

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 314

# SENATE BILL 1294

AN ACT

ADDRESSING PERCEIVED SHORTAGES OF CERTAIN LICENSED PROFESSIONS; MAKING AN  
APPROPRIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Arizona partnership for nursing education  
3 demonstration project; fund

4 A. The Arizona partnership for nursing education demonstration project  
5 is established to increase the capacity of nursing education programs in this  
6 state by fostering collaboration among the state's education and health care  
7 communities and the state and federal governments. The demonstration project  
8 shall address this state's nursing shortage by increasing the number of  
9 nurses graduating from this state's nursing education programs with the goal  
10 of doubling the number of nursing graduates by the end of fiscal year  
11 2009-2010 from the number graduating in fiscal year 2004-2005.

12 B. The nursing education demonstration project fund is established.  
13 The fund consists of monies appropriated to the fund and monies provided by  
14 any federal agency, entity or program for nursing education and workforce  
15 expansion. Monies in the fund are exempt from the provisions of section  
16 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

17 C. Fund monies shall be allocated into a board of regents account and  
18 a community colleges account based on the number of nursing students  
19 graduating in fiscal year 2004-2005 from programs offered or overseen by the  
20 board of regents as compared to the number of nursing students graduating in  
21 fiscal year 2004-2005 from programs offered or overseen by community  
22 colleges.

23 D. The Arizona board of regents shall administer the board of regents  
24 account. The department of commerce shall administer the community colleges  
25 account.

26 E. Monies in the nursing education demonstration project fund shall be  
27 used:

28 1. To pay for salaries, benefits, training and related expenses and  
29 operational costs necessary to increase the number of qualified nursing  
30 education faculty members teaching in nursing degree programs operated or  
31 overseen by the Arizona board of regents or by community college districts.

32 2. To pay for those expenses prescribed in paragraph 1 only for  
33 additional nursing education faculty members based on the number of faculty  
34 members who provide this education on June 30, 2005.

35 3. To supplement and not supplant monies that are appropriated by the  
36 legislature for the fiscal years 2005-2006 through 2009-2010 by funding the  
37 number of nursing education faculty members who provide this education in  
38 fiscal year 2004-2005.

39 F. Monies in the fund shall not be used for capital expenses related  
40 to educating nursing students.

41 G. The Arizona board of regents shall establish a process to annually  
42 distribute fund monies from the board of regents account to universities for  
43 use as prescribed in this section. A statewide organization that represents  
44 community colleges shall make recommendations to the department of commerce  
45 on a process to annually distribute fund monies from the community colleges

1 account to community colleges for use as prescribed in this section. The  
2 department of commerce shall award grants to community colleges for use as  
3 prescribed in this section, based on the recommendations from a statewide  
4 organization that represents community colleges. The department of commerce  
5 shall establish an application form, process and procedure by which monies  
6 may be granted. The grants prescribed in this subsection are subject to the  
7 availability of monies. Fund monies shall be distributed in a manner  
8 designed to increase the number of nurses graduating from universities and  
9 community colleges by increasing available faculty and teaching resources in  
10 a manner that provides for the efficient use of available monies and shared  
11 resources, geographic distribution of nurses in this state and increased  
12 diversity in the nursing workforce. The distribution systems may include  
13 grant programs that provide monies to universities and community colleges  
14 after submission of grant proposals.

15 Sec. 2. Massage therapist shortage; grandfather provision

16 A. Notwithstanding section 32-4222, Arizona Revised Statutes, to  
17 address the perceived shortage of massage therapists in this state, the board  
18 of massage therapy shall issue a license pursuant to title 32, chapter 42,  
19 Arizona Revised Statutes, to any person who has been practicing massage  
20 therapy in this state after January 1, 1999, and who meets the following  
21 requirements:

- 22 1. Is at least eighteen years of age.
- 23 2. Is a citizen or legal resident of the United States.
- 24 3. Satisfies the requirements of section 32-4224, Arizona Revised  
25 Statutes.
- 26 4. Is of good moral character.
- 27 5. Pays the fees established pursuant to section 32-4227, Arizona  
28 Revised Statutes.
- 29 6. Not have, within five years preceding the date of the application,  
30 been convicted of:
  - 31 (a) A class 1, 2 or 3 felony.
  - 32 (b) A class 4, 5 or 6 felony offense involving moral turpitude that  
33 has a reasonable relationship to the practice of massage therapy.
  - 34 (c) A misdemeanor involving prostitution or solicitation or other  
35 similar offense involving moral turpitude that has a reasonable relationship  
36 to the practice of massage therapy.
- 37 7. Within the past five years not have voluntarily surrendered a  
38 license under section 32-4254, Arizona Revised Statutes, or not have had a  
39 license to practice massage therapy or another similar license revoked by a  
40 political subdivision of this state or a regulatory board in another  
41 jurisdiction in the United States for an act that occurred in that  
42 jurisdiction that would be subject to discipline pursuant to this chapter.
- 43 8. Not be currently under investigation, suspension or restriction by  
44 a political subdivision of this state or a regulatory board in another  
45 jurisdiction in the United States for an act that occurred in that

1 jurisdiction that would be subject to discipline pursuant to this chapter.  
2 If the applicant is under investigation by a regulatory board in another  
3 jurisdiction, the board shall suspend the application process and may not  
4 issue or deny a license to the applicant until the investigation is resolved.

5 9. Submits a full set of fingerprints to the board for the purpose of  
6 obtaining a state and federal criminal records check pursuant to section  
7 41-1750, Arizona Revised Statutes, and Public Law 92-544. The department of  
8 public safety may exchange this fingerprint data with the federal bureau of  
9 investigation. The board may charge the cost of each criminal background  
10 check to the applicant.

11 B. In addition to the requirements of subsection A of this section, an  
12 applicant for licensure as a massage therapist shall either:

13 1. Have completed a minimum of two hundred hours of education and  
14 training in the study of massage therapy or bodywork therapy and the person  
15 has continuously practiced massage therapy in this state before  
16 December 31, 1999. The two hundred hours of education and training required  
17 by this paragraph must be taken in a massage or bodywork training program  
18 that is approved by either a community college located in this state or the  
19 state board for private postsecondary education or a similar agency of  
20 another state that imposes requirements that are substantially equivalent to  
21 the requirements of the state board for private postsecondary education. The  
22 training program required by this paragraph must consist of anatomy and  
23 physiology, massage theory and practice and ethics.

24 2. Demonstrate that the person has been self-supportive as a massage  
25 therapist in this state after January 1, 1999 by providing financial or tax  
26 records or by providing affidavits from health care professionals licensed  
27 under title 32, Arizona Revised Statutes.

28 3. Holds a current professional license from a political subdivision  
29 of this state that regulated the practice of massage therapy before May 12,  
30 2003.

31 C. On or before July 1, 2006, the board must issue a license to each  
32 applicant who meets the requirements of this section.

33 Sec. 3. Appropriation; dental shortage; rural modular dental  
34 buildings; exemption

35 A. The sum of \$200,000 is appropriated from the state general fund in  
36 fiscal year 2005-2006 to the Arizona department of health services for the  
37 purpose of providing rural modular dental buildings to address the shortage  
38 of dental providers in rural areas.

39 B. The appropriation made in subsection A of this section is exempt  
40 from the provision of section 35-190, Arizona Revised Statutes, relating to  
41 the lapsing of appropriations.

1           Sec. 4. Delayed repeal

2           Section 1 of this act relating to the Arizona partnership for nursing  
3 education demonstration project is repealed from and after June 30, 2010.

4           Sec. 5. Delayed repeal

5           Section 2 of this act relating to massage therapists is repealed from  
6 and after January 1, 2007.

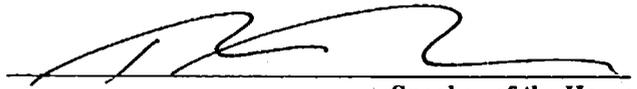
**APPROVED BY THE GOVERNOR MAY 20, 2005.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.**

Passed the House May 12, 2005

by the following vote: 47 Ayes,

2 Nays, 11 Not Voting



Speaker of the House  
Pro Tempore

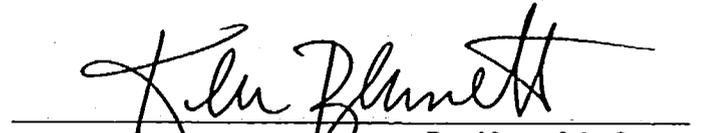


Chief Clerk of the House

Passed the Senate March 23, 2005

by the following vote: 22 Ayes,

5 Nays, 3 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20  ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20  ,

at            o'clock            M.

            
Governor of Arizona

S.B. 1294

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this            day of           , 20  ,

at            o'clock            M.

            
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 12, 2005

by the following vote: 19 Ayes,

5 Nays, 6 Not Voting

Klu Blunett  
President of the Senate  
Chermin Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13<sup>th</sup> day of May, 2005

at 8:38 o'clock a M.

Wendell Iphigene  
Secretary to the Governor

Approved this 20 day of

May, 2005,

at 9<sup>40</sup> o'clock A. M.

Jon Kyl  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2005

at 3:03 o'clock P. M.

Janice K. Brewer  
Secretary of State

S.B. 1294