

REFERENCE TITLE: **scope of practice; process; repeal.**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2529

Introduced by
Representative Montenegro

AN ACT

**AMENDING SECTIONS 32-3101, 32-3102 AND 32-3104, ARIZONA REVISED STATUTES;
REPEALING SECTION 32-3106, ARIZONA REVISED STATUTES; RELATING TO THE
REGULATION OF HEALTH PROFESSIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3101, Arizona Revised Statutes, is amended to
3 read:

4 32-3101. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Certification" means a voluntary process by which a regulatory
7 entity grants recognition to an individual who has met certain
8 prerequisite qualifications specified by that regulatory entity and who
9 may assume or use the word "certified" in a title or designation to
10 perform prescribed health professional tasks.

11 2. "Grandfather clause" means a provision **THAT IS** applicable to
12 practitioners **WHO ARE** actively engaged in the regulated health profession
13 before the effective date of a law **AND** that exempts the practitioners from
14 meeting the prerequisite qualifications set forth in the law to perform
15 prescribed occupational tasks.

16 3. "Health professional group" means any health professional group
17 or organization, any individual or any other interested party that
18 proposes that any health professional group **THAT IS** not presently
19 regulated be regulated ~~or that proposes to increase the scope of practice~~
20 ~~of a health profession.~~

21 4. "Health professions" means professions that are regulated
22 pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21,
23 25, 28, 29, 33, 34, 35, 39 or 41 of this title, title 36, chapter 6,
24 article 7 or title 36, chapter 17.

25 ~~5. "Increase the scope of practice" means to engage in conduct~~
26 ~~beyond the authority granted to a health profession by law.~~

27 ~~6.~~ 5. "Inspection" means the periodic examination of practitioners
28 by a state agency in order to ascertain whether the practitioners'
29 occupation is being carried out in a fashion consistent with the public
30 health, safety and welfare.

31 ~~7.~~ 6. "Licensure" or "license" means an individual,
32 nontransferable authorization to carry on a health activity that would
33 otherwise be unlawful in this state in the absence of the permission and
34 that is based on qualifications that include graduation from an accredited
35 or approved program and acceptable performance on a qualifying examination
36 or a series of examinations.

37 ~~8.~~ 7. "Practitioner" means an individual who has achieved
38 knowledge and skill by practice and who is actively engaged in a specified
39 health profession.

40 ~~9.~~ 8. "Public member" means an individual who is not and never has
41 been a member or **THE** spouse of a member of the health profession being
42 regulated and who does not have and never has had a material financial
43 interest in either ~~the~~ rendering ~~of~~ the health professional service being
44 regulated or an activity directly related to the profession being
45 regulated.

~~10-~~ 9. "Registration" means the formal notification that, before rendering services, a practitioner ~~shall~~ MUST submit to a state agency setting forth the name and address of the practitioner, the location, nature and operation of the health activity to be practiced and, if required by a regulatory entity, a description of the service to be provided.

~~11-~~ 10. "Regulatory entity" means any board, commission, agency or department of this state that regulates one or more health professions in this state.

~~12-~~ 11. "State agency" means any department, board, commission or agency of this state.

Sec. 2. Section 32-3102, Arizona Revised Statutes, is amended to read:

32-3102. Nonapplicability of chapter

This chapter does not:

1. Apply to any regulatory entity ~~or increase in scope of practice~~ legislatively enacted before ~~the effective date of this chapter~~ AUGUST 7, 1985, except as provided in this chapter.

2. Apply to or interfere in any way with the practice of religion or any kind of treatment by prayer.

3. Apply to any remedial or technical amendments to any ~~legislation~~ LAW.

Sec. 3. Section 32-3104, Arizona Revised Statutes, is amended to read:

32-3104. Health professional groups; written report; legislative informational hearings; proposed legislation

A. A health professional group shall submit a written report explaining the factors prescribed in section 32-3105 ~~or 32-3106~~ to the president of the senate and the speaker of the house of representatives. The report shall be submitted on or before November 1 before the start of the legislative session for which the legislation is proposed, and the health professional group may request informational hearings pursuant to this section. The president of the senate or the speaker of the house of representatives shall assign the written report to the health committee of the house of representatives and the health and human services committee of the senate, or their respective successor committees, and the legislative committees may conduct informational hearings on the written report before the legislative session convenes. The report may be amended after it has been filed but before any hearing on the report. The committees shall study the written report and may take public comment on the report at the informational hearings but shall not vote whether to accept or reject the report filed by the health professional group. ~~if a health professional group proposes to increase the scope of practice of its profession, the health professional group may send copies of the~~

~~written report to the regulatory board of the health profession and the department of health services for review and comment.~~ A health professional group may seek to introduce legislation in the legislative session regardless of comments, if any, from the informational hearings.

B. If a health professional group's report is not heard by a legislative committee pursuant to subsection A of this section, the health professional group may seek to have legislation introduced in the legislative session for certification, registration or licensure ~~or to increase the scope of practice of an existing regulated health profession.~~ The lack of a hearing shall not be considered as either support or rejection of the health professional group's proposed legislation.

C. Unless there is a material change in the proposed ~~increased scope of practice~~ CERTIFICATION, REGISTRATION OR LICENSURE, a health professional group is not required to refile a report if the health professional group filed the report within the previous five years. On or before November 1, the health professional group shall notify in writing the speaker of the house of representatives, the president of the senate and the chairpersons of the respective health committees if the health professional group intends to pursue the proposed ~~increased scope of practice~~ CERTIFICATION, REGISTRATION OR LICENSURE during the next legislative session and shall reference the specific report that was previously filed on which the health professional group is relying.

Sec. 4. Repeal

Section 32-3106, Arizona Revised Statutes, is repealed.