

REFERENCE TITLE: occupational licensing; licensure; fingerprinting

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1284

Introduced by
Senator Pace

AN ACT

AMENDING SECTIONS 32-801, 32-823, 32-826, 32-830, 32-854.01 AND 32-855, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-856; AMENDING SECTIONS 32-3430, 32-4124, 32-4127, 32-4128, 32-4154, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO OCCUPATIONAL LICENSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-801, Arizona Revised Statutes, is amended to
3 read:

4 32-801. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Board" means the state board of podiatry examiners.

7 2. "Electrical treatment" means ~~the use of~~ USING electricity in ~~the~~
8 ~~diagnosis~~ DIAGNOSING or ~~treatment of~~ TREATING an ailment of the foot or
9 leg by electrodes, lights, rays, vibrators or a machine run by
10 electricity.

11 3. "Leg" means that part of the lower limb between the knee and the
12 foot.

13 4. "Letter of concern" means an advisory letter to notify a
14 podiatrist that while there is insufficient evidence to support a
15 disciplinary action the board believes the podiatrist should modify or
16 eliminate certain practices and that continuation of the activities that
17 led to the information being submitted to the board may result in action
18 against the podiatrist's license.

19 5. "License" means a license to practice podiatry.

20 6. "Manipulative treatment" means ~~the use of~~ USING the hand or
21 machinery in ~~treatment of~~ TREATING the foot or leg.

22 7. "Mechanical treatment" means ~~application of~~ APPLYING a
23 mechanical appliance of whatever material to the foot or leg, or to the
24 shoe or other footgear.

25 8. "Medical treatment" means ~~the recommendation, prescription~~
26 RECOMMENDING, PRESCRIBING or ~~local application of~~ LOCALLY APPLYING a
27 therapeutic agent for relief of a foot or leg ailment.

28 9. "PODIATRIC MEDICAL ASSISTANT" MEANS AN UNLICENSED PERSON WHO HAS
29 COMPLETED AN EDUCATION PROGRAM APPROVED BY THE BOARD, WHO ASSISTS IN A
30 PODIATRIC MEDICAL PRACTICE UNDER THE SUPERVISION OF A PODIATRIST AND WHO
31 PERFORMS DELEGATED PROCEDURES COMMENSURATE WITH THE ASSISTANT'S EDUCATION
32 AND TRAINING BUT WHO DOES NOT DIAGNOSE, INTERPRET, DESIGN OR MODIFY
33 ESTABLISHED TREATMENT PROGRAMS OR PERFORM ANY FUNCTIONS THAT WOULD VIOLATE
34 ANY STATUTE APPLICABLE TO THE PRACTICE OF PODIATRIC MEDICINE.

35 ~~9.~~ 10. "Podiatrist" is synonymous with podiatric physician and
36 surgeon and means a person who, within the ~~limitations~~ LIMITS of this
37 chapter, is registered and licensed to practice podiatry by means of ~~the~~
38 ~~diagnosis~~ PERFORMING FULL BODY PHYSICAL EXAMINATIONS WITHIN THE
39 PROFESSION'S SCOPE OF PRACTICE AND DIAGNOSING or ~~medical, surgical,~~
40 ~~mechanical, manipulative or electrical treatment of~~ MEDICALLY, SURGICALLY,
41 MECHANICALLY, MANIPULATIVELY OR ELECTRICALLY TREATING ailments of the
42 human foot and leg, ~~but does not include amputation of~~ AMPUTATING the leg
43 or entire foot or ~~administration of~~ ADMINISTERING an anesthetic other than
44 local.

1 ~~10.~~ 11. "Podiatry" is synonymous with chiropody and means ~~the~~
2 ~~diagnosis~~ DIAGNOSING or ~~medical, surgical, mechanical, manipulative or~~
3 ~~electrical treatment of~~ MEDICALLY, SURGICALLY, MECHANICALLY,
4 MANIPULATIVELY OR ELECTRICALLY TREATING ailments of the human foot and
5 leg, but does not ~~include amputation of~~ AMPUTATING the leg or entire foot
6 or ~~administration of~~ ADMINISTERING an anesthetic other than local.

7 ~~11.~~ 12. "Surgical treatment" means ~~the use of~~ USING a cutting
8 instrument to treat an ailment of the foot or leg.

9 Sec. 2. Section 32-823, Arizona Revised Statutes, is amended to
10 read:

11 32-823. Qualifications of applicant

12 A. An applicant shall prove to the board that the applicant:

13 1. Is of good moral character.

14 2. Is a graduate of an accredited podiatry school whose standards
15 are recognized by the American podiatry medical association.

16 3. Has the physical and mental capability to engage safely in the
17 practice of podiatry.

18 4. Has a professional record that indicates that the applicant has
19 not committed any act or engaged in any conduct that would constitute
20 grounds for disciplinary action against a licensee under this chapter if
21 the applicant has previously engaged in the practice of podiatry.

22 5. Has a professional record that indicates that the applicant has
23 not had a license to practice podiatry refused, revoked, suspended or
24 restricted in any way by any other state, federal jurisdiction or country
25 for reasons that relate to the ability to competently and safely practice
26 podiatry if the applicant has previously engaged in the practice of
27 podiatry.

28 6. Has passed a national board written examination.

29 B. The board may require ~~the submission of~~ AN APPLICANT TO SUBMIT
30 such credentials or other evidence, written and oral, and ~~make such~~
31 ~~investigation~~ MAY INVESTIGATE as it deems necessary to adequately inform
32 itself with respect to ~~an~~ THE applicant's ability to meet the requirements
33 prescribed by this section, including a requirement that the applicant for
34 licensure undergo a physical examination, a mental evaluation or an oral
35 competence examination and interview, or any combination thereof, as the
36 board deems proper.

37 C. BEGINNING SEPTEMBER 1, 2022, AN APPLICANT FOR INITIAL LICENSURE,
38 LICENSE RENEWAL, LICENSE REINSTATEMENT OR TEMPORARY LICENSURE SHALL
39 POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
40 CHAPTER 12, ARTICLE 3.1.

41 Sec. 3. Section 32-826, Arizona Revised Statutes, is amended to
42 read:

43 32-826. Issuance of license

44 A. The board shall issue a license to practice podiatry to every
45 person who pays the required fee and furnishes satisfactory proof of

1 ~~successful completion of~~ SUCCESSFULLY COMPLETING a THIRTY-SIX-MONTH
2 residency program.

3 B. Each license shall be signed by the president and secretary of
4 the board and bear the seal of the board.

5 C. The board shall deny a license to an applicant who satisfies all
6 of the licensing requirements of this article if that applicant does not
7 submit the license issuance fee within twelve months after the date of
8 application. An applicant who fails to submit the fee within this time
9 shall reapply for licensure pursuant to this article.

10 Sec. 4. Section 32-830, Arizona Revised Statutes, is amended to
11 read:

12 32-830. Fees

13 A. The board shall establish and collect fees not to exceed:

14 1. For initial application for licensure, ~~one thousand dollars~~
15 WHICH INCLUDES THE INITIAL REGISTRATION TO DISPENSE DRUGS AND DEVICES,
16 \$1,000.

17 2. For application for a license pursuant to section 32-827 by a
18 podiatrist from another state or country, ~~five hundred dollars~~ WHICH
19 INCLUDES THE INITIAL REGISTRATION TO DISPENSE DRUGS AND DEVICES, \$500.

20 3. For issuing a license, ~~five hundred dollars~~ \$500.

21 4. For annual renewal of a license, ~~five hundred dollars~~ WHICH
22 INCLUDES THE ANNUAL RENEWAL OF REGISTRATION TO DISPENSE DRUGS AND DEVICES,
23 \$500.

24 5. For certifying a licensed podiatrist to authorities of another
25 state or country, ~~fifty dollars~~ \$50.

26 6. For late renewal of a license after July 30 through August 31,
27 ~~one hundred fifty dollars~~ \$150.

28 ~~7. For initial registration to dispense drugs and devices, two~~
29 ~~hundred dollars.~~

30 ~~8. For annual renewal of registration to dispense drugs and~~
31 ~~devices, one hundred dollars.~~

32 B. THE BOARD MAY ESTABLISH AND COLLECT FEES FOR THE FOLLOWING:

33 1. PROVIDING A DUPLICATE WALLET CARD.

34 2. PROVIDING A DUPLICATE WALL CERTIFICATE.

35 3. COPYING RECORDS, DOCUMENTS, LETTERS, MINUTES, APPLICATIONS,
36 FILES AND POLICY STATEMENTS.

37 4. PROVIDING A LICENSEE LIST.

38 5. PROVIDING AUDIO FILES.

39 Sec. 5. Section 32-854.01, Arizona Revised Statutes, is amended to
40 read:

41 32-854.01. Unprofessional conduct

42 Unprofessional conduct includes the following conduct, whether it
43 occurs in this state or elsewhere:

- 1 1. Requesting, listing, accepting or receiving any rebate or
2 commission for prescribing or recommending any footwear, drug, medicine,
3 or other article to the licensee's patients.
- 4 2. Prescribing, dispensing or pretending to use, in treating any
5 patient, any secret remedial agent, or manifesting or promoting its use in
6 any way, or guaranteeing or implying to guarantee any treatment, therapy
7 or remedy.
- 8 3. Representing that a disease or infirmity can be permanently
9 cured, or that any disease, ailment or infirmity can be cured by a secret
10 method, procedure, treatment, medicine or device, if this is not true.
- 11 4. Practicing podiatry under a trade name, under the name of
12 another podiatrist, under any other name than that which appears on the
13 practitioner's license, or under any title that misrepresents the practice
14 of podiatry.
- 15 5. Advertising in a false, deceptive or misleading manner or
16 advertising the quality of podiatric service.
- 17 6. Employing a solicitor to obtain business.
- 18 7. Fee splitting under any guise whatsoever.
- 19 8. Failing to report as required in section 32-852.01,
20 subsection A.
- 21 9. Failing to obtain written informed consent from a patient before
22 the licensee performs any surgical procedure on the patient.
- 23 10. Committing a felony, whether or not involving moral turpitude,
24 or a misdemeanor involving moral turpitude. In either case, conviction by
25 any court of competent jurisdiction is conclusive evidence that the
26 licensee committed the crime.
- 27 11. Failing or refusing to maintain adequate records on:
28 (a) A patient WHO IS EIGHTEEN YEARS OF AGE OR OLDER for at least
29 ~~seven~~ SIX years. ~~or~~
30 (b) A PATIENT WHO IS UNDER EIGHTEEN YEARS OF AGE FOR THE LATER OF
31 EITHER:
32 (i) THREE YEARS AFTER THE PATIENT'S EIGHTEENTH BIRTHDAY.
33 (ii) SIX YEARS AFTER THE LAST DATE THE PATIENT RECEIVED MEDICAL OR
34 HEALTH CARE SERVICES FROM THE LICENSEE.
- 35 12. Failing or refusing to make ~~the~~ A PATIENT'S records available
36 to a physician or another podiatrist within twenty-one days after A
37 request and THE receipt of proper authorization.
- 38 ~~12.~~ 13. Habitual intemperance in the use of alcohol or habitual
39 substance abuse.
- 40 ~~13.~~ 14. Using controlled substances or prescription-only drugs
41 except if provided by a physician for use during a prescribed lawful
42 course of treatment.
- 43 ~~14.~~ 15. Prescribing controlled substances to members of the
44 podiatrist's immediate family.

- 1 ~~15.~~ 16. Providing any controlled substance or prescription-only
2 drug for other than accepted therapeutic purposes.
- 3 ~~16.~~ 17. Dispensing a schedule II controlled substance that is an
4 opioid.
- 5 ~~17.~~ 18. Committing gross malpractice, repeated malpractice or any
6 malpractice resulting in the death of a patient.
- 7 ~~18.~~ 19. Refusing to divulge to the board on demand the means,
8 method, procedure, modality of treatment or medicine used in ~~the treatment~~
9 ~~of~~ TREATING a disease, injury, ailment or infirmity.
- 10 ~~19.~~ 20. Violating any federal or state law applicable to the
11 practice of podiatry.
- 12 ~~20.~~ 21. Having the licensee's license refused, revoked or
13 suspended by any other licensing jurisdiction for inability to safely and
14 skillfully practice podiatry or for unprofessional conduct as defined by
15 that jurisdiction that directly or indirectly corresponds to any act of
16 unprofessional conduct as prescribed by this section or any act under
17 section 32-852.
- 18 ~~21.~~ 22. Committing any conduct or practice that is or might be
19 harmful or dangerous to the health of ~~the~~ A patient.
- 20 ~~22.~~ 23. Violating any formal order, probation or stipulation
21 issued by the board pursuant to this chapter.
- 22 ~~23.~~ 24. Violating or attempting to violate, directly or
23 indirectly, or assisting in or abetting the violation of or conspiring to
24 violate any provision of this chapter.
- 25 ~~24.~~ 25. Charging or collecting a clearly excessive fee. In
26 determining the reasonableness of a fee, the fee customarily charged in
27 the locality for similar services shall be considered in light of
28 modifying factors, such as the time required, the complexity of the
29 service and the skill requisite to perform the service properly. This
30 paragraph does not apply if there is a clear written contract for a fixed
31 fee between the podiatrist and the patient that has been entered into
32 before the licensee provides the service.
- 33 ~~25.~~ 26. Obtaining a fee by fraud, deceit or misrepresentation.
- 34 ~~26.~~ 27. Charging a fee for services not rendered.
- 35 ~~27.~~ 28. Failing to dispense drugs and devices in compliance with
36 article 4 of this chapter.

37 Sec. 6. Section 32-855, Arizona Revised Statutes, is amended to
38 read:

39 32-855. Violations; classification; injunctive relief

40 A. A person is guilty of a class ~~2-misdemeanor~~ 5 FELONY who:

- 41 1. Practices or advertises or holds himself out as practicing or
42 entitled to practice podiatry, or who in a sign or advertisement uses the
43 term "chiropracist", "foot specialist", "podiatrist", ~~OR~~ "practapedist" or
44 ANY other term or letter indicating or implying that ~~he~~ THE PERSON

1 practices podiatry or foot correction, without having at the time a valid
2 unrevoked license to practice podiatry.

3 2. Otherwise violates this chapter.

4 B. The superior court is vested with jurisdiction to restrain any
5 actual or threatened violation of this chapter by an action filed by the
6 board in the county where the cause of action arises.

7 Sec. 7. Title 32, chapter 7, article 3, Arizona Revised Statutes,
8 is amended by adding section 32-856, to read:

9 32-856. Podiatric medical assistants; rules

10 A. PODIATRIC MEDICAL ASSISTANT MAY ASSIST A PODIATRIST PURSUANT TO
11 RULES ADOPTED BY THE BOARD.

12 Sec. 8. Section 32-3430, Arizona Revised Statutes, is amended to
13 read:

14 32-3430. Fingerprinting; requirement

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

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

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

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

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

38 Sec. 9. Section 32-4124, Arizona Revised Statutes, is amended to
39 read:

40 32-4124. License renewal; changes of name or addresses

41 A. Except as provided in section 32-4301, a license issued pursuant
42 to this chapter is subject to renewal each year and expires unless
43 renewed.

1 B. The executive director shall send a renewal ~~application~~ REMINDER
2 to each licensee at least sixty days before ~~expiration of~~ the license
3 EXPIRES.

4 C. Each licensee is responsible for reporting to the board a name
5 change and changes in business, ~~and~~ home AND EMAIL addresses within thirty
6 days after any change.

7 Sec. 10. Section 32-4127, Arizona Revised Statutes, is amended to
8 read:

9 32-4127. Temporary licenses

10 A. The executive director may issue a temporary license to a person
11 who meets all of the following requirements:

- 12 1. Submits a completed application.
- 13 2. Submits the application fee for licensure pursuant to this
14 chapter.
- 15 3. Submits proof satisfactory to the board of current certification
16 by a nationally recognized board of certification.

17 4. ~~Submits~~ POSSESSES a ~~readable~~ VALID fingerprint CLEARANCE card
18 pursuant to section 32-4128.

- 19 B. A temporary license:
- 20 1. Is valid for not more than ninety days.
 - 21 2. Shall not be renewed.
 - 22 3. Is void on the issuance or denial of an original license.

23 C. The board may revoke a temporary license for a violation of this
24 chapter. The board shall hold a hearing at the request of a person whose
25 temporary license is revoked by the board.

26 D. The board may adopt rules to carry out this section.

27 Sec. 11. Section 32-4128, Arizona Revised Statutes, is amended to
28 read:

29 32-4128. Fingerprinting; requirement

30 ~~A. An applicant for original licensure, license renewal, license~~
31 ~~reinstatement or temporary licensure pursuant to this chapter who has not~~
32 ~~previously done so must submit a full set of fingerprints to the board at~~
33 ~~the applicant's or licensee's expense for the purpose of obtaining a state~~
34 ~~and federal criminal records check pursuant to section 41-1750 and Public~~
35 ~~law 92-544. The department of public safety may exchange this fingerprint~~
36 ~~data with the federal bureau of investigation.~~

37 ~~B. If the applicant or licensee has an unexpired clearance card~~
38 ~~issued by the department of public safety, the applicant or licensee may~~
39 ~~submit a copy of that document instead of submitting fingerprints.~~

40 ~~C. Each applicant for license renewal or reinstatement shall submit~~
41 ~~a new set of fingerprints every five years after the initial fingerprint~~
42 ~~submission required in subsection A of this section.~~

43 ~~D. On expiration of the clearance card issued by the department of~~
44 ~~public safety, an applicant must submit either a copy of the applicant's~~
45 ~~new clearance card or a set of fingerprints.~~

1 ~~E. If the board does not have any evidence or reasonable suspicion~~
2 ~~that the applicant has a criminal history and the applicant otherwise~~
3 ~~satisfies the requirements of section 32-4122, the board may issue a~~
4 ~~license or a temporary license before it receives the results of a~~
5 ~~criminal records check.~~

6 ~~F. The board shall suspend the license or temporary license of a~~
7 ~~person who submits an unreadable set of fingerprints and who does not~~
8 ~~submit a new readable set of fingerprints within twenty days after the~~
9 ~~board notifies the person of that fact.~~

10 A. BEGINNING JANUARY 1, 2022, AN APPLICANT FOR ORIGINAL LICENSURE,
11 LICENSE RENEWAL, LICENSE REINSTATEMENT OR TEMPORARY LICENSURE SHALL
12 POSSESS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,
13 CHAPTER 12, ARTICLE 3.1.

14 ~~B.~~ B. This section does not affect the board's authority to
15 otherwise issue, deny, cancel, terminate, suspend or revoke a license or a
16 temporary license.

17 Sec. 12. Section 32-4154, Arizona Revised Statutes, is amended to
18 read:

19 32-4154. Investigative powers; complaints; emergency action;
20 confidentiality

21 A. To enforce this chapter the board may:

22 1. Receive complaints filed against licensees and conduct a timely
23 investigation.

24 2. Conduct an investigation at any time and on its own initiative
25 without receipt of a written complaint if the board has reason to believe
26 that there may be a violation of this chapter.

27 3. Issue subpoenas to compel the attendance of any witness or the
28 production of any documentation relative to a case.

29 4. Take emergency action ordering the summary suspension of a
30 license or the restriction of the licensee's practice pending proceedings
31 by the board.

32 ~~5. Appoint hearing officers authorized to conduct hearings.~~
33 ~~Hearing officers shall prepare and submit to the board findings of fact,~~
34 ~~conclusions of law and an order that shall be reviewed and voted on by the~~
35 ~~board.~~

36 ~~6.~~ 5. Require a licensee to be examined to determine the
37 licensee's mental, physical or professional competence.

38 B. If the board finds that the information received in a complaint
39 or an investigation is not of sufficient seriousness to merit direct
40 action against the licensee, it may take ~~either~~ ANY of the following
41 actions:

42 1. Dismiss the complaint if the board believes the information or
43 complaint is without merit.

44 2. Forward a confidential advisory letter to the licensee.

1 3. ISSUE A NONDISCIPLINARY ORDER REQUIRING THE LICENSEE TO COMPLETE
2 A PRESCRIBED NUMBER OF HOURS OF CONTINUING EDUCATION IN AN AREA OR AREAS
3 PRESCRIBED BY THE BOARD TO PROVIDE THE LICENSEE WITH THE NECESSARY
4 UNDERSTANDING OF PRACTICE STANDARDS FOR LICENSEES, INCLUDING CURRENT
5 DEVELOPMENTS, SKILLS, PROCEDURES OR TREATMENT INTERVENTIONS.

6 C. The board shall notify a licensee of a complaint and the nature
7 of the complaint within ninety days after receiving the complaint.

8 D. Any person may submit a complaint regarding any licensee or
9 other person WHO IS potentially in violation of this chapter.

10 E. The board shall keep confidential all information relating to
11 the receipt and investigation of complaints filed against licensees and
12 others until the information becomes public record or as required by law.

13 Sec. 13. Section 41-619.51, Arizona Revised Statutes, is amended to
14 read:

15 41-619.51. Definitions

16 In this article, unless the context otherwise requires:

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

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

31 3. "Central registry exception" means notification to the
32 department of economic security, the department of child safety or the
33 department of health services, as appropriate, pursuant to section
34 41-619.57 that the person is not disqualified because of a central
35 registry check conducted pursuant to section 8-804.

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

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

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

44 (a) Section 3-314.

45 (b) Section 8-105.

- 1 (c) Section 8-322.
- 2 (d) Section 8-463.
- 3 (e) Section 8-509.
- 4 (f) Section 8-802.
- 5 (g) Section 8-804.
- 6 (h) Section 15-183.
- 7 (i) Section 15-503.
- 8 (j) Section 15-512.
- 9 (k) Section 15-534.
- 10 (l) Section 15-763.01.
- 11 (m) Section 15-782.02.
- 12 (n) Section 15-1330.
- 13 (o) Section 15-1881.
- 14 (p) Section 17-215.
- 15 (q) Section 28-3228.
- 16 (r) Section 28-3413.
- 17 (s) Section 32-122.02.
- 18 (t) Section 32-122.05.
- 19 (u) Section 32-122.06.
- 20 (v) SECTION 32-823.
- 21 ~~(v)~~ (w) Section 32-1232.
- 22 ~~(w)~~ (x) Section 32-1276.01.
- 23 ~~(x)~~ (y) Section 32-1284.
- 24 ~~(y)~~ (z) Section 32-1297.01.
- 25 ~~(z)~~ (aa) Section 32-1904.
- 26 ~~(aa)~~ (bb) Section 32-1941.
- 27 ~~(bb)~~ (cc) Section 32-2022.
- 28 ~~(cc)~~ (dd) Section 32-2108.01.
- 29 ~~(dd)~~ (ee) Section 32-2123.
- 30 ~~(ee)~~ (ff) Section 32-2371.
- 31 (gg) SECTION 32-3430.
- 32 ~~(ff)~~ (hh) Section 32-3620.
- 33 ~~(gg)~~ (ii) Section 32-3668.
- 34 ~~(hhh)~~ (jj) Section 32-3669.
- 35 (kk) SECTION 32-4128.
- 36 ~~(iii)~~ (ll) Section 36-113.
- 37 ~~(jjj)~~ (mm) Section 36-207.
- 38 ~~(kkk)~~ (nn) Section 36-411.
- 39 ~~(iii)~~ (oo) Section 36-425.03.
- 40 ~~(mmm)~~ (pp) Section 36-446.04.
- 41 ~~(nnn)~~ (qq) Section 36-594.01.
- 42 ~~(ooo)~~ (rr) Section 36-594.02.
- 43 ~~(ppp)~~ (ss) Section 36-882.
- 44 ~~(qqq)~~ (tt) Section 36-883.02.
- 45 ~~(rrr)~~ (uu) Section 36-897.01.

- 1 ~~(ss)~~ (vv) Section 36-897.03.
- 2 ~~(tt)~~ (ww) Section 36-3008.
- 3 ~~(uu)~~ (xx) Section 41-619.53.
- 4 ~~(vv)~~ (yy) Section 41-1964.
- 5 ~~(ww)~~ (zz) Section 41-1967.01.
- 6 ~~(xx)~~ (aaa) Section 41-1968.
- 7 ~~(yy)~~ (bbb) Section 41-1969.
- 8 ~~(zz)~~ (ccc) Section 41-2814.
- 9 ~~(aaa)~~ (ddd) Section 46-141, subsection A or B.
- 10 ~~(bbb)~~ (eee) Section 46-321.

11 Sec. 14. Section 41-1758, Arizona Revised Statutes, is amended to
12 read:

13 41-1758. Definitions

14 In this article, unless the context otherwise requires:

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

28 2. "Division" means the fingerprinting division in the department
29 of public safety.

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

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

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

- 41 (a) Section 3-314.
- 42 (b) Section 8-105.
- 43 (c) Section 8-322.
- 44 (d) Section 8-463.
- 45 (e) Section 8-509.

- 1 (f) Section 8-802.
- 2 (g) Section 15-183.
- 3 (h) Section 15-503.
- 4 (i) Section 15-512.
- 5 (j) Section 15-534.
- 6 (k) Section 15-763.01.
- 7 (l) Section 15-782.02.
- 8 (m) Section 15-1330.
- 9 (n) Section 15-1881.
- 10 (o) Section 17-215.
- 11 (p) Section 28-3228.
- 12 (q) Section 28-3413.
- 13 (r) Section 32-122.02.
- 14 (s) Section 32-122.05.
- 15 (t) Section 32-122.06.
- 16 (u) SECTION 32-823.
- 17 ~~(v)~~ (v) Section 32-1232.
- 18 ~~(v)~~ (w) Section 32-1276.01.
- 19 ~~(w)~~ (x) Section 32-1284.
- 20 ~~(x)~~ (y) Section 32-1297.01.
- 21 ~~(y)~~ (z) Section 32-1904.
- 22 ~~(z)~~ (aa) Section 32-1941.
- 23 ~~(aa)~~ (bb) Section 32-2022.
- 24 ~~(bb)~~ (cc) Section 32-2108.01.
- 25 ~~(cc)~~ (dd) Section 32-2123.
- 26 ~~(dd)~~ (ee) Section 32-2371.
- 27 (ff) SECTION 32-3430.
- 28 ~~(ee)~~ (gg) Section 32-3620.
- 29 ~~(ff)~~ (hh) Section 32-3668.
- 30 ~~(gg)~~ (ii) Section 32-3669.
- 31 (jj) SECTION 32-4128.
- 32 ~~(hh)~~ (kk) Section 36-113.
- 33 ~~(ii)~~ (ll) Section 36-207.
- 34 ~~(jj)~~ (mm) Section 36-411.
- 35 ~~(kk)~~ (nn) Section 36-425.03.
- 36 ~~(ll)~~ (oo) Section 36-446.04.
- 37 ~~(mm)~~ (pp) Section 36-594.01.
- 38 ~~(nn)~~ (qq) Section 36-594.02.
- 39 ~~(oo)~~ (rr) Section 36-882.
- 40 ~~(pp)~~ (ss) Section 36-883.02.
- 41 ~~(qq)~~ (tt) Section 36-897.01.
- 42 ~~(rr)~~ (uu) Section 36-897.03.
- 43 ~~(ss)~~ (vv) Section 36-3008.
- 44 ~~(tt)~~ (ww) Section 41-619.52.
- 45 ~~(uu)~~ (xx) Section 41-619.53.

- 1 ~~(vv)~~ (yy) Section 41-1964.
- 2 ~~(ww)~~ (zz) Section 41-1967.01.
- 3 ~~(xx)~~ (aaa) Section 41-1968.
- 4 ~~(yy)~~ (bbb) Section 41-1969.
- 5 ~~(zz)~~ (ccc) Section 41-2814.
- 6 ~~(aaa)~~ (ddd) Section 46-141, subsection A or B.
- 7 ~~(bbb)~~ (eee) Section 46-321.

8 6. "Vulnerable adult" has the same meaning prescribed in section
9 13-3623.

10 Sec. 15. Section 41-1758.01, Arizona Revised Statutes, is amended
11 to read:

12 41-1758.01. Fingerprinting division; powers and duties

13 A. The fingerprinting division is established in the department of
14 public safety and shall:

15 1. Conduct fingerprint background checks for persons and applicants
16 who are seeking licenses from state agencies, employment with licensees,
17 contract providers and state agencies or employment or educational
18 opportunities with agencies that require fingerprint background checks
19 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
20 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
21 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, [32-823](#), 32-1232,
22 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01,
23 32-2123, 32-2371, [32-3430](#), 32-3620, 32-3668, 32-3669, [32-4128](#), 36-113,
24 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882,
25 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964,
26 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A or
27 B and section 46-321.

28 2. Issue fingerprint clearance cards. On issuance, a fingerprint
29 clearance card becomes the personal property of the cardholder and the
30 cardholder shall retain possession of the fingerprint clearance card.

31 3. On submission of an application for a fingerprint clearance
32 card, collect the fees established by the board of fingerprinting pursuant
33 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
34 the monies collected in the board of fingerprinting fund.

35 4. Inform in writing each person who submits fingerprints for a
36 fingerprint background check of the right to petition the board of
37 fingerprinting for a good cause exception pursuant to section 41-1758.03,
38 41-1758.04 or 41-1758.07.

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

1 6. Notify the person in writing if the division suspends, revokes
2 or places a driving restriction notation on a fingerprint clearance card
3 pursuant to section 41-1758.04. The notice shall include the criminal
4 history information on which the suspension, revocation or placement of
5 the driving restriction notation was based. This criminal history
6 information is subject to dissemination restrictions pursuant to section
7 41-1750 and Public Law 92-544.

8 7. Administer and enforce this article.

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

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

19 2. The information technology security policy approved by the
20 department of public safety.

21 Sec. 16. Rulemaking; board of athletic training

22 The board of athletic training may adopt or modify any rules
23 pursuant to title 41, chapter 6, Arizona Revised Statutes, that are
24 necessary to carry out this act.

25 Sec. 17. Effective date

26 Sections 32-3430, 32-4124, 32-4127, 32-4128, 32-4154, 41-619.51,
27 41-1758, and 41-1758.01, Arizona Revised Statutes, as amended by this act,
28 and section 15 of this act are effective from and after December 31, 2021.