

COMMITTEE ON HEALTH AND HUMAN SERVICES
SENATE AMENDMENTS TO H.B. 2001
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 32-3271, Arizona Revised Statutes, is amended to
3 read:

4 32-3271. Exceptions to licensure; jurisdiction

5 A. This chapter does not apply to:

6 1. A person who is currently licensed, certified or regulated
7 pursuant to another chapter of this title and who provides services within
8 the person's scope of practice if the person does not claim to be licensed
9 pursuant to this chapter.

10 2. A person who is not a resident of this state if the person:

11 (a) Performs behavioral health services in this state for not more
12 than ninety days in any one calendar year as prescribed by board rule.

13 (b) Is authorized to perform these services pursuant to the laws of
14 the state or country in which the person resides or pursuant to the laws of
15 a federally recognized Indian tribe.

16 (c) Informs the client of the limited nature of these services and
17 that the person is not licensed in this state.

18 3. A rabbi, priest, minister or member of the clergy of any
19 religious denomination or sect if the activities and services that person
20 performs are within the scope of the performance of the regular or
21 specialized ministerial duties of an established and legally recognizable
22 church, denomination or sect and the person performing the services remains
23 accountable to the established authority of the church, denomination or
24 sect.

25 4. A member-run self-help or self-growth group if no member of the
26 group receives direct or indirect financial compensation.

27 5. A behavioral health technician or behavioral health
28 paraprofessional who is employed by an agency licensed by the department of
29 health services.

30 6. A person contracting with the supreme court or a person employed
31 by or contracting with an agency under contract with the supreme court who
32 is otherwise ineligible to be licensed or who is in the process of applying
33 to be licensed under this chapter as long as that person is in compliance
34 with the supreme court contract conditions regarding professional
35 counseling services and practices only under supervision.

36 7. A person who is employed by the department of economic security
37 or the department of child safety and who practices social work, marriage
38 and family therapy, addiction counseling, counseling and case management
39 within the scope of the person's job duties and under direct supervision by
40 the employer department.

41 8. A student, intern or trainee who is pursuing a course of study in
42 social work, counseling, marriage and family therapy, addiction counseling

1 or case management in a regionally accredited institution of higher
2 education or training institution if the person's activities are performed
3 under qualified supervision and are part of the person's supervised course
4 of study.

5 9. A person who is practicing social work, counseling and case
6 management and who is employed by an agency licensed by the department of
7 economic security or the department of child safety.

8 10. A paraprofessional who is employed by the department of economic
9 security or by an agency licensed by the department of economic security.

10 11. A Christian Science practitioner if all of the following are
11 true:

12 (a) The person is not providing psychotherapy.

13 (b) The activities and services the person performs are within the
14 scope of the performance of the regular or specialized duties of a
15 Christian Science practitioner.

16 (c) The person remains accountable to the established authority of
17 the practitioner's church.

18 12. A person who is not providing psychotherapy.

19 13. FOR A PERIOD OF NINETY DAYS, A PERSON WHO HAS COMPLETED THE
20 PERSON'S COURSE OF STUDY IN SOCIAL WORK, COUNSELING, MARRIAGE AND FAMILY
21 THERAPY OR ADDICTION COUNSELING FROM A REGIONALLY ACCREDITED INSTITUTION OF
22 HIGHER EDUCATION, WHO HAS GRADUATED, WHO POSSESSES A VALID FINGERPRINT
23 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 AND WHO
24 IS IN THE PROCESS OF APPLYING FOR AN ASSOCIATE LEVEL LICENSE PURSUANT TO
25 THIS CHAPTER IF THE PERSON'S ACTIVITIES ARE PERFORMED UNDER QUALIFIED
26 SUPERVISION BY A PERSON WHO PROVIDED DIRECT SUPERVISION DURING THE COURSE
27 OF STUDY OR INTERNSHIP. THE PERSON MAY APPLY ANY DIRECT CLIENT CONTACT
28 WORK EXPERIENCE OBTAINED DURING THE NINETY-DAY PERIOD WHILE THE PERSON'S
29 APPLICATION IS PENDING TOWARD THE PERSON'S DIRECT CLIENT CONTACT WORK
30 EXPERIENCE LICENSURE REQUIREMENTS.

31 B. A person who provides services pursuant to subsection A,
32 paragraph 2 of this section is deemed to have agreed to the jurisdiction of
33 the board and to be bound by the laws of this state.

34 Sec. 2. Section 41-619.51, Arizona Revised Statutes, is amended to
35 read:

36 41-619.51. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Agency" means the supreme court, the department of economic
39 security, the department of child safety, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of public
42 safety, the department of transportation, the state real estate department,
43 the department of insurance and financial institutions, the Arizona game
44 and fish department, the Arizona department of agriculture, the board of
45 examiners of nursing care institution administrators and assisted living
46 facility managers, the state board of dental examiners, the Arizona state
47 board of pharmacy, the board of physical therapy, the state board of
48 psychologist examiners, the board of athletic training, the board of
49 occupational therapy examiners, the state board of podiatry examiners, the

1 acupuncture board of examiners, the state board of technical registration,
2 ~~or~~ the board of massage therapy, **THE BOARD OF BEHAVIORAL HEALTH EXAMINERS**
3 or the Arizona department of housing.

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

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

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

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

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

- 18 (a) Section 3-314.
- 19 (b) Section 8-105.
- 20 (c) Section 8-322.
- 21 (d) Section 8-463.
- 22 (e) Section 8-509.
- 23 (f) Section 8-802.
- 24 (g) Section 8-804.
- 25 (h) Section 15-183.
- 26 (i) Section 15-503.
- 27 (j) Section 15-512.
- 28 (k) Section 15-534.
- 29 (l) Section 15-763.01.
- 30 (m) Section 15-782.02.
- 31 (n) Section 15-1330.
- 32 (o) Section 15-1881.
- 33 (p) Section 17-215.
- 34 (q) Section 28-3228.
- 35 (r) Section 28-3413.
- 36 (s) Section 32-122.02.
- 37 (t) Section 32-122.05.
- 38 (u) Section 32-122.06.
- 39 (v) Section 32-823.
- 40 (w) Section 32-1232.
- 41 (x) Section 32-1276.01.
- 42 (y) Section 32-1284.
- 43 (z) Section 32-1297.01.
- 44 (aa) Section 32-1904.
- 45 (bb) Section 32-1941.
- 46 (cc) Section 32-1982.
- 47 (dd) Section 32-2022.
- 48 (ee) Section 32-2063.
- 49 (ff) Section 32-2108.01.

1 (gg) Section 32-2123.
2 (hh) Section 32-2371.
3 (ii) SECTION 32-3271.
4 ~~(ii)~~ (jj) Section 32-3430.
5 ~~(jj)~~ (kk) Section 32-3620.
6 ~~(kk)~~ (ll) Section 32-3668.
7 ~~(ll)~~ (mm) Section 32-3669.
8 ~~(mm)~~ (nn) Section 32-3922.
9 ~~(nn)~~ (oo) Section 32-3924.
10 (pp) Section 32-4128.
11 ~~(oo)~~ (qq) Section 32-4222.
12 ~~(qq)~~ (rr) Section 36-113.
13 ~~(rr)~~ (ss) Section 36-207.
14 ~~(ss)~~ (tt) Section 36-411.
15 ~~(tt)~~ (uu) Section 36-425.03.
16 ~~(uu)~~ (vv) Section 36-446.04.
17 ~~(vv)~~ (ww) Section 36-594.01.
18 ~~(ww)~~ (xx) Section 36-594.02.
19 ~~(xx)~~ (yy) Section 36-766.01.
20 ~~(yy)~~ (zz) Section 36-882.
21 ~~(zz)~~ (aaa) Section 36-883.02.
22 ~~(aaa)~~ (bbb) Section 36-897.01.
23 ~~(bbb)~~ (ccc) Section 36-897.03.
24 ~~(ccc)~~ (ddd) Section 36-3008.
25 ~~(ddd)~~ (eee) Section 41-619.53.
26 ~~(eee)~~ (fff) Section 41-1964.
27 ~~(fff)~~ (ggg) Section 41-1967.01.
28 ~~(ggg)~~ (hhh) Section 41-1968.
29 ~~(hhh)~~ (iii) Section 41-1969.
30 ~~(iii)~~ (jjj) Section 41-2814.
31 ~~(jjj)~~ (kkk) Section 41-4025.
32 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
33 ~~(lll)~~ (mmm) Section 46-321.
34 Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to
35 read:
36 41-1758. Definitions
37 In this article, unless the context otherwise requires:
38 1. "Agency" means the supreme court, the department of economic
39 security, the department of child safety, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of public
42 safety, the department of transportation, the state real estate department,
43 the department of insurance and financial institutions, the board of
44 fingerprinting, the Arizona game and fish department, the Arizona
45 department of agriculture, the board of examiners of nursing care
46 institution administrators and assisted living facility managers, the state
47 board of dental examiners, the Arizona state board of pharmacy, the board
48 of physical therapy, the state board of psychologist examiners, the board
49 of athletic training, the board of occupational therapy examiners, the

1 state board of podiatry examiners, the acupuncture board of examiners, the
2 state board of technical registration, the board of massage therapy, [THE](#)
3 [BOARD OF BEHAVIORAL HEALTH EXAMINERS](#) or the Arizona department of housing.

4 2. "Division" means the fingerprinting division in the department of
5 public safety.

6 3. "Electronic or internet-based fingerprinting services" means a
7 secure system for digitizing applicant fingerprints and transmitting the
8 applicant data and fingerprints of a person or entity submitting
9 fingerprints to the department of public safety for any authorized purpose
10 under this title. For the purposes of this paragraph, "secure system"
11 means a system that complies with the information technology security
12 policy approved by the department of public safety.

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

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

- 17 (a) Section 3-314.
- 18 (b) Section 8-105.
- 19 (c) Section 8-322.
- 20 (d) Section 8-463.
- 21 (e) Section 8-509.
- 22 (f) Section 8-802.
- 23 (g) Section 15-183.
- 24 (h) Section 15-503.
- 25 (i) Section 15-512.
- 26 (j) Section 15-534.
- 27 (k) Section 15-763.01.
- 28 (l) Section 15-782.02.
- 29 (m) Section 15-1330.
- 30 (n) Section 15-1881.
- 31 (o) Section 17-215.
- 32 (p) Section 28-3228.
- 33 (q) Section 28-3413.
- 34 (r) Section 32-122.02.
- 35 (s) Section 32-122.05.
- 36 (t) Section 32-122.06.
- 37 (u) Section 32-823.
- 38 (v) Section 32-1232.
- 39 (w) Section 32-1276.01.
- 40 (x) Section 32-1284.
- 41 (y) Section 32-1297.01.
- 42 (z) Section 32-1904.
- 43 (aa) Section 32-1941.
- 44 (bb) Section 32-1982.
- 45 (cc) Section 32-2022.
- 46 (dd) Section 32-2063.
- 47 (ee) Section 32-2108.01.
- 48 (ff) Section 32-2123.
- 49 (gg) Section 32-2371.

1 (hh) SECTION 32-3271.
2 ~~(hhh)~~ (ii) Section 32-3430.
3 ~~(iii)~~ (jj) Section 32-3620.
4 ~~(jjj)~~ (kk) Section 32-3668.
5 ~~(kkk)~~ (ll) Section 32-3669.
6 ~~(lll)~~ (mm) Section 32-3922.
7 ~~(mmm)~~ (nn) Section 32-3924.
8 ~~(nnn)~~ (oo) Section 32-4128.
9 ~~(ooo)~~ (pp) Section 32-4222.
10 ~~(ppp)~~ (qq) Section 36-113.
11 ~~(qqq)~~ (rr) Section 36-207.
12 ~~(rrr)~~ (ss) Section 36-411.
13 ~~(sss)~~ (tt) Section 36-425.03.
14 ~~(ttt)~~ (uu) Section 36-446.04.
15 ~~(uuu)~~ (vv) Section 36-594.01.
16 ~~(vvv)~~ (ww) Section 36-594.02.
17 ~~(www)~~ (xx) Section 36-766.01.
18 ~~(xxx)~~ (yy) Section 36-882.
19 ~~(yyy)~~ (zz) Section 36-883.02.
20 ~~(zzz)~~ (aaa) Section 36-897.01.
21 ~~(aaa)~~ (bbb) Section 36-897.03.
22 ~~(bbb)~~ (ccc) Section 36-3008.
23 ~~(ccc)~~ (ddd) Section 41-619.52.
24 ~~(ddd)~~ (eee) Section 41-619.53.
25 ~~(eee)~~ (fff) Section 41-1964.
26 ~~(fff)~~ (ggg) Section 41-1967.01.
27 ~~(ggg)~~ (hhh) Section 41-1968.
28 ~~(hhh)~~ (iii) Section 41-1969.
29 ~~(iii)~~ (jjj) Section 41-2814.
30 ~~(jjj)~~ (kkk) Section 41-4025.
31 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
32 ~~(lll)~~ (mmm) Section 46-321.
33 6. "Rap back services" has the same meaning prescribed in section
34 41-1750.
35 7. "Vulnerable adult" has the same meaning prescribed in section
36 13-3623.
37 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
38 read:
39 41-1758.01. Fingerprinting division; powers and duties
40 A. The fingerprinting division is established in the department of
41 public safety and shall:
42 1. Conduct fingerprint background checks for persons and applicants
43 who are seeking licenses from state agencies, employment with licensees,
44 contract providers and state agencies or employment or educational
45 opportunities with agencies that require fingerprint background checks
46 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
47 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
48 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
49 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,

1 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620, 32-3668,
2 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
3 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
4 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
5 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
6 and section 46-321.

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

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

14 4. Inform in writing each person who submits fingerprints for a
15 fingerprint background check of the right to petition the board of
16 fingerprinting for a good cause exception pursuant to section 41-1758.03,
17 41-1758.04 or 41-1758.07.

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

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

32 7. Administer and enforce this article.

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

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

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

45 Amend title to conform

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