

REFERENCE TITLE: health boards; retaliation; prohibition

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2209

Introduced by
Representative Gress: Senator Werner

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3230.03; RELATING TO HEALTH PROFESSION REGULATORY
BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3230.03, to read:

4 32-3230.03. Retaliatory actions; prohibition; burden of
5 proof; enforcement; remedies; confidentiality;
6 definitions

7 A. A HEALTH PROFESSION REGULATORY BOARD MAY NOT TAKE OR THREATEN
8 RETALIATORY ACTION AGAINST A PROTECTED INDIVIDUAL FOR:

- 9 1. MAKING OR ATTEMPTING TO MAKE A PROTECTED DISCLOSURE.
10 2. PROVIDING INFORMATION TO OR PARTICIPATING IN ANY INVESTIGATION,
11 HEARING, AUDIT OR INQUIRY CONDUCTED BY A GOVERNMENTAL ENTITY.
12 3. REFUSING TO PARTICIPATE IN CONDUCT THE PROTECTED INDIVIDUAL
13 REASONABLY BELIEVES VIOLATES THE LAW OR CONSTITUTES AN ABUSE OF REGULATORY
14 AUTHORITY.
15 4. SEEKING LEGAL COUNSEL OR REPRESENTATION CONCERNING REGULATORY
16 MISCONDUCT.
17 5. ASSISTING ANOTHER PROTECTED INDIVIDUAL IN MAKING A PROTECTED
18 DISCLOSURE.

19 B. A PROTECTED INDIVIDUAL ESTABLISHES A PRIMA FACIE CASE THAT THE
20 HEALTH PROFESSION REGULATORY BOARD TOOK OR THREATENED TO TAKE RETALIATORY
21 ACTION BY SHOWING BOTH:

- 22 1. THAT THE PROTECTED INDIVIDUAL MADE A PROTECTED DISCLOSURE.
23 2. THAT A RETALIATORY ACTION WAS TAKEN WITHIN TWO YEARS AFTER THE
24 PROTECTED DISCLOSURE OCCURRED.

25 C. IF A PRIMA FACIE CASE IS ESTABLISHED PURSUANT TO SUBSECTION B OF
26 THIS SECTION, THE HEALTH PROFESSION REGULATORY BOARD SHALL DEMONSTRATE, BY
27 CLEAR AND CONVINCING EVIDENCE, THAT THE ACTION THE PROTECTED INDIVIDUAL
28 ALLEGES IS RETALIATORY ACTION WOULD HAVE BEEN TAKEN EVEN IN THE ABSENCE OF
29 THE PROTECTED DISCLOSURE.

30 D. EVIDENCE OF INCONSISTENT ENFORCEMENT, DEVIATION FROM STANDARD
31 PROCEDURES OR UNEXPLAINED ESCALATION OF REGULATORY ACTIVITY CREATES AN
32 INFERENCE OF RETALIATORY ACTION.

33 E. THE ATTORNEY GENERAL AND EACH COUNTY ATTORNEY HAVE CONCURRENT
34 AUTHORITY TO:

- 35 1. INVESTIGATE COMPLAINTS ALLEGING VIOLATIONS OF THIS SECTION.
36 2. SUBPOENA DOCUMENTS, WITNESSES AND RECORDS THAT ARE RELEVANT TO
37 AN INVESTIGATION.
38 3. FILE CIVIL ACTIONS TO ENFORCE COMPLIANCE WITH THIS SECTION.

39 F. A PROTECTED INDIVIDUAL MAY REQUEST THE ATTORNEY GENERAL OR THE
40 COUNTY ATTORNEY IN THE COUNTY WHERE THE ALLEGED RETALIATORY ACTION
41 OCCURRED TO CONDUCT AN INVESTIGATION. IF THE ATTORNEY GENERAL HAS A
42 CONFLICT OF INTEREST, THE COUNTY ATTORNEY IN THE COUNTY WHERE THE ALLEGED
43 RETALIATORY ACTION OCCURRED SHALL INVESTIGATE THE COMPLAINT AND TAKE ANY
44 ACTION NECESSARY PURSUANT TO THIS SECTION. A HEALTH PROFESSION REGULATORY

1 BOARD MAY NOT IMPEDE, INTERFERE WITH OR RETALIATE AGAINST ANY PERSON WHO
2 COOPERATES WITH AN INVESTIGATION CONDUCTED PURSUANT TO THIS SUBSECTION.

3 G. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, A PROTECTED
4 INDIVIDUAL MAY BRING A CIVIL ACTION IN SUPERIOR COURT AGAINST A HEALTH
5 PROFESSION REGULATORY BOARD FOR A VIOLATION OF THIS SECTION. IN AN ACTION
6 BROUGHT PURSUANT TO THIS SUBSECTION, THE AVAILABLE REMEDIES INCLUDE THE
7 FOLLOWING:

- 8 1. THE REINSTATEMENT OR RESTORATION OF LICENSURE OR CERTIFICATION.
- 9 2. THE REMOVAL, SEALING OR CORRECTION OF RETALIATORY INVESTIGATIVE
10 OR DISCIPLINARY RECORDS.
- 11 3. INJUNCTIVE RELIEF, INCLUDING HALTING RETALIATORY INVESTIGATIONS.
- 12 4. AN AWARD OF ACTUAL DAMAGES, INCLUDING LOST EARNINGS.
- 13 5. AN AWARD OF CIVIL PENALTIES UP TO \$25,000 PER VIOLATION.
- 14 6. AN AWARD OF COMPENSATORY DAMAGES, INCLUDING EMOTIONAL DISTRESS
15 AND REPUTATIONAL HARM.
- 16 7. AN AWARD OF REASONABLE ATTORNEY FEES AND COSTS.
- 17 8. AN AWARD OF INTEREST ON ALL MONETARY AWARDS.
- 18 9. AN AWARD OF PUNITIVE DAMAGES FOR WILFUL OR MALICIOUS
19 RETALIATION.

20 H. A CIVIL ACTION BROUGHT PURSUANT TO SUBSECTION G OF THIS SECTION
21 MUST BE FILED WITHIN THREE YEARS AFTER THE RETALIATORY ACTION OCCURRED OR
22 THE PROTECTED INDIVIDUAL KNEW OR SHOULD HAVE KNOWN OF THE RETALIATORY
23 ACTION.

24 I. A HEALTH PROFESSION REGULATORY BOARD SHALL MAINTAIN THE
25 CONFIDENTIALITY OF A PROTECTED INDIVIDUAL'S IDENTITY UNLESS EITHER:

- 26 1. THE PROTECTED INDIVIDUAL CONSENTS TO THE DISCLOSURE IN WRITING.
- 27 2. A COURT DETERMINES DISCLOSURE IS ESSENTIAL TO AN ENFORCEMENT
28 ACTION.

29 J. FOR THE PURPOSES OF THIS SECTION:

30 1. "GOOD FAITH" MEANS THAT THE PROTECTED INDIVIDUAL REASONABLY
31 BELIEVES THE INFORMATION DISCLOSED IS TRUE AT THE TIME OF DISCLOSURE.

32 2. "PROTECTED DISCLOSURE" MEANS ANY GOOD FAITH COMMUNICATION,
33 WHETHER ORAL OR WRITTEN, THAT A PROTECTED INDIVIDUAL REASONABLY BELIEVES
34 EVIDENCES:

- 35 (a) A VIOLATION OF FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION.
- 36 (b) ANY MISUSE, ABUSE OR MISAPPLICATION OF REGULATORY AUTHORITY.
- 37 (c) FRAUD, WASTE, MISMANAGEMENT OR UNETHICAL CONDUCT.
- 38 (d) ANY RETALIATORY, DISCRIMINATORY OR POLITICALLY OR IDEOLOGICALLY
39 MOTIVATED ENFORCEMENT ACTION.
- 40 (e) CONDUCT THAT ENDANGERS PATIENT HEALTH OR PUBLIC SAFETY.
- 41 (f) ANY EFFORT TO IMPEDE, CONCEAL, OBSTRUCT OR INTERFERE WITH
42 INVESTIGATIONS OR OVERSIGHT ACTIVITIES.

43 3. "PROTECTED INDIVIDUAL" MEANS A HEALTH PROFESSIONAL, AN APPLICANT
44 FOR LICENSURE OR CERTIFICATION AS A HEALTH PROFESSIONAL, A RESIDENT,
45 FELLOW OR CLINICAL TRAINEE OF A HEALTH PROFESSION OR ANY INDIVIDUAL ACTING

1 ON BEHALF OF OR ASSISTING A HEALTH PROFESSIONAL IN MAKING A PROTECTED
2 DISCLOSURE.

3 4. "RETALIATORY ACTION" INCLUDES:

4 (a) A LICENSING OR CERTIFICATION DELAY, DENIAL, SUSPENSION OR
5 REVOCATION OR THE IMPOSITION OF ANY CONDITION ON A LICENSE OR
6 CERTIFICATION.

7 (b) THE INITIATION OR EXPANSION OF AN INVESTIGATION.

8 (c) AN ASSESSMENT OF FINES, SANCTIONS OR COSTS.

9 (d) A REFERRAL TO ANY FEDERAL OR INTERSTATE DISCIPLINARY SYSTEM.

10 (e) PUBLIC DISSEMINATION OF ALLEGATIONS OR INVESTIGATIONS.

11 (f) HARASSMENT, INTIMIDATION, COERCION OR DISCRIMINATION.

12 (g) ANY ACTION THAT WOULD DISSUADE A REASONABLE PERSON FROM MAKING
13 A PROTECTED DISCLOSURE.