



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, First Regular Session*

FACT SHEET FOR S.B. 1284

occupational licensing; licensure; fingerprinting

Purpose

Beginning September 1, 2022, requires applicants for a podiatry license to submit a full set of fingerprints to the Arizona State Board of Podiatry Examiners (PODEX). Modifies the fees for initial registration and annual renewal of registration to dispense drugs and devices. Beginning January 1, 2022, requires athletic training, occupational therapist and occupational therapy assistant licensure applicants to possess fingerprint clearance cards.

Background

PODEX is responsible for licensing and regulating doctors of podiatric medicine, evaluating the professional competency of podiatrists seeking to be licensed in Arizona and promoting continued competency by investigating complaints against podiatrists, holding hearings, monitoring the activities of its licensees and enforcing standards of practice for podiatrists (A.R.S. §§ [32-801](#) and [32-822](#)). Current statute requires that licensure applicants must: 1) be of good moral character; 2) be a graduate of an accredited podiatry school whose standards are recognized by the American Podiatric Medical Association; 3) have the physical and mental capability to engage safely in the practice of podiatry; 4) have a professional record that indicates the applicant has not committed any act or engaged in any conduct that would constitute grounds for disciplinary action against a licensee; 5) have a professional record that indicates the applicant has not had a previous license to practice podiatry refused, revoked, suspended or restricted by any other state, federal jurisdiction or country for reasons that relate to the ability to competently and safely practice podiatry; and 6) have passed a national board written examination ([A.R.S. § 32-823](#)).

Current statute requires PODEX to establish and collect fees not to exceed: 1) \$1,000 for the initial application for licensure; 2) \$500 for the application for a license by a podiatrist from another state or country; 3) \$500 for issuing a license; 4) \$500 for the annual renewal of a license; 5) \$50 for certifying a licensed podiatrist to authorities of another state or country; 6) \$150 for the late renewal of a license after July 30 through August 31; 7) \$200 for the initial registration to dispense drugs and devices; and 8) \$100 for the annual renewal of registration to dispense drugs and devices ([A.R.S. § 32-830](#)).

*Occupational therapy* is the use of therapeutic activities or modalities to promote engagement in activities with individuals who are limited by physical or cognitive injury or illness, psychosocial dysfunction, developmental or learning disabilities, sensory processing or modulation deficits or the aging process in order to achieve optimum functional performance, maximize independence, prevent disability and maintain health. Occupational therapy includes evaluation, treatment and consultation based on the client's temporal, spiritual and cultural values and needs ([A.R.S. § 32-3401](#)).

Established in 1989, the Board of Occupational Therapy Examiners (BOTEX) is responsible for regulating the occupational therapy profession in Arizona, evaluating the qualifications of applicants seeking licensure as occupational therapists and occupational therapy assistants, and prescribing examination requirements for licensure. Licensure applicants must: 1) be of good moral character; 2) successfully complete the academic and fieldwork requirements of an educational program subject to BOTEX review and standards prescribed by BOTEX; and 3) take a written examination approved and administered by the National Board for Certification in Occupational Therapy. Current statute additionally requires that licensure applicants submit a full set of fingerprints to BOTEX for the purpose of obtaining a criminal records check (A.R.S. §§ [32-3404](#); [32-3423](#); and [32-3430](#)).

The Board of Athletic Training (BAT) is responsible for regulating the athletic training profession in Arizona. BAT duties include: 1) evaluating applicants for licensure; 2) designating the national examination that licensure applicants are required to pass; 3) issuing licenses; 4) establishing continuing competency requirements; 5) maintaining a current list of all licensees; 6) publishing final disciplinary actions taken against licensees; and 7) adopting rules to enforce regulations. Current law requires athletic training licensure applicants to submit either a full set of fingerprints or an unexpired fingerprint clearance card issued by the Department of Public Safety (DPS) to the BAT for the purpose of obtaining a criminal records check. Applicants who submit fingerprints to the BAT and who subsequently seek renewal or reinstatement of licensure are required to submit a new set of fingerprints every five years. Applicants who submit a DPS fingerprint clearance card to the BAT must submit a new clearance card or a set of fingerprints to BAT upon expiration of the clearance card (A.R.S. §§ [32-4103](#) and [32-4128](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

### Provisions

1. Requires, beginning September 1, 2022, applicants for a podiatry license to submit a full set of fingerprints to PODEX for the purpose of obtaining a state and federal criminal records check.
2. Removes the \$200 fee for the initial registration to dispense drugs and devices.
3. Removes the \$100 fee for the annual renewal of registration to dispense drugs and devices.
4. Includes the initial registration to dispense drugs and devices in the \$1,000 fee for the initial application for licensure and the \$500 fee for the application for a license by a podiatrist from another state or country.
5. Includes the annual renewal of registration to dispense drugs and devices in the \$500 fee for the annual renewal of a license.
6. Expands *unprofessional conduct* to include failure or refusal to maintain adequate records on a patient who is:
  - a) at least 18 years old for at least six years, rather than a patient for at least seven years; and
  - b) under the age of 18 for the later of:
    - i. three years after the person's 18th birthday; or
    - ii. six years after the last date the person received medical or health care services from the licensee.

7. Classifies the following violations as a class 5 felony, rather than a class 2 misdemeanor:
  - a) practicing, advertising or holding oneself out as practicing or entitled to practice podiatry without having a valid unrevoked license to practice podiatry;
  - b) using, on a sign or advertisement, specified titles, terms or letters indicating or implying that the person practices podiatry or foot correction, without having a valid unrevoked license to practice podiatry; and
  - c) violating any other requirement or prohibition prescribed for podiatrists.
8. Allows PODEX to establish and collect fees for:
  - a) duplicate wallet cards;
  - b) duplicate wall certificates;
  - c) copying records, documents, letters, minutes, applications, files or policy statements;
  - d) licensee lists; and
  - e) audio files.
9. Specifies that the required residency program for licensure to practice podiatry is a 36-month program.
10. Permits a podiatric medical assistant to assist a podiatrist according to PODEX rules.
11. Defines *podiatric medical assistant*.
12. Requires, beginning January 1, 2022, applicants for licensure as an occupational therapist or an occupational therapy assistant to possess a valid fingerprint clearance card, rather than submitting a full set of fingerprints for the purpose of obtaining a criminal records check.
13. Requires, beginning January 1, 2022, athletic training licensure applicants to possess a valid fingerprint clearance card, rather than submitting a full set of fingerprints for the purpose of obtaining a criminal records check.
14. Requires BAT's Executive Director to send a renewal reminder, rather than a renewal application, to licensees at least 60 days prior to expiration of a license.
15. Adds the requirement that licensees notify the BAT of a change in email address within 30 days of the change.
16. Removes BAT's authorization to appoint hearing officers.
17. Authorizes BAT, upon finding that information received in a complaint or investigation is not of sufficient seriousness to warrant direct action against the licensee, to issue a nondisciplinary order requiring the licensee to complete a prescribed number of continuing education hours in a specific area to provide the licensee with the necessary understanding of practice standards.
18. Allows the BAT to adopt or modify related rules.
19. Makes technical and conforming changes.
20. Becomes effective on the general effective date, with a delayed effective date as noted.