

Senate Engrossed

acupuncture; scope of practice; assistants

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 23

SENATE BILL 1080

AN ACT

AMENDING SECTIONS 32-3901, 32-3922 AND 32-3924, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 39, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3955; AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE ACUPUNCTURE BOARD OF EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3901, Arizona Revised Statutes, is amended to
3 read:

4 32-3901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Acupuncture":

7 (a) Means A SYSTEM OF MEDICINE BASED IN TRADITIONAL PRACTICES AND
8 INFORMED BY CONTEMPORARY SCIENCE.

9 (b) INCLUDES THE FOLLOWING:

10 (i) Puncturing the skin by thin, solid needles to reach
11 subcutaneous structures. ~~;~~

12 (ii) Stimulating the needles to ~~produce~~ EFFECT a positive
13 therapeutic response. ~~;~~

14 (iii) Removing needles. ~~and~~

15 (iv) Using AND PRESCRIBING adjunctive therapies.

16 (v) USING AND PRESCRIBING HERBAL THERAPIES COMMENSURATE WITH THE
17 ACUPUNCTURIST'S EDUCATION AND TRAINING.

18 (vi) USING DECISION-SUPPORT TOOLS, INCLUDING PHYSICAL AND CLINICAL
19 EXAMINATIONS.

20 (vii) ORDERING DIAGNOSTIC IMAGING AND CLINICAL LABORATORY
21 PROCEDURES TO DETERMINE THE NATURE OF CARE OR TO FORM A BASIS FOR REFERRAL
22 TO OTHER LICENSED HEALTH CARE PROFESSIONALS, OR BOTH.

23 2. "ACUPUNCTURE ASSISTANT" MEANS AN UNLICENSED PERSON WHO HAS
24 COMPLETED A TRAINING PROGRAM APPROVED BY THE BOARD, WHO ASSISTS IN BASIC
25 HEALTH CARE DUTIES IN THE PRACTICE OF ACUPUNCTURE UNDER THE SUPERVISION OF
26 A LICENSED ACUPUNCTURIST AND WHO PERFORMS DELEGATED DUTIES COMMENSURATE
27 WITH THE ACUPUNCTURE ASSISTANT'S EDUCATION AND TRAINING, BUT WHO DOES NOT
28 EVALUATE, INTERPRET, DESIGN OR MODIFY ESTABLISHED TREATMENT PROGRAMS OF
29 ACUPUNCTURE CARE.

30 ~~2.~~ 3. "Adjunctive therapies" means the manual, mechanical,
31 magnetic, thermal, electrical or electromagnetic stimulation of
32 acupuncture points and energy pathways, auricular and detoxification
33 therapy, THE USE OF ion cord devices, electroacupuncture, ~~herbal~~
34 ~~poultices;~~ NUTRITIONAL COUNSELING, therapeutic exercise, THE USE OF
35 NONIONIZING LASERS and acupressure.

36 ~~3.~~ 4. "Board" means the acupuncture board of examiners.

37 5. "HERBAL THERAPIES" MEANS PRESCRIBING, ADMINISTERING, INJECTING,
38 COMPOUNDING AND DISPENSING HERBAL MEDICINES AND PLANT, ANIMAL, MINERAL AND
39 NATURAL SUBSTANCES.

40 6. "SUPERVISION" MEANS THAT THE SUPERVISING LICENSED ACUPUNCTURIST
41 IS PRESENT IN THE FACILITY WHERE THE ACUPUNCTURE ASSISTANT IS PERFORMING
42 SERVICES AND IS AVAILABLE FOR CONSULTATION REGARDING PROCEDURES THAT THE
43 LICENSED ACUPUNCTURIST HAS AUTHORIZED AND FOR WHICH THE LICENSED
44 ACUPUNCTURIST REMAINS RESPONSIBLE.

1 ~~4.~~ 7. "Trauma" means the experience of significant psychological
2 distress following any terrible or life-threatening event.

3 ~~5.~~ 8. "Unprofessional conduct" includes the following, whether
4 occurring in this state or elsewhere:

5 (a) Wilfully disclosing a professional secret or wilfully violating
6 a privileged communication except as either of these may otherwise be
7 required by law.

8 (b) Committing a felony as evidenced by conviction by a court of
9 competent jurisdiction.

10 (c) Being habitually intemperate in the use of alcohol or any
11 substance abuse that interferes with the ability to safely practice
12 acupuncture.

13 (d) Committing conduct that the board determines is gross
14 malpractice, repeated malpractice or any malpractice resulting in the
15 death of a patient.

16 (e) Impersonating another acupuncturist or any other practitioner
17 of the healing arts.

18 (f) Falsely acting or assuming to act as a member, an employee or
19 an authorized agent of the board.

20 (g) Procuring or attempting to procure a license pursuant to this
21 chapter by fraud or misrepresentation.

22 (h) Refusing to divulge to the board on demand the acupuncture
23 method used in the treatment of a patient.

24 (i) Giving or receiving or aiding or abetting the giving or
25 receiving of rebates, either directly or indirectly.

26 (j) Knowingly making any false or fraudulent statement, written or
27 oral, in connection with the practice of acupuncture.

28 (k) Having a license refused, revoked or suspended by any other
29 state, district or territory of the United States or any other country,
30 unless the action was not taken for reasons relating to the person's
31 ability to safely and skillfully practice acupuncture or relating to an
32 act of unprofessional conduct.

33 (l) Committing conduct that is contrary to the recognized standards
34 or ethics of the acupuncture profession or that may constitute a danger to
35 the health, welfare or safety of the patient or the public.

36 (m) Committing any conduct or having any condition that may impair
37 the ability to safely and skillfully practice acupuncture.

38 (n) Violating or attempting to violate, directly or indirectly,
39 assisting in or abetting the violation of or conspiring to violate this
40 chapter or board rules.

41 (o) Advertising in a false, deceptive or misleading manner.

42 (p) Failing or refusing to maintain adequate patient health records
43 or failing or refusing to make health records promptly available to the
44 patient or to another health practitioner or provider on request and
45 receipt of proper authorization.

1 (q) Deriving direct or indirect compensation from referring a
2 patient without disclosing to the patient in writing the extent of the
3 compensation.

4 (r) Deriving a financial interest in products the acupuncturist
5 endorses or recommends to the patient without disclosing to the patient in
6 writing the extent of the financial interest.

7 (s) Having sexual intimacies with a patient in the practice of
8 acupuncture.

9 (t) Failing to appropriately exercise control over or supervise an
10 acupuncture student employed by or assigned to the practitioner in the
11 practice of acupuncture.

12 (u) Failing to furnish information in a timely manner to the board
13 or its investigators or representatives if the information is legally
14 requested by the board.

15 (v) Supervising or engaging in a clinical training program in
16 acupuncture without being approved and registered by the board for that
17 program.

18 (w) Knowingly making a false, fraudulent or misleading statement,
19 written or oral, to the board.

20 (x) Failing to exercise proper care for a patient by abandoning or
21 neglecting a patient in need of immediate care without making reasonable
22 arrangements for the continuation of care or by failing to refer the
23 patient to another appropriate health care provider when necessary.

24 (y) Failing to use needles that have been sterilized according to
25 clean needle technique principles approved by the board.

26 (z) FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND
27 TRAINING AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD IN
28 RULE, FOR PERFORMING A THERAPEUTIC MODALITY.

29 (aa) PRESCRIBING OR ADMINISTERING MEDICINE OR DRUGS, EXCEPT AS
30 ALLOWED PURSUANT TO THIS CHAPTER.

31 Sec. 2. Section 32-3922, Arizona Revised Statutes, is amended to
32 read:

33 32-3922. Acupuncture detoxification specialist for chemical
34 dependency or trauma; certificate; requirements;
35 fingerprint clearance card; informed consent;
36 definition

37 A. The board may issue an acupuncture detoxification specialist
38 certificate to a person who practices auricular acupuncture for the
39 purpose of treating alcoholism, substance abuse, trauma or chemical
40 dependency if the person does all of the following:

41 1. Provides documentation of successfully completing a
42 board-approved training program in acupuncture for treating alcoholism,
43 substance abuse, trauma or chemical dependency that meets or exceeds
44 standards of training established by the national acupuncture
45 detoxification association or a board-approved group.

1 2. Provides documentation satisfactory to the board of successfully
2 completing a board-approved clean needle technique course.

3 3. Submits an application as prescribed by the board and a fee
4 prescribed by section 32-3927.

5 ~~4. Submits a full set of fingerprints to the board for the purpose
6 of obtaining a state and federal criminal records check pursuant to
7 section 41-1750 and Public Law 92-544. The department of public safety
8 may exchange this fingerprint data with the federal bureau of
9 investigation.~~

10 ~~5.~~ 4. Discloses in an application for initial certification or
11 recertification all other active and past professional health care
12 licenses and certificates issued to the applicant in this state or by
13 another state, district or territory of the United States.

14 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL
15 CERTIFICATION OR RECERTIFICATION PURSUANT TO THIS SECTION SHALL POSSESS A
16 VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12,
17 ARTICLE 3.1.

18 ~~B.~~ C. A certificate issued pursuant to this section allows the
19 certificate holder to practice auricular acupuncture under the supervision
20 of a person who is licensed pursuant to this chapter.

21 ~~C.~~ D. A certificate issued pursuant to this section is valid for
22 one year. The certificate may be renewed by the board if the certificate
23 holder submits an application as prescribed by the board and a fee
24 prescribed by section 32-3927 before the certificate expires.

25 ~~D.~~ E. Before treating a patient, an auricular acupuncturist shall
26 obtain from the patient a signed informed consent that has been approved
27 by the board.

28 ~~E.~~ F. For the purposes of this section, "auricular acupuncture"
29 means applying acupuncture needles to the pinna, lobe or auditory meatus
30 to treat alcoholism, substance abuse, trauma or chemical dependency.

31 Sec. 3. Section 32-3924, Arizona Revised Statutes, is amended to
32 read:

33 32-3924. Qualifications for licensure; fingerprint clearance
34 card

35 A. To receive a license to practice acupuncture pursuant to this
36 chapter, a person shall submit an application as prescribed by the board.
37 The applicant shall disclose in an application for initial licensure all
38 other active and past professional health care licenses and certificates
39 issued to the applicant in this state or by another state, district or
40 territory of the United States. The application shall document to the
41 board's satisfaction that the applicant has successfully completed a clean
42 needle technique course approved by the board and meets ~~all~~ BOTH of the
43 following:

1 1. Has either:

2 (a) Been certified in acupuncture by the national certification
3 commission for acupuncture and oriental medicine, or its successor
4 organization, or another certifying body or examination that is recognized
5 by the board.

6 (b) Passed the point location module, foundations of oriental
7 medicine module, biomedicine module and acupuncture module offered by the
8 national certification commission for acupuncture and oriental medicine.

9 (c) Been licensed by another state with substantially similar
10 standards, and has not had certification or licensure revoked.

11 2. Has graduated from or completed training in a board-approved
12 program of acupuncture with a minimum of one thousand eight hundred fifty
13 hours of training that includes at least eight hundred hours of
14 board-approved clinical training.

15 ~~3. Beginning July 1, 2016, has submitted a full set of fingerprints
16 to the board for the purpose of obtaining a state and federal criminal
17 records check pursuant to section 41-1750 and Public Law 92-544. The
18 department of public safety may exchange this fingerprint data with the
19 federal bureau of investigation.~~

20 B. BEGINNING JANUARY 1, 2023, AN APPLICANT FOR INITIAL LICENSURE OR
21 LICENSE RENEWAL PURSUANT TO THIS ARTICLE SHALL POSSESS A VALID FINGERPRINT
22 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

23 Sec. 4. Title 32, chapter 39, article 3, Arizona Revised Statutes,
24 is amended by adding section 32-3955, to read:

25 32-3955. Acupuncture assistants; scope of duties;
26 registration required; use of title

27 A. THIS CHAPTER DOES NOT PROHIBIT AN ACUPUNCTURE ASSISTANT FROM
28 ASSISTING A LICENSED ACUPUNCTURIST PURSUANT TO RULES ADOPTED BY THE BOARD,
29 CONSISTENT WITH THE FOLLOWING:

30 1. AN ACUPUNCTURE ASSISTANT MAY:

31 (a) REMOVE ACUPUNCTURE NEEDLES.

32 (b) MONITOR ACUPUNCTURE PROCEDURES SUCH AS THE APPLICATION OF HEAT
33 OR MOXIBUSTION.

34 (c) PERFORM NONCRITICAL FUNCTIONS SUCH AS GATHERING BASIC PATIENT
35 INFORMATION, TAKING BLOOD PRESSURE AND ATTENDING TO PATIENT TREATMENT
36 ROOMS.

37 2. AN ACUPUNCTURE ASSISTANT MAY NOT INSERT ACUPUNCTURE NEEDLES OR
38 EVALUATE, INTERPRET, DESIGN OR MODIFY ESTABLISHED TREATMENT PROGRAMS OF
39 ACUPUNCTURE CARE.

40 3. AN ACUPUNCTURE ASSISTANT SHALL REGISTER WITH THE BOARD ON A FORM
41 PRESCRIBED BY THE BOARD. THE BOARD MAY SUSPEND OR REVOKE THE REGISTRATION
42 OF AN ACUPUNCTURE ASSISTANT WHO VIOLATES ANY PROVISION OF THIS CHAPTER
43 RELATED TO THE PRACTICE OF ACUPUNCTURE OR WHO INDULGES IN CONDUCT OR A
44 PRACTICE THAT IS DETRIMENTAL TO THE HEALTH OR SAFETY OF THE PUBLIC.

1 B. IT IS UNLAWFUL FOR A PERSON TO DO EITHER OF THE FOLLOWING:

2 1. WORK AS AN ACUPUNCTURE ASSISTANT EXCEPT UNDER THE SUPERVISION OF
3 A LICENSED ACUPUNCTURIST PURSUANT TO THIS CHAPTER AND THE RULES ADOPTED BY
4 THE BOARD.

5 2. USE THE ABBREVIATION "A.A." OR THE TERM "ACUPUNCTURE ASSISTANT"
6 UNLESS THE PERSON IS WORKING UNDER THE SUPERVISION OF A LICENSED
7 ACUPUNCTURIST PURSUANT TO THIS CHAPTER AND THE RULES ADOPTED BY THE BOARD.

8 Sec. 5. Section 41-619.51, Arizona Revised Statutes, is amended to
9 read:

10 41-619.51. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Agency" means the supreme court, the department of economic
13 security, the department of child safety, the department of education, the
14 department of health services, the department of juvenile corrections, the
15 department of emergency and military affairs, the department of public
16 safety, the department of transportation, the state real estate
17 department, the department of insurance and financial institutions, the
18 Arizona game and fish department, the Arizona department of agriculture,
19 the board of examiners of nursing care institution administrators and
20 assisted living facility managers, the state board of dental examiners,
21 the Arizona state board of pharmacy, the board of physical therapy, the
22 state board of psychologist examiners, the board of athletic training, the
23 board of occupational therapy examiners, the state board of podiatry
24 examiners, THE ACUPUNCTURE BOARD OF EXAMINERS or the state board of
25 technical registration.

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

27 3. "Central registry exception" means notification to the
28 department of economic security, the department of child safety or the
29 department of health services, as appropriate, pursuant to section
30 41-619.57 that the person is not disqualified because of a central
31 registry check conducted pursuant to section 8-804.

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

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

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

40 (a) Section 3-314.

41 (b) Section 8-105.

42 (c) Section 8-322.

43 (d) Section 8-463.

44 (e) Section 8-509.

45 (f) Section 8-802.

- 1 (g) Section 8-804.
- 2 (h) Section 15-183.
- 3 (i) Section 15-503.
- 4 (j) Section 15-512.
- 5 (k) Section 15-534.
- 6 (l) Section 15-763.01.
- 7 (m) Section 15-782.02.
- 8 (n) Section 15-1330.
- 9 (o) Section 15-1881.
- 10 (p) Section 17-215.
- 11 (q) Section 28-3228.
- 12 (r) Section 28-3413.
- 13 (s) Section 32-122.02.
- 14 (t) Section 32-122.05.
- 15 (u) Section 32-122.06.
- 16 (v) Section 32-823.
- 17 (w) Section 32-1232.
- 18 (x) Section 32-1276.01.
- 19 (y) Section 32-1284.
- 20 (z) Section 32-1297.01.
- 21 (aa) Section 32-1904.
- 22 (bb) Section 32-1941.
- 23 (cc) Section 32-1982.
- 24 (dd) Section 32-2022.
- 25 (ee) Section 32-2063.
- 26 (ff) Section 32-2108.01.
- 27 (gg) Section 32-2123.
- 28 (hh) Section 32-2371.
- 29 (ii) Section 32-3430.
- 30 (jj) Section 32-3620.
- 31 (kk) Section 32-3668.
- 32 (ll) Section 32-3669.
- 33 (mm) SECTION 32-3922.
- 34 (nn) SECTION 32-3924.
- 35 ~~(mm)~~ (oo) Section 32-4128.
- 36 ~~(mm)~~ (pp) Section 36-113.
- 37 ~~(oo)~~ (qq) Section 36-207.
- 38 ~~(pp)~~ (rr) Section 36-411.
- 39 ~~(qq)~~ (ss) Section 36-425.03.
- 40 ~~(rr)~~ (tt) Section 36-446.04.
- 41 ~~(ss)~~ (uu) Section 36-594.01.
- 42 ~~(tt)~~ (vv) Section 36-594.02.
- 43 ~~(uu)~~ (ww) Section 36-766.01.
- 44 ~~(vv)~~ (xx) Section 36-882.
- 45 ~~(ww)~~ (yy) Section 36-883.02.

- 1 ~~(xx)~~ (zz) Section 36-897.01.
- 2 ~~(yy)~~ (aaa) Section 36-897.03.
- 3 ~~(zz)~~ (bbb) Section 36-3008.
- 4 ~~(aaa)~~ (ccc) Section 41-619.53.
- 5 ~~(bbb)~~ (ddd) Section 41-1964.
- 6 ~~(ccc)~~ (eee) Section 41-1967.01.
- 7 ~~(ddd)~~ (fff) Section 41-1968.
- 8 ~~(eee)~~ (ggg) Section 41-1969.
- 9 ~~(fff)~~ (hhh) Section 41-2814.
- 10 ~~(ggg)~~ (iii) Section 46-141, subsection A or B.
- 11 ~~(hhh)~~ (jjj) Section 46-321.

12 Sec. 6. Section 41-1758, Arizona Revised Statutes, is amended to
13 read:

14 41-1758. Definitions

15 In this article, unless the context otherwise requires:

16 1. "Agency" means the supreme court, the department of economic
17 security, the department of child safety, the department of education, the
18 department of health services, the department of juvenile corrections, the
19 department of emergency and military affairs, the department of public
20 safety, the department of transportation, the state real estate
21 department, the department of insurance and financial institutions, the
22 board of fingerprinting, the Arizona game and fish department, the Arizona
23 department of agriculture, the board of examiners of nursing care
24 institution administrators and assisted living facility managers, the
25 state board of dental examiners, the Arizona state board of pharmacy, the
26 board of physical therapy, the state board of psychologist examiners, the
27 board of athletic training, the board of occupational therapy examiners,
28 the state board of podiatry examiners, THE ACUPUNCTURE BOARD OF EXAMINERS
29 or the state board of technical registration.

30 2. "Division" means the fingerprinting division in the department
31 of public safety.

32 3. "Electronic or internet-based fingerprinting services" means a
33 secure system for digitizing applicant fingerprints and transmitting the
34 applicant data and fingerprints of a person or entity submitting
35 fingerprints to the department of public safety for any authorized purpose
36 under this title. For the purposes of this paragraph, "secure system"
37 means a system that complies with the information technology security
38 policy approved by the department of public safety.

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

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

- 43 (a) Section 3-314.
- 44 (b) Section 8-105.
- 45 (c) Section 8-322.

- 1 (d) Section 8-463.
- 2 (e) Section 8-509.
- 3 (f) Section 8-802.
- 4 (g) Section 15-183.
- 5 (h) Section 15-503.
- 6 (i) Section 15-512.
- 7 (j) Section 15-534.
- 8 (k) Section 15-763.01.
- 9 (l) Section 15-782.02.
- 10 (m) Section 15-1330.
- 11 (n) Section 15-1881.
- 12 (o) Section 17-215.
- 13 (p) Section 28-3228.
- 14 (q) Section 28-3413.
- 15 (r) Section 32-122.02.
- 16 (s) Section 32-122.05.
- 17 (t) Section 32-122.06.
- 18 (u) Section 32-823.
- 19 (v) Section 32-1232.
- 20 (w) Section 32-1276.01.
- 21 (x) Section 32-1284.
- 22 (y) Section 32-1297.01.
- 23 (z) Section 32-1904.
- 24 (aa) Section 32-1941.
- 25 (bb) Section 32-1982.
- 26 (cc) Section 32-2022.
- 27 (dd) Section 32-2063.
- 28 (ee) Section 32-2108.01.
- 29 (ff) Section 32-2123.
- 30 (gg) Section 32-2371.
- 31 (hh) Section 32-3430.
- 32 (ii) Section 32-3620.
- 33 (jj) Section 32-3668.
- 34 (kk) Section 32-3669.
- 35 (ll) SECTION 32-3922.
- 36 (mm) SECTION 32-3924.
- 37 ~~(nn)~~ (nn) Section 32-4128.
- 38 ~~(oo)~~ (oo) Section 36-113.
- 39 ~~(pp)~~ (pp) Section 36-207.
- 40 ~~(qq)~~ (qq) Section 36-411.
- 41 ~~(rr)~~ (rr) Section 36-425.03.
- 42 ~~(ss)~~ (ss) Section 36-446.04.
- 43 ~~(tt)~~ (tt) Section 36-594.01.
- 44 ~~(uu)~~ (uu) Section 36-594.02.
- 45 ~~(vv)~~ (vv) Section 36-766.01.

1 ~~(uu)~~ (ww) Section 36-882.
2 ~~(vv)~~ (xx) Section 36-883.02.
3 ~~(ww)~~ (yy) Section 36-897.01.
4 ~~(xx)~~ (zz) Section 36-897.03.
5 ~~(yy)~~ (aaa) Section 36-3008.
6 ~~(zz)~~ (bbb) Section 41-619.52.
7 ~~(aaa)~~ (ccc) Section 41-619.53.
8 ~~(bbb)~~ (ddd) Section 41-1964.
9 ~~(ccc)~~ (eee) Section 41-1967.01.
10 ~~(ddd)~~ (fff) Section 41-1968.
11 ~~(eee)~~ (ggg) Section 41-1969.
12 ~~(fff)~~ (hhh) Section 41-2814.
13 ~~(ggg)~~ (iii) Section 46-141, subsection A or B.
14 ~~(hhh)~~ (jjj) Section 46-321.
15 6. "Vulnerable adult" has the same meaning prescribed in section
16 13-3623.
17 Sec. 7. Section 41-1758.01, Arizona Revised Statutes, is amended to
18 read:
19 41-1758.01. Fingerprinting division: powers and duties
20 A. The fingerprinting division is established in the department of
21 public safety and shall:
22 1. Conduct fingerprint background checks for persons and applicants
23 who are seeking licenses from state agencies, employment with licensees,
24 contract providers and state agencies or employment or educational
25 opportunities with agencies that require fingerprint background checks
26 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
27 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
28 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
29 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
30 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
31 32-3922, 32-3924, 32-4128, 36-113, 36-207, 36-411, 36-425.03, 36-446.04,
32 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01, 36-897.03,
33 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and
34 41-2814, section 46-141, subsection A or B and section 46-321.
35 2. Issue fingerprint clearance cards. On issuance, a fingerprint
36 clearance card becomes the personal property of the cardholder and the
37 cardholder shall retain possession of the fingerprint clearance card.
38 3. On submission of an application for a fingerprint clearance
39 card, collect the fees established by the board of fingerprinting pursuant
40 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
41 the monies collected in the board of fingerprinting fund.
42 4. Inform in writing each person who submits fingerprints for a
43 fingerprint background check of the right to petition the board of
44 fingerprinting for a good cause exception pursuant to section 41-1758.03,
45 41-1758.04 or 41-1758.07.

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

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

15 7. Administer and enforce this article.

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

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

26 2. The information technology security policy approved by the
27 department of public safety.

28 Sec. 8. Rulemaking; acupuncture assistants

29 A. On or before January 1, 2024, for the purposes of this act, the
30 acupuncture board of examiners shall adopt rules pursuant to title 41,
31 chapter 6, Arizona Revised Statutes.

32 B. Until the acupuncture board of examiners adopts rules and
33 approves training programs for acupuncture assistants, a licensed
34 acupuncturist may supervise an unlicensed person who has completed a
35 training program for acupuncture assistants that includes removing needles
36 and assisting in basic health care duties in the practice of acupuncture.

37 Sec. 9. Effective date

38 Sections 32-3922, 32-3924, 41-619.51, 41-1758 and 41-1758.01,
39 Arizona Revised Statutes, as amended by this act, are effective from and
40 after December 31, 2022.

APPROVED BY THE GOVERNOR MARCH 22, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2022.