

REFERENCE TITLE: **unauthorized practice; health professions**

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2118

Introduced by
Representatives Barto: Allen J

AN ACT

**AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3226; 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. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3226, to read:

4 32-3226. Unauthorized practice of a health profession;
5 verification; posting; violation; classification;
6 definition

7 A. A HEALTH PROFESSION REGULATORY BOARD SHALL REGULATE THE
8 UNAUTHORIZED PRACTICE OF THE HEALTH PROFESSION THE BOARD REGULATES.

9 B. A HEALTH PROFESSION REGULATORY BOARD OR THE EXECUTIVE DIRECTOR
10 OF THE BOARD, IF DELEGATED AND CONSISTENT WITH EACH REGULATORY BOARD'S
11 STATUTORY AUTHORITY, SHALL DO ALL OF THE FOLLOWING AFTER RECEIVING A
12 COMPLAINT REGARDING A PERSON WHO IS ALLEGED TO HAVE ENGAGED IN THE
13 UNAUTHORIZED PRACTICE OF A HEALTH PROFESSION:

14 1. VERIFY ALL OF THE PERSON'S LICENSURE OR CERTIFICATION
15 DOCUMENTATION WITH THE PRIMARY SOURCE OF THE DOCUMENTATION.

16 2. RETAIN ALL RECORDS OF THE COMPLAINT AND DOCUMENTATION
17 VERIFICATION FOR AT LEAST TEN YEARS.

18 3. POST ON THE BOARD'S PUBLIC WEBSITE FOR FIVE YEARS INFORMATION
19 REGARDING THE PERSON WHO THE BOARD VERIFIES HAS ENGAGED IN THE
20 UNAUTHORIZED PRACTICE OF A HEALTH PROFESSION. THE PERSON MAY PETITION THE
21 BOARD TO HAVE THE INFORMATION REMOVED EARLIER THAN FIVE YEARS.

22 C. A HEALTH PROFESSION REGULATORY BOARD MAY ISSUE A CEASE AND
23 DESIST ORDER TO STOP A PERSON FROM ENGAGING IN THE UNAUTHORIZED PRACTICE
24 OF A HEALTH PROFESSION.

25 D. A HEALTH PROFESSION REGULATORY BOARD SHALL NOTIFY EACH
26 COMPLAINANT THAT THE PERSON MAY SUBMIT ADDITIONAL INFORMATION AT ANY TIME
27 DURING THE INVESTIGATION IF THE INFORMATION WAS NOT INITIALLY SUBMITTED.

28 E. IF A COMPLAINANT REQUESTS TO HAVE THE COMPLAINANT'S IDENTIFYING
29 INFORMATION WITHHELD FROM THE PERSON AGAINST WHOM THE ALLEGATION OF
30 UNAUTHORIZED PRACTICE OF A HEALTH PROFESSION IS BEING MADE, THE BOARD
31 SHALL KEEP THE COMPLAINANT'S IDENTIFYING INFORMATION CONFIDENTIAL.

32 F. A PERSON WHO ENGAGES IN THE UNAUTHORIZED PRACTICE OF A HEALTH
33 PROFESSION IS GUILTY OF A CLASS 5 FELONY. A HEALTH PROFESSION REGULATORY
34 BOARD SHALL REFER EACH VERIFIED COMPLAINT FOR THE UNAUTHORIZED PRACTICE OF
35 A HEALTH PROFESSION TO THE COUNTY ATTORNEY OR ATTORNEY GENERAL FOR
36 PROSECUTION.

37 G. FOR THE PURPOSES OF THIS SECTION, "UNAUTHORIZED PRACTICE OF A
38 HEALTH PROFESSION" MEANS TO ENGAGE IN THE PRACTICE OF A HEALTH PROFESSION
39 WITHOUT HAVING THE LICENSURE OR CERTIFICATION REQUIRED TO PRACTICE IN THAT
40 HEALTH PROFESSION IN THIS STATE.