

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 265

SENATE BILL 1435

AN ACT

AMENDING TITLE 32, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1422.01; AMENDING SECTION 32-1822, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 17, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1824; AMENDING SECTIONS 32-2022, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO FINGERPRINTING FOR HEALTH CARE LICENSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 13, article 2, Arizona Revised
3 Statutes, is amended by adding section 32-1422.01, to read:

4 32-1422.01. Expedited licensure; medical licensure compact;
5 fingerprinting

6 BEGINNING SEPTEMBER 1, 2017, APPLICANTS FOR EXPEDITED LICENSURE
7 PURSUANT TO SECTION 32-3241 SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE
8 BOARD FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS
9 CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF
10 PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU
11 OF INVESTIGATION. COMMUNICATION BETWEEN THE BOARD AND THE INTERSTATE
12 MEDICAL LICENSURE COMPACT COMMISSION REGARDING VERIFICATION OF PHYSICIAN
13 ELIGIBILITY FOR LICENSURE UNDER THE MEDICAL LICENSURE COMPACT MAY NOT
14 INCLUDE ANY INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION
15 RELATING TO A STATE AND FEDERAL CRIMINAL RECORDS CHECK PERFORMED FOR THE
16 PURPOSES OF SECTION 32-3241, SECTION 5, SUBSECTION B, PARAGRAPH 2.

17 Sec. 2. Section 32-1822, Arizona Revised Statutes, is amended to
18 read:

19 32-1822. Qualifications of applicant; application;
20 fingerprinting; fees

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

23 1. Is the person named on the application and on all supporting
24 documents submitted.

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

26 3. Is a graduate of a school of osteopathic medicine approved by
27 the American osteopathic association.

28 4. Has successfully completed an approved internship, the first
29 year of an approved multiple-year residency or A board-approved
30 equivalency.

31 5. Has passed the approved examinations for licensure within seven
32 years of application or has the board-approved equivalency of practice
33 experience.

34 6. Has not engaged in any conduct that, if it occurred in this
35 state, would be considered unprofessional conduct or, if the applicant has
36 engaged in unprofessional conduct, is rehabilitated from the underlying
37 conduct.

38 7. Is physically, mentally and emotionally able to practice
39 medicine, or, if limited, restricted or impaired in the ability to
40 practice medicine, consents to contingent licensure pursuant to subsection
41 E of this section or to entry into a program prescribed in section
42 32-1861.

43 8. Is of good moral character.

44 9. BEGINNING SEPTEMBER 1, 2017, HAS SUBMITTED A FULL SET OF
45 FINGERPRINTS TO THE BOARD FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL
46 CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

1 THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH
2 THE FEDERAL BUREAU OF INVESTIGATION.

3 B. An applicant must submit with the application the nonrefundable
4 application fee prescribed in section 32-1826 and pay the prescribed
5 license issuance fee to the board at the time the license is issued.

6 C. The board or the executive director may require an applicant to
7 submit to a personal interview, a physical examination or a mental
8 evaluation or any combination of these, at the applicant's expense, at a
9 reasonable time and place as prescribed by the board if the board
10 determines that this is necessary to provide the board adequate
11 information regarding the applicant's ability to meet the licensure
12 requirements of this chapter. An interview may include medical knowledge
13 questions and other matters that are relevant to licensure.

14 D. The board may deny a license for any unprofessional conduct that
15 would constitute grounds for disciplinary action pursuant to this chapter
16 or as determined by a competent domestic or foreign jurisdiction.

17 E. The board may issue a license that is contingent on the
18 applicant entering into a stipulated order that may include a period of
19 probation or a restriction on the licensee's practice.

20 F. The executive director may issue licenses to applicants who meet
21 the requirements of this section.

22 G. A person whose license has been revoked, denied or surrendered
23 in this or any other state may apply for licensure not sooner than five
24 years after the revocation, denial or surrender.

25 H. A license issued pursuant to this section is valid for the
26 remainder of the calendar year in which it was issued, at which time it is
27 eligible for renewal.

28 Sec. 3. Title 32, chapter 17, article 2, Arizona Revised Statutes,
29 is amended by adding section 32-1824, to read:

30 32-1824. Expedited licensure; medical licensure compact;
31 fingerprinting

32 BEGINNING SEPTEMBER 1, 2017, APPLICANTS FOR EXPEDITED LICENSURE
33 PURSUANT TO SECTION 32-3241 SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE
34 BOARD FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS
35 CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT
36 OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL
37 BUREAU OF INVESTIGATION. COMMUNICATION BETWEEN THE BOARD AND THE
38 INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION REGARDING VERIFICATION OF
39 PHYSICIAN ELIGIBILITY FOR LICENSURE UNDER THE MEDICAL LICENSURE COMPACT
40 MAY NOT INCLUDE ANY INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF
41 INVESTIGATION RELATING TO A STATE AND FEDERAL CRIMINAL RECORDS CHECK
42 PERFORMED FOR THE PURPOSES OF SECTION 32-3241, SECTION 5, SUBSECTION B,
43 PARAGRAPH 2.

1 Sec. 4. Section 32-2022, Arizona Revised Statutes, is amended to
2 read:

3 32-2022. Qualifications for licensure and certification;
4 fingerprint clearance card

5 A. An applicant for a license as a physical therapist who has been
6 educated in the United States shall:

- 7 1. Be of good moral character.
- 8 2. Complete the application process.
- 9 3. Be a graduate of a professional physical therapy education
10 program THAT IS accredited by a national accreditation agency approved by
11 the board.
- 12 4. Have successfully passed the national examination approved by
13 the board.
- 14 5. Have successfully passed a jurisprudence examination that tests
15 the applicant's knowledge of board statutes and rules.

16 6. OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
17 SECTION 41-1758.03.

18 B. An applicant for a license as a physical therapist who has been
19 educated outside of the United States shall:

- 20 1. Be of good moral character.
- 21 2. Complete the application process.
- 22 3. Provide satisfactory evidence that the applicant's education is
23 substantially equivalent to the requirements of physical therapists
24 educated in accredited educational programs as determined by the
25 board. If the board determines that a ~~foreign-educated~~ FOREIGN-EDUCATED
26 applicant's education is not substantially equivalent, it may require the
27 person to complete additional coursework before it proceeds with the
28 application process. It is not necessary that coursework completed by the
29 applicant be identical in all respects to that required by an education
30 program in the United States for an ~~entry-level~~ ENTRY-LEVEL physical
31 therapy degree, but all required content areas must be evident as required
32 by board rules. Deficiencies may occur only in coursework and not in
33 essential areas of professional education and shall not be of a magnitude
34 that would cause the education to be deemed below ~~entry-level~~ ENTRY-LEVEL
35 preparation for practice in this state.
- 36 4. Provide written proof of legal authorization to practice as a
37 physical therapist without limitation in the country where the
38 professional education occurred. The board may waive this requirement on
39 receipt of written proof that the applicant cannot demonstrate legal
40 authorization based on the citizenship requirements of the country where
41 the professional education occurred.
- 42 5. Provide proof of legal authorization to reside and seek
43 employment in the United States or its territories.
- 44 6. Have passed the ~~board-approved~~ BOARD-APPROVED English
45 proficiency examinations if the applicant's native language is not
46 English.

1 7. Have participated in an interim supervised clinical practice
2 period before licensure as approved by the board or shall have already met
3 this requirement to the board's satisfaction by virtue of the applicant's
4 clinical practice in another jurisdiction of the United States.

5 8. Have successfully passed the national examination approved by
6 the board.

7 9. Have successfully passed a jurisprudence examination that tests
8 the applicant's knowledge of board statutes and rules.

9 10. OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
10 SECTION 41-1758.03.

11 C. Notwithstanding the requirements of subsection B OF THIS
12 SECTION, if the ~~foreign-educated~~ FOREIGN-EDUCATED physical therapist
13 applicant is a graduate of an accredited educational program as determined
14 by the board, the board may waive the requirements of subsection B,
15 paragraphs 3 and 7 OF THIS SECTION.

16 D. An applicant for certification as a physical therapist assistant
17 shall meet the following requirements:

18 1. Be of good moral character.

19 2. Complete the application process.

20 3. Be a graduate of a physical therapist assistant education
21 program accredited by an agency approved by the board.

22 4. Have successfully passed the national examination approved by
23 the board.

24 5. Have successfully passed a jurisprudence examination that tests
25 the applicant's knowledge of board statutes and rules.

26 6. OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO
27 SECTION 41-1758.03.

28 E. For the purposes of subsection B, paragraph 3 OF THIS SECTION,
29 "substantially equivalent" means that the applicant provides documentation
30 satisfactory to the board that:

31 1. The applicant graduated from a physical therapist education
32 program that prepares the applicant to engage without restriction in the
33 practice of physical therapy.

34 2. The applicant's school of physical therapy education is
35 recognized by its own ministry of education. The board may waive this
36 requirement for good cause shown.

37 3. The applicant has undergone a credentials evaluation as directed
38 by the board that determines that the applicant has met uniform criteria
39 for educational requirements pursuant to board rules.

40 4. The applicant has completed any additional education required by
41 the board.

42 Sec. 5. Section 41-619.51, Arizona Revised Statutes, is amended to
43 read:

44 41-619.51. Definitions

45 In this article, unless the context otherwise requires:

- 1 1. "Agency" means the supreme court, the department of economic
2 security, the department of child safety, the department of education, the
3 department of health services, the department of juvenile corrections, the
4 department of emergency and military affairs, the department of
5 transportation, the state real estate department, the department of
6 financial institutions, the Arizona game and fish department, the board of
7 examiners of nursing care institution administrators and assisted living
8 facility managers, the state board of dental examiners, ~~or~~ the Arizona
9 state board of pharmacy OR THE BOARD OF PHYSICAL THERAPY.
- 10 2. "Board" means the board of fingerprinting.
- 11 3. "Central registry exception" means notification to the
12 department of economic security, the department of child safety or the
13 department of health services, as appropriate, pursuant to section
14 41-619.57 that the person is not disqualified because of a central
15 registry check conducted pursuant to section 8-804.
- 16 4. "Expedited review" means an examination, in accordance with
17 board rule, of the documents an applicant submits by the board or its
18 hearing officer without the applicant being present.
- 19 5. "Good cause exception" means the issuance of a fingerprint
20 clearance card to an employee pursuant to section 41-619.55.
- 21 6. "Person" means a person who is required to be fingerprinted
22 pursuant to this article or who is subject to a central registry check and
23 any of the following:
- 24 (a) Section 8-105.
25 (b) Section 8-322.
26 (c) Section 8-463.
27 (d) Section 8-509.
28 (e) Section 8-802.
29 (f) Section 8-804.
30 (g) Section 15-183.
31 (h) Section 15-503.
32 (i) Section 15-512.
33 (j) Section 15-534.
34 (k) Section 15-763.01.
35 (l) Section 15-782.02.
36 (m) Section 15-1330.
37 (n) Section 15-1881.
38 (o) Section 17-215.
39 (p) Section 28-3413.
40 (q) Section 32-1232.
41 (r) Section 32-1284.
42 (s) Section 32-1297.01.
43 (t) Section 32-1904.
44 (u) SECTION 32-2022.
45 ~~(u)~~ (v) Section 32-2108.01.
46 ~~(v)~~ (w) Section 32-2123.

- 1 ~~(w)~~ (x) Section 32-2371.
- 2 ~~(x)~~ (y) Section 32-3620.
- 3 ~~(y)~~ (z) Section 32-3668.
- 4 ~~(z)~~ (aa) Section 32-3669.
- 5 ~~(aa)~~ (bb) Section 36-207.
- 6 ~~(bb)~~ (cc) Section 36-411.
- 7 ~~(cc)~~ (dd) Section 36-425.03.
- 8 ~~(dd)~~ (ee) Section 36-446.04.
- 9 ~~(ee)~~ (ff) Section 36-594.01.
- 10 ~~(ff)~~ (gg) Section 36-594.02.
- 11 ~~(gg)~~ (hh) Section 36-882.
- 12 ~~(hh)~~ (ii) Section 36-883.02.
- 13 ~~(ii)~~ (jj) Section 36-897.01.
- 14 ~~(jj)~~ (kk) Section 36-897.03.
- 15 ~~(kk)~~ (ll) Section 36-3008.
- 16 ~~(ll)~~ (mm) Section 41-619.53.
- 17 ~~(mm)~~ (nn) Section 41-1964.
- 18 ~~(nn)~~ (oo) Section 41-1967.01.
- 19 ~~(oo)~~ (pp) Section 41-1968.
- 20 ~~(pp)~~ (qq) Section 41-1969.
- 21 ~~(qq)~~ (rr) Section 41-2814.
- 22 ~~(rr)~~ (ss) Section 46-141, subsection A.
- 23 ~~(ss)~~ (tt) Section 46-321.

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

26 41-1758. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Agency" means the supreme court, the department of economic
29 security, the department of child safety, the department of education, the
30 department of health services, the department of juvenile corrections, the
31 department of emergency and military affairs, the department of
32 transportation, the state real estate department, the department of
33 financial institutions, the board of fingerprinting, the Arizona game and
34 fish department, the board of examiners of nursing care institution
35 administrators and assisted living facility managers, the state board of
36 dental examiners, ~~or~~ the Arizona state board of pharmacy OR THE BOARD OF
37 PHYSICAL THERAPY.

38 2. "Division" means the fingerprinting division in the department
39 of public safety.

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

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

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

- 5 (a) Section 8-105.
- 6 (b) Section 8-322.
- 7 (c) Section 8-463.
- 8 (d) Section 8-509.
- 9 (e) Section 8-802.
- 10 (f) Section 15-183.
- 11 (g) Section 15-503.
- 12 (h) Section 15-512.
- 13 (i) Section 15-534.
- 14 (j) Section 15-763.01.
- 15 (k) Section 15-782.02.
- 16 (l) Section 15-1330.
- 17 (m) Section 15-1881.
- 18 (n) Section 17-215.
- 19 (o) Section 28-3413.
- 20 (p) Section 32-1232.
- 21 (q) Section 32-1284.
- 22 (r) Section 32-1297.01.
- 23 (s) Section 32-1904.
- 24 (t) SECTION 32-2022.
- 25 ~~(t)~~ (u) Section 32-2108.01.
- 26 ~~(u)~~ (v) Section 32-2123.
- 27 ~~(v)~~ (w) Section 32-2371.
- 28 ~~(w)~~ (x) Section 32-3620.
- 29 ~~(x)~~ (y) Section 32-3668.
- 30 ~~(y)~~ (z) Section 32-3669.
- 31 ~~(z)~~ (aa) Section 36-207.
- 32 ~~(aa)~~ (bb) Section 36-411.
- 33 ~~(bb)~~ (cc) Section 36-425.03.
- 34 ~~(cc)~~ (dd) Section 36-446.04.
- 35 ~~(dd)~~ (ee) Section 36-594.01.
- 36 ~~(ee)~~ (ff) Section 36-594.02.
- 37 ~~(ff)~~ (gg) Section 36-882.
- 38 ~~(gg)~~ (hh) Section 36-883.02.
- 39 ~~(hh)~~ (ii) Section 36-897.01.
- 40 ~~(ii)~~ (jj) Section 36-897.03.
- 41 ~~(jj)~~ (kk) Section 36-3008.
- 42 ~~(kk)~~ (ll) Section 41-619.52.
- 43 ~~(ll)~~ (mm) Section 41-619.53.
- 44 ~~(mm)~~ (nn) Section 41-1964.
- 45 ~~(nn)~~ (oo) Section 41-1967.01.
- 46 ~~(oo)~~ (pp) Section 41-1968.

1 ~~(pp)~~ (qq) Section 41-1969.

2 ~~(qq)~~ (rr) Section 41-2814.

3 ~~(rr)~~ (ss) Section 46-141, subsection A.

4 ~~(ss)~~ (tt) Section 46-321.

5 6. "Vulnerable adult" has the same meaning prescribed in section
6 13-3623.

7 Sec. 7. Section 41-1758.01, Arizona Revised Statutes, is amended to
8 read:

9 41-1758.01. Fingerprinting division; powers and duties

10 A. The fingerprinting division is established in the department of
11 public safety and shall:

12 1. Conduct fingerprint background checks for persons and applicants
13 who are seeking licenses from state agencies, employment with licensees,
14 contract providers and state agencies or employment or educational
15 opportunities with agencies that require fingerprint background checks
16 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,
17 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3413,
18 32-1232, 32-1284, 32-1297.01, 32-1904, 32-2022, 32-2108.01, 32-2123,
19 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03, 36-446.04,
20 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008,
21 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814,
22 section 46-141, subsection A and section 46-321.

23 2. Issue fingerprint clearance cards. On issuance, a fingerprint
24 clearance card becomes the personal property of the cardholder and the
25 cardholder shall retain possession of the fingerprint clearance card.

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

30 4. Inform in writing each person who submits fingerprints for a
31 fingerprint background check of the right to petition the board of
32 fingerprinting for a good cause exception pursuant to section 41-1758.03,
33 41-1758.04 or 41-1758.07.

34 5. If after conducting a state and federal criminal history records
35 check the division determines that it is not authorized to issue a
36 fingerprint clearance card to a person, inform the person in writing that
37 the division is not authorized to issue a fingerprint clearance card. The
38 notice shall include the criminal history information on which the denial
39 was based. This criminal history information is subject to dissemination
40 restrictions pursuant to section 41-1750 and Public Law 92-544.

41 6. Notify the person in writing if the division suspends, revokes
42 or places a driving restriction notation on a fingerprint clearance card
43 pursuant to section 41-1758.04. The notice shall include the criminal
44 history information on which the suspension, revocation or placement of
45 the driving restriction notation was based. This criminal history

1 information is subject to dissemination restrictions pursuant to section
2 41-1750 and Public Law 92-544.

3 7. Administer and enforce this article.

4 B. The fingerprinting division may contract for electronic or
5 internet-based fingerprinting services through an entity or entities for
6 the acquisition and transmission of applicant fingerprint and data
7 submissions to the department, including identity verified fingerprints
8 pursuant to section 15-106. The entity or entities contracted by the
9 department of public safety may charge the applicant a fee for services
10 provided pursuant to this article. The entity or entities contracted by
11 the department of public safety shall comply with:

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

14 2. The information technology security policy approved by the
15 department of public safety.

16 Sec. 8. Emergency

17 This act is an emergency measure that is necessary to preserve the
18 public peace, health or safety and is operative immediately as provided by
19 law.

APPROVED BY THE GOVERNOR MAY 2, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.

Passed the House April 17, 2017,

Passed the Senate February 20, 2017,

by the following vote: 57 Ayes,

by the following vote: 25 Ayes,

Nays, 1 Not Voting 1
by emergency vacant
[Signature]
Speaker of the House

4 Nays, 1 Not Voting
[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
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

**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

S.B. 1435

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 26, 2017

by the following vote: 23 Ayes,
with Emergency
5 Nays, 2 Not Voting

Steven B. Huber
President of the Senate

Susan Reeves
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of April, 2017

at 11:57 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 2nd day of

May 2017

at 9:11 o'clock A. M.

Janet D. Dineen
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of May, 2017

at 12:35 o'clock P. M.

Michelle Reagan
Secretary of State

S.B. 1435