

House Engrossed
chiropractic board; regulation; unprofessional conduct

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2846

AN ACT

AMENDING SECTIONS 32-900, 32-902, 32-904, 32-921 AND 32-922, ARIZONA REVISED STATUTES; REPEALING SECTION 32-922.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-922.02, 32-922.03, 32-923, 32-924, 32-926, 32-929, 32-931, 32-933, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-900, Arizona Revised Statutes, is amended to
3 read:

4 **32-900. Definitions**

5 In this chapter, unless the context otherwise requires:

6 1. "Advisory letter" means a nondisciplinary letter to notify a
7 licensee **OR REGISTRANT** that either:

8 (a) While there is insufficient evidence to support disciplinary
9 action, the board believes that continuation of the activities that led to
10 the investigation may result in further board action against the licensee.

11 (b) The violation is a minor or technical violation that is not of
12 sufficient merit to warrant disciplinary action.

13 (c) The violation is a minor or technical violation, and while the
14 licensee has demonstrated substantial compliance through rehabilitation or
15 remediation that has mitigated the need for disciplinary action, the board
16 believes that repetition of the activities that led to the investigation
17 may result in further board action against the licensee.

18 2. "Board" means the state board of chiropractic examiners.

19 3. "BUSINESS ENTITY" MEANS A BUSINESS ORGANIZATION THAT HAS AN
20 OWNERSHIP INTEREST THAT INCLUDES PERSONS WHO ARE NOT LICENSED OR CERTIFIED
21 TO PROVIDE CHIROPRACTIC SERVICES IN THIS STATE, THAT OFFERS TO THE PUBLIC
22 PROFESSIONAL SERVICES THAT ARE REGULATED BY THE BOARD AND THAT IS
23 ESTABLISHED PURSUANT TO THE LAWS OF ANY STATE IN THE UNITED STATES OR A
24 FOREIGN COUNTRY.

25 ~~3.~~ 4. "Certification" means that a doctor of chiropractic has been
26 certified by the board in a specialty of chiropractic as provided by law.

27 ~~4.~~ 5. "Chiropractic assistant" means ~~an unlicensed~~ A person who **IS**
28 **REGISTERED PURSUANT TO THIS CHAPTER, WHO** has completed an educational
29 training program approved by the board, who assists in basic health care
30 duties in the practice of chiropractic under the supervision of a doctor
31 of chiropractic and who performs delegated duties commensurate with the
32 chiropractic assistant's education and training but who does not evaluate,
33 interpret, design or modify established treatment programs of chiropractic
34 care or violate any statute.

35 ~~5.~~ 6. "Doctor of chiropractic", "**CHIROPRACTOR**" OR "**CHIROPRACTIC**
36 **PHYSICIAN**" means a natural person who holds a license to practice
37 chiropractic pursuant to this chapter.

38 ~~6.~~ 7. "License" means a license to practice chiropractic.

39 ~~7.~~ 8. "Physical medicine modalities" means any physical agent
40 applied to produce therapeutic change to biologic tissues, including
41 thermal, acoustic, noninvasive light, mechanical or electric energy, hot
42 or cold packs, ultrasound, galvanism, microwave, diathermy and electrical
43 stimulation.

44 9. "REGISTRANT" MEANS EITHER A CHIROPRACTIC ASSISTANT OR A BUSINESS
45 ENTITY.

1 10. "SUPERVISION" MEANS THE OVERSIGHT PROVIDED BY A CHIROPRACTOR
2 OVER THE CLINICAL SERVICES PERFORMED BY A CHIROPRACTIC ASSISTANT OR EXTERN
3 THAT REQUIRES THE CHIROPRACTOR TO BE ON THE PREMISES AT ALL TIMES AND
4 READILY AVAILABLE TO INSTRUCT THE CHIROPRACTIC ASSISTANT OR EXTERN
5 THROUGHOUT THE PERFORMANCE OF THE CLINICAL SERVICES.

6 8. 11. "Therapeutic procedures" means the application of clinical
7 skills and services, including therapeutic exercise, therapeutic
8 activities, manual therapy techniques, massage and structural supports, to
9 improve a patient's neuromusculoskeletal condition.

10 Sec. 2. Section 32-902, Arizona Revised Statutes, is amended to
11 read:

12 32-902. Organization; meetings

13 A. The board shall annually elect from its membership a chairman
14 and ~~vice-chairman~~ VICE CHAIRMAN.

15 B. The board shall hold regular meetings at such places as it
16 determines in January and July of each year, and may hold other meetings
17 at times and places determined by a majority of the board. The board
18 shall notify the public of such dates, time and place of meetings at least
19 twenty-four hours ~~prior to~~ BEFORE any meeting as provided by law.
20 Meetings of the board shall be open to the public as provided by law.

21 C. A majority of the members of the board shall constitute a quorum
22 and a majority vote of a quorum present at any meeting shall govern all
23 actions taken by the board, ~~except that licenses shall be issued pursuant~~
~~to this chapter only upon the vote of a majority of the full board.~~

24 Sec. 3. Section 32-904, Arizona Revised Statutes, is amended to
25 read:

26 32-904. Powers and duties of the board: rules

27 A. The board may administer oaths, summon witnesses and take
28 testimony on matters within ~~its~~ THE BOARD'S powers and duties.

29 B. The board shall:

30 1. Adopt a seal, which shall be affixed to licenses issued by the
31 board.

32 2. Adopt rules that are necessary and proper for the enforcement of
33 this chapter.

34 3. Adopt rules regarding chiropractic assistants who assist a
35 doctor of chiropractic, and the board shall determine the qualifications
36 and regulation of chiropractic assistants who are not otherwise licensed
37 by law.

38 4. ADOPT BY RULE FEES FOR APPLICATIONS, LICENSURE, REGISTRATION,
39 LICENSE AND REGISTRATION RENEWAL, REINSTATEMENT AND SPECIALTY
40 CERTIFICATION. At least once each fiscal year and before establishing the
41 amount of a fee for the subsequent fiscal year, THE BOARD SHALL review the
42 amount of each fee authorized in this chapter in a public hearing.

43 5. ENTER INTO CONTRACTS AND OTHER AGREEMENTS FOR SERVICES NECESSARY
44 FOR ADEQUATE ENFORCEMENT OF THIS CHAPTER.

1 C. A copy of the rules **ADOPTED PURSUANT TO THIS SECTION** shall be
2 filed with the secretary of state ~~upon~~ **ON** adoption as provided by law.

3 Sec. 4. Section 32-921, Arizona Revised Statutes, is amended to
4 read:

5 **32-921. Application for license; qualifications of applicant;**
6 **fingerprint clearance card**

7 A. A person who wishes to practice chiropractic in this state shall
8 submit a complete application to the board ~~at least forty-five days before~~
9 ~~the next scheduled examinations~~ on a form and in the manner prescribed by
10 the board.

11 B. To be eligible for an examination and licensure, the applicant
12 shall:

13 1. Be a graduate of a chiropractic college that ~~both:~~
14 ~~(a)~~ is accredited by or has status with the council on chiropractic
15 education or is accredited by an accrediting agency recognized by the
16 United States department of education or the council on ~~postsecondary~~
17 **HIGHER EDUCATION** accreditation.

18 ~~(b) Teaches a resident course of four years of not less than nine~~
19 ~~months each year, or the equivalent of thirty-six months of continuous~~
20 ~~study, and that comprises not less than four thousand credit hours of~~
21 ~~resident study required to receive a degree of doctor of chiropractic~~
22 ~~(D.C.).~~

23 2. Be physically and mentally able to practice chiropractic
24 skillfully and safely.

25 3. Have a certificate of attainment for part I and part II and a
26 score of three hundred seventy-five or more on part III or IV of the
27 examination conducted by the national board of chiropractic examiners.

28 4. **SUCCESSFULLY PASS THE JURISPRUDENCE EXAMINATION THAT TESTS THE**
29 **APPLICANT'S KNOWLEDGE OF THE BOARD'S STATUTES AND RULES WITH A SCORE OF AT**
30 **LEAST SEVENTY-FIVE PERCENT.**

31 C. The board may ~~refuse to give an examination or~~ **may** deny
32 licensure to an applicant who:

33 1. Fails to qualify for an examination or licensure under
34 subsection B of this section.

35 2. Has had a license to practice chiropractic refused, revoked,
36 suspended or restricted by a regulatory board in this or any other
37 jurisdiction for any act that constitutes unprofessional conduct pursuant
38 to this chapter.

39 3. Is currently under investigation by a regulatory board in this
40 or any other jurisdiction for an act that constitutes unprofessional
41 conduct pursuant to this chapter.

42 4. Has surrendered a license to practice chiropractic in lieu of
43 disciplinary action by a regulatory board in this or any other
44 jurisdiction for an act that constitutes unprofessional conduct pursuant
45 to this chapter.

1 5. Has engaged in any conduct that constitutes grounds for
2 disciplinary action pursuant to section 32-924 or board rules.

3 D. On applying, the applicant shall pay to the executive director
4 of the board a nonrefundable fee ~~of not more than \$325~~ as established by
5 the board IN RULE. The board shall keep a register of all applicants and
6 the result of each examination.

7 E. THROUGH DECEMBER 31, 2025, in order to determine an applicant's
8 eligibility for examination and licensure, the board may require the
9 applicant to submit a full set of fingerprints to the board. The board
10 shall submit the fingerprints to the department of public safety for the
11 purpose of obtaining a state and federal criminal records check pursuant
12 to section 41-1750 and Public Law 92-544. The department of public safety
13 may exchange this fingerprint data with the federal bureau of
14 investigation. The board shall charge each applicant a fee that is
15 necessary to cover the cost of the investigation. The board shall forward
16 this fee to the department of public safety.

17 F. BEGINNING JANUARY 1, 2026, AN APPLICANT FOR AN INITIAL LICENSE,
18 LICENSE RENEWAL OR REINSTATEMENT OF A LICENSE PURSUANT TO THIS CHAPTER
19 SHALL OBTAIN A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION
20 41-1758.03.

21 Sec. 5. Section 32-922, Arizona Revised Statutes, is amended to
22 read:

23 32-922. Licensure: applicant requirements

24 A. ~~The examination for a license to practice chiropractic required~~
25 ~~of applicants shall be conducted at a time and place designated by the~~
26 ~~board at least semiannually. Each applicant to be examined shall first~~
27 ~~file a completed application found to be true and correct and shall be~~
28 ~~given at least twenty days' written notice of the time and place of the~~
29 ~~examination.~~

30 B. ~~The examination shall be in English, practical in character and~~
31 ~~designed to include subjects that are necessary to ascertain the~~
32 ~~applicant's knowledge of and fitness to practice chiropractic safely and~~
33 ~~skillfully as authorized in this state. Examinations shall include~~
34 ~~material relating to chiropractors and Arizona jurisprudence and the~~
35 ~~following subjects as taught by accredited chiropractic colleges:~~

36 1. ~~Anatomy.~~

37 2. ~~Physiology.~~

38 3. ~~Pathology.~~

39 4. ~~Bacteriology.~~

40 5. ~~Symptomatology.~~

41 6. ~~Diagnosis, including physical, clinical, x-ray and laboratory~~
42 ~~subjects.~~

43 7. ~~Chiropractic orthopedics.~~

44 8. ~~Principles of chiropractic and adjusting.~~

45 9. ~~Neurology.~~

10. Chemistry, including biochemistry and nutrition.

11. Public health and hygiene.

12. Chiropractic spinal analysis.

13. The board may waive examination in those subjects that the
14. applicant passed previously with the percentage of correct answers
15. prescribed in subsection D of this section in an examination conducted by
16. the national board of chiropractic examiners.

17. D. A. The board shall grant a license to an applicant who meets
18. all of the following requirements:

19. 1. ~~Correctly answers at least seventy-five percent of all questions
20. asked on the subjects identified in subsection B of this section or
21. attains a board approved passing score on all questions asked on the
22. subjects identified in subsection B of this section in an examination
23. administered by a board approved testing facility.~~

24. 1. HAS A CERTIFICATE OF ATTAINMENT FOR PART I AND PART II AND A
25. SCORE OF AT LEAST THREE HUNDRED SEVENTY-FIVE ON PART III OR PART IV OF THE
26. EXAMINATION CONDUCTED BY THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS.

27. 2. Correctly answers at least seventy-five percent of the questions
28. on jurisprudence.

29. 3. Meets all other licensing requirements of this chapter.

30. 4. Pays the original license fee ~~of not more than one hundred
31. twenty-five dollars~~ as established by the board IN RULE.

31. E. ~~An applicant who fails the examination for the first time may
32. retake the examination within one year if the applicant submits an updated
33. application that meets the requirements of section 32-921.~~

34. F. B. An applicant shall reapply for licensure if the applicant
35. does not pay the original license fee within one year after having been
36. notified by the board that the applicant is eligible to receive a license.

37. Sec. 6. Repeal

38. Section 32-922.01, Arizona Revised Statutes, is repealed.

39. Sec. 7. Section 32-922.02, Arizona Revised Statutes, is amended to
40. read:

41. 32-922.02. Specialties; certification

42. A. In order to practice a chiropractic specialty a licensee shall
43. be certified in that specialty by the board.

44. B. An applicant who wishes to be certified to perform acupuncture
45. shall submit the following to the board:

46. 1. Documentation of successful completion of a minimum of one
47. hundred hours of study in acupuncture at an accredited chiropractic
48. college or postgraduate study with an instructor on the active or
49. postgraduate staff of an accredited chiropractic college.

50. 2. A complete application as prescribed by the board.

51. 3. Documentation of having passed a board-approved acupuncture
52. examination.

1 C. An applicant who wishes to be certified to perform physical
2 medicine modalities and therapeutic procedures shall submit the following
3 to the board:

4 1. A complete application as prescribed by the board.

5 2. Documentation of successful completion of a minimum of one
6 hundred twenty hours of study in physical medicine modalities and
7 therapeutic procedures at an accredited chiropractic college or
8 postgraduate study with an instructor on the active or postgraduate staff
9 of an accredited chiropractic college.

10 3. Documentation of having passed an examination in physical
11 medicine modalities and therapeutic procedures that is approved by the
12 board.

13 D. The board shall issue a certificate to any applicant who meets
14 the requirements of this section, who correctly answers at least
15 seventy-five percent of all questions asked on the specialty examination
16 and who pays a certificate fee ~~of not more than one hundred twenty-five~~
17 ~~dollars~~ as established by the board **IN RULE**.

18 E. On ~~making application~~ **APPLYING**, the applicant shall pay to the
19 executive director of the board a nonrefundable fee ~~of not more than one~~
20 ~~hundred twenty-five dollars~~ as established by the board **IN RULE**. The
21 board shall keep a register of all applicants and the result of each
22 examination.

23 F. A chiropractor who is certified to perform physiotherapy before
24 July 29, 2010 is deemed to be certified in physical medicine modalities
25 and therapeutic procedures.

26 Sec. 8. Section 32-922.03, Arizona Revised Statutes, is amended to
27 read:

28 32-922.03. Licensure by endorsement: requirements

29 A. The board may issue a license to practice chiropractic pursuant
30 to this chapter by endorsement to an applicant who meets all of the
31 following requirements:

32 1. Has actively practiced chiropractic in another state or
33 jurisdiction for at least five of the immediately preceding seven years.

34 2. Has not had an adverse disciplinary action taken against a
35 professional license issued by another state or jurisdiction.

36 3. Receives a grade of at least seventy-five percent on the Arizona
37 jurisprudence examination.

38 4. On ~~making application~~ **APPLYING**, pays to the executive director
39 of the board a nonrefundable fee ~~of not more than five hundred dollars~~ as
40 established by the board **IN RULE**.

41 5. Pays the original license fee as prescribed by section 32-922.

42 B. The applicant shall present proof satisfactory to the board
43 that:

44 1. A professional license of the applicant issued by any other
45 state or jurisdiction has not been sanctioned for any cause that may be a

1 basis of a sanction imposed by the board pursuant to this chapter, except
2 for failure to pay fees.

3 2. The applicant has not previously failed to pass the examination
4 in this state.

5 3. The applicant qualifies for licensure as prescribed in section
6 32-921, except **THAT** the applicant is not required to submit proof of
7 obtaining a passing score on part III or IV of the examination conducted
8 by the national board of chiropractic examiners.

9 C. An applicant under this section is not required to pay the fee
10 prescribed in section 32-921, subsection D.

11 Sec. 9. Section 32-923, Arizona Revised Statutes, is amended to
12 read:

13 32-923. Change of address; annual renewal fee; failure to
14 renew; waivers; definition

15 A. **Every** **EACH** person who is licensed pursuant to this chapter shall
16 notify the board in writing of any change in residence or office address
17 and telephone number within thirty days after that change. The board
18 shall impose a penalty of \$50 on a licensee who does not notify the board
19 as required by this subsection.

20 B. Except as provided in section 32-4301, **every** **EACH** person who is
21 licensed to practice chiropractic in this state shall annually make a
22 renewal application to the board before the last day of the licensee's
23 birth month after original issuance of a license and shall pay a renewal
24 license fee of not more than \$225 as established by the board. The
25 renewal application shall be made on a form and in a manner prescribed by
26 the board. At least thirty days before the renewal application and
27 renewal fee are due, the board shall send by first class mail a renewal
28 application and notice requiring license renewal and payment of the
29 renewal fee.

30 C. The board shall administratively suspend a license automatically
31 if the licensee does not submit a complete application for renewal and pay
32 the renewal license fee as required by this section.

33 D. The board may reinstate a license if the person completes an
34 application for reinstatement as prescribed by the board, complies with
35 the continuing education requirements for each year that the license was
36 suspended, pays the annual renewal license fee for each year that the
37 license was suspended and pays an additional fee of \$200. An applicant
38 who does not request reinstatement within two years after the date of
39 suspension shall apply for a license as a new candidate pursuant to
40 section 32-921 ~~or 32-922.01~~.

41 E. The board may waive the annual renewal license fee if a licensee
42 presents evidence satisfactory to the board that the licensee has
43 permanently retired from the practice of chiropractic and has paid all
44 fees required by this chapter before the waiver.

1 F. During the period of waiver the retired licensee shall not
2 engage in the practice of chiropractic. A violation of this subsection
3 subjects the retired licensee to the same penalties as are imposed in this
4 chapter on a person who practices chiropractic without a license.

5 G. The board may reinstate a retired licensee to active practice on
6 payment of the annual renewal license fee and presentation of evidence
7 satisfactory to the board that the retired licensee is professionally able
8 to engage in the practice of chiropractic and still possesses the
9 professional knowledge required. After a hearing, the board may refuse to
10 reinstate a retired licensee to active practice under this subsection on
11 any of the grounds prescribed in section 32-924.

12 H. For the purposes of this section, "administratively suspend"
13 means a nondisciplinary action that is imposed for failure to renew a
14 license and that requires the licensee to suspend practice until renewal
15 requirements are met.

16 Sec. 10. Section 32-924, Arizona Revised Statutes, is amended to
17 read:

18 32-924. Grounds for disciplinary action; hearing; civil
19 penalty; definitions

20 A. The following are grounds for disciplinary action **OF ANY**
21 **LICENSEE OR REGISTRANT**, regardless of where they occur:

22 1. **Employment of EMPLOYING** fraud or deception in securing a
23 license.

24 2. Practicing chiropractic under a false or assumed name.

25 3. Impersonating another practitioner.

26 4. **Habitual use of alcohol, narcotics or stimulants to the extent**
27 **of incapacitating the licensee for the performance of professional duties.**

28 4. **USING A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 36-2501, A**
29 **NARCOTIC DRUG, A DANGEROUS DRUG OR MARIJUANA AS DEFINED IN SECTION**
30 **13-3401, OR A HYPNOTIC DRUG, INCLUDING ACETYLUREA DERIVATIVES, BARBITURIC**
31 **ACID DERIVATIVES, CHLORAL, PARALDEHYDE, PHENLYHYDANTOIN DERIVATIVES,**
32 **SULFONMETHANE DERIVATIVES OR ANY COMPOUNDS, MIXTURES OR PREPARATIONS THAT**
33 **MAY BE USED ON PRODUCING HYPNOTIC EFFECTS, OR ALCOHOL TO THE EXTENT THAT**
34 **IT AFFECTS THE ABILITY OF THE DOCTOR OF CHIROPRACTIC TO PRACTICE**
35 **CHIROPRACTIC.**

36 5. **COMMITTING** unprofessional or dishonorable conduct of a character
37 likely to deceive or defraud the public or tending to discredit the
38 profession.

39 6. **Conviction BEING CONVICTED** of a misdemeanor involving moral
40 turpitude or of a felony.

41 7. **COMMITTING** gross malpractice, repeated malpractice or any
42 malpractice resulting in the death of a patient.

43 8. Representing that a manifestly incurable condition can be
44 permanently cured, or that a curable condition can be cured within a
45 stated time, if this is not true.

1 9. Offering, undertaking or agreeing to cure or treat a condition
2 by a secret means, method, device or instrumentality.

3 10. Refusing to divulge to the board on demand the means, method,
4 device or instrumentality used in the treatment of a condition.

5 11. Giving or receiving or aiding or abetting, **EITHER DIRECTLY OR**
6 **INDIRECTLY**, the giving or receiving of **KICKBACKS**, rebates, **~~either directly~~**
7 **~~or indirectly~~** **BONUSES OR OTHER REMUNERATION FOR A REFERRAL**.

8 12. Acting or assuming to act as a member of the board if this is
9 not true.

10 13. Advertising in a false, deceptive or misleading manner.

11 14. Having had a license refused, revoked or suspended by any other
12 state or country, unless it can be shown that the action was not taken for
13 reasons that relate to the ability to safely and skillfully practice
14 chiropractic or to any act of unprofessional conduct.

15 15. **COMMITTING** any conduct or practice contrary to recognized
16 standards in chiropractic or any conduct or practice that constitutes a
17 danger to the health, welfare or safety of the patient or the public or
18 any conduct, practice or condition that impairs the ability of the
19 licensee to safely and skillfully practice chiropractic.

20 16. **ENGAGING IN INCOMPETENT OR NEGLIGENT PRACTICE, INCLUDING**
21 **PROVIDING SUBSTANDARD, INADEQUATE CARE OR IMPROPER TREATMENT OR PERFORMING**
22 **SERVICES THAT DO NOT SUPPORT THE CLINICAL NEEDS OF THE PATIENT**.

23 17. Violating or attempting to violate, directly or indirectly,
24 or assisting in or abetting the violation of or conspiring to violate any
25 **~~of the provisions~~** **PROVISION** of this chapter, **~~or~~** **ANY RULE ADOPTED PURSUANT**
26 **TO THIS CHAPTER**, any **LAWFUL** board order **OR ANY FORMAL ORDER, CONSENT**
27 **AGREEMENT, TERM OF PROBATION OR STIPULATED AGREEMENT ISSUED UNDER THIS**
28 **CHAPTER**.

29 18. Failing to sign the physician's name, wherever required, in
30 any capacity as "chiropractic doctor", "chiropractic physician" or "doctor
31 of chiropractic" or failing to use and affix the initials "D.C." after the
32 physician's name.

33 18. **~~Failing to place or cause to be placed the word or words~~**
34 **~~"chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic~~**
35 **~~physician" in any sign or advertising media.~~**

36 19. Using physical medicine modalities and therapeutic procedures
37 without passing an examination in that subject and without being certified
38 in that specialty by the board.

39 20. Using acupuncture without passing an examination in that subject
40 and without being certified in that specialty by the board.

41 21. **~~Engaging in sexual intercourse or oral sexual contact with a~~**
42 **~~patient in the course of treatment.~~**

43 21. **ENGAGING IN SEXUAL CONDUCT WITH A CURRENT PATIENT OR WITH A**
44 **FORMER PATIENT WITHIN SIX MONTHS AFTER THE LAST CHIROPRACTIC TREATMENT**
45 **UNLESS THE PATIENT WAS THE LICENSEE'S SPOUSE AT THE TIME OF THE CONTACT**

1 OR, IMMEDIATELY PRECEDING THE CHIROPRACTIC PHYSICIAN-PATIENT RELATIONSHIP,
2 WAS IN A DATING OR ENGAGEMENT RELATIONSHIP WITH THE LICENSEE. FOR THE
3 PURPOSES OF THIS PARAGRAPH, "SEXUAL CONDUCT" INCLUDES:

4 (a) ENGAGING IN OR SOLICITING A SEXUAL RELATIONSHIP, WHETHER
5 CONSENSUAL OR NONCONSENSUAL.

6 (b) MAKING SEXUAL ADVANCES, REQUESTING SEXUAL FAVORS OR ENGAGING IN
7 ANY OTHER VERBAL CONDUCT OR PHYSICAL CONDUCT OF A SEXUAL NATURE.

8 (c) INTENTIONALLY VIEWING A COMPLETELY OR PARTIALLY DISROBED PATIENT
9 IN THE COURSE OF TREATMENT IF THE VIEWING IS NOT RELATED TO TREATMENT
10 UNDER CURRENT PRACTICE STANDARDS.

11 22. SEXUALLY HARASSING A PATIENT, FORMER PATIENT, RESEARCH SUBJECT,
12 SUPERVISEE OR COWORKER. FOR THE PURPOSES OF THIS PARAGRAPH, "SEXUALLY
13 HARASSING" INCLUDES SEXUAL SOLICITATION, REQUESTS FOR SEXUAL FAVORS,
14 UNWELCOME COMMENTS OR GESTURES, OR ANY OTHER VERBAL OR PHYSICAL CONDUCT OF
15 A SEXUAL NATURE.

16 ~~22.~~ 23. Billing or otherwise charging a patient or third-party
17 payor for services, appliances, tests, equipment, an x-ray examination or
18 other procedures not actually provided.

19 ~~23.~~ 24. Intentionally misrepresenting to or omitting a material
20 fact from the patient or third-party payor concerning charges, services,
21 appliances, tests, equipment, an x-ray examination or other procedures
22 offered or provided.

23 25. ENGAGING IN FRAUD, IMPROPER BILLING, SUBMITTING FALSE HEALTH
24 CLAIMS, PROVIDING OR ORDERING UNNECESSARY TESTS OR SERVICES, FALSIFYING
25 REPORTS OR RECORDS, FAILING TO MAINTAIN ADEQUATE OR ACCURATE RECORDS OR
26 FAILING TO PROVIDE RECORDS.

27 ~~24.~~ 26. Advertising chiropractic services, appliances, tests,
28 equipment, x-ray examinations or other procedures for a specified price
29 without also specifying the services, procedures or items included in the
30 advertised price.

31 ~~25.~~ 27. Advertising chiropractic services, appliances, tests,
32 equipment, x-ray examinations or other procedures as free without also
33 disclosing what services or items are included in the advertised service
34 or item.

35 ~~26.~~ 28. Billing or charging a patient or third-party payor a higher
36 price than the advertised price in effect at the time the services,
37 appliances, tests, equipment, x-ray examinations or other procedures were
38 provided.

39 ~~27.~~ 29. Advertising a specialty or procedure that requires a
40 separate examination or certificate of specialty, unless the licensee has
41 satisfied the applicable requirements of this chapter.

42 ~~28.~~ 30. ~~SOLICITATION~~ SOLICITING by the licensee or by the
43 licensee's compensated agent ~~or~~ any person who is not previously known by
44 the licensee or the licensee's agent, and who at the time of the
45 solicitation is vulnerable to undue influence, including any person known

1 to have experienced any of the following within the ~~last~~ PRECEDING fifteen
2 days:

- 3 (a) Involvement in a motor vehicle accident.
- 4 (b) Involvement in a work-related accident.

5 (c) Injury by, or as the result of actions of, another person.

6 31. FAILING TO REPORT IN WRITING TO THE BOARD ANY EVIDENCE THAT A
7 CHIROPRACTIC PHYSICIAN IS OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT, IS
8 OR MAY BE IMPAIRED BY DRUGS OR ALCOHOL OR IS MENTALLY OR PHYSICALLY UNABLE
9 TO SAFELY ENGAGE IN THE PERMISSIBLE ACTIVITIES OF A CHIROPRACTIC
10 PHYSICIAN.

11 32. FALSELY REPORTING TO THE BOARD THAT A CHIROPRACTIC PHYSICIAN IS
12 OR MAY BE GUILTY OF UNPROFESSIONAL CONDUCT, IS OR MAY BE IMPAIRED BY DRUGS
13 OR ALCOHOL OR IS MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE
14 PERMISSIBLE ACTIVITIES OF A CHIROPRACTIC PHYSICIAN.

15 33. ENGAGING IN A POLICY OR PRACTICE THAT INTERFERES WITH THE
16 CLINICAL JUDGMENT OF A LICENSEE PROVIDING CHIROPRACTIC SERVICES FOR A
17 BUSINESS ENTITY OR COMPROMISING A LICENSEE'S ABILITY TO COMPLY WITH THIS
18 CHAPTER.

19 34. GIVING OR RECEIVING MONIES FOR REFERRING PATIENTS TO A COMPANY
20 OR ANOTHER PROFESSIONAL, DIVIDING A PROFESSIONAL FEE OR OFFERING,
21 PROVIDING OR RECEIVING ANY CONSIDERATION FOR PATIENT REFERRAL AMONG OR
22 BETWEEN HEALTH CARE PROVIDERS OR HEALTH CARE ENTITIES. THIS PARAGRAPH
23 DOES NOT PROHIBIT THE DIVISION OF FEES AMONG LICENSEES WHO ARE ENGAGED IN
24 A BONA FIDE EMPLOYMENT, PARTNERSHIP OR CORPORATE ORGANIZATION FOR THE
25 DELIVERY OF PROFESSIONAL SERVICES.

26 35. REFERRING A PATIENT BASED ON WHETHER THE REFERRING DOCTOR OF
27 CHIROPRACTIC HAS NEGOTIATED A DISCOUNT FOR SPECIALTY SERVICES. A DOCTOR
28 OF CHIROPRACTIC MAY NOT ACCEPT:

29 (a) COMPENSATION OF ANY KIND FROM ANY SOURCE FOR REFERRING PATIENT
30 OTHER THAN DISTRIBUTION OF A HEALTH CARE ORGANIZATION'S REVENUES AS
31 ALLOWED BY LAW.

32 (b) COMPENSATION FOR SERVICES RELATING TO THE CARE OF A PATIENT FOR
33 ANY HEALTH CARE FACILITY OR ORGANIZATION TO WHICH THE CHIROPRACTIC
34 PHYSICIAN HAS REFERRED THE PATIENT.

35 (c) COMPENSATION FOR REFERRING A PATIENT TO A RESEARCH STUDY,
36 EXCEPT FOR REMUNERATION FOR ADMINISTRATIVE COSTS.

37 36. EXPLOITING A PATIENT FOR FINANCIAL GAIN.

38 37. HARASSING, EXPLOITING OR RETALIATING AGAINST A PATIENT, FORMER
39 PATIENT, RESEARCH SUBJECT, SUPERVISEE, COWORKER, WITNESS OR COMPLAINANT IN
40 A DISCIPLINARY PROCEEDING INVOLVING A LICENSEE OR REGISTRANT.

41 38. INTERFERING IN OR SUBVERTING A BOARD INVESTIGATION.

42 39. IMPROPERLY MANAGING PATIENT HEALTH RECORDS.

43 40. REVEALING A PRIVILEGED COMMUNICATION OR CONFIDENTIAL
44 INFORMATION.

1 41. FAILING TO NOTIFY THE BOARD WITHIN TEN DAYS AFTER HAVING HAD A
2 LICENSE REFUSED, REVOKED OR SUSPENDED BY ANY OTHER STATE OR COUNTRY UNLESS
3 THE LICENSEE CAN SHOW THAT THE ACTION TAKEN DOES NOT RELATE TO THE ABILITY
4 TO SAFELY AND SKILLFULLY PRACTICE CHIROPRACTIC OR TO ANY ACT OF
5 UNPROFESSIONAL CONDUCT.

6 B. The board on its own motion or on receipt of a complaint may
7 investigate any information that appears to show that a doctor of
8 chiropractic **OR A CHIROPRACTIC ASSISTANT** is or may be in violation of this
9 chapter or board rules or is or may be mentally or physically unable to
10 safely engage in the practice of chiropractic **OR ASSIST A DOCTOR OF**
11 **CHIROPRACTIC**. The board shall notify the licensee **OR REGISTRANT** as to the
12 content of the complaint as soon as is reasonable. Any person who reports
13 or provides information to the board in good faith is not subject to civil
14 damages as a result of that action.

15 C. The board may require a licensee **OR REGISTRANT WHO IS** under
16 investigation pursuant to this section to be interviewed by the board or
17 its representatives. The board may require a licensee **OR REGISTRANT** who
18 is under investigation pursuant to this section to undergo, at the
19 licensee's **OR REGISTRANT'S** expense, any combination of medical, physical
20 or mental examinations that the board finds necessary to determine the
21 licensee's **OR REGISTRANT'S** competence.

22 D. If the board finds based on the information it receives under
23 subsections B and C of this section that the public health, safety or
24 welfare imperatively requires emergency ~~action~~ and incorporates a
25 finding to that effect in its order, the board may order a summary
26 suspension of a license **OR REGISTRATION** pending proceedings for revocation
27 or other action. If the board takes this action, ~~it~~ **THE BOARD** shall also
28 serve the licensee **OR REGISTRANT** with a written notice that states the
29 charges and that the licensee **OR REGISTRANT** is entitled to a formal
30 hearing within sixty days.

31 E. If, after completing its investigation, the board finds that the
32 information provided pursuant to this section is not of sufficient
33 seriousness to merit disciplinary action against the licensee, ~~it~~ **THE**
34 **BOARD** may take any of the following actions:

35 1. Dismiss the complaint if in the board's opinion the information
36 is without merit or does not warrant sanction of the licensee **OR**
37 **REGISTRANT**.

38 2. Issue an advisory letter. An advisory letter is a
39 nondisciplinary action and is a public document.

40 3. Issue a nondisciplinary order requiring the licensee **OR**
41 **REGISTRANT** to complete a prescribed number of hours of continuing
42 education in an area or areas prescribed by the board to provide the
43 licensee **OR REGISTRANT** with the necessary understanding of current
44 developments, skills, procedures or treatment. Failure to complete a

1 nondisciplinary order requiring continuing education is a violation of
2 subsection A, paragraph ~~16~~ 17 of this section.

3 F. The board may request a formal interview with the licensee **OR**
4 **REGISTRANT** concerned. At a formal interview the board may receive and
5 consider pertinent documents and sworn statements of persons who may be
6 called as witnesses in a formal hearing. Legal counsel may be present and
7 participate in the formal interview. If the licensee **OR REGISTRANT** accepts the request
8 and the results of the interview indicate suspension or revocation of the
9 license **OR REGISTRATION** may be in order, the board shall issue a complaint
10 and order that a hearing be held pursuant to title 41, chapter 6, article
11 10. If, after the formal interview, the board finds that the information
12 provided pursuant to this section is true but is not of sufficient
13 seriousness to merit suspension or revocation of the license **OR**
14 **REGISTRATION**, ~~or~~ THE BOARD may take any of the following actions:

15 1. Dismiss the complaint if in the board's opinion the information
16 is without merit or does not warrant sanction of the licensee **OR**
17 **REGISTRANT**.

18 2. Issue an advisory letter. An advisory letter is a
19 nondisciplinary action and is a public document.

20 3. Issue an order to cease and desist.

21 4. Issue a letter of concern.

22 5. Issue an order of censure. An order of censure is an official
23 action against the licensee **OR REGISTRANT** and may include a requirement
24 for restitution of fees to a patient resulting from a violation of this
25 chapter or board rules.

26 6. Fix a period and terms of probation best adapted to protect the
27 public health and safety and to rehabilitate or educate the licensee **OR**
28 **REGISTRANT**. Any costs incidental to the terms of probation are at the
29 licensee's **OR REGISTRANT'S** own expense. Probation may include
30 restrictions on the licensee's **OR REGISTRANT'S** license to practice
31 chiropractic.

32 7. Impose a civil penalty of not more than ~~one thousand dollars~~
33 \$1,000 for each violation of this chapter.

34 8. Refuse to renew a license **OR REGISTRATION**.

35 9. Issue a disciplinary or nondisciplinary order requiring the
36 licensee **OR REGISTRANT** to complete a prescribed number of hours of
37 continuing education in an area or areas prescribed by the board to
38 provide the licensee **OR REGISTRANT** with the necessary understanding of
39 current developments, skills, procedures or treatment.

40 G. If the board believes the charge is of such magnitude as to
41 warrant suspension or revocation of the license **OR REGISTRATION**, the board
42 shall immediately initiate formal revocation or suspension proceedings
43 pursuant to title 41, chapter 6, article 10. The board shall notify a
44 licensee **OR REGISTRANT** of a complaint and hearing by certified mail

1 addressed to the licensee's **OR REGISTRANT'S** last known address on record
2 in the board's files. The notice of a complaint and hearing is effective
3 on the date of its deposit in the mail. The board shall hold a formal
4 hearing within one hundred eighty days after that date.

5 H. If the licensee **OR REGISTRANT** wishes to be present at the formal
6 hearing in person or by representation, or both, the licensee **OR**
7 **REGISTRANT** shall file with the board a written answer to the charges in
8 the complaint. A licensee **OR REGISTRANT** who has been notified of a
9 complaint pursuant to this section shall file with the board a written
10 response not more than twenty days after service of the complaint and the
11 notice of hearing. If the licensee **OR REGISTRANT** fails to file an answer
12 in writing, it is deemed an admission of the act or acts charged in the
13 complaint and notice of hearing and the board may take disciplinary action
14 pursuant to this chapter without a hearing.

15 I. Any licensee **OR REGISTRANT** who, after a hearing, is found to be
16 in violation of this chapter or board rules or is found to be mentally or
17 physically unable to safely engage in the practice of chiropractic **OR**
18 **ASSIST A DOCTOR OF CHIROPRACTIC** is subject to any combination of those
19 disciplinary actions identified in subsection F of this section or
20 suspension or revocation of the license **OR REGISTRATION**. In addition, the
21 board may order the licensee **OR REGISTRANT** to pay restitution or all costs
22 incurred in the course of the investigation and formal hearing in the
23 matter, or both.

24 J. The board shall report allegations of evidence of criminal
25 wrongdoing to the appropriate criminal justice agency.

26 K. The board may accept the surrender of an active license **OR**
27 **REGISTRATION** from a licensee **OR REGISTRANT** who admits in writing to having
28 violated this chapter or board rules.

29 L. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, PATIENT STATUS
30 IS NOT DEPENDENT ON BILLING OR PAYMENT OF FEES FOR CHIROPRACTIC SERVICES
31 OR THE ESTABLISHMENT OF A DOCTOR-PATIENT RELATIONSHIP.

32 ~~M.~~ M. For the purposes of this section: **,**

33 1. "COMPENSATION" MEANS SOMETHING GIVEN OR RECEIVED AS PAYMENT,
34 INCLUDING BARTERING, TIPS, MONIES, DONATIONS, GOODS OR SERVICES.

35 2. "Solicitation" includes contact in person, by telephone,
36 telegraph or telefacsimile or by other communication directed to a
37 specific recipient and includes any written form of communication directed
38 to a specific recipient.

39 Sec. 11. Section 32-926, Arizona Revised Statutes, is amended to
40 read:

41 32-926. Practice of chiropractic without license prohibited;
42 exemptions

43 A. It is unlawful for a person to:

44 1. Practice chiropractic in this state without having first
45 obtained a license as provided in this chapter.

1 2. Work as a chiropractic assistant except under the supervision of
2 a doctor of chiropractic and pursuant to this chapter and rules adopted
3 pursuant to this chapter.

4 3. Use the abbreviation "C.A." or the term "chiropractic assistant"
5 unless the person is working under the supervision of a doctor of
6 chiropractic pursuant to this chapter and rules adopted by the board.

7 4. Practice chiropractic in this state after the board places the
8 person on **RETIRED STATUS OR** inactive status pursuant to section 32-933.

9 B. This chapter does not prevent:

10 1. A person who is licensed by another state, territory or district
11 from meeting within this state in consultation with a person licensed
12 pursuant to this chapter if that person does not open an office or appoint
13 a place of meeting to receive patients in this state.

14 2. Any person from acting at the direction and under the
15 supervision of a doctor of chiropractic ~~licensed pursuant to this chapter~~
16 if that person is acting in an assistant or technical capacity, is not in
17 violation of this chapter and does not claim to be licensed to practice
18 chiropractic.

19 3. Any chiropractic student from participating in a preceptorship
20 training program approved by the board.

21 Sec. 12. Section 32-929, Arizona Revised Statutes, is amended to
22 read:

23 32-929. Right to examine and copy evidence; summoning
24 witnesses and documents; taking testimony; right to
25 counsel; court orders; confidentiality

26 A. In connection with an investigation by the board on its own
27 motion, the board or its duly authorized agents or employees shall at all
28 reasonable times have access to, for the purpose of examination, and the
29 right to copy any documents, reports, records or any other physical
30 evidence of any person being investigated, or the reports, records and any
31 other documents maintained by and in possession of any hospital, clinic,
32 physician's office, laboratory, pharmacy, **PERSON WHO IS AUTHORIZED TO**
33 **TRANSACT DISABILITY INSURANCE PURSUANT TO TITLE 20, CHAPTER 6, ARTICLE 4**
34 **OR 5, OR PERSON WHO IS ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO TITLE**
35 **20, CHAPTER 4, ARTICLE 9** or any other public or private agency, and any
36 health care institution as defined in section 36-401 **OR OTHER PARTNERSHIP,**
37 **ASSOCIATION OR CORPORATION THAT PROVIDES HEALTH CARE TO CONSUMERS**, if such
38 documents, reports, records or evidence relate to chiropractic competence,
39 unprofessional conduct or the mental or physical ability of a doctor of
40 chiropractic to safely practice chiropractic.

41 B. For the purpose of all investigations and proceedings conducted
42 by the board:

43 1. The board on its own initiative, or ~~upon~~ **ON** application of any
44 person involved in the investigation, may issue subpoenas compelling the
45 attendance and testimony of witnesses, or demanding the production for

1 examination or copying of documents or any other physical evidence if such
2 evidence relates to chiropractic competence, unprofessional conduct or the
3 mental or physical ability of a doctor of chiropractic to safely practice
4 chiropractic. Within five days after the service of a subpoena on any
5 person requiring the production of any evidence in ~~his~~ THE PERSON'S
6 possession or under ~~his~~ THE PERSON'S control, such person may petition the
7 board to revoke, limit or modify the subpoena. The board shall revoke,
8 limit or modify such subpoena if in its opinion the evidence required does
9 not relate to unlawful practices covered by this chapter, is not relevant
10 to the charge ~~which~~ THAT is the subject matter of the hearing or
11 investigation or does not describe with sufficient particularity the
12 physical evidence whose production is required.

13 2. Any person appearing before the board may be represented by
14 counsel.

15 3. The superior court, ~~upon~~ ON application by the board or by the
16 person subpoenaed, shall have jurisdiction to issue an order either:

17 (a) Requiring such person to appear before the board or the duly
18 authorized agent to produce evidence relating to the matter under
19 investigation.

20 (b) Revoking, limiting or modifying the subpoena if in the court's
21 opinion the evidence demanded does not relate to unlawful practices
22 covered by this chapter, is not relevant to the grounds for censure,
23 suspension, revocation, fines or refusal to issue a license pursuant to
24 section 32-924 which is the subject matter of the hearing or
25 investigation, or does not describe with sufficient particularity the
26 evidence whose production is required. Any failure to obey such order of
27 the court may be punished by such court as contempt.

28 C. Patient records, including clinical records, medical reports,
29 laboratory statements and reports, any file, film, any other report or
30 oral statement relating to examinations, findings or treatment of
31 patients, any information from which a patient or ~~his~~ THE PATIENT'S family
32 might be identified or information received and records kept by the board
33 as a result of the investigation procedure outlined in this chapter are
34 not available to the public.

35 D. ~~Nothing in~~ This section ~~or~~ AND any other provision of law making
36 communications between a chiropractic physician and ~~his~~ THE CHIROPRACTIC
37 PHYSICIAN'S patient a privileged communication ~~applies~~ DO NOT APPLY to
38 investigations or proceedings conducted pursuant to this chapter. The
39 board and its employees, agents and representatives shall keep in
40 confidence the names of any patients whose records are reviewed during the
41 course of investigations and proceedings pursuant to this chapter.

1 Sec. 13. Section 32-931, Arizona Revised Statutes, is amended to
2 read:

3 32-931. Continuing education; requirements

4 A. The board by rule may require each licensee to complete up to
5 ~~twelve THIRTY-TWO~~ hours of continuing education ~~each calendar year as a~~
6 ~~condition of licensure renewal~~ IN EDUCATIONAL INSTRUCTION APPROVED BY THE
7 BOARD DURING THE TWO-YEAR LICENSURE PERIOD IMMEDIATELY PRECEDING RENEWAL.

8 ~~B. Continuing education shall cover topics listed in section~~
9 ~~32-922, subsection B and section 32-922.02 and shall be taught by a~~
10 ~~faculty member of a college or university that is accredited by or has~~
11 ~~status with the council on chiropractic education or is accredited by an~~
12 ~~accrediting agency recognized by the United States department of education~~
13 ~~or the council on postsecondary accreditation. Beginning July 1, 2012,~~
14 ~~the board shall adopt rules to prescribe the continuing education~~
15 ~~requirements.~~

16 ~~C. Compliance with this section shall be documented at the times~~
17 ~~and in the manner as prescribed by the board in rule.~~

18 B. A LICENSEE SHALL SATISFY THE CONTINUING EDUCATION REQUIREMENTS
19 THAT ARE PRESCRIBED BY THE BOARD IN RULE AND THAT ARE A FORMAL PROGRAM OF
20 LEARNING THAT WILL CONTRIBUTE DIRECTLY TO THE PROFESSIONAL COMPETENCE OF
21 THE LICENSEE IN THE PRACTICE OF CHIROPRACTIC. EACH COURSE SHALL BE ON
22 SUBJECTS OF CLINICAL BENEFIT TO THE CONSUMER OF CHIROPRACTIC SERVICES.
23 THE BOARD SHALL ADOPT RULES TO PRESCRIBE THE MANNER OF DOCUMENTING
24 COMPLIANCE WITH THIS SUBSECTION.

25 D. C. Failure of a person holding a license to practice
26 chiropractic to comply with this section without adequate cause being
27 shown is grounds for probation or suspension of the person's license.

28 Sec. 14. Section 32-933, Arizona Revised Statutes, is amended to
29 read:

30 32-933. Inactive license; restrictions; reinstatement to
31 active license; definition

32 A. On written request, the board shall place a licensee ~~WHO IS~~ in
33 good standing on inactive status. The request shall state that the
34 licensee is not currently engaged in the practice of chiropractic in this
35 state.

36 B. If an inactive licensee applies to the board for reinstatement
37 to active licensure within two years after the date the board issues a
38 notice of inactive status, the inactive licensee shall submit the full
39 annual license renewal fee and prove to the board's satisfaction that the
40 licensee has met the continuing education requirements of section 32-931
41 and board rules relating to continuing education.

42 C. In addition to meeting the requirements of subsection B of this
43 section, a licensee who has been on inactive status and who has not been
44 actively engaged in the practice of chiropractic for more than two years

1 must pass the national board of chiropractic examiners spec examination
2 before ~~reinstatement~~ BEING REINSTATED to active licensure.

3 D. A licensee who is on inactive status shall meet all of the
4 requirements of section 32-923.

5 E. The practice of chiropractic in this state during any time that
6 a license is on inactive status is grounds for sanction of the licensee.

7 F. FOR THE PURPOSES OF THIS SECTION, "GOOD STANDING" MEANS THAT A
8 LICENSEE IS NOT PRESENTLY UNDER INVESTIGATION BY THE BOARD OR ANOTHER
9 JURISDICTION AND THE BOARD HAS NOT INITIATED ANY DISCIPLINARY PROCEEDING
10 AGAINST THE LICENSEE.

11 Sec. 15. Section 41-619.51, Arizona Revised Statutes, is amended to
12 read:

13 **41-619.51. 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 Arizona game and fish department, the Arizona department of agriculture,
22 the board of examiners of nursing care institution administrators and
23 assisted living facility managers, the state board of dental examiners,
24 the Arizona state board of pharmacy, the board of physical therapy, the
25 state board of psychologist examiners, the board of athletic training, the
26 board of occupational therapy examiners, the state board of podiatry
27 examiners, the acupuncture board of examiners, the state board of
28 technical registration, ~~or~~ the board of massage therapy, ~~or~~ the Arizona
29 department of housing **OR THE STATE BOARD OF CHIROPRACTIC EXAMINERS.**

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 (w) SECTION 32-921.
- 22 (x) Section 32-1232.
- 23 (y) Section 32-1276.01.
- 24 (z) Section 32-1284.
- 25 (aa) Section 32-1297.01.
- 26 (bb) Section 32-1904.
- 27 (cc) Section 32-1941.
- 28 (dd) Section 32-1982.
- 29 (ee) Section 32-2022.
- 30 (ff) Section 32-2063.
- 31 (gg) Section 32-2108.01.
- 32 (hh) Section 32-2123.
- 33 (ii) Section 32-2371.
- 34 (jj) Section 32-3430.
- 35 (kk) Section 32-3620.
- 36 (ll) Section 32-3668.
- 37 (mm) Section 32-3669.
- 38 (nn) Section 32-3922.
- 39 (oo) Section 32-3924.
- 40 (pp) Section 32-4128.
- 41 (qq) Section 32-4222.
- 42 (rr) Section 36-113.
- 43 (ss) Section 36-207.
- 44 (tt) Section 36-411.
- 45 (uu) Section 36-425.03.

1 (uu) (vv) Section 36-446.04.
2 (vv) (ww) Section 36-594.01.
3 (ww) (xx) Section 36-594.02.
4 (xx) (yy) Section 36-766.01.
5 (yy) (zz) Section 36-882.
6 (zz) (aaa) Section 36-883.02.
7 (aaa) (bbb) Section 36-897.01.
8 (bbb) (ccc) Section 36-897.03.
9 (ccc) (ddd) Section 36-3008.
10 (ddd) (eee) Section 41-619.53.
11 (eee) (fff) Section 41-1964.
12 (fff) (ggg) Section 41-1967.01.
13 (ggg) (hhh) Section 41-1968.
14 (hhh) (iii) Section 41-1969.
15 (iii) (jjj) Section 41-2814.
16 (jjj) (kkk) Section 41-4025.
17 (kkk) (lll) Section 46-141, subsection A or B.
18 (lll) (mmm) Section 46-321.
19 Sec. 16. Section 41-1758, Arizona Revised Statutes, is amended to
20 read:
21 41-1758. Definitions
22 In this article, unless the context otherwise requires:
23 1. "Agency" means the supreme court, the department of economic
24 security, the department of child safety, the department of education, the
25 department of health services, the department of juvenile corrections, the
26 department of emergency and military affairs, the department of public
27 safety, the department of transportation, the state real estate
28 department, the department of insurance and financial institutions, the
29 board of fingerprinting, the Arizona game and fish department, the Arizona
30 department of agriculture, the board of examiners of nursing care
31 institution administrators and assisted living facility managers, the
32 state board of dental examiners, the Arizona state board of pharmacy, the
33 board of physical therapy, the state board of psychologist examiners, the
34 board of athletic training, the board of occupational therapy examiners,
35 the state board of podiatry examiners, the acupuncture board of examiners,
36 the state board of technical registration, the board of massage therapy,
37 or the Arizona department of housing **OR THE STATE BOARD OF CHIROPRACTIC
EXAMINERS.**
38
39 2. "Division" means the fingerprinting division in the department
40 of public safety.
41 3. "Electronic or internet-based fingerprinting services" means a
42 secure system for digitizing applicant fingerprints and transmitting the
43 applicant data and fingerprints of a person or entity submitting
44 fingerprints to the department of public safety for any authorized purpose
45 under this title. For the purposes of this paragraph, "secure system"

1 means a system that complies with the information technology security
2 policy approved by the department of public safety.

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

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

- 7 (a) Section 3-314.
- 8 (b) Section 8-105.
- 9 (c) Section 8-322.
- 10 (d) Section 8-463.
- 11 (e) Section 8-509.
- 12 (f) Section 8-802.
- 13 (g) Section 15-183.
- 14 (h) Section 15-503.
- 15 (i) Section 15-512.
- 16 (j) Section 15-534.
- 17 (k) Section 15-763.01.
- 18 (l) Section 15-782.02.
- 19 (m) Section 15-1330.
- 20 (n) Section 15-1881.
- 21 (o) Section 17-215.
- 22 (p) Section 28-3228.
- 23 (q) Section 28-3413.
- 24 (r) Section 32-122.02.
- 25 (s) Section 32-122.05.
- 26 (t) Section 32-122.06.
- 27 (u) Section 32-823.
- 28 (v) **SECTION 32-921.**
- 29 (w) Section 32-1232.
- 30 (x) Section 32-1276.01.
- 31 (y) Section 32-1284.
- 32 (z) Section 32-1297.01.
- 33 (aa) Section 32-1904.
- 34 (bb) Section 32-1941.
- 35 (cc) Section 32-1982.
- 36 (dd) Section 32-2022.
- 37 (ee) Section 32-2063.
- 38 (ff) Section 32-2108.01.
- 39 (gg) Section 32-2123.
- 40 (hh) Section 32-2371.
- 41 (ii) Section 32-3430.
- 42 (jj) Section 32-3620.
- 43 (kk) Section 32-3668.
- 44 (ll) Section 32-3669.
- 45 (mm) Section 32-3922.

1 ~~(nnn)~~ (nn) Section 32-3924.
2 ~~(ooo)~~ (oo) Section 32-4128.
3 ~~(ppp)~~ (pp) Section 32-4222.
4 ~~(qqq)~~ (qq) Section 36-113.
5 ~~(rrr)~~ (rr) Section 36-207.
6 ~~(sss)~~ (ss) Section 36-411.
7 ~~(ttt)~~ (tt) Section 36-425.03.
8 ~~(uuu)~~ (uu) Section 36-446.04.
9 ~~(vvv)~~ (vv) Section 36-594.01.
10 ~~(www)~~ (ww) Section 36-594.02.
11 ~~(xxx)~~ (xx) Section 36-766.01.
12 ~~(yyy)~~ (yy) Section 36-882.
13 ~~(yyy)~~ (zz) Section 36-883.02.
14 ~~(zzz)~~ (aaa) Section 36-897.01.
15 ~~(aaa)~~ (bbb) Section 36-897.03.
16 ~~(bbb)~~ (ccc) Section 36-3008.
17 ~~(ccc)~~ (ddd) Section 41-619.52.
18 ~~(ddd)~~ (eee) Section 41-619.53.
19 ~~(eee)~~ (fff) Section 41-1964.
20 ~~(fff)~~ (ggg) Section 41-1967.01.
21 ~~(ggg)~~ (hhh) Section 41-1968.
22 ~~(hhh)~~ (iii) Section 41-1969.
23 ~~(iii)~~ (jjj) Section 41-2814.
24 ~~(jjj)~~ (kkk) Section 41-4025.
25 ~~(kkk)~~ (111) Section 46-141, subsection A or B.
26 ~~(111)~~ (mmm) Section 46-321.
27 6. "Rap back services" has the same meaning prescribed in section
28 41-1750.
29 7. "Vulnerable adult" has the same meaning prescribed in section
30 13-3623.
31 Sec. 17. Section 41-1758.01, Arizona Revised Statutes, is amended
32 to read:
33 41-1758.01. Fingerprinting division; powers and duties
34 A. The fingerprinting division is established in the department of
35 public safety and shall:
36 1. Conduct fingerprint background checks for persons and applicants
37 who are seeking licenses from state agencies, employment with licensees,
38 contract providers and state agencies or employment or educational
39 opportunities with agencies that require fingerprint background checks
40 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
41 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
42 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, **32-921**,
43 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982,
44 32-2022, 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668,
45 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,

1 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
2 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
3 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
4 and section 46-321.

5 2. Issue fingerprint clearance cards. On issuance, a fingerprint
6 clearance card becomes the personal property of the cardholder and the
7 cardholder shall retain possession of the fingerprint clearance card.

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

12 4. Inform in writing each person who submits fingerprints for a
13 fingerprint background check of the right to petition the board of
14 fingerprinting for a good cause exception pursuant to section 41-1758.03,
15 41-1758.04 or 41-1758.07.

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

23 6. Notify the person in writing if the division suspends, revokes
24 or places a driving restriction notation on a fingerprint clearance card
25 pursuant to section 41-1758.04. The notice shall include the criminal
26 history information on which the suspension, revocation or placement of
27 the driving restriction notation was based. This criminal history
28 information is subject to dissemination restrictions pursuant to section
29 41-1750 and Public Law 92-544.

30 7. Administer and enforce this article.

31 B. The fingerprinting division may contract for electronic or
32 internet-based fingerprinting services through an entity or entities for
33 the acquisition and transmission of applicant fingerprint and data
34 submissions to the department, including identity verified fingerprints
35 pursuant to section 15-106. The entity or entities contracted by the
36 department of public safety may charge the applicant a fee for services
37 provided pursuant to this article. The entity or entities contracted by
38 the department of public safety shall comply with:

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

41 2. The information technology security policy approved by the
42 department of public safety.