SENATE BILL 1248

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

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

32-3101. Definitions

In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

9. "Public member" means an individual who is not and never has been a member or THE spouse of a member of the health profession being regulated and who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.
10. “Registration” means the formal notification that, before
rendering services, a practitioner shall 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. “Regulatory entity” means any board, commission, agency or
department of this state that regulates one or more health professions in
this state.
12. “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.