

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 71

HOUSE BILL 2256

AN ACT

AMENDING SECTIONS 32-802, 32-805, 32-806, 32-822 AND 32-823, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-824 AND 32-825, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-826, 32-827, 32-830 AND 32-852, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF PODIATRY EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-802, Arizona Revised Statutes, is amended to
3 read:

4 32-802. State board of podiatry examiners: compensation:
5 employees; immunity

6 A. The state board of podiatry examiners is established consisting
7 of five members WHO ARE appointed by the governor. Each member shall be
8 appointed for a term of five years, to begin and end on February 1.

9 B. Before appointment by the governor, a prospective member of the
10 board shall submit a full set of fingerprints to the governor for the
11 purpose of obtaining a state and federal criminal records check pursuant
12 to section 41-1750 and Public Law 92-544. The department of public safety
13 may exchange this fingerprint data with the federal bureau of
14 investigation.

15 C. Three members of the board shall have practiced podiatry
16 continuously in this state for not less than two years immediately
17 preceding appointment and shall have valid licenses to practice podiatry.
18 Two members of the board shall be lay persons. All members of the board
19 shall be citizens of the United States.

20 D. A vacancy on the board occurring other than by the expiration of
21 a term shall be filled by appointment by the governor for the unexpired
22 term.

23 E. All appointments shall be made promptly, and in the case of the
24 vacancy of a professional member or members, appointment shall be made no
25 later than ninety days from the expiration of the term or vacancy.

26 F. The term of any member, at the discretion of the board, may end
27 and the office be declared vacant for THE MEMBER'S failure to attend three
28 consecutive meetings of the board.

29 G. Members of the board shall receive compensation of fifty dollars
30 for each day of actual service in the business of the board.

31 ~~H. The state board of podiatry examiners may hire practicing~~
32 ~~podiatrists or other medical specialists, or both, as needed, in order to~~
33 ~~assist the board in giving examinations. Such examiners shall receive the~~
34 ~~same compensation as board members.~~

35 ~~H.~~ H. Subject to title 41, chapter 4, article 4, the board may
36 employ personnel, including trained investigators, as it deems necessary
37 to carry out the purposes of this chapter.

38 ~~I.~~ I. Members, AND personnel and examiners of the board are
39 personally immune from suit with respect to all acts done and actions
40 taken in good faith and in furtherance of the purposes of this chapter.

41 Sec. 2. Section 32-805, Arizona Revised Statutes, is amended to
42 read:

43 32-805. Secretary of board: duties

44 A. The secretary of the board shall receive compensation as
45 determined pursuant to section 38-611.

1 B. The secretary shall:

2 1. ~~Have charge of receipt~~ RECEIVE and ~~disbursement of funds~~
3 DISBURSE MONIES of the board.

4 2. Keep minutes of board meetings.

5 3. Keep a record of licenses issued, refused, suspended and
6 revoked, and of applications ~~and examinations~~ FOR LICENSURE.

7 4. Perform other duties the board prescribes.

8 Sec. 3. Section 32-806, Arizona Revised Statutes, is amended to
9 read:

10 32-806. Podiatry fund

11 A. At the end of each calendar month, THE BOARD SHALL DEPOSIT,
12 pursuant to sections 35-146 and 35-147, the ~~secretary shall deposit~~ ten
13 ~~per cent~~ PERCENT of all monies received by the board in the state general
14 fund and ~~deposit~~ the remaining ninety ~~per cent~~ PERCENT in the podiatry
15 fund.

16 B. All monies deposited in the podiatry fund ~~shall be~~ ARE subject
17 to ~~the provisions of~~ section 35-143.01.

18 Sec. 4. Section 32-822, Arizona Revised Statutes, is amended to
19 read:

20 32-822. Application for licensure

21 A. An applicant for a podiatry ~~examination~~ LICENSE shall file with
22 ~~the secretary of~~ the STATE board of podiatry examiners, ~~not less than~~
23 ~~ninety days before the date of such examination,~~ an application ~~to take~~
24 ~~the examination,~~ THAT IS accompanied by the required fee, on a form
25 prescribed and furnished by the board. The application shall contain
26 evidence of the APPLICANT'S necessary qualifications as the board requires
27 and shall be signed and sworn to by the applicant.

28 B. An applicant for a license pursuant to section 32-827 shall file
29 with ~~the secretary of the board, no later than ninety days before the date~~
30 ~~of the next oral and practical examination,~~ an application for a license
31 pursuant to section 32-827, THAT IS accompanied by the required fee, on
32 a form prescribed and furnished by the board. The application shall
33 contain evidence of the APPLICANT'S necessary qualifications as the board
34 requires and shall be signed and sworn to by the applicant.

35 C. Each application submitted pursuant to this section shall
36 contain the oath of the applicant that:

37 1. All of the information contained in the application and
38 accompanying evidence or other credentials submitted is true and correct.

39 2. The credentials submitted with the application were procured
40 without fraud or misrepresentation or any mistake of which the applicant
41 is aware and that the applicant is the lawful holder of the credentials.

42 3. THE APPLICANT HAS READ AND UNDERSTANDS THE BOARD'S STATUTES AND
43 RULES.

1 D. All applications, completed or otherwise, together with all
2 attendant evidence, credentials and other proof submitted with the
3 applications are the property of the board.

4 E. The board shall **INFORM AN APPLICANT**, promptly and in writing,
5 ~~inform an applicant~~ of any deficiency existing in ~~his~~ **THE** application for
6 licensure under this article ~~which~~ **THAT** prevents the application from
7 being processed.

8 F. An applicant who disagrees with the ~~statement of deficiency~~
9 **BOARD'S DENIAL OF A LICENSE** shall ~~upon request~~ be granted a hearing **ON**
10 **REQUEST** before the board at its next regular meeting. At any hearing
11 granted pursuant to this subsection, the burden of proof is on the
12 applicant to demonstrate that the alleged deficiencies **THAT ARE THE BASIS**
13 **OF THE DENIAL** do not exist.

14 Sec. 5. Section 32-823, Arizona Revised Statutes, is amended to
15 read:

16 **32-823. Qualifications of applicant**

17 A. An applicant, ~~before being admitted to a podiatry examination,~~
18 shall prove to the board that ~~he~~ **THE APPLICANT**:

19 1. Is of good moral character.

20 2. Is a graduate of an accredited podiatry school whose standards
21 are recognized by the American podiatry **MEDICAL** association.

22 3. Has the physical and mental capability to engage safely in the
23 practice of podiatry.

24 4. Has a professional record ~~which~~ **THAT** indicates that ~~he~~ **THE**
25 **APPLICANT** has not committed any act or engaged in any conduct ~~which~~ **THAT**
26 would constitute grounds for disciplinary action against a licensee under
27 this chapter if ~~he~~ **THE APPLICANT** has previously engaged in the practice of
28 podiatry.

29 5. Has a professional record ~~which~~ **THAT** indicates that ~~he~~ **THE**
30 **APPLICANT** has not had a license to practice podiatry refused, revoked,
31 suspended or restricted in any way by any other state, federal
32 jurisdiction or country for reasons ~~which~~ **THAT** relate to ~~his~~ **THE** ability
33 to competently and safely practice podiatry if ~~he~~ **THE APPLICANT** has
34 previously engaged in the practice of podiatry.

35 **6. HAS PASSED A NATIONAL BOARD WRITTEN EXAMINATION.**

36 B. The board may require the submission of such credentials or
37 other evidence, written and oral, and make such investigation as it deems
38 necessary to adequately inform itself with respect to an applicant's
39 ability to meet the requirements prescribed by this section, including a
40 requirement that the applicant for licensure undergo a physical
41 examination, **A** mental evaluation, ~~OR~~ an oral competence examination and
42 interview, or any combination thereof, as the board deems proper.

43 **Sec. 6. Repeal**

44 Sections **32-824** and **32-825**, Arizona Revised Statutes, are repealed.

1 Sec. 7. Section 32-826, Arizona Revised Statutes, is amended to
2 read:

3 32-826. Issuance of license

4 A. The board shall issue a license to practice podiatry to every
5 person who ~~receives a passing grade on the examination,~~ pays the required
6 fee and furnishes satisfactory proof of successful completion of a
7 ~~one-year internship~~ RESIDENCY program.

8 B. Each license shall be signed by the president and secretary OF
9 THE BOARD and bear the seal of the board.

10 C. The board shall deny a license to an applicant who satisfies all
11 of the licensing requirements of this article if that applicant does not
12 submit the license issuance fee within twelve months after ~~taking the~~
13 ~~examinations~~ THE DATE OF APPLICATION. An applicant who fails to submit
14 the fee within this time ~~is required to~~ SHALL reapply for licensure
15 pursuant to this article.

16 Sec. 8. Section 32-827, Arizona Revised Statutes, is amended to
17 read:

18 32-827. Comity

19 ~~Notwithstanding section 32-825,~~ The board may issue a license to an
20 applicant ~~upon oral examination~~ if the applicant ~~has passed a written~~
21 ~~examination for and~~ has been licensed to practice podiatry in another
22 state or country from which ~~he~~ THE APPLICANT applies, ~~provided IF:~~

23 ~~1. The written examination of such other state or country was, in~~
24 ~~the opinion of the board, equivalent to the examination it used at the~~
25 ~~time the applicant passed such examination.~~

26 ~~2.~~ 1. The requirements in ~~such~~ THE OTHER state or country ~~were,~~ at
27 the date of registration or licensing, WERE substantially equal to those
28 then in force in this state.

29 ~~3.~~ 2. The applicant has lawfully practiced podiatry in the OTHER
30 state or country ~~from which he applies~~ for ~~not less than~~ AT LEAST five
31 years within the seven years immediately preceding ~~his~~ THE application for
32 a license in this state.

33 ~~4.~~ 3. The applicant complies with all other requirements set forth
34 in this chapter for a license.

35 Sec. 9. Section 32-830, Arizona Revised Statutes, is amended to
36 read:

37 32-830. Fees

38 The board shall establish and collect fees not to exceed:

39 1. For ~~taking licensing examinations~~ INITIAL APPLICATION FOR
40 LICENSURE, one thousand dollars. ~~An applicant shall submit this fee with~~
41 ~~the application for licensure.~~

42 2. For application for a license pursuant to section 32-827 by a
43 podiatrist from another state or country, five hundred dollars.

44 3. For issuing a license, five hundred dollars.

45 4. For annual renewal of a license, five hundred dollars.

1 5. For certifying a licensed podiatrist to authorities of another
2 state or country, fifty dollars.

3 6. For late renewal of a license after July 30 through August 31,
4 one hundred fifty dollars.

5 7. For initial registration to dispense drugs and devices, two
6 hundred dollars.

7 8. For annual renewal of registration to dispense drugs and
8 devices, one hundred dollars.

9 Sec. 10. Section 32-852, Arizona Revised Statutes, is amended to
10 read:

11 32-852. Revocation or suspension of or refusal to issue
12 license; civil penalty

13 A. The board, after notice and a hearing, may suspend, revoke or
14 refuse to issue a license ~~upon~~ ON proof against the applicant or licensee
15 of any of the following:

16 1. That ~~he~~ THE APPLICANT OR LICENSEE wilfully revealed a privileged
17 communication except as required by law. This paragraph ~~is not deemed to~~
18 DOES NOT prevent members of the board from the full and free exchange of
19 information with licensing and disciplinary boards of other states or
20 jurisdictions of the United States, with foreign countries or with any
21 podiatry society of this state or any other state, county, district,
22 territory or country.

23 2. That ~~he~~ THE APPLICANT OR LICENSEE knowingly made a false or
24 fraudulent statement, written or oral, required for
25 application, ~~examination~~ or licensing or in connection with the practice
26 of podiatry.

27 3. That ~~he~~ THE APPLICANT OR LICENSEE had a professional association
28 with or loaned the use of ~~his~~ THE APPLICANT'S OR LICENSEE'S name to an
29 unlicensed podiatrist or an illegal practitioner of any of the healing
30 arts.

31 4. That ~~he~~ THE LICENSEE violated a provision of section 32-854.

32 5. That ~~he~~ THE APPLICANT OR LICENSEE is guilty of other conduct
33 that disqualifies ~~him~~ THE APPLICANT OR LICENSEE to practice podiatry with
34 regard to the safety and welfare of the public.

35 6. That ~~he~~ THE LICENSEE is guilty of unprofessional conduct as
36 defined in section 32-854.01.

37 B. The board may impose against a licensee determined by the board
38 to be in violation of this section a civil penalty of not more than two
39 thousand dollars. The board shall deposit, pursuant to sections 35-146
40 and 35-147, all monies it collects from civil penalties it imposes
41 pursuant to this section in the state general fund.

H.B. 2256

APPROVED BY THE GOVERNOR MARCH 23, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018.