

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 215
SENATE BILL 1096

AN ACT

AMENDING SECTIONS 32-3249 AND 32-3249.01, ARIZONA REVISED STATUTES;
AMENDING TITLE 36, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 3; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED
STATUTES, BY ADDING SECTION 36-405.02; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3249, Arizona Revised Statutes, is amended to
3 read:

4 32-3249. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Board" means a health ~~professional~~ PROFESSION regulatory board
7 that provides licensure, certification or registration and regulation
8 pursuant to chapter 13, 15, 17, 19, 19.1 or 33 of this title.

9 2. "Database" means the health professionals workforce database
10 that is developed from designated database information AND MAINTAINED BY
11 THE DEPARTMENT IN THE HEALTH CARE PROFESSIONALS WORKFORCE DATA REPOSITORY
12 ESTABLISHED PURSUANT TO TITLE 36, CHAPTER 1, ARTICLE 3.

13 3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

14 ~~3.~~ 4. "Designated database information":

15 (a) Means information that is collected by a board pursuant to
16 section 32-3247.01.

17 (b) Does not include identification materials and information
18 required to determine qualifications of an applicant for licensure,
19 certification or registration.

20 ~~4.~~ 5. "Director" means the director of the department ~~of health~~
21 ~~services~~.

22 Sec. 2. Section 32-3249.01, Arizona Revised Statutes, is amended to
23 read:

24 32-3249.01. Designated database information: collection:
25 transfer; confidentiality

26 A. Beginning January 2, ~~2020~~ 2021, each board shall ~~collect~~ REQUEST
27 from applicants for initial or renewal licensure, certification or
28 registration OR OTHERWISE ON AN ANNUAL BASIS the designated database
29 information prescribed in rule by the director pursuant to section
30 36-104, ~~paragraph 25~~. EACH BOARD SHALL TRANSFER THE DESIGNATED DATABASE
31 INFORMATION TO THE DEPARTMENT ON AN ANNUAL BASIS.

32 B. To protect the privacy and security of health professionals who
33 provide information pursuant to this section, ~~personally identifiable~~ THE
34 information UNIQUE TO THE DESIGNATED DATABASE THAT IS collected pursuant
35 to this section is confidential and is not a public record pursuant to
36 title 39, chapter 1, article 2 AND MAY BE DISTRIBUTED, REDISTRIBUTED OR
37 TRANSFERRED ONLY PURSUANT TO SUBSECTION C OF THIS SECTION AND TITLE 36,
38 CHAPTER 1, ARTICLE 3.

39 C. EACH BOARD MAY MAINTAIN AND USE BUT MAY NOT DISTRIBUTE THE DATA
40 COLLECTED PURSUANT TO THIS SECTION THAT IS UNIQUE TO THE DESIGNATED
41 DATABASE, EXCEPT A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD
42 OF REGENTS MAY REQUEST AND THE HEALTH PROFESSION REGULATORY BOARD MAY
43 DISTRIBUTE DESIGNATED DATABASE INFORMATION COLLECTED BY THE HEALTH
44 PROFESSION REGULATORY BOARD, INCLUDING PERSONALLY IDENTIFIABLE

1 INFORMATION. THE UNIVERSITY MAY REDISTRIBUTE THE DESIGNATED DATABASE
2 INFORMATION RECEIVED FROM THE BOARD ONLY IF BOTH OF THE FOLLOWING APPLY:

3 1. THE DATA IS DEIDENTIFIED PURSUANT TO THE PUBLISHED STANDARDS OF
4 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

5 2. THE DATA IS INCORPORATED IN RESEARCH AND ANALYSIS BY THE
6 UNIVERSITY THAT IS GENERATED USING THE DATA.

7 Sec. 3. Title 36, chapter 1, Arizona Revised Statutes, is amended
8 by adding article 3, to read:

9 ARTICLE 3. HEALTH CARE PROFESSIONALS
10 WORKFORCE DATA REPOSITORY

11 36-171. Health care professionals workforce data repository;
12 maintenance; rules; fee; public access

13 A. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN THE HEALTH CARE
14 PROFESSIONALS WORKFORCE DATA REPOSITORY CONTAINING THE DATA COLLECTED AND
15 TRANSFERRED TO THE DEPARTMENT PURSUANT TO TITLE 32, CHAPTER 32, ARTICLE 5.

16 B. IN ACCORDANCE WITH THE RULES ADOPTED PURSUANT TO THIS SECTION,
17 THE DEPARTMENT MAY ASSIST THE HEALTH PROFESSION REGULATORY BOARDS IN
18 COMPLYING WITH A STANDARDIZED FORMAT AND SECURELY TRANSFERRING THE DATA
19 COLLECTED.

20 C. THE DEPARTMENT SHALL ADOPT RULES TO:

21 1. PROVIDE PROCEDURES FOR THE TRANSFER OF DATA FROM THE HEALTH
22 PROFESSION REGULATORY BOARDS.

23 2. MAINTAIN THE PRIVACY AND SECURITY OF THE DATA PURSUANT TO
24 SECTION 32-3249.01.

25 3. SPECIFY THE CONDITIONS AND AGREEMENTS TO RELEASE THE DATA
26 CONSISTENT WITH PARAGRAPH 2 OF THIS SUBSECTION.

27 4. ESTABLISH A FEE TO PROVIDE THE DATA IN THE REPOSITORY TO PERSONS
28 WHO REQUEST THE INFORMATION.

29 D. THE DATA IN THE REPOSITORY IS NOT A PUBLIC RECORD PURSUANT TO
30 TITLE 39, CHAPTER 1, ARTICLE 3, AND THE DEPARTMENT MAY PROVIDE THE DATA
31 ONLY:

32 1. SUBJECT TO THE CONDITIONS AND AGREEMENTS REQUIRED BY THE RULES
33 ADOPTED PURSUANT TO THIS SECTION.

34 2. WITHOUT ANY PERSONALLY IDENTIFIABLE INFORMATION.

35 3. FOR A FEE THAT IS NOT BASED ON THE INTENDED USE OF THE DATA.

36 36-172. Workforce data repository fund; exemption

37 A. THE WORKFORCE DATA REPOSITORY FUND IS ESTABLISHED CONSISTING OF
38 LEGISLATIVE APPROPRIATIONS, FEES COLLECTED PURSUANT TO THIS ARTICLE AND
39 PRIVATE GIFTS, GRANTS, DONATIONS AND CONTRIBUTIONS. THE DEPARTMENT SHALL
40 ADMINISTER THE FUND, AND MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.
41 MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
42 RELATING TO LAPSING OF APPROPRIATIONS.

43 B. THE DIRECTOR MAY ACCEPT AND SPEND PRIVATE GIFTS, GRANTS,
44 DONATIONS AND CONTRIBUTIONS TO ASSIST IN CARRYING OUT THE PURPOSES OF THIS

1 ARTICLE. THESE MONIES DO NOT REVERT TO THE STATE GENERAL FUND AT THE END
2 OF THE FISCAL YEAR.

3 36-173. Advisory committee; membership; committee termination

4 A. THE HEALTH CARE PROFESSIONALS WORKFORCE DATA REPOSITORY ADVISORY
5 COMMITTEE IS ESTABLISHED TO ADVISE THE DIRECTOR REGARDING RULES AND
6 POLICIES RELATING TO THE OPERATION OF THE HEALTH CARE PROFESSIONALS
7 WORKFORCE DATA REPOSITORY. THE ADVISORY COMMITTEE CONSISTS OF AT LEAST
8 FOURTEEN MEMBERS BUT NOT MORE THAN FIFTEEN MEMBERS WHO ARE APPOINTED BY
9 THE DIRECTOR AND INCLUDES:

10 1. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, WHO SERVES AS THE
11 CHAIRPERSON.

12 2. ONE PERSON WHO REPRESENTS EACH HEALTH PROFESSION REGULATORY
13 BOARD THAT COLLECTS AND TRANSFERS DATA TO THE HEALTH CARE PROFESSIONALS
14 WORKFORCE DATA REPOSITORY.

15 3. AT LEAST TWO PERSONS WHO REPRESENT UNIVERSITIES IN THIS STATE.

16 4. AT LEAST ONE PERSON WHO REPRESENTS A COMMUNITY COLLEGE IN THIS
17 STATE.

18 5. AT LEAST ONE PERSON WHO REPRESENTS A HOSPITAL IN A COUNTY IN
19 THIS STATE WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR MORE.

20 6. AT LEAST ONE PERSON WHO REPRESENTS A HOSPITAL IN A COUNTY IN
21 THIS STATE WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS.

22 7. ONE PERSON WHO IS A BEHAVIORAL HEALTH SERVICES PROVIDER.

23 8. ONE PERSON WHO IS AN OUTPATIENT SERVICES PROVIDER.

24 9. AT LEAST ONE PERSON WHO REPRESENTS A NONPROFIT ORGANIZATION THAT
25 CONDUCTS RESEARCH AND EDUCATION RELATED TO HEALTH CARE.

26 B. THE ADVISORY COMMITTEE MEMBERS SHALL SERVE THREE-YEAR TERMS.
27 MEMBERS SERVE IN A VOLUNTARY CAPACITY BUT ARE ELIGIBLE TO RECEIVE
28 REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

29 C. THE ADVISORY COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON
30 JULY 1, 2027 PURSUANT TO SECTION 41-3103.

31 Sec. 4. Title 36, chapter 4, article 1, Arizona Revised Statutes,
32 is amended by adding section 36-405.02, to read:

33 36-405.02. Behavioral health and other related health care
34 services; employees; age; rules

35 THE DEPARTMENT SHALL ALLOW A PERSON WHO IS EMPLOYED AT A HEALTH CARE
36 INSTITUTION THAT PROVIDES BEHAVIORAL HEALTH SERVICES, WHO IS NOT A
37 LICENSED BEHAVIORAL HEALTH PROFESSIONAL AND WHO IS AT LEAST EIGHTEEN YEARS
38 OF AGE TO PROVIDE BEHAVIORAL HEALTH OR OTHER RELATED HEALTH CARE SERVICES
39 PURSUANT TO ALL APPLICABLE DEPARTMENT RULES. THE DIRECTOR SHALL ADOPT
40 RULES CONSISTENT WITH THIS SECTION.

APPROVED BY THE GOVERNOR MAY 13, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2019.