

Senate Engrossed

scope of practice; process; repeal

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SENATE BILL 1021

AN ACT

AMENDING SECTIONS 32-3101, 32-3102 AND 32-3104, ARIZONA REVISED STATUTES;  
REPEALING SECTION 32-3106, ARIZONA REVISED STATUTES; AMENDING TITLE 32,  
CHAPTER 31, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION  
32-3106; 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.

1           ~~10.~~ 9. "Registration" means the formal notification that, before  
2 rendering services, a practitioner ~~shall~~ MUST submit to a state agency  
3 setting forth the name and address of the practitioner, the location,  
4 nature and operation of the health activity to be practiced and, if  
5 required by a regulatory entity, a description of the service to be  
6 provided.

7           ~~11.~~ 10. "Regulatory entity" means any board, commission, agency or  
8 department of this state that regulates one or more health professions in  
9 this state.

10           ~~12.~~ 11. "State agency" means any department, board, commission or  
11 agency of this state.

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

14           32-3102. Nonapplicability of chapter

15           This chapter does not:

16           1. Apply to any regulatory entity ~~or increase in scope of practice~~  
17 legislatively enacted before ~~the effective date of this chapter~~ AUGUST 7,  
18 1985, except as provided in this chapter.

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

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

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

25           32-3104. Health professional groups; written report;  
26 legislative informational hearings; proposed  
27 legislation

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

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

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

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

23 Sec. 4. Repeal

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

25 Sec. 5. Title 32, chapter 31, article 1, Arizona Revised Statutes,  
26 is amended by adding a new section 32-3106, to read:

27 32-3106. Health professional groups; increased scope of  
28 practice; factors; legislation; notification;  
29 definition

30 A. WHEN CONSIDERING PROPOSED LEGISLATION TO INCREASE THE SCOPE OF  
31 PRACTICE FOR A HEALTH PROFESSIONAL GROUP, THE LEGISLATURE SHALL CONSIDER  
32 THE FOLLOWING FACTORS:

33 1. WHETHER CURRENT EDUCATION AND TRAINING OR PREPAREDNESS OR  
34 AVAILABLE CONTINUING EDUCATION AND TRAINING FOR THAT HEALTH PROFESSIONAL  
35 GROUP ADEQUATELY PREPARES MEMBERS OF THE HEALTH PROFESSIONAL GROUP FOR THE  
36 INCREASED SCOPE OF PRACTICE SOUGHT.

37 2. WHETHER INCREASING THE SCOPE OF PRACTICE WILL IMPROVE PATIENT  
38 ACCESS TO SAFE AND AFFORDABLE CARE.

39 3. WHETHER INCREASING THE SCOPE OF PRACTICE WILL ADVANCE HEALTH,  
40 SAFETY OR WELFARE AS DEFINED IN SECTION 41-1093.

41 4. WHETHER INCREASING THE SCOPE OF PRACTICE WILL CREATE A  
42 SUBSTANTIAL REGULATORY BURDEN FOR THIS STATE, INCLUDING THE ADMINISTRATIVE  
43 AND FINANCIAL CAPACITY OF THE REGULATORY ENTITY THAT REGULATES THAT HEALTH  
44 PROFESSIONAL GROUP.

1           B. WITHIN TEN DAYS AFTER THE INTRODUCTION OF PROPOSED LEGISLATION  
2 OR AN AMENDMENT TO PROPOSED LEGISLATION TO INCREASE THE SCOPE OF PRACTICE  
3 FOR A HEALTH PROFESSIONAL GROUP, THE HEALTH PROFESSIONAL GROUP SEEKING THE  
4 INCREASE IN THE SCOPE OF PRACTICE SHALL PROVIDE WRITTEN NOTIFICATION TO  
5 THE REGULATORY ENTITY THAT REGULATES THE HEALTH PROFESSIONAL GROUP  
6 REGARDING THE INTRODUCTION OF OR AMENDMENT TO THE PROPOSED LEGISLATION.

7           C. FOR THE PURPOSES OF THIS SECTION, "INCREASE THE SCOPE OF  
8 PRACTICE" MEANS TO ENGAGE IN CONDUCT BEYOND THE AUTHORITY GRANTED TO A  
9 HEALTH PROFESSION BY LAW.

10           Sec. 6. Legislative intent

11           It is the intent of the legislature to preserve the health and  
12 safety of Arizonans and ensure that Arizonans only receive health care  
13 services from qualified providers. If the elimination of the process  
14 outlined in section 32-3106, Arizona Revised Statutes, as repealed by this  
15 act, commonly known as the sunrise review process, demonstrably lessens  
16 the quality of healthcare that Arizonans receive, the legislature reserves  
17 the right to reinstate the process outlined in section 32-3106, Arizona  
18 Revised Statutes, as repealed by this act, at any time.