

House Engrossed

occupational therapists; fingerprint clearance cards.

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 323

HOUSE BILL 2585

AN ACT

AMENDING SECTIONS 32-3430, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA
REVISED STATUTES; RELATING TO THE BOARD OF OCCUPATIONAL THERAPY EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3430, Arizona Revised Statutes, is amended to
3 read:

4 32-3430. Fingerprinting

5 ~~A. Each applicant for original licensure, license renewal, license~~
6 ~~reinstatement or a limited license pursuant to this chapter who has not~~
7 ~~previously done so shall submit a full set of fingerprints to the board at~~
8 ~~the applicant's or licensee's expense for the purpose of obtaining a state~~
9 ~~and federal criminal records check pursuant to section 41-1750 and Public~~
10 ~~law 92-544. The department of public safety may exchange this fingerprint~~
11 ~~data with the federal bureau of investigation.~~

12 ~~B. If the board does not have any evidence or reasonable suspicion~~
13 ~~that the applicant has a criminal history and the applicant otherwise~~
14 ~~satisfies the requirements of section 32-3423, the board may issue a~~
15 ~~license or a limited license before it receives the results of a criminal~~
16 ~~records check.~~

17 ~~C. The board shall suspend a license or a limited license of a~~
18 ~~person who submits an unreadable set of fingerprints and does not submit a~~
19 ~~new readable set of fingerprints within twenty days after being notified~~
20 ~~by the board.~~

21 A. BEGINNING JANUARY 1, 2022, AN APPLICANT FOR ORIGINAL LICENSURE,
22 LICENSE RENEWAL, LICENSE REINSTATEMENT OR A LIMITED LICENSE PURSUANT TO
23 THIS CHAPTER SHALL POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED
24 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

25 ~~B.~~ B. This section does not affect the board's authority to
26 otherwise issue, deny, cancel, terminate, suspend or revoke a license or a
27 limited license.

28 Sec. 2. Section 41-619.51, Arizona Revised Statutes, is amended to
29 read:

30 41-619.51. Definitions

31 In this article, unless the context otherwise requires:

32 1. "Agency" means the supreme court, the department of economic
33 security, the department of child safety, the department of education, the
34 department of health services, the department of juvenile corrections, the
35 department of emergency and military affairs, the department of public
36 safety, the department of transportation, the state real estate
37 department, the department of insurance and financial institutions, the
38 Arizona game and fish department, the Arizona department of agriculture,
39 the board of examiners of nursing care institution administrators and
40 assisted living facility managers, the state board of dental examiners,
41 the Arizona state board of pharmacy, ~~or~~ the board of physical therapy, ~~THE~~
42 ~~BOARD OF OCCUPATIONAL THERAPY EXAMINERS~~ or the state board of technical
43 registration.

44 2. "Board" means the board of fingerprinting.

1 3. "Central registry exception" means notification to the
2 department of economic security, the department of child safety or the
3 department of health services, as appropriate, pursuant to section
4 41-619.57 that the person is not disqualified because of a central
5 registry check conducted pursuant to section 8-804.

6 4. "Expedited review" means an examination, in accordance with
7 board rule, of the documents an applicant submits by the board or its
8 hearing officer without the applicant being present.

9 5. "Good cause exception" means the issuance of a fingerprint
10 clearance card to an employee pursuant to section 41-619.55.

11 6. "Person" means a person who is required to be fingerprinted
12 pursuant to this article or who is subject to a central registry check and
13 any of the following:

- 14 (a) Section 3-314.
- 15 (b) Section 8-105.
- 16 (c) Section 8-322.
- 17 (d) Section 8-463.
- 18 (e) Section 8-509.
- 19 (f) Section 8-802.
- 20 (g) Section 8-804.
- 21 (h) Section 15-183.
- 22 (i) Section 15-503.
- 23 (j) Section 15-512.
- 24 (k) Section 15-534.
- 25 (l) Section 15-763.01.
- 26 (m) Section 15-782.02.
- 27 (n) Section 15-1330.
- 28 (o) Section 15-1881.
- 29 (p) Section 17-215.
- 30 (q) Section 28-3228.
- 31 (r) Section 28-3413.
- 32 (s) Section 32-122.02.
- 33 (t) Section 32-122.05.
- 34 (u) Section 32-122.06.
- 35 (v) Section 32-1232.
- 36 (w) Section 32-1276.01.
- 37 (x) Section 32-1284.
- 38 (y) Section 32-1297.01.
- 39 (z) Section 32-1904.
- 40 (aa) Section 32-1941.
- 41 (bb) Section 32-2022.
- 42 (cc) Section 32-2108.01.
- 43 (dd) Section 32-2123.
- 44 (ee) Section 32-2371.
- 45 (ff) SECTION 32-3430.

~~(ff)~~ (gg) Section 32-3620.
~~(gg)~~ (hh) Section 32-3668.
~~(hh)~~ (ii) Section 32-3669.
~~(ii)~~ (jj) Section 36-113.
~~(jj)~~ (kk) Section 36-207.
~~(kk)~~ (ll) Section 36-411.
~~(ll)~~ (mm) Section 36-425.03.
~~(mm)~~ (nn) Section 36-446.04.
~~(nn)~~ (oo) Section 36-594.01.
~~(oo)~~ (pp) Section 36-594.02.
~~(pp)~~ (qq) Section 36-882.
~~(qq)~~ (rr) Section 36-883.02.
~~(rr)~~ (ss) Section 36-897.01.
~~(ss)~~ (tt) Section 36-897.03.
~~(tt)~~ (uu) Section 36-3008.
~~(uu)~~ (vv) Section 41-619.53.
~~(vv)~~ (ww) Section 41-1964.
~~(ww)~~ (xx) Section 41-1967.01.
~~(xx)~~ (yy) Section 41-1968.
~~(yy)~~ (zz) Section 41-1969.
~~(zz)~~ (aaa) Section 41-2814.
~~(aaa)~~ (bbb) Section 46-141, subsection A or B.
~~(bbb)~~ (ccc) Section 46-321.
 Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to
 read:
 41-1758. Definitions
 In this article, unless the context otherwise requires:
 1. "Agency" means the supreme court, the department of economic
 security, the department of child safety, the department of education, the
 department of health services, the department of juvenile corrections, the
 department of emergency and military affairs, the department of public
 safety, the department of transportation, the state real estate
 department, the department of insurance and financial institutions, the
 board of fingerprinting, the Arizona game and fish department, the Arizona
 department of agriculture, the board of examiners of nursing care
 institution administrators and assisted living facility managers, the
 state board of dental examiners, the Arizona state board of pharmacy, ~~or~~
 the board of physical therapy, THE BOARD OF OCCUPATIONAL THERAPY EXAMINERS
 or the state board of technical registration.
 2. "Division" means the fingerprinting division in the department
 of public safety.
 3. "Electronic or internet-based fingerprinting services" means a
 secure system for digitizing applicant fingerprints and transmitting the
 applicant data and fingerprints of a person or entity submitting
 fingerprints to the department of public safety for any authorized purpose

1 under this title. For the purposes of this paragraph, "secure system"
2 means a system that complies with the information technology security
3 policy approved by the department of public safety.

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

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

- 8 (a) Section 3-314.
- 9 (b) Section 8-105.
- 10 (c) Section 8-322.
- 11 (d) Section 8-463.
- 12 (e) Section 8-509.
- 13 (f) Section 8-802.
- 14 (g) Section 15-183.
- 15 (h) Section 15-503.
- 16 (i) Section 15-512.
- 17 (j) Section 15-534.
- 18 (k) Section 15-763.01.
- 19 (l) Section 15-782.02.
- 20 (m) Section 15-1330.
- 21 (n) Section 15-1881.
- 22 (o) Section 17-215.
- 23 (p) Section 28-3228.
- 24 (q) Section 28-3413.
- 25 (r) Section 32-122.02.
- 26 (s) Section 32-122.05.
- 27 (t) Section 32-122.06.
- 28 (u) Section 32-1232.
- 29 (v) Section 32-1276.01.
- 30 (w) Section 32-1284.
- 31 (x) Section 32-1297.01.
- 32 (y) Section 32-1904.
- 33 (z) Section 32-1941.
- 34 (aa) Section 32-2022.
- 35 (bb) Section 32-2108.01.
- 36 (cc) Section 32-2123.
- 37 (dd) Section 32-2371.
- 38 (ee) SECTION 32-3430.
- 39 ~~(ff)~~ (ff) Section 32-3620.
- 40 ~~(ff)~~ (gg) Section 32-3668.
- 41 ~~(gg)~~ (hh) Section 32-3669.
- 42 ~~(hh)~~ (ii) Section 36-113.
- 43 ~~(ii)~~ (jj) Section 36-207.
- 44 ~~(jj)~~ (kk) Section 36-411.
- 45 ~~(kk)~~ (ll) Section 36-425.03.

1 ~~(mm)~~ (mm) Section 36-446.04.
2 ~~(nn)~~ (nn) Section 36-594.01.
3 ~~(oo)~~ (oo) Section 36-594.02.
4 ~~(pp)~~ (pp) Section 36-882.
5 ~~(qq)~~ (qq) Section 36-883.02.
6 ~~(rr)~~ (rr) Section 36-897.01.
7 ~~(ss)~~ (ss) Section 36-897.03.
8 ~~(tt)~~ (tt) Section 36-3008.
9 ~~(uu)~~ (uu) Section 41-619.52.
10 ~~(vv)~~ (vv) Section 41-619.53.
11 ~~(ww)~~ (ww) Section 41-1964.
12 ~~(xx)~~ (xx) Section 41-1967.01.
13 ~~(yy)~~ (yy) Section 41-1968.
14 ~~(zz)~~ (zz) Section 41-1969.
15 ~~(aaa)~~ (aaa) Section 41-2814.
16 ~~(bbb)~~ (bbb) Section 46-141, subsection A or B.
17 ~~(ccc)~~ (ccc) Section 46-321.
18 6. "Vulnerable adult" has the same meaning prescribed in section
19 13-3623.
20 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
21 read:
22 41-1758.01. Fingerprinting division; powers and duties
23 A. The fingerprinting division is established in the department of
24 public safety and shall:
25 1. Conduct fingerprint background checks for persons and applicants
26 who are seeking licenses from state agencies, employment with licensees,
27 contract providers and state agencies or employment or educational
28 opportunities with agencies that require fingerprint background checks
29 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
30 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
31 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01,
32 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123,
33 32-2371, 32-3430, 32-3620, 32-3668, 32-3669, 36-113, 36-207, 36-411,
34 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01,
35 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968,
36 41-1969 and 41-2814, section 46-141, subsection A or B and section 46-321.
37 2. Issue fingerprint clearance cards. On issuance, a fingerprint
38 clearance card becomes the personal property of the cardholder and the
39 cardholder shall retain possession of the fingerprint clearance card.
40 3. On submission of an application for a fingerprint clearance
41 card, collect the fees established by the board of fingerprinting pursuant
42 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
43 the monies collected in the board of fingerprinting fund.
44 4. Inform in writing each person who submits fingerprints for a
45 fingerprint background check of the right to petition the board of

1 fingerprinting for a good cause exception pursuant to section 41-1758.03,
2 41-1758.04 or 41-1758.07.

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

10 6. Notify the person in writing if the division suspends, revokes
11 or places a driving restriction notation on a fingerprint clearance card
12 pursuant to section 41-1758.04. The notice shall include the criminal
13 history information on which the suspension, revocation or placement of
14 the driving restriction notation was based. This criminal history
15 information is subject to dissemination restrictions pursuant to section
16 41-1750 and Public Law 92-544.

17 7. Administer and enforce this article.

18 B. The fingerprinting division may contract for electronic or
19 internet-based fingerprinting services through an entity or entities for
20 the acquisition and transmission of applicant fingerprint and data
21 submissions to the department, including identity verified fingerprints
22 pursuant to section 15-106. The entity or entities contracted by the
23 department of public safety may charge the applicant a fee for services
24 provided pursuant to this article. The entity or entities contracted by
25 the department of public safety shall comply with:

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

28 2. The information technology security policy approved by the
29 department of public safety.

30 Sec. 5. Effective date

31 This act is effective from and after December 31, 2021.

APPROVED BY THE GOVERNOR MAY 5, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2021.