

House Engrossed Senate Bill
database; health professionals; license revocations

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1333

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-149; AMENDING SECTION 36-446.03, ARIZONA REVISED
STATUTES; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 1, article 2, Arizona Revised
3 Statutes, is amended by adding section 36-149, to read:

4 36-149. Searchable online database; health profession
5 regulatory boards; license and certification
6 revocations; definitions

7 A. EACH HEALTH PROFESSION REGULATORY BOARD SHALL REPORT TO THE
8 DEPARTMENT:

9 1. THE REVOCATION OF A HEALTH PROFESSIONAL'S LICENSE OR
10 CERTIFICATION.

11 2. ALL LICENSE AND CERTIFICATION REVOCATIONS THAT HAVE OCCURRED
12 BEGINNING JULY 1, 2019 THROUGH JULY 1, 2024.

13 B. ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL CREATE A
14 SEARCHABLE ONLINE DATABASE THAT IS POSTED ON THE DEPARTMENT'S PUBLIC
15 WEBSITE THAT CONTAINS, AT A MINIMUM, THE NAMES OF THE HEALTH PROFESSIONALS
16 WHO HAVE HAD A LICENSE OR CERTIFICATION REVOKED IN THE PRECEDING FIVE
17 YEARS, THE DATE OF THE REVOCATION AND THE HEALTH PROFESSION REGULATORY
18 BOARD THAT REVOKED THE LICENSE OR CERTIFICATION. THE DEPARTMENT SHALL
19 INFORM THE HEALTH PROFESSION REGULATORY BOARDS OF THE INFORMATION THAT IS
20 REQUIRED TO BE REPORTED TO THE DEPARTMENT FOR THE DATABASE.

21 C. FOR THE PURPOSES OF THIS SECTION, "HEALTH PROFESSION REGULATORY
22 BOARD" AND "HEALTH PROFESSIONAL" HAVE THE SAME MEANINGS PRESCRIBED IN
23 SECTION 32-3201.

24 Sec. 2. Section 36-446.03, Arizona Revised Statutes, is amended to
25 read:

26 36-446.03. Powers and duties of the board; rules; fees;
27 fingerprinting

28 A. The board may adopt, amend or repeal reasonable and necessary
29 rules and standards for the administration of this article in compliance
30 with title XIX of the social security act, as amended.

31 B. The board by rule may adopt nonrefundable fees for the
32 following:

33 1. Initial application for certification as an assisted living
34 facility manager.

35 2. Examination for certification as an assisted living facility
36 manager.

37 3. Issuance of a certificate as an assisted living facility
38 manager, prorated monthly.

39 4. Biennial renewal of a certificate as an assisted living facility
40 manager.

41 5. Issuance of a temporary certificate as an assisted living
42 facility manager.

43 6. Readministering an examination for certification as an assisted
44 living facility manager.

- 1 7. Issuance of a duplicate certificate as an assisted living
2 facility manager.
- 3 8. Reviewing the sponsorship of continuing education programs, for
4 each credit hour.
- 5 9. Late renewal of an assisted living facility manager certificate.
- 6 10. Reviewing an individual's request for continuing education
7 credit hours, for each credit hour.
- 8 11. Reviewing initial applications for assisted living facility
9 training programs.
- 10 12. Annual renewal of approved assisted living facility training
11 programs.
- 12 C. The board may elect officers it deems necessary.
- 13 D. The board shall apply appropriate techniques, including
14 examinations and investigations, to determine whether a person meets the
15 qualifications prescribed in section 36-446.04.
- 16 E. ~~Beginning January 1, 2023~~ **ON OR BEFORE JULY 1, 2024**, in addition
17 to the requirements prescribed in section 36-446.04, the board shall
18 require each applicant for initial nursing care institution administrator
19 **LICENSURE** or assisted living facility manager certification to submit a
20 full set of fingerprints to the board for a state and federal criminal
21 history records check pursuant to section 41-1750 and Public Law 92-544.
22 The department of public safety may exchange this fingerprint data with
23 the federal bureau of investigation.
- 24 F. On its own motion or in response to any complaint against or
25 report of a violation by an administrator of a nursing care institution or
26 a manager of an assisted living facility, the board may conduct
27 investigations, hearings and other proceedings concerning any violation of
28 this article or of rules adopted by the board or by the department.
- 29 G. In connection with an investigation or administrative hearing,
30 the board may administer oaths and affirmations, subpoena witnesses, take
31 evidence and require by subpoena the production of documents, records or
32 other information in any form concerning matters the board deems relevant
33 to the investigation or hearing. If any subpoena issued by the board is
34 disobeyed, the board may invoke the aid of any court in this state in
35 requiring the attendance and testimony of witnesses and the production of
36 evidence.
- 37 H. Subject to title 41, chapter 4, article 4, the board may employ
38 persons to provide investigative, professional and clerical assistance as
39 required to perform its powers and duties under this article.
40 Compensation for board employees shall be as determined pursuant to
41 section 38-611. The board may contract with other state or federal
42 agencies as required to carry out this article.
- 43 I. The board may appoint review committees to make recommendations
44 concerning enforcement matters and the administration of this article.

1 J. The board by rule may establish a program to monitor licensees
2 and certificate holders who are chemically dependent and who enroll in
3 rehabilitation programs that meet board requirements. The board may take
4 disciplinary action if a licensee or a certificate holder refuses to enter
5 into an agreement to enroll in and complete a board-approved
6 rehabilitation program or fails to abide by that agreement.

7 K. The board shall adopt and use an official seal.

8 L. The board shall adopt rules for the examination and licensure of
9 nursing care institution administrators and the examination and
10 certification of assisted living facility managers.

11 M. The board shall adopt rules governing payment to a person for
12 the direct or indirect solicitation or procurement of assisted living
13 facility patronage.

14 N. The board must provide the CHAIRPERSONS OF THE senate and the
15 house of representatives health ~~committee chairmen~~ COMMITTEES with copies
16 of all board minutes and executive decisions.

17 O. The board by rule shall limit by percentage the amount it may
18 increase a fee above the amount of a fee previously prescribed by the
19 board pursuant to this section.

20 P. The board by rule shall prescribe standards for assisted living
21 facility training programs. The board shall prescribe rules for assisted
22 living facility caregivers that are consistent with the training,
23 competency and test methodology standards developed by the Arizona health
24 care cost containment system administration for in-home direct care
25 workers.

26 Q. The board may:

27 1. Grant, deny, suspend or revoke approval of, or place on
28 probation, an assisted living facility training program.

29 2. Impose a civil penalty on an assisted living facility training
30 program that violates this chapter or rules adopted pursuant to this
31 chapter.