

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 118

# **HOUSE BILL 2520**

AN ACT

AMENDING SECTIONS 32-3214 AND 32-4404, ARIZONA REVISED STATUTES; RELATING TO  
PROFESSIONS AND OCCUPATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3214, Arizona Revised Statutes, is amended to  
3 read:

4 32-3214. Board actions; records; website; compliance deadline

5 A. If a health profession regulatory board dismisses a complaint, the  
6 record of that complaint is available to that regulatory board and the public  
7 ~~at all times~~ PURSUANT TO SECTION 39-121 but may not appear on the board's  
8 website. For the purposes of this subsection, "dismisses a complaint" means  
9 that a board does not issue a disciplinary or nondisciplinary order or action  
10 against a licensee or certificate holder.

11 B. If a health profession regulatory board issues a nondisciplinary  
12 order or action against a licensee or certificate holder, the record of the  
13 nondisciplinary order or action is available to that board and the public ~~at~~  
14 ~~all times~~ PURSUANT TO SECTION 39-121, but may not appear on the board's  
15 website, EXCEPT THAT A PRACTICE LIMITATION OR RESTRICTION, AND DOCUMENTATION  
16 RELATING TO THAT ACTION, MAY APPEAR ON THE BOARD'S WEBSITE.

17 ~~C. If a health profession regulatory board issues an advisory letter~~  
18 ~~or letter of concern or imposes a practice limitation, documentation of that~~  
19 ~~action is available to that board and the public at all times and may appear~~  
20 ~~on the board's website, regardless of whether the board defines the action as~~  
21 ~~a disciplinary or nondisciplinary action.~~

22 ~~D.~~ C. If a health profession regulatory board maintains a website,  
23 the board must display on its website a statement that a person may obtain  
24 additional public records related to any licensee or certificate holder,  
25 including dismissed complaints and nondisciplinary actions and orders, by  
26 contacting the board directly.

27 ~~E.~~ D. This section does not prohibit a health profession regulatory  
28 board from conducting its authorized duties in a public meeting.

29 E. SUBSECTIONS A AND B OF THIS SECTION DO NOT APPLY TO MEETING MINUTES  
30 AND NOTICES KEPT BY THE BOARD IN ACCORDANCE WITH THE PUBLIC MEETING  
31 REQUIREMENTS OF TITLE 38, CHAPTER 3, ARTICLE 3.1.

32 F. A health profession regulatory board must comply with the  
33 requirements of this section on or before January 1, 2012.

34 Sec. 2. Section 32-4404, Arizona Revised Statutes, is amended to read:

35 32-4404. Board actions; records; website; compliance deadline

36 A. If a nonhealth profession regulatory board dismisses a complaint,  
37 the record of that complaint is available to that regulatory board and the  
38 public ~~at all times~~ PURSUANT TO SECTION 39-121 but may not appear on the  
39 board's website. For the purposes of this subsection, "dismisses a  
40 complaint" means that a board does not issue a disciplinary or  
41 nondisciplinary order or action against a licensee or certificate holder.

42 B. If a nonhealth profession regulatory board issues a nondisciplinary  
43 order or action against a licensee or certificate holder, the record of the  
44 nondisciplinary order or action is available to that board and the public ~~at~~  
45 ~~all times~~ PURSUANT TO SECTION 39-121, but may not appear on the board's

1 website, EXCEPT THAT A PRACTICE LIMITATION OR RESTRICTION, AND DOCUMENTATION  
2 RELATING TO THAT ACTION, MAY APPEAR ON THE BOARD'S WEBSITE.

3 ~~C. If a nonhealth profession regulatory board issues an advisory~~  
4 ~~letter or letter of concern or imposes a practice limitation, documentation~~  
5 ~~of that action is available to that board and the public at all times and may~~  
6 ~~appear on the board's website, regardless of whether the board defines the~~  
7 ~~action as a disciplinary or nondisciplinary action.~~

8 ~~D.~~ C. If a nonhealth profession regulatory board maintains a website,  
9 the board must display on its website a statement that a person may obtain  
10 additional public records related to any licensee or certificate holder,  
11 including dismissed complaints and nondisciplinary actions and orders, by  
12 contacting the board directly.

13 ~~E.~~ D. This section does not prohibit a nonhealth profession  
14 regulatory board from conducting its authorized duties in a public meeting.

15 E. SUBSECTIONS A AND B OF THIS SECTION DO NOT APPLY TO MEETING MINUTES  
16 AND NOTICES KEPT BY THE BOARD IN ACCORDANCE WITH THE PUBLIC MEETING  
17 REQUIREMENTS OF TITLE 38, CHAPTER 3, ARTICLE 3.1.

18 F. A nonhealth profession regulatory board must comply with the  
19 requirements of this section on or before January 1, 2012.

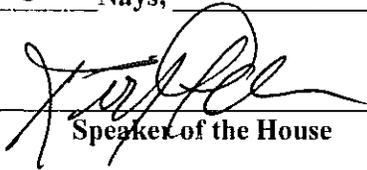
APPROVED BY THE GOVERNOR APRIL 14, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2011.

Passed the House March 14, 20 11

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

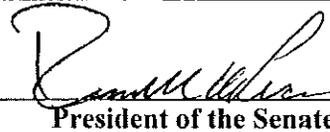
  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate April 7, 20 11

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

  
President of the Senate

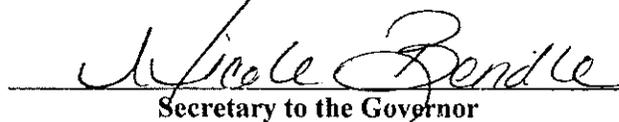
Charmain Dillington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

11 day of April, 20 11

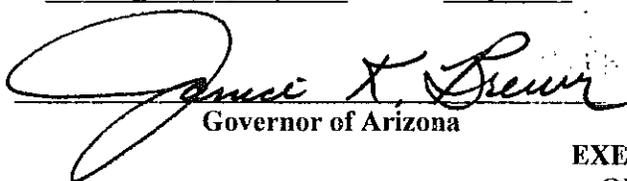
at 2:40 o'clock P. M.

  
Secretary to the Governor

Approved this 14th day of

April

at 2:21 o'clock P. M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 14th day of April, 20 11

at 5:07 o'clock P. M.

  
Secretary of State

H.B. 2520