



HOUSE OF REPRESENTATIVES

SB 1443

health profession regulatory boards
Prime Sponsor: Senator Barto, LD 15

DPA Committee on Health
DPA Caucus and COW
X As Transmitted to the Governor

OVERVIEW

SB 1443 requires certain information to be made available on a health profession regulatory board's (HPRB) website and states that each HPRB may establish a non-disciplinary confidential monitoring program. Transfers the responsibility for the licensing and regulation of behavior analysts from the State Board of Psychologist Examiners (Board) to the Board of Behavioral Health Examiners (BBHE).

PROVISIONS

Health Profession Regulatory Boards

1. States that if a HPRB issues a non-disciplinary order or action against a licensee or certificate holder, the record must be available on the HPRB's website for five years.
2. Removes the requirement for a practice limitation or restriction to be posted on the HPRB's website.
3. Requires compliance with the two requirements noted above beginning January 1, 2017.
4. States that a member of a HPRB is not eligible for reappointment to that HPRB once the person had been appointed for two full terms, in addition to any time served on the HPRB to fill a vacancy. A person may be reappointed to a HPRB once the person has not been on the HPRB for a time period of at least one full term.
5. Requires each HPRB to audio or video record all open meetings and maintain these recordings for three years after the date of the recording. Within five business days after the meeting the HPRB must either:
 - a. Post the audio or video recording on their website; or
 - b. Post notice on the website of the availability of the audio or video recording.
6. Mandates each HPRB to provide on their website, a list of all specific contract employment opportunities and a link to the State Procurement Office to apply for those positions.
7. Allows each HPRB to establish a non-disciplinary confidential program, including enrollment criteria for participation in the program, for the monitoring of a licensee or certificate holder who has been reported to or who voluntarily reports and who may be chemically dependent or who may have a medical, psychiatric, psychological or behavioral health disorder that may impact their ability to safely practice or perform health care tasks.
8. Permits a program to include education, intervention, therapeutic treatment and posttreatment monitoring and support. The licensee or certificate holder is responsible for associated

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program costs. The HPRB and the licensee or certificate holder may agree to enter into a non-disciplinary confidential stipulated agreement for participation in a program.

- 9. States that the HPRB may take further action if the licensee or certificate holder refuses to enter into a non-disciplinary confidential stipulated agreement with the HPRB or fails to comply with the agreement’s terms. The confidentiality requirements do not apply if the licensee or certificate holder does not comply with the stipulated agreement.
- 10. Contains an effective date of January 1, 2017.

Transfer of Behavior Analysts from the Board to the BBHE

- 11. Makes statutory adjustments to the Board’s Fund and the BBHE Fund for the licensing and regulation of behavior analysts.
- 12. Includes the Academic Review Committee (ARC) provisions in the behavior analyst statutes and clarifies that an applicant may utilize independent field work for licensure.
- 13. Requires committee members for the behavior analysts ARC to be initially be appointed by the BBHE. Beginning January 1, 2017, the Governor must appoint the committee members. A committee member who is initially appointed by the BBHE may be reappointed by the Governor. A committee member who is initially appointed by the BBHE must continue to serve until appointed or replaced by the Governor.
- 14. Transfers and renumbers the following statutes:

Former Sections	New Sections
32-2091	32-3331
32-2091.01	32-3332
32-2091.02	32-3333
32-2091.03	32-3334
32-2091.04	32-3335
32-2091.06	32-3336
32-2091.07 (Version 1) eff. until 5/1/17	32-3337
32-2091.07 (Version 2) eff. 5/1/17	
32-2091.08	32-3338
32-2091.09	32-3339
32-2091.10	32-3340
32-2091.11	32-3341
32-2091.12	32-3342
32-2091.13	32-3343
32-2091.14	32-3344

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15. Transfers all monies in the Board Fund for behavior analyst licensing and regulation to the BBHE.
16. Stipulates:
 - a. All matters relating to behavior analysts, including contracts, orders and judicial and quasi-judicial actions, whether completed or pending, of the Board are transferred and maintain the same status with the BBHE.
 - b. Rules adopted by the Board relating to behavior analysts are effective until superseded by rules adopted by the BBHE.
 - c. All personnel, property and records, all data and investigative findings, all obligations and all appropriated monies that remain unspent and unencumbered of the Board relating to behavior analysts are transferred to the BBHE and may be used for licensing and regulation of behavior analysts.
17. Contains an effective date of September 1, 2016, for matters related to behavior analysts.
18. Requires the BBHE, by December 15, 2016 to report to the House Health and the Senate Health and Human Services Committee of Reference on the implementation of the transfer of the licensing and regulation of the behavior analysts to the BBHE.
19. Exempts the BBHE from the rulemaking requirements for the purposes of implementing the transfer of the licensing and regulation of behavior analysts to the BBHE until September 1, 2017.
20. Makes technical and conforming changes.

CURRENT LAW

A.R.S § 32-3214 states if a Board issues a non-disciplinary order or action against a licensee or certificate holder, the record of the non-disciplinary order or action is available to that Board and the public but may not appear on the Board's website, except that a practice limitation or restriction, and documentation relating to that action, may appear on the Board's website. Additionally, if a Board maintains a website, the Board must display on its website a statement that a person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and non-disciplinary actions and orders, by contacting the Board directly. Compliance of the website requirements must have been met by a Board beginning January 1, 2012.

Contained within Title 32, Chapter 19.1, Article 4 are the laws related to the licensure and regulation of behavior analysts.