

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~~ 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~~  
24 ~~to this chapter only upon the vote of a majority of the full board.~~

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

27        32-904. Powers and duties of the board; rules

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

30        B. The board shall:

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

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

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

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

44        5. ENTER INTO CONTRACTS AND OTHER AGREEMENTS FOR SERVICES NECESSARY  
45 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.~~

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

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

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

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

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

3. Meets all other licensing requirements of this chapter.

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

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

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

Sec. 6. Repeal

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

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

**32-922.02. Specialties; certification**

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

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

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

2. A complete application as prescribed by the board.

3. Documentation of having passed a board-approved acupuncture 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          ~~16.~~ 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          ~~17.~~ 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 ~~of~~ 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~~ 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  
8 refuses the request or if the licensee OR REGISTRANT accepts the request  
9 and the results of the interview indicate suspension or revocation of the  
10 license OR REGISTRATION may be in order, the board shall issue a complaint  
11 and order that a hearing be held pursuant to title 41, chapter 6, article  
12 10. If, after the formal interview, the board finds that the information  
13 provided pursuant to this section is true but is not of sufficient  
14 seriousness to merit suspension or revocation of the license OR  
15 REGISTRATION, ~~16~~ THE BOARD may take any of the following actions:

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

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

21 3. Issue an order to cease and desist.

22 4. Issue a letter of concern.

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

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

33 7. Impose a civil penalty of not more than ~~one thousand dollars~~  
34 \$1,000 for each violation of this chapter.

35 8. Refuse to renew a license OR REGISTRATION.

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

41 G. If the board believes the charge is of such magnitude as to  
42 warrant suspension or revocation of the license OR REGISTRATION, the board  
43 shall immediately initiate formal revocation or suspension proceedings  
44 pursuant to title 41, chapter 6, article 10. The board shall notify a  
45 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 ~~1.~~ M. For the purposes of this section: ~~1.~~

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

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 ~~(v)~~ (w) Section 32-1232.
- 30 ~~(w)~~ (x) Section 32-1276.01.
- 31 ~~(x)~~ (y) Section 32-1284.
- 32 ~~(y)~~ (z) Section 32-1297.01.
- 33 ~~(z)~~ (aa) Section 32-1904.
- 34 ~~(aa)~~ (bb) Section 32-1941.
- 35 ~~(bb)~~ (cc) Section 32-1982.
- 36 ~~(cc)~~ (dd) Section 32-2022.
- 37 ~~(dd)~~ (ee) Section 32-2063.
- 38 ~~(ee)~~ (ff) Section 32-2108.01.
- 39 ~~(ff)~~ (gg) Section 32-2123.
- 40 ~~(gg)~~ (hh) Section 32-2371.
- 41 ~~(hh)~~ (ii) Section 32-3430.
- 42 ~~(ii)~~ (jj) Section 32-3620.
- 43 ~~(jj)~~ (kk) Section 32-3668.
- 44 ~~(kk)~~ (ll) Section 32-3669.
- 45 ~~(ll)~~ (mm) Section 32-3922.

1       ~~(nnn)~~ (nn) Section 32-3924.  
2       ~~(nn)~~ (oo) Section 32-4128.  
3       ~~(oo)~~ (pp) Section 32-4222.  
4       ~~(pp)~~ (qq) Section 36-113.  
5       ~~(qq)~~ (rr) Section 36-207.  
6       ~~(rr)~~ (ss) Section 36-411.  
7       ~~(ss)~~ (tt) Section 36-425.03.  
8       ~~(tt)~~ (uu) Section 36-446.04.  
9       ~~(uu)~~ (vv) Section 36-594.01.  
10      ~~(vv)~~ (ww) Section 36-594.02.  
11      ~~(ww)~~ (xx) Section 36-766.01.  
12      ~~(xx)~~ (yy) Section 36-882.  
13      ~~(yy)~~ (zz) Section 36-883.02.  
14      ~~(zz)~~ (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)~~ (lll) Section 46-141, subsection A or B.  
26      ~~(lll)~~ (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.