 41, CHAPTER 12, ARTICLE 3.1.

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

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

36 32-1606. Powers and duties of board

37 A. The board may:

38 1. Adopt and revise rules necessary to carry into effect this
39 chapter.

40 2. Publish advisory opinions regarding registered and practical
41 nursing practice and nursing education.

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

- 1 4. Refer criminal violations of this chapter to the appropriate law
2 enforcement agency.
- 3 5. Establish a confidential program for monitoring licensees who
4 are chemically dependent and who enroll in rehabilitation programs that
5 meet the criteria established by the board. The board may take further
6 action if the licensee refuses to enter into a stipulated agreement or
7 fails to comply with ~~its~~ THE AGREEMENT'S terms. In order to protect the
8 public health and safety, the confidentiality requirements of this
9 paragraph do not apply if the licensee does not comply with the stipulated
10 agreement.
- 11 6. On the applicant's or regulated party's request, establish a
12 payment schedule with the applicant or regulated party.
- 13 7. Provide education regarding board functions.
- 14 8. Collect or assist in collecting workforce data.
- 15 9. Adopt rules to conduct pilot programs consistent with public
16 safety for innovative applications in nursing practice, education and
17 regulation.
- 18 10. Grant retirement status on request to retired nurses who are or
19 were licensed under this chapter, who have no open complaint or
20 investigation pending against them and who are not subject to discipline.
- 21 11. Accept and spend federal monies and private grants, gifts,
22 contributions and devises to assist in carrying out the purposes of this
23 chapter. These monies do not revert to the state general fund at the end
24 of the fiscal year.
- 25 B. The board shall:
 - 26 1. Approve regulated training and educational programs that meet
27 the requirements of this chapter and rules adopted by the board.
 - 28 2. By rule, establish approval and reapproval processes for nursing
29 and nursing assistant training programs that meet the requirements of this
30 chapter and board rules.
 - 31 3. Prepare and maintain a list of approved nursing programs to
32 prepare registered NURSES and practical nurses whose graduates are
33 eligible for licensing under this chapter as registered nurses or as
34 practical nurses if they satisfy the other requirements of this chapter
35 and board rules.
 - 36 4. Examine qualified registered NURSE and practical nurse
37 applicants.
 - 38 5. License and renew the licenses of qualified registered NURSE and
39 practical nurse applicants and licensed nursing assistants who are not
40 qualified to be licensed by the executive director.
 - 41 6. Adopt a seal, which the executive director shall keep.
 - 42 7. Keep a record of all proceedings.
 - 43 8. For proper cause, deny or rescind approval of a regulated
44 training or educational program for failure to comply with this chapter or
45 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, 2024, 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 whether an applicant has
16 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 ~~4~~ 3,
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. Not have been convicted of a crime involving moral turpitude.~~

35 ~~2.~~ 1. Not be a former licensee under this chapter whose license
36 was suspended or revoked and not subsequently reinstated.

37 ~~3.~~ 2. Be a high school graduate or the equivalent as prescribed by
38 rules of the board.

39 ~~4.~~ 3. Establish that the applicant has the required technical
40 skill and training necessary for licensing by any one of the following
41 means:

42 (a) Submit evidence of having a valid and subsisting license in
43 good standing from another state that licenses dispensing opticians or
44 ophthalmic dispensers and whose requirements are substantially equivalent
45 to the requirements of this chapter.

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

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

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

25 B. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
26 LICENSE RENEWAL OR LICENSE REINSTATEMENT PURSUANT TO THIS CHAPTER SHALL
27 POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
28 CHAPTER 12, ARTICLE 3.1.

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

31 32-1730. Fingerprint clearance card

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

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

41 ~~C. The board shall suspend a license of a person who submits an~~
42 ~~unreadable set of fingerprints and does not submit a new readable set of~~
43 ~~fingerprints within twenty days after being notified by the board to do~~
44 ~~so.~~

1 A. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
2 LICENSE RENEWAL OR LICENSE REINSTATEMENT PURSUANT TO THIS CHAPTER SHALL
3 POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
4 CHAPTER 12, ARTICLE 3.1.

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

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

9 32-1822. Qualifications of applicants; application;
10 fingerprint clearance card; fees

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

13 1. Is the person named on the application and on all supporting
14 documents submitted.

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

16 3. Is a graduate of a school of osteopathic medicine approved by
17 the American osteopathic association.

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

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

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

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

33 ~~8. Has submitted a full set of fingerprints to the board for the~~
34 ~~purpose of obtaining a state and federal criminal records check pursuant~~
35 ~~to section 41-1750 and Public Law 92-544. The department of public safety~~
36 ~~may exchange this fingerprint data with the federal bureau of~~
37 ~~investigation.~~

38 B. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
39 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE OR
40 REGISTRATION PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT
41 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

42 ~~B.~~ C. An applicant must submit with the application the
43 nonrefundable application fee prescribed in section 32-1826 and pay the
44 prescribed license issuance fee to the board at the time the license is
45 issued.

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

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

16 8. Have submitted verification of all hospital affiliations and
17 employment for the five years preceding application. Each hospital must
18 verify the applicant's affiliation or employment on the hospital's
19 official letterhead or the electronic equivalent.

20 B. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
21 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE
22 PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD
23 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

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

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

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

40 ~~E.~~ F. If another jurisdiction has taken disciplinary action
41 against an applicant, before issuing a license the board must determine to
42 its satisfaction that the cause for the action was corrected and the
43 matter was resolved. If the other jurisdiction has not resolved the
44 matter, before issuing a license the board must determine to its

1 satisfaction that mitigating circumstances exist that prevent its
2 resolution.

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

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

8 32-2812. Applications for certificate; qualifications;
9 fingerprint clearance card; fees; examination;
10 denial

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

- 19 1. Is at least eighteen years of age.
- 20 2. Meets one of the following requirements:

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

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

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

1 B. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL
2 CERTIFICATION, CERTIFICATION RENEWAL OR CERTIFICATION REINSTATEMENT
3 PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD
4 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

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

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

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

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

20 32-2912. Qualifications of applicants; applications;
21 fingerprint clearance card; scope of practice

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

24 1. Holds a degree from an approved school of medicine or has
25 received a medical education that the board determines is of equivalent
26 quality.

27 2. Holds a license in good standing to practice medicine or
28 osteopathic medicine that is issued under chapter 13 or 17 of this title
29 or by another state, district or territory of the United States.

30 3. Has a professional record that indicates that the applicant has
31 not had a license to practice medicine refused, revoked, suspended or
32 restricted in any way by any state, territory, district or country for
33 reasons that relate to the applicant's ability to competently and safely
34 practice medicine.

35 4. Has a professional record that indicates that the applicant has
36 not committed any act or engaged in any conduct that would constitute
37 grounds for disciplinary action against a licensee under this chapter.

38 5. Has the physical and mental capacity to safely engage in the
39 practice of medicine.

40 6. Pays all fees and costs required by the board.

41 7. Completes the application required by the board.

42 B. Notwithstanding subsection A, paragraphs 1 and 2 of this
43 section, the board shall issue a license pursuant to this chapter to an
44 applicant who meets the requirements of subsection A, paragraphs 3, 4, 5,

1 6 and 7 of this section and who holds a degree from an approved school of
2 medicine.

3 C. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
4 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE OR
5 REGISTRATION PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT
6 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

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

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

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

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

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

34 1. The application fee.

35 2. Affidavits from three persons who are actively licensed to
36 practice allopathic, osteopathic or homeopathic medicine in any state or
37 district of the United States and who are able to attest to the
38 applicant's fitness to practice pursuant to this chapter.

39 3. A diploma or certificate issued by a homeopathic college or any
40 other educational institution approved by the board or documentation of
41 the applicant's successful completion of preceptorships or formal
42 postgraduate courses approved by the board.

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

1 5. The applicant's oath that:

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

4 (b) The applicant submitted the credentials without fraud or
5 misrepresentation and that the applicant is the lawful holder of the
6 credentials.

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

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

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

15 1. The applicant submits a written request to withdraw the
16 application.

17 2. The applicant without good cause fails to appear for a board
18 interview.

19 3. The applicant fails to submit information to the board within
20 one year after the board's request for that information.

21 4. The applicant fails to complete the required examination or
22 personal interview within one year after submitting the application.

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

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

31 32-2914. Fees

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

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

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

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

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

41 5. ~~Three hundred fifty dollars~~ \$350 for late renewal of a license.

42 6. ~~Two hundred dollars~~ \$200 for initial and annual renewal of a
43 permit to dispense drugs and devices.

44 7. ~~Five hundred dollars~~ \$500 for an application for a locum tenens
45 registration.

1 B. EACH HEALTH PROFESSION REGULATORY BOARD'S PUBLIC WEBSITE SHALL
2 BE SEARCHABLE BY THE NAME OF THE LICENSEE OR CERTIFICATE HOLDER AND BY THE
3 LICENSEE'S OR CERTIFICATE HOLDER'S PLACE OF PRACTICE OR EMPLOYER.

4 Sec. 16. Repeal

5 Section 32-3280, Arizona Revised Statutes, is repealed.

6 Sec. 17. Title 32, chapter 33, article 3, Arizona Revised Statutes,
7 is amended by adding a new section 32-3280, to read:

8 32-3280. Fingerprint clearance card

9 BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE,
10 LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED LICENSE
11 PURSUANT TO THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD
12 ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

13 Sec. 18. Section 32-3504, Arizona Revised Statutes, is amended to
14 read:

15 32-3504. Powers and duties; examinations; immunity

16 A. The board shall:

17 1. Enforce and administer this chapter.

18 2. Adopt rules necessary to administer this chapter.

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

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

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

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

30 6. BEGINNING JANUARY 1, 2024, REQUIRE EACH APPLICANT FOR INITIAL
31 LICENSURE, LICENSE RENEWAL, LICENSE REINSTATEMENT OR ANY TYPE OF LIMITED
32 LICENSE PURSUANT TO THIS CHAPTER TO POSSESS A VALID FINGERPRINT CLEARANCE
33 CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

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

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

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

42 10. Establish a confidential program for ~~the~~ monitoring ~~of~~
43 licensees who are chemically dependent and who enroll in rehabilitation
44 programs that meet the criteria established by the board. The board may
45 take further action if the licensee refuses to enter into a stipulated

1 agreement or fails to comply with its terms. In order to protect the
2 public health and safety, the confidentiality requirements of this
3 paragraph do not apply if the licensee does not comply with the stipulated
4 agreement.

5 B. The board, in approving education programs for respiratory
6 therapists, shall consider the requirements and standards set by the
7 commission on accreditation for respiratory care or its successor
8 organization. The board may recognize examinations administered by a
9 national board for respiratory care approved by the board.

10 C. The board may conduct examinations under a uniform examination
11 system and may make arrangements with the national board of respiratory
12 care or other organizations regarding examination materials it determines
13 necessary and desirable.

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

17 Sec. 19. Section 36-754, Arizona Revised Statutes, is amended to
18 read:

19 36-754. Licensing of midwives; renewal of license;
20 fingerprint clearance card

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

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

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

29 D. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE OR
30 LICENSE RENEWAL PURSUANT TO THIS ARTICLE SHALL POSSESS A VALID FINGERPRINT
31 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

32 Sec. 20. Section 36-1923, Arizona Revised Statutes, is amended to
33 read:

34 36-1923. Hearing aid dispensers; licensure requirements;
35 fingerprint clearance card; examination

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

39 1. Has an education equivalent to a four-year course in an
40 accredited high school or has continuously engaged in the practice of
41 fitting and dispensing hearing aids during the three years preceding
42 August 11, 1970.

43 2. Has not had the applicant's license revoked or suspended by a
44 state within the preceding two years and is presently not ineligible for
45 licensure in any state due to prior revocation or suspension.

1 B. BEGINNING JANUARY 1, 2024, 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 ~~B.~~ C. An applicant for a hearing aid dispenser license who is
5 notified by the director that the applicant has fulfilled the requirements
6 of subsection A of this section shall appear to be examined by written and
7 practical tests as designated by the director in order to demonstrate that
8 the applicant is qualified to practice the fitting and dispensing of
9 hearing aids.

10 ~~C.~~ D. The director shall give at least two and not more than four
11 examinations of the type described in this section in each calendar year
12 unless there is an insufficient number of applicants for the second annual
13 examination.

14 Sec. 21. Section 36-1926, Arizona Revised Statutes, is amended to
15 read:

16 36-1926. Temporary license; sponsorship; termination of
17 sponsorship

18 A. An applicant who fulfills the requirements of section 36-1923,
19 ~~subsection~~ SUBSECTIONS A AND B may apply to the director for a temporary
20 license.

21 B. On receiving an application as provided by subsection A of this
22 section, accompanied by an application fee and proof of sponsorship, the
23 director shall issue a temporary license. A temporary license allows the
24 licensee to practice the fitting and dispensing of hearing aids for a
25 twelve-month period.

26 C. An applicant shall provide proof to the satisfaction of the
27 director that the applicant is or will be supervised and trained for
28 fitting and dispensing activities by a sponsor licensed pursuant to this
29 chapter.

30 D. A sponsor may terminate sponsorship at any time and for any
31 reason. The director shall not review the reasons for the termination. A
32 temporary license terminates on the date ~~that~~ the director receives notice
33 from the sponsor that the sponsor is terminating sponsorship. This notice
34 shall be accompanied by documentation that the sponsor has notified the
35 licensee of the termination. The director shall prescribe by rule how the
36 sponsor shall document this notification of termination. A person whose
37 license is terminated shall apply for a new temporary license as
38 prescribed by this section and shall not practice until granted a license.

39 E. A temporary licensee shall take an examination within six months
40 after issuance of a temporary license. If the person takes and fails the
41 examination, the person may renew the temporary license once before the
42 temporary license expires. The person shall take the next examination
43 following the issuance of the renewal license.

1 F. The director may revoke or suspend a temporary license in the
2 same manner and for the same reasons as prescribed pursuant to section
3 36-1934.

4 G. The director may deny an application for a temporary license if
5 the applicant has previously held a temporary license and renewed the
6 temporary license.

7 Sec. 22. Section 36-1940, Arizona Revised Statutes, is amended to
8 read:

9 36-1940. Audiologists; licensure requirements; fingerprint
10 clearance card

11 A. A person who wishes to be licensed as an audiologist shall:

12 1. Submit a nonrefundable application fee as prescribed by section
13 36-1908.

14 2. Submit evidence satisfactory to the director that the applicant
15 has:

16 (a) A doctoral degree with an emphasis in audiology from a
17 nationally or regionally accredited college or university in an accredited
18 program consistent with the standards of this state's universities.

19 (b) Completed supervised clinical rotations in audiology from a
20 nationally or regionally accredited college or university in an accredited
21 program consistent with the standards of this state's universities.

22 3. Pass an examination pursuant to section 36-1902, subsection
23 G. The applicant must have completed the examination within three years
24 before the date of application for licensure pursuant to this article.

25 4. Not have had a license revoked or suspended by a state within
26 the preceding two years and not be presently ineligible for licensure in
27 any state because of a prior revocation or suspension.

28 B. A person who has a doctoral degree in audiology and who wishes
29 to be licensed as an audiologist to fit and dispense hearing aids shall:

30 1. Submit a nonrefundable application fee as prescribed by section
31 36-1908.

32 2. Submit evidence satisfactory to the director that the applicant
33 has:

34 (a) A doctoral degree with an emphasis in audiology from a
35 nationally or regionally accredited college or university in a program
36 consistent with the standards of this state's universities.

37 (b) Completed supervised clinical rotations in audiology from a
38 nationally or regionally accredited college or a university in an
39 accredited program that is consistent with the standards of this state's
40 universities.

41 3. Pass an examination pursuant to section 36-1902, subsection G.
42 The applicant must have completed the examination within three years
43 before the date of application for licensure pursuant to this article.

1 4. Pass an examination approved by the director in jurisprudence
2 and ethics related to this chapter within six months after initial
3 licensure. The director shall offer the examination at least four times
4 each calendar year.

5 5. Not have had a license revoked or suspended by a state within
6 the preceding two years and not be presently ineligible for licensure in
7 any state because of a prior revocation or suspension.

8 C. A person who wishes to be licensed as an audiologist to fit and
9 dispense hearing aids and who was awarded a master's degree in audiology
10 before December 31, 2007 must:

11 1. Submit a nonrefundable application fee as prescribed pursuant to
12 section 36-1908.

13 2. Submit evidence satisfactory to the director that the applicant
14 meets the requirements prescribed in section 36-1940.02, subsection C for
15 a waiver of the educational and clinical rotation requirements of this
16 article.

17 3. Pass an audiology examination pursuant to section 36-1902,
18 subsection E. The applicant must have completed the examination within
19 three years before the date of application for licensure pursuant to this
20 article unless the applicant is currently practicing audiology and meets
21 the audiology examination waiver requirements of section 36-1940.02,
22 subsection D.

23 4. Pass the hearing aid dispenser's examination pursuant to section
24 36-1924.

25 5. Not have had a license to practice as an audiologist or hearing
26 aid dispenser revoked or suspended by another state within the preceding
27 two years and not currently be ineligible for licensure in any state
28 because of a prior revocation or suspension.

29 D. The director shall adopt rules prescribing criteria for approved
30 postgraduate professional experience.

31 E. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE OR
32 LICENSE RENEWAL PURSUANT TO THIS SECTION SHALL POSSESS A VALID FINGERPRINT
33 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

34 Sec. 23. Section 36-1940.01, Arizona Revised Statutes, is amended
35 to read:

36 36-1940.01. Speech-language pathologists; licensure
37 requirements; fingerprint clearance card

38 A. A person who wishes to be licensed as a speech-language
39 pathologist shall:

40 1. Submit a nonrefundable application fee as prescribed by section
41 36-1908.

42 2. Submit evidence satisfactory to the director that the applicant
43 has:

44 (a) A master's degree in speech-language pathology or the
45 equivalent from a nationally or regionally accredited college or

1 university in a program consistent with the standards of this state's
2 universities.

3 (b) Completed a supervised clinical practicum in speech-language
4 pathology from a nationally or regionally accredited college or university
5 in a program consistent with the standards of this state's universities.

6 (c) Completed postgraduate professional experience in the field of
7 speech-language pathology approved by the director.

8 3. Pass an examination pursuant to section 36-1902, subsection G.

9 4. Not have had a license revoked or suspended by a state within
10 the preceding two years and not be presently ineligible for licensure in
11 any state because of a prior revocation or suspension.

12 B. A person who wishes to be licensed as a speech-language
13 pathologist whose practice is limited to providing services to pupils
14 under the authority of a local education agency or state-supported
15 institution shall:

16 1. Submit a nonrefundable application fee as provided by section
17 36-1908.

18 2. Submit proof of an employee or contractor relationship with a
19 local education agency or a state-supported institution.

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

22 C. The director shall adopt rules prescribing criteria for approved
23 postgraduate professional experience.

24 D. BEGINNING JANUARY 1, 2024, AN APPLICANT FOR INITIAL LICENSURE OR
25 LICENSE RENEWAL PURSUANT TO THIS SECTION SHALL POSSESS A VALID FINGERPRINT
26 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

27 Sec. 24. Section 36-1940.04, Arizona Revised Statutes, is amended
28 to read:

29 36-1940.04. Speech-language pathology assistants; licensure
30 requirements; scope of practice; supervision

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

33 1. Submit a nonrefundable application fee as prescribed by section
34 36-1908.

35 2. Submit written evidence satisfactory to the director that the
36 applicant has completed:

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

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

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

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

4 3. BEGINNING JANUARY 1, 2024, POSSESS A VALID FINGERPRINT CLEARANCE
5 CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

6 ~~3.~~ 4. Not have had a license revoked or suspended by a state
7 within the preceding two years and not be presently ineligible for
8 licensure in any state because of a prior revocation or suspension.

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

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

16 1. Conduct speech and language screenings without interpretation,
17 using screening protocols specified by the supervising speech-language
18 pathologist.

19 2. Provide direct treatment assistance, including feeding for
20 nutritional purposes to patients, clients or students except for patients,
21 clients or students with dysphagia, identified by the supervising
22 speech-language pathologist by following written treatment plans,
23 individualized education programs, individual support plans or protocols
24 developed by the supervising speech-language pathologist.

25 3. Document patient, client or student progress toward meeting
26 established objectives as stated in the treatment plan, individual support
27 plan or individualized education program without interpreting the findings
28 and report this information to the supervising speech-language
29 pathologist.

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

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

33 6. Assist with informal documentation during an intervention
34 session by collecting and tallying data as directed by the speech-language
35 pathologist, preparing materials and assisting with other clerical duties
36 as specified by the supervising speech-language pathologist.

37 7. Schedule activities and prepare charts, records, graphs or other
38 displays of data.

39 8. Perform checks and maintenance of equipment.

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

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

- 1 D. A speech-language pathology assistant shall not:
2 1. Conduct swallowing screening, assessment and intervention
3 protocols, including modified barium swallow studies.
4 2. Administer standardized or nonstandardized diagnostic tests or
5 formal or informal evaluations or interpret test results.
6 3. Participate in parent conferences, case conferences or any
7 interdisciplinary team meeting without the presence of the supervising
8 speech-language pathologist, except for individualized education program
9 or individual support plan meetings if the licensed speech-language
10 pathologist has been excused by the individualized education program team
11 or the individual support plan team.
12 4. Write, develop or modify a patient's, client's or student's
13 treatment plan, individual support plan or individualized education
14 program in any way.
15 5. Provide intervention for patients, clients or students without
16 following the treatment plan, individual support plan or individualized
17 education program prepared by the supervising speech-language pathologist.
18 6. Sign any formal documents, including treatment plans, individual
19 support plans, individualized education programs, reimbursement forms or
20 reports.
21 7. Select patients, clients or students for services.
22 8. Discharge patients, clients or students from services.
23 9. Unless required by law, disclose clinical or confidential
24 information orally or in writing to anyone WHO IS not designated by the
25 speech-language pathologist.
26 10. Make a referral for any additional service.
27 11. Communicate with the patient, client or student or with family
28 or others regarding any aspect of the patient, client or student status
29 without the specific consent of the supervising speech-language
30 pathologist.
31 12. Claim to be a speech-language pathologist.
32 13. Write a formal screening, diagnostic, progress or discharge
33 note.
34 14. Perform any task without the express knowledge and approval of
35 the supervising speech-language pathologist.
36 E. All services provided by a speech-language pathology assistant
37 shall be performed under the direction and supervision of a
38 speech-language pathologist who is licensed pursuant to this chapter.
39 F. A licensed speech-language pathologist who supervises or directs
40 the services provided by a speech-language pathology assistant shall:
41 1. Have at least two years of full-time professional experience as
42 a licensed speech-language pathologist.
43 2. Provide direction and supervision to not more than two full-time
44 or three part-time speech-language pathology assistants at one time.

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

6 (a) At least twenty percent direct supervision and ten percent
7 indirect supervision of all the time that the speech-language pathology
8 assistant is providing services during the individual's first ninety days
9 of employment. After the first ninety days of the speech-language
10 pathology assistant's employment, the supervising speech-language
11 pathologist may adjust the amount of supervision if the supervising
12 speech-language pathologist determines that the speech-language pathology
13 assistant meets appropriate competencies and skill levels regarding
14 various disorders of communication and related disorders. Minimum ongoing
15 supervision after the first ninety days shall include documentation of
16 direct and indirect supervision provided by the supervising
17 speech-language pathologist and shall include at least one hour of direct
18 supervision weekly and as much indirect supervision as needed to maintain
19 the delivery of quality services. Minimum ongoing supervision after the
20 first ninety days shall include documentation by the supervising
21 speech-language pathologist of the supervisor's direct contact with at
22 least ten percent of the speech-language pathology assistant's patients,
23 clients or students served each quarter. The supervising speech-language
24 pathologist shall ensure that the ten percent direct client contact varies
25 each quarter. The supervising speech-language pathologist shall require
26 direct supervision of a speech-language pathology assistant when services
27 are provided to a medically fragile individual.

28 (b) At least ten percent direct supervision and ten percent
29 indirect supervision of all the time that the speech-language pathology
30 assistant is providing services during the individual's first thirty days
31 of employment if the speech-language pathology assistant completed
32 supervision pursuant to subdivision (a) of this paragraph at a previous
33 employer and provides documentation of that supervision to the supervising
34 speech-language pathologist. After the first thirty days of the
35 speech-language pathology assistant's employment, the supervising
36 speech-language pathologist may adjust the amount of supervision if the
37 supervising speech-language pathologist determines that the
38 speech-language pathology assistant meets appropriate competencies and
39 skill levels regarding various disorders of communication and related
40 disorders. Minimum ongoing supervision after the first thirty days of
41 employment shall include documentation of direct and indirect supervision
42 provided by the supervising speech-language pathologist and shall include
43 at least one hour of direct supervision weekly and as much indirect
44 supervision as needed to maintain the delivery of quality services.
45 Minimum ongoing supervision after the first ninety days shall include

1 documentation by the supervising speech-language pathologist of the
2 supervisor's direct contact with at least ten percent of the
3 speech-language pathology assistant's patients, clients or students served
4 each quarter. The supervising speech-language pathologist shall ensure
5 that the ten percent direct client contact varies each quarter. The
6 supervising speech-language pathologist shall require direct supervision
7 of a speech-language pathology assistant when services are provided to a
8 medically fragile individual.

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

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

13 G. If more than one speech-language pathologist provides
14 supervision to a speech-language pathology assistant, one of the
15 speech-language pathologists shall be designated as the primary supervisor
16 who is responsible for coordinating any supervision provided by other
17 speech-language pathologists.

18 Sec. 25. Section 41-619.51, Arizona Revised Statutes, is amended to
19 read:

20 41-619.51. Definitions

21 In this article, unless the context otherwise requires:

22 1. "Agency" means the supreme court, the department of economic
23 security, the department of child safety, the department of education, the
24 department of health services, the department of juvenile corrections, the
25 department of emergency and military affairs, the department of public
26 safety, the department of transportation, the state real estate
27 department, the department of insurance and financial institutions, the
28 Arizona game and fish department, the Arizona department of agriculture,
29 the board of examiners of nursing care institution administrators and
30 assisted living facility managers, the state board of dental examiners,
31 the Arizona state board of pharmacy, the board of physical therapy, the
32 state board of psychologist examiners, the board of athletic training, the
33 board of occupational therapy examiners, the state board of podiatry
34 examiners, the acupuncture board of examiners, the state board of
35 technical registration, ~~or~~ the board of massage therapy, ~~or~~ the Arizona
36 department of housing, THE STATE BOARD OF CHIROPRACTIC EXAMINERS, THE
37 ARIZONA MEDICAL BOARD, THE NATUROPATHIC PHYSICIANS MEDICAL BOARD, THE
38 ARIZONA STATE BOARD OF NURSING, THE STATE BOARD OF DISPENSING OPTICIANS,
39 THE STATE BOARD OF OPTOMETRY, THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
40 IN MEDICINE AND SURGERY, THE ARIZONA REGULATORY BOARD OF PHYSICIAN
41 ASSISTANTS, THE BOARD OF HOMEOPATHIC AND INTEGRATED MEDICINE EXAMINERS,
42 THE BOARD OF BEHAVIORAL HEALTH EXAMINERS OR THE BOARD OF RESPIRATORY CARE
43 EXAMINERS.

- 1 2. "Board" means the board of fingerprinting.
- 2 3. "Central registry exception" means notification to the
3 department of economic security, the department of child safety or the
4 department of health services, as appropriate, pursuant to section
5 41-619.57 that the person is not disqualified because of a central
6 registry check conducted pursuant to section 8-804.
- 7 4. "Expedited review" means an examination, in accordance with
8 board rule, of the documents an applicant submits by the board or its
9 hearing officer without the applicant being present.
- 10 5. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an employee pursuant to section 41-619.55.
- 12 6. "Person" means a person who is required to be fingerprinted
13 pursuant to this article or who is subject to a central registry check and
14 any of the following:
- 15 (a) Section 3-314.
- 16 (b) Section 8-105.
- 17 (c) Section 8-322.
- 18 (d) Section 8-463.
- 19 (e) Section 8-509.
- 20 (f) Section 8-802.
- 21 (g) Section 8-804.
- 22 (h) Section 15-183.
- 23 (i) Section 15-503.
- 24 (j) Section 15-512.
- 25 (k) Section 15-534.
- 26 (l) Section 15-763.01.
- 27 (m) Section 15-782.02.
- 28 (n) Section 15-1330.
- 29 (o) Section 15-1881.
- 30 (p) Section 17-215.
- 31 (q) Section 28-3228.
- 32 (r) Section 28-3413.
- 33 (s) Section 32-122.02.
- 34 (t) Section 32-122.05.
- 35 (u) Section 32-122.06.
- 36 (v) Section 32-823.
- 37 (w) SECTION 32-921.
- 38 ~~(w)~~ (x) Section 32-1232.
- 39 ~~(x)~~ (y) Section 32-1276.01.
- 40 ~~(y)~~ (z) Section 32-1284.
- 41 ~~(z)~~ (aa) Section 32-1297.01.
- 42 (bb) SECTION 32-1422.
- 43 (cc) SECTION 32-1524.
- 44 (dd) SECTION 32-1606.
- 45 (ee) SECTION 32-1683.

1 (ff) SECTION 32-1730.
2 (gg) SECTION 32-1822.
3 ~~(aa)~~ (hh) Section 32-1904.
4 ~~(bb)~~ (ii) Section 32-1941.
5 ~~(cc)~~ (jj) Section 32-1982.
6 ~~(dd)~~ (kk) Section 32-2022.
7 ~~(ee)~~ (ll) Section 32-2063.
8 ~~(ff)~~ (mm) Section 32-2108.01.
9 ~~(gg)~~ (nn) Section 32-2123.
10 ~~(hh)~~ (oo) Section 32-2371.
11 (pp) SECTION 32-2521.
12 (qq) SECTION 32-2812.
13 (rr) SECTION 32-2912.
14 (ss) SECTION 32-3280.
15 ~~(ii)~~ (tt) Section 32-3430.
16 (uu) SECTION 32-3504.
17 ~~(jj)~~ (vv) Section 32-3620.
18 ~~(kk)~~ (ww) Section 32-3668.
19 ~~(ii)~~ (xx) Section 32-3669.
20 ~~(mm)~~ (yy) Section 32-3922.
21 ~~(nn)~~ (zz) Section 32-3924.
22 ~~(oo)~~ (aaa) Section 32-4222.
23 ~~(pp)~~ (bbb) Section 32-4128.
24 ~~(qq)~~ (ccc) Section 36-113.
25 ~~(rr)~~ (ddd) Section 36-207.
26 ~~(ss)~~ (eee) Section 36-411.
27 ~~(tt)~~ (fff) Section 36-425.03.
28 ~~(uu)~~ (ggg) Section 36-446.04.
29 ~~(vv)~~ (hhh) Section 36-594.01.
30 ~~(ww)~~ (iii) Section 36-594.02.
31 (jjj) SECTION 36-754.
32 ~~(xx)~~ (kkk) Section 36-766.01.
33 ~~(yy)~~ (lll) Section 36-882.
34 ~~(zz)~~ (mmm) Section 36-883.02.
35 ~~(aaa)~~ (nnn) Section 36-897.01.
36 ~~(bbb)~~ (ooo) Section 36-897.03.
37 (ppp) SECTION 36-1923.
38 (qqq) SECTION 36-1940.
39 (rrr) SECTION 36-1940.01.
40 (sss) SECTION 36-1940.04.
41 ~~(ccc)~~ (ttt) Section 36-3008.
42 ~~(ddd)~~ (uuu) Section 41-619.53.
43 ~~(eee)~~ (vvv) Section 41-1964.
44 ~~(fff)~~ (www) Section 41-1967.01.
45 ~~(ggg)~~ (xxx) Section 41-1968.

1 ~~(hhh)~~ (yyy) Section 41-1969.

2 ~~(iii)~~ (zzz) Section 41-2814.

3 ~~(jjj)~~ (aaaa) Section 41-4025.

4 ~~(kkk)~~ (bbbb) Section 46-141, subsection A or B.

5 ~~(iii)~~ (cccc) Section 46-321.

6 Sec. 26. Section 41-1758, Arizona Revised Statutes, is amended to
7 read:

8 41-1758. Definitions

9 In this article, unless the context otherwise requires:

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

32 2. "Division" means the fingerprinting division in the department
33 of public safety.

34 3. "Electronic or internet-based fingerprinting services" means a
35 secure system for digitizing applicant fingerprints and transmitting the
36 applicant data and fingerprints of a person or entity submitting
37 fingerprints to the department of public safety for any authorized purpose
38 under this title. For the purposes of this paragraph, "secure system"
39 means a system that complies with the information technology security
40 policy approved by the department of public safety.

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

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

45 (a) Section 3-314.

- 1 (b) Section 8-105.
- 2 (c) Section 8-322.
- 3 (d) Section 8-463.
- 4 (e) Section 8-509.
- 5 (f) Section 8-802.
- 6 (g) Section 15-183.
- 7 (h) Section 15-503.
- 8 (i) Section 15-512.
- 9 (j) Section 15-534.
- 10 (k) Section 15-763.01.
- 11 (l) Section 15-782.02.
- 12 (m) Section 15-1330.
- 13 (n) Section 15-1881.
- 14 (o) Section 17-215.
- 15 (p) Section 28-3228.
- 16 (q) Section 28-3413.
- 17 (r) Section 32-122.02.
- 18 (s) Section 32-122.05.
- 19 (t) Section 32-122.06.
- 20 (u) Section 32-823.
- 21 (v) SECTION 32-921.
- 22 ~~(v)~~ (w) Section 32-1232.
- 23 ~~(w)~~ (x) Section 32-1276.01.
- 24 ~~(x)~~ (y) Section 32-1284.
- 25 ~~(y)~~ (z) Section 32-1297.01.
- 26 (aa) SECTION 32-1422.
- 27 (bb) SECTION 32-1524.
- 28 (cc) SECTION 32-1606.
- 29 (dd) SECTION 32-1683.
- 30 (ee) SECTION 32-1730.
- 31 (ff) SECTION 32-1822.
- 32 ~~(z)~~ (gg) Section 32-1904.
- 33 ~~(aa)~~ (hh) Section 32-1941.
- 34 ~~(bb)~~ (ii) Section 32-1982.
- 35 ~~(cc)~~ (jj) Section 32-2022.
- 36 ~~(dd)~~ (kk) Section 32-2063.
- 37 ~~(ee)~~ (ll) Section 32-2108.01.
- 38 ~~(ff)~~ (mm) Section 32-2123.
- 39 ~~(gg)~~ (nn) Section 32-2371.
- 40 (oo) SECTION 32-2521.
- 41 (pp) SECTION 32-2812.
- 42 (qq) SECTION 32-2912.
- 43 (rr) SECTION 32-3280.
- 44 ~~(hh)~~ (ss) Section 32-3430.

1 ~~(tt)~~ SECTION 32-3504.
2 ~~(ii)~~ (uu) Section 32-3620.
3 ~~(jj)~~ (vv) Section 32-3668.
4 ~~(kk)~~ (ww) Section 32-3669.
5 ~~(ii)~~ (xx) Section 32-3922.
6 ~~(mm)~~ (yy) Section 32-3924.
7 ~~(mm)~~ (zz) Section 32-4128.
8 ~~(oo)~~ (aaa) Section 32-4222.
9 ~~(pp)~~ (bbb) Section 36-113.
10 ~~(qq)~~ (ccc) Section 36-207.
11 ~~(rr)~~ (ddd) Section 36-411.
12 ~~(ss)~~ (eee) Section 36-425.03.
13 ~~(tt)~~ (fff) Section 36-446.04.
14 ~~(uu)~~ (ggg) Section 36-594.01.
15 ~~(vv)~~ (hhh) Section 36-594.02.
16 (iii) SECTION 36-754.
17 ~~(ww)~~ (jjj) Section 36-766.01.
18 ~~(xx)~~ (kkk) Section 36-882.
19 ~~(yy)~~ (lll) Section 36-883.02.
20 ~~(zz)~~ (mmm) Section 36-897.01.
21 ~~(aaa)~~ (nnn) Section 36-897.03.
22 (ooo) SECTION 36-1923.
23 (ppp) SECTION 36-1940.
24 (qqq) SECTION 36-1940.01.
25 (rrr) SECTION 36-1940.04.
26 ~~(bbb)~~ (sss) Section 36-3008.
27 ~~(ccc)~~ (ttt) Section 41-619.52.
28 ~~(ddd)~~ (uuu) Section 41-619.53.
29 ~~(eee)~~ (vvv) Section 41-1964.
30 ~~(fff)~~ (www) Section 41-1967.01.
31 ~~(ggg)~~ (xxx) Section 41-1968.
32 ~~(hhh)~~ (yyy) Section 41-1969.
33 ~~(iii)~~ (zzz) Section 41-2814.
34 ~~(jjj)~~ (aaaa) Section 41-4025.
35 ~~(kkk)~~ (bbbb) Section 46-141, subsection A or B.
36 ~~(lll)~~ (cccc) Section 46-321.
37 6. "Vulnerable adult" has the same meaning prescribed in section
38 13-3623.
39 Sec. 27. Section 41-1758.01, Arizona Revised Statutes, is amended
40 to read:
41 41-1758.01. Fingerprinting division: powers and duties
42 A. The fingerprinting division is established in the department of
43 public safety and shall:
44 1. Conduct fingerprint background checks for persons and applicants
45 who are seeking licenses from state agencies, employment with licensees,

1 contract providers and state agencies or employment or educational
2 opportunities with agencies that require fingerprint background checks
3 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
4 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
5 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-921,
6 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1422, 32-1524, 32-1606,
7 32-1683, 32-1730, 32-1822, 32-1904, 32-1941, 32-1982, 32-2022, 32-2063,
8 32-2108.01, 32-2123, 32-2371, 32-2521, 32-2812, 32-2912, 32-3280, 32-3430,
9 32-3504, 32-3620, 32-3668, 32-3669, 32-3922, 32-3924, 32-4128, 32-4222,
10 36-113, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,
11 36-754, 36-766.01, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-1923,
12 36-1940, 36-1940.01, 36-1940.04, 36-3008, 41-619.52, 41-619.53, 41-1964,
13 41-1967.01, 41-1968, 41-1969, 41-2814, ~~AND~~ AND 41-4025, section 46-141,
14 subsection A or B and section 46-321.

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

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

22 4. Inform in writing each person who submits fingerprints for a
23 fingerprint background check of the right to petition the board of
24 fingerprinting for a good cause exception pursuant to section 41-1758.03,
25 41-1758.04 or 41-1758.07.

26 5. If after conducting a state and federal criminal history records
27 check the division determines that it is not authorized to issue a
28 fingerprint clearance card to a person, inform the person in writing that
29 the division is not authorized to issue a fingerprint clearance card. The
30 notice shall include the criminal history information on which the denial
31 was based. This criminal history information is subject to dissemination
32 restrictions pursuant to section 41-1750 and Public Law 92-544.

33 6. Notify the person in writing if the division suspends, revokes
34 or places a driving restriction notation on a fingerprint clearance card
35 pursuant to section 41-1758.04. The notice shall include the criminal
36 history information on which the suspension, revocation or placement of
37 the driving restriction notation was based. This criminal history
38 information is subject to dissemination restrictions pursuant to section
39 41-1750 and Public Law 92-544.

40 7. Administer and enforce this article.

41 B. The fingerprinting division may contract for electronic or
42 internet-based fingerprinting services through an entity or entities for
43 the acquisition and transmission of applicant fingerprint and data
44 submissions to the department, including identity verified fingerprints
45 pursuant to section 15-106. The entity or entities contracted by the

1 department of public safety may charge the applicant a fee for services
2 provided pursuant to this article. The entity or entities contracted by
3 the department of public safety shall comply with:

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

6 2. The information technology security policy approved by the
7 department of public safety.

8 Sec. 28. Effective date

9 This act is effective from and after December 31, 2023.