



Bill Number: S.B. 1235

Shemp Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

Health Profession Regulatory Boards (health boards)

1. Restores the current statutory membership of all affected health boards, excluding:
 - a) the Dental Board;
 - b) the Pharmacy Board;
 - c) the increase of two additional public members on the Optometry Board; and
 - d) the modification of the make-up of the licensed members on the Psychologist Board.
2. Requires, for all health boards, that at least 50 percent of the licensed or certified members be:
 - a) former licensees who are retired and have never had their license revoked or suspended or have voluntarily surrendered their license in lieu of suspension or revocation; or
 - b) validly licensed to practice and are not currently practicing.
3. Subjects all appointment of members to a health board by the Governor to confirmation by the Senate.
4. Allows a health board to fill a public member position by a majority vote if the Governor fails to fill a public member position within one year after the position becomes vacant.
5. Deems a health board appointee as confirmed if the Senate fails to confirm or reject an appointee within one year after the Governor's appointment.

Health Board Oversight Council (Council)

6. Establishes the Council consisting of three members, each of whom is a current executive director of a health board.
7. Requires the Governor to appoint each member on the Council by lot and in the presence of all current executive directors of the health boards.
8. Requires the initial Council members to be appointed by January 1, 2026, for staggered three-year terms.
9. Prohibits an executive director from serving on the Council for at least two full terms before reappointment.

- 10. Prohibits an executive director from refusing appointment to the Council.**
- 11. Prohibits an executive director of a health board who is serving on the Council from reviewing or overseeing any matter relating to that executive director's health board.**
- 12. Allows Council members to use their own health board staff and facilities to facilitate the business of the Council.**
- 13. Requires the Council to review and approve or deny market-sensitive action taken or decisions made by a health board on or after January 1, 2026.**
- 14. Requires the Council to meet at least once each month unless there is no business for the Council to consider.**
- 15. Requires a health board to forward any market-sensitive action taken or decision made to the Council for review.**
- 16. Allows the Council to receive information relating to market-sensitive actions taken or decisions made by a health board from any licensees, certificate holder or other affected person.**
- 17. Requires the Council to notify the health board within 10 business days after receiving a request to review an alleged market-sensitive action.**
- 18. Requires the Council to either agree with the action taken or decision made or refer the issue back to the health board for reconsideration within 90 days after receiving the market-sensitive action for review.**
- 19. Requires the Council's decision to include a summary of the decision and the justification for the decision.**

Health Board Reports

- 20. Requires each health board, by November 1, 2025, to submit a report to the Governor, President of the Senate, Speaker of the House of Representatives and Secretary of State outlining the laws, rules and internal processes that dictate the following:**
 - a) all requirements for each type of license or certificate issued by the health board, including:**
 - i. education and training requirements;**
 - ii. continuing education requirements;**
 - iii. initial and renewal licensure and certification application processes and time frames;**
 - iv. application and initial and renewal licensing and certification fees; and**
 - v. required background checks and any offenses that would preclude licensure or certification;**
 - b) how the health board receives and investigates complaints and the types of disciplinary authority the health board possesses, including appeal processes;**
 - c) the number of full-time employees of the Health Board and their corresponding duties;**
 - d) hiring, onboarding and termination of employees of the health board;**
 - e) a description of documents and discipline records retention;**

- f) a description of current contracts with third-party vendors and the services being provided by the vendors; and
- g) a description of health board positions, including qualifications, term length and any prohibitions on consecutive terms.

21. States that the Legislature intends that this report to provide it with adequate information to facilitate the revision and consolidation of statutes governing each health board in an effort to create uniformity and consistency in application while allowing for necessary exceptions essential to the operation and regulatory authority of each health board.

22. Repeals the health board reporting requirement on July 1, 2026.

Miscellaneous

23. Defines *market-sensitive action* as actions or decisions by a health board that create barriers to market participation and restrict competition, including:

- a) modifying examination passage scores;
- b) adopting or modifying advertising restrictions;
- c) changing fees or civil penalties;
- d) expanding or restricting the scope of practice of a licensee or certificate holder; and
- e) demonstrating a pattern of disciplinary actions that creates barriers to market participation.

24. Defines *health board* and *health professional*.

25. Makes technical and conforming changes.

SHAMP FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1235
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 32-802, Arizona Revised Statutes, is amended to
3 read:

4 32-802. State board of podiatry examiners; members;
5 compensation; employees; immunity

6 A. The state board of podiatry examiners is established consisting
7 of five members who are appointed by the governor [PURSUANT TO SECTION
8 38-211, EXCEPT THAT:

9 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
10 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
11 MEMBER POSITION BY A MAJORITY VOTE.

12 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
13 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

14 [B.] Each member shall be appointed for a term of five years, to
15 begin and end on February 1.

16 [B.][C.] Before appointment by the governor [OR BOARD], a
17 prospective member of the board shall submit a full set of fingerprints to
18 the governor for the purpose of obtaining a state and federal criminal
19 records check pursuant to section 41-1750 and Public Law 92-544. The
20 department of public safety may exchange this fingerprint data with the
21 federal bureau of investigation.

22 [C.][D.] ~~Three~~ [TWO MEMBERS] [ONE MEMBER] of the board shall have
23 practiced podiatry continuously in this state for ~~not less than~~ AT LEAST
24 two years immediately preceding appointment and shall have [A] valid
25 [Licenses][LICENSE] to practice podiatry. [TWO MEMBERS OF THE BOARD SHALL
26 BE MEMBERS WHO HAVE NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE
27 VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION
28 AND WHO ARE FORMER LICENSEES WHO ARE RETIRED FROM THE PRACTICE OF PODIATRY
29 IN THIS STATE OR WHO HAVE A VALID LICENSE TO PRACTICE PODIATRY AND ARE NOT

1 CURRENTLY PRACTICING.] [Two] ~~[THREE]~~ members of the board shall be ~~ten~~
2 ~~persons~~ LAYPERSONS. All members of the board shall be citizens of the
3 United States.

4 ~~[D.]~~[E.] A vacancy on the board occurring other than by the
5 expiration of a term shall be filled by appointment by the governor for
6 the unexpired term.

7 ~~[F.]~~[E.] All appointments shall be made promptly, and in the case
8 of the vacancy of a professional member or members, appointment shall be
9 made no later than ninety days from the expiration of the term or vacancy.

10 ~~[F.]~~[G.] The term of any member, at the discretion of the board,
11 may end and the office be declared vacant for the member's failure to
12 attend three consecutive meetings of the board.

13 ~~[G.]~~[H.] Members of the board shall receive compensation of ~~fifty~~
14 ~~dollars~~ \$50 for each day of actual service in the business of the board.

15 ~~[H.]~~[I.] Subject to title 41, chapter 4, article 4, the board may
16 employ personnel, including trained investigators, as it deems necessary
17 to carry out the purposes of this chapter.

18 ~~[I.]~~[J.] Members and personnel of the board are personally immune
19 from suit with respect to all acts done and actions taken in good faith
20 and in furtherance of the purposes of this chapter.

21 Sec. 2. Section 32-901, Arizona Revised Statutes, is amended to
22 read:

23 32-901. State board of chiropractic examiners; members;
24 removal; immunity

25 A. The state board of chiropractic examiners is established
26 consisting of [FIVE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR PURSUANT TO
27 SECTION 38-211. EXCEPT THAT:

28 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
29 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
30 MEMBER POSITION BY A MAJORITY VOTE.

31 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
32 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

33 B.] ~~three~~ TWO [MEMBERS OF THE BOARD WHO HAVE NEVER HAD THEIR
34 LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE
35 IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE
36 RETIRED FROM THE PRACTICE OF CHIROPRACTIC IN THIS STATE OR WHO HAVE A
37 VALID LICENSE TO PRACTICE CHIROPRACTIC AND ARE NOT CURRENTLY PRACTICING.
38 ONE MEMBER OF THE BOARD SHALL BE A] licensed ~~[chiropractors]~~[CHIROPRACTOR]
39 and ~~[two]~~ [THREE] [MEMBERS OF THE BOARD SHALL BE] consumer members ~~[who~~
40 ~~are appointed by the governor]~~. ~~[One]~~[EACH] member shall be appointed
41 each year for a term of five years, to begin and end on July 1.

42 ~~[B.]~~ [C.] Before appointment by the governor [OR BOARD], a
43 prospective member of the board shall submit a full set of fingerprints to
44 the governor for the purpose of obtaining a state and federal criminal
45 records check pursuant to section 41-1750 and Public Law 92-544. The
46 department of public safety may exchange this fingerprint data with the
47 federal bureau of investigation.

1 ~~[C.]~~ ~~[D.]~~ Each member of the board shall be a resident of this
2 state, and ~~[each of]~~ the licensed chiropractic ~~[members]~~ ~~[MEMBER]~~ shall
3 have practiced chiropractic in this state for three years or more. The
4 ~~[two]~~ ~~[THREE]~~ consumer members of the board shall not be in any manner
5 connected with, or have an interest in, any college or school of
6 chiropractic or any person practicing any form of healing or treatment of
7 bodily or mental ailments. A board member shall not receive compensation
8 as an agent or employee of or a contractor for an insurance company. This
9 subsection does not prevent ~~[a]~~ ~~[THE]~~ board member who is a licensed
10 chiropractor from receiving compensation from an insurance company for
11 patient care as provided for in a patient's insurance policy.

12 ~~[D.]~~ ~~[E.]~~ Before taking office, each board member shall take an oath
13 prescribed by law and shall affirm by oath that the board member meets the
14 qualifications as prescribed in this section.

15 ~~[E.]~~ ~~[F.]~~ The governor may remove board members for neglect of duty,
16 malfeasance or misfeasance in office. Vacancies occurring on the board
17 other than by expiration of a term shall be filled for the unexpired
18 portion of the term by appointment in the same manner as regular
19 appointments.

20 ~~[F.]~~ ~~[G.]~~ A member of the board may not serve more than two
21 consecutive terms.

22 ~~[G.]~~ ~~[H.]~~ A board member who acts within the board member's
23 authority is personally immune from civil liability with respect to all
24 actions taken in good faith pursuant to this chapter.

25 Sec. 3. Section 32-1203, Arizona Revised Statutes, is amended to
26 read:

27 32-1203. State board of dental examiners: members:
28 qualifications; terms

29 A. The state board of dental examiners is established consisting of
30 ~~six~~ ONE licensed ~~dentists~~ DENTIST, ~~two~~ ONE licensed dental ~~hygienists~~
31 ~~[HYGIENIST]~~ ~~[HYGIENIST]~~, ~~two~~ FOUR public members and one business entity
32 member WHO ARE appointed by the governor [PURSUANT TO SECTION 38-211,
33 EXCEPT THAT:

34 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
35 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
36 MEMBER POSITION BY A MAJORITY VOTE.

37 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
38 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

39 B. EACH MEMBER OF THE BOARD IS APPOINTED] for a term of four years,
40 to begin and end on January 1.

41 ~~[B.]~~ ~~[C.]~~ Before appointment by the governor [OR BOARD], a
42 prospective member of the board shall submit a full set of fingerprints to
43 the governor for the purpose of obtaining a state and federal criminal
44 records check pursuant to section 41-1750 and Public Law 92-544. The
45 department of public safety may exchange this fingerprint data with the
46 federal bureau of investigation.

1 ~~[C.]~~[D.] The business entity member and the public members may
2 participate in all board proceedings and determinations, except in
3 preparing, giving or grading examinations for licensure. THE dental
4 hygienist board ~~members~~ MEMBER may participate in all board proceedings
5 and determinations, except in preparing, giving and grading examinations
6 that do not relate to dental hygiene procedures.

7 ~~[D.]~~[E.] A board member shall not serve more than two consecutive
8 terms.

9 ~~[E.]~~[F.] For the purposes of this section, the business entity
10 member must be an employee or owner of a registered business entity
11 pursuant to section 32-1213 and may not include a person who is licensed
12 pursuant to this chapter.

13 Sec. 4. Section 32-1402, Arizona Revised Statutes, is amended to
14 read:

15 32-1402. Arizona medical board; members; appointment;
16 qualifications; term; removal; compensation;
17 immunity; report

18 A. The Arizona medical board is established. The board consists of
19 twelve members, ~~[four]~~ ~~[SEVEN]~~ of whom ~~shall~~ represent the public~~[.]~~ ~~[and]~~
20 ~~eight~~ ~~[FIVE]~~ ~~[FOUR]~~ of whom ~~shall be~~ ARE actively practicing medicine ~~[AND]~~
21 FOUR OF WHOM HAVE NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE
22 VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION
23 AND WHO ARE FORMER LICENSEES WHO ARE RETIRED FROM THE PRACTICE OF MEDICINE
24 IN THIS STATE OR WHO HAVE A VALID LICENSE TO PRACTICE MEDICINE AND ARE NOT
25 CURRENTLY PRACTICING. One of the ~~[four]~~ ~~[SEVEN]~~ public members shall be
26 a licensed practical nurse or a professional nurse, as defined in chapter
27 15 of this title, with at least five years' experience. The ~~[eight]~~
28 ~~[FIVE]~~ physicians must be from at least three different counties of ~~the~~
29 ~~THIS~~ state. Not more than ~~[five]~~ ~~[TWO]~~ of the board members may be from
30 any one county. Members of the board are appointed by the governor. All
31 appointments shall be made promptly. The governor shall make all
32 appointments pursuant to section 38-211~~[.]~~ EXCEPT THAT:

33 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
34 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
35 MEMBER POSITION BY A MAJORITY VOTE.

36 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
37 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

38 B. [EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION,] each
39 doctor of medicine who is appointed to the board shall have been a
40 resident of this state and actively engaged in the practice of medicine as
41 a licensed physician in this state for at least the five years before
42 appointment.

43 C. The term of office of a member of the board is five years,
44 commencing on July 1 and terminating on July 1 of the fifth year. Each
45 member is eligible for reappointment for not more than one additional
46 term. However, the term of office for a member of the board appointed to
47 fill a vacancy occasioned other than by expiration of a full term is for

1 the unexpired portion of that term. Each member may be appointed only
2 once to fill a vacancy caused other than by expiration of a term. The
3 governor may reappoint that member to not more than two additional full
4 terms. Each member of the board shall continue to hold office until the
5 appointment and qualification of that member's successor, subject to the
6 following exceptions:

7 1. A member of the board, after notice and a hearing before the
8 governor, may be removed on a finding by the governor of continued neglect
9 of duty, incompetence, or unprofessional or dishonorable conduct, in
10 which event that member's term shall end when the governor makes this
11 finding.

12 2. The term of any member automatically ends:

13 (a) On death.

14 (b) On written resignation submitted to the board chairman or to
15 the governor.

16 (c) On absence from ~~the~~ THIS state for a period of more than six
17 months.

18 (d) For failure to attend three consecutive meetings of the board.

19 (e) Five years after retirement from the active practice of
20 medicine.

21 D. The board shall annually elect, from among its membership, a
22 ~~chairman~~ CHAIRPERSON, a ~~vice-chairman~~ VICE CHAIRPERSON and a secretary,
23 who shall hold their respective offices at the pleasure of the board.

24 E. Board members are eligible to receive compensation in the amount
25 of up to ~~two hundred fifty dollars~~ \$250 per day for each day of actual
26 service in the business of the board, including time spent in preparation
27 for and attendance at board meetings, and all expenses necessarily and
28 properly incurred in attending meetings of the board.

29 F. Members of the board are personally immune from suit with
30 respect to all acts done and actions taken in good faith and in
31 furtherance of the purposes of this chapter.

32 G. The board shall submit a written report to the governor, the
33 Arizona regulatory board of physician assistants and the members of the
34 health and human services committee of the senate and the health committee
35 of the house of representatives, or their successor committees, ~~no~~ NOT
36 later than August 31 of each year on the board's licensing and
37 disciplinary activities for the previous fiscal year. The report must
38 include both of the following:

39 1. Information regarding staff turnover that indicates whether the
40 person was temporary, part-time or full-time and in which department or
41 division the person worked.

42 2. The number of investigators who have been hired and how many of
43 them have completed the investigator training program required by section
44 32-1405.

45 H. Public members appointed to the board may submit a separate
46 written report to the governor ~~by~~ ON OR BEFORE August 31 of each year

1 setting forth their comments relative to the board's licensing and
2 disciplinary activities for the previous fiscal year.

3 Sec. 5. Section 32-1502, Arizona Revised Statutes, is amended to
4 read:

5 32-1502. Naturopathic physicians medical board; members;
6 appointment; qualifications; terms; immunity

7 A. The naturopathic physicians medical board is established
8 consisting of the following members:

9 1. ~~Four~~ ~~[THREE]~~~~[TWO]~~ physician members WHO ARE appointed by the
10 governor. Each physician member shall be:

11 (a) A resident of this state for at least five years immediately
12 preceding the appointment.

13 (b) A doctor of naturopathic medicine with a degree from a
14 naturopathic school or college approved by the board who has engaged in
15 full-time practice of naturopathic medicine for at least five years
16 immediately preceding the appointment.

17 [2. TWO MEMBERS WHO HAVE NEVER HAD THEIR LICENSE REVOKED OR
18 SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF
19 SUSPENSION OR REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE RETIRED FROM
20 THE PRACTICE OF NATUROPATHIC MEDICINE IN THIS STATE OR WHO HAVE A VALID
21 LICENSE TO PRACTICE NATUROPATHIC MEDICINE AND ARE NOT CURRENTLY
22 PRACTICING.]

23 ~~[2.]~~ ~~[3.]~~ ~~[Three]~~ ~~[FOUR]~~ public members appointed by the governor.
24 Each public member shall:

25 (a) Be a resident of this state for at least five years immediately
26 preceding the appointment.

27 (b) Not be connected, in any manner, with or have any interest in a
28 school of medicine, a health care institution or any person practicing any
29 form of healing or treatment of bodily or mental ailments.

30 (c) Demonstrate an interest in the health problems in this state.

31 [B. ALL MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
32 PURSUANT TO SECTION 38-211, EXCEPT THAT:

33 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
34 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
35 MEMBER POSITION BY A MAJORITY VOTE.

36 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
37 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.]

38 ~~[B.]~~~~[C.]~~ Before appointment by the governor ~~[OR BOARD]~~, a
39 prospective member of the board shall submit a full set of fingerprints to
40 the governor for the purpose of obtaining a state and federal criminal
41 records check pursuant to section 41-1750 and Public Law 92-544. The
42 department of public safety may exchange this fingerprint data with the
43 federal bureau of investigation.

44 ~~[C.]~~~~[D.]~~ The terms of office of the physician members and the
45 public members are five years to begin and end on June 30. Each physician
46 member and each public member continue to hold office until the

1 appointment and qualification of their successors, subject to the
2 following exceptions:

3 1. A member of the board may be removed from office if the governor
4 finds the member was guilty of malfeasance, misfeasance or dishonorable
5 conduct.

6 2. The term of any member automatically ends on resignation,
7 permanent removal from this state or removal from this state for a period
8 of more than six months.

9 ~~[D.]~~[E.] There shall be no monetary liability on the part of and no
10 cause of action shall arise against the members of the board, the
11 secretary-treasurer or permanent or temporary personnel of the board for
12 any act done or proceeding undertaken or performed in good faith and in
13 furtherance of the purposes of this chapter.

14 Sec. 6. Section 32-1602, Arizona Revised Statutes, is amended to
15 read:

16 32-1602. Arizona state board of nursing; members; terms;
17 immunity

18 A. The Arizona state board of nursing is established consisting of
19 [eleven] [NINE] members who are appointed by the governor [PURSUANT TO
20 SECTION 38-211, EXCEPT THAT:

21 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
22 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
23 MEMBER POSITION BY A MAJORITY VOTE.

24 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
25 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

26 [B.] [Six] [TWO] members shall be registered nurses, including at
27 least one registered nurse practitioner, clinical nurse specialist or
28 certified registered nurse anesthetist. One member shall be a nursing
29 assistant or a nursing assistant educator. [Two] [FIVE] members shall
30 represent the public and [two members] [ONE MEMBER] shall be [A-] licensed
31 practical [nurses] [NURSE]. [AT LEAST FIFTY PERCENT OF THE LICENSED OR
32 CERTIFIED MEMBERS OF THE BOARD SHALL BE MEMBERS WHO HAVE NEVER HAD THEIR
33 LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE
34 IN LIEU OF SUSPENSION OR REVOCATION AND FORMER LICENSEES WHO ARE RETIRED
35 FROM THE PRACTICE OF NURSING IN THIS STATE OR WHO HAVE A VALID LICENSE TO
36 PRACTICE NURSING AND ARE NOT CURRENTLY PRACTICING.] Members shall be
37 appointed for a term of five years, to begin and end on June 30.

38 ~~[B.]~~[C.] Before appointment by the governor [OR BOARD], a
39 prospective member of the board shall submit a full set of fingerprints to
40 the governor for the purpose of obtaining a state and federal criminal
41 records check pursuant to section 41-1750 and Public Law 92-544. The
42 department of public safety may exchange this fingerprint data with the
43 federal bureau of investigation.

44 ~~[C.]~~[D.] On or before May 1 each year and at any other time a
45 vacancy on the board occurs, the governor shall make an appointment or
46 appointments to the board. AN appointment to fill a vacancy other than by

1 expiration shall be for the unexpired term. A person shall not serve more
2 than two consecutive terms as a member of the board.

3 ~~[D.]~~[E.] The governor may remove any person from the board for
4 neglect of any duty imposed by law or for incompetency or unprofessional
5 or dishonorable conduct.

6 ~~[F.]~~[E.] A board member's term automatically ends:

7 1. On the death of the member.

8 2. On the member's written resignation submitted to the board
9 president or to the governor.

10 3. On the member's failure to attend three consecutive board
11 meetings.

12 ~~[F.]~~[G.] A board member who acts within the scope of board duties,
13 without malice and in the reasonable belief that the member's action is
14 warranted by law is not subject to civil liability.

15 Sec. 7. Section 32-1672, Arizona Revised Statutes, is amended to
16 read:

17 32-1672. State board of dispensing opticians; members;
18 qualifications; terms; removal; immunity

19 A. The state board of dispensing opticians is established
20 consisting of seven members WHO ARE appointed by the governor [PURSUANT TO
21 SECTION 38-211, EXCEPT THAT:

22 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
23 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
24 MEMBER POSITION BY A MAJORITY VOTE.

25 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
26 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

27 [B.] ~~Five~~ THREE members of the board [SHALL BE MEMBERS WHO HAVE
28 NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY
29 SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE
30 FORMER LICENSEES WHO ARE RETIRED IN THIS STATE OR WHO HAVE A VALID LICENSE
31 TO PRACTICE AND ARE NOT CURRENTLY PRACTICING. TWO MEMBERS] shall be
32 licensees in good standing under this chapter. [Two] ~~[FOUR]~~ members of
33 the board shall be public members.

34 ~~[B.]~~ [C.] Before appointment by the governor [OR BOARD], a
35 prospective member of the board shall submit a full set of fingerprints to
36 the governor for the purpose of obtaining a state and federal criminal
37 records check pursuant to section 41-1750 and Public Law 92-544. The
38 department of public safety may exchange this fingerprint data with the
39 federal bureau of investigation.

40 ~~[C.]~~ [D.] Each member shall serve for a term of five years
41 expiring on the first day in January of the appropriate year. A member
42 shall not serve for more than two complete consecutive terms.

43 ~~[D.]~~ [E.] The board shall elect from among its membership a
44 ~~chairman~~ CHAIRPERSON and such other officers as it deems necessary, who
45 shall hold their offices at the pleasure of the board.

1 ~~[F.]~~ [E.] Members of the board are eligible to receive
2 compensation in the amount of ~~fifty dollars~~ \$50 for each day of actual
3 service in the business of the board.

4 ~~[F.]~~ [G.] The governor may remove a board member from office if
5 the governor determines that the member is guilty of malfeasance,
6 misfeasance or dishonorable conduct.

7 ~~[G.]~~ [H.] The board, the secretary-treasurer of the board and
8 permanent and temporary board personnel are immune from civil liability
9 for any act the board, its officers and board personnel perform in good
10 faith and in furtherance of this chapter.

11 Sec. 8. Section 32-1702, Arizona Revised Statutes, is amended to
12 read:

13 32-1702. State board of optometry; members; appointment;
14 qualifications; terms; removal; meetings

15 A. The state board of optometry is established consisting of the
16 following members who are appointed by the governor to staggered four-year
17 terms that end on July 1:

18 1. ~~Five~~ THREE members [WHO HAVE NEVER HAD THEIR LICENSE REVOKED OR
19 SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF
20 SUSPENSION OR REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE RETIRED FROM
21 THE PRACTICE OF OPTOMETRY IN THIS STATE OR WHO HAVE A VALID LICENSE TO
22 PRACTICE OPTOMETRY AND ARE NOT CURRENTLY PRACTICING.]

23 2. TWO MEMBERS] who have been licensed and engaged in the active
24 practice of optometry in this state for at least three years immediately
25 before the appointment.

26 ~~[2.]~~ [3.] ~~Two~~ FOUR public members who do not have a direct or
27 indirect interest in the practice of optometry, opticianry or medicine.

28 [B. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
29 PURSUANT TO SECTION 38-211, EXCEPT THAT:

30 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
31 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
32 MEMBER POSITION BY A MAJORITY VOTE.]

33 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
34 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.]

35 ~~[B.]~~ [C.] Before appointment by the governor [OR BOARD], a
36 prospective member of the board shall submit a full set of fingerprints to
37 the governor for the purpose of obtaining a state and federal criminal
38 records check pursuant to section 41-1750 and Public Law 92-544. The
39 department of public safety may exchange this fingerprint data with the
40 federal bureau of investigation.

41 ~~[C.]~~ [D.] The governor may remove any professional member for
42 incompetency or unprofessional conduct or if the member's license has been
43 revoked or suspended or if the member has been censured or placed on
44 probation. The governor may remove any member for neglect of duty or
45 improper conduct. The unexcused absence of a member for more than two
46 consecutive meetings is justification for removal. Appointment by the

1 governor to fill a vacancy caused other than by expiration of a term is
2 for the unexpired portion of the term.

3 ~~[D.]~~ [E.] A member of the board is ineligible to serve more than
4 two consecutive full terms. The completion of the unexpired portion of a
5 full term does not constitute a full term for purposes of this subsection.

6 ~~[F.]~~ [E.] The board shall conduct regular meetings at least six
7 times each year at times and places designated by the board or the
8 governor. Special meetings may be called that the president determines
9 are necessary to carry out the functions of the board, including meetings
10 using communications equipment that allows all members participating in
11 the meetings to hear each other.

12 ~~[F.]~~ [G.] A majority of the members of the board constitutes a
13 quorum and a majority vote of a quorum present at any meeting governs all
14 actions taken by the board.

15 Sec. 9. Section 32-1801, Arizona Revised Statutes, is amended to
16 read:

17 32-1801. Arizona board of osteopathic examiners in medicine
18 and surgery; members; qualifications; oath;
19 removal

20 A. The Arizona board of osteopathic examiners in medicine and
21 surgery is established consisting of seven members WHO ARE appointed by
22 the governor [PURSUANT TO SECTION 38-211. EXCEPT THAT:

23 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
24 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
25 MEMBER POSITION BY A MAJORITY VOTE.

26 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
27 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

28 B.] ~~[One]~~ [EACH] member of the board shall be appointed each year
29 for a term of five years, to begin and end on April 15.

30 ~~[B.]~~ [C.] Before appointment by the governor [OR BOARD], a
31 prospective member of the board shall submit a full set of fingerprints to
32 the governor for the purpose of obtaining a state and federal criminal
33 records check pursuant to section 41-1750 and Public Law 92-544. The
34 department of public safety may exchange this fingerprint data with the
35 federal bureau of investigation.

36 ~~[C.]~~ [D.] [Two] ~~[FOUR]~~ members of the board shall be public members
37 who ~~shall~~ ARE not ~~be~~ in any manner connected with, or DO NOT have an
38 interest in, any school of medicine or any person practicing any form of
39 healing or treatment of bodily or mental ailments and who ~~has~~ HAVE
40 demonstrated an interest in the health problems of ~~the~~ THIS state. ~~[The~~
41 ~~other]~~ five THREE members of the board [SHALL BE MEMBERS WHO HAVE NEVER
42 HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY SURRENDERED
43 THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE FORMER
44 LICENSEES WHO ARE RETIRED FROM THE PRACTICE OF OSTEOPATHIC MEDICINE IN
45 THIS STATE OR WHO HAVE A VALID LICENSE TO PRACTICE OSTEOPATHIC MEDICINE
46 AND ARE NOT CURRENTLY PRACTICING. TWO MEMBERS] shall have engaged in the
47 practice of medicine as an osteopathic physician in this state for at

1 least five years preceding their appointments, hold active licenses in
2 good standing and, at the time of appointment, be practicing medicine with
3 direct patient contact. In making appointments of each professional
4 member of the board, the governor shall consider a list of qualified
5 persons submitted by the Arizona osteopathic medical association and
6 recommendations by any other person. Members of the board shall continue
7 in office until their successors are appointed and qualified. Each board
8 member, before entering on ~~his~~ THE MEMBER'S duties, shall take an oath
9 prescribed by law and in addition thereto shall make an oath as to ~~his~~ THE
10 MEMBER'S qualifications as prescribed in this section. ~~No~~ A board member
11 may NOT serve more than two consecutive five year terms.

12 ~~[D.][E.]~~ The governor may remove A board ~~members if they fail~~
13 MEMBER WHO FAILS to attend three or more board meetings within twelve
14 months. This does not include telephonic meetings of the board. The
15 governor may also remove A board ~~members~~ MEMBER for malfeasance,
16 misfeasance or incompetence in ~~their~~ office, unprofessional or
17 dishonorable conduct in ~~their~~ office or unprofessional or dishonorable
18 conduct. The governor shall appoint a qualified replacement to fill a
19 vacant position for the unexpired portion of the term.

20 Sec. 10. Section 32-1902, Arizona Revised Statutes, is amended to
21 read:

22 32-1902. Arizona state board of pharmacy: members:
23 qualifications; terms; oath; immunity

24 A. The Arizona state board of pharmacy is established consisting of
25 the following members who are appointed by the governor:

26 1. ~~Six~~ THREE pharmacists, at least one of whom is a pharmacist
27 employed by a licensed hospital and at least one of whom is employed by a
28 community pharmacy and engaged in the day-to-day practice of pharmacy.

29 2. One pharmacy technician.

30 3. ~~Two~~ FIVE public members.

31 [B. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
32 PURSUANT TO SECTION 38-211, EXCEPT THAT:

33 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
34 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
35 MEMBER POSITION BY A MAJORITY VOTE.

36 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
37 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.]

38 ~~[B.]~~ [C.] To be qualified for appointment:

39 1. A pharmacist must be licensed as a pharmacist in this state or
40 any other jurisdiction for a period of at least ten years and licensed as
41 a pharmacist and a resident in this state for a period of at least five
42 years immediately before the date of appointment.

43 2. Each public member must be a resident of this state for a period
44 of at least five years immediately before the date of appointment.

1 3. A pharmacy technician must be a practicing pharmacy technician
2 in this state or any other jurisdiction for at least five years and be
3 licensed as a pharmacy technician and a resident of this state for at
4 least five years immediately before the date of appointment. A pharmacy
5 technician appointed before July 1, 2009 does not have to meet the minimum
6 five year licensure requirement of this paragraph.

7 ~~[C.]~~ [D.] Each pharmacist and pharmacy technician member shall
8 serve for a term of five years. Public members may serve for a term of
9 five years unless removed by the governor. The public members shall after
10 the first of every year present a written report to the governor.
11 Vacancies occurring on the board other than by expiration of term of
12 office shall be filled for the unexpired portion of the term only.

13 ~~[D.]~~ [E.] On or before January 15 of each year in which a
14 pharmacist or a pharmacy technician is to be appointed, the executive
15 director of the pharmacy association of Arizona may submit to the governor
16 a list of the names of at least seven of its members who have been
17 nominated by the association, and who meet the requirements as provided
18 in this section for the next occurring vacancy on the board. The governor
19 may make appointments of licensed pharmacists and pharmacy technicians to
20 the board from the nominees on the list or from others having the
21 necessary qualifications.

22 ~~[E.]~~ [F.] Appointees to the board within thirty days after their
23 appointment shall take and subscribe to an oath or affirmation, before a
24 properly qualified officer, that they will faithfully and impartially
25 perform the duties of their office. The executive director shall file the
26 oath or affirmation with the secretary of state.

27 ~~[F.]~~ [G.] Members of the board are personally exempt from suit
28 with respect to all acts done and actions taken in good faith and in
29 furtherance of this chapter.

30 Sec. 11. Section 32-2002, Arizona Revised Statutes, is amended to
31 read:

32 32-2002. Board of physical therapy; members; appointment;
33 qualifications; terms; removal; reimbursement;
34 immunity

35 A. The board of physical therapy is established consisting of
36 members WHO ARE appointed by the governor pursuant to section 38-211~~].~~
37 EXCEPT THAT:

38 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
39 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
40 MEMBER POSITION BY A MAJORITY VOTE.

41 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
42 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

43 B]. ~~Four~~ TWO members [SHALL BE MEMBERS WHO HAVE NEVER HAD THEIR
44 LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE
45 IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE
46 RETIRED FROM THE PRACTICE OF PHYSICAL THERAPY IN THIS STATE OR WHO HAVE A
47 VALID LICENSE TO PRACTICE PHYSICAL THERAPY AND ARE NOT CURRENTLY

1 PRACTICING. TWO MEMBERS] shall be physical therapists who are residents
2 of this state, possess an unrestricted license to practice physical
3 therapy in this state and have been practicing in this state for at least
4 five years before their appointment. One member shall be a physical
5 therapist assistant who is a resident of this state, possesses an
6 unrestricted license issued pursuant to this chapter and has been
7 performing selected interventions in this state for at least five years
8 before the person's appointment. The governor shall also appoint [two]
9 ~~[FOUR]~~ public members who are residents of this state and who are not
10 affiliated with, and do not have a financial interest in, any health care
11 profession but who have an interest in consumer rights.

12 ~~[B.]~~[C.] Board members serve staggered four-year terms. Board
13 members shall not serve for more than two successive four-year terms or
14 for more than ten consecutive years. By approval of a majority of the
15 board, a member's service may extend at the completion of a four-year term
16 until a new member is appointed or the current member is reappointed.

17 ~~[C.]~~[D.] If requested by the board, the governor may remove a board
18 member for misconduct, incompetence or neglect of duty.

19 ~~[D.]~~[E.] Board members are eligible for reimbursement of expenses
20 pursuant to title 38, chapter 4, article 2 to cover necessary expenses for
21 attending each board meeting or for representing the board in an official
22 ~~board approved~~ BOARD-APPROVED activity.

23 ~~[E.]~~[F.] A board member who acts within the scope of board duties,
24 without malice and in the reasonable belief that the person's action is
25 warranted by law is immune from civil liability.

26 Sec. 12. Section 32-2062, Arizona Revised Statutes, is amended to
27 read:

28 32-2062. State board of psychologist examiners; members;
29 qualifications; appointments; terms; compensation;
30 immunity

31 A. The state board of psychologist examiners is established
32 consisting of ten members WHO ARE appointed by the governor pursuant to
33 section 38-211~~[, EXCEPT THAT:~~

34 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
35 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
36 MEMBER POSITION BY A MAJORITY VOTE.

37 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
38 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

39 B. Each member of the board shall be a citizen of the United States
40 and a resident of this state at the time of appointment. ~~Seven~~ [FOUR]
41 [THREE] members shall be licensed pursuant to this chapter~~[.]~~ [,] [FOUR
42 MEMBERS SHALL BE MEMBERS WHO HAVE NEVER HAD THEIR LICENSE REVOKED OR
43 SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF
44 SUSPENSION OR REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE RETIRED IN
45 THIS STATE OR WHO HAVE A VALID LICENSE UNDER THIS CHAPTER AND ARE NOT
46 CURRENTLY PRACTICING.] ~~[and]~~ [Three] ~~[SIX]~~ MEMBERS shall be public members
47 who are not eligible for licensure. The board shall have at all times,

1 except for the period when a vacancy exists, ~~at least two members who are~~
2 ONE MEMBER WHO IS licensed as ~~psychologists~~ A PSYCHOLOGIST and who ~~are~~ IS
3 A full-time faculty ~~members from universities~~ MEMBER FROM A UNIVERSITY in
4 this state with a doctoral program in psychology that meets the
5 requirements of section 32-2071, ~~at least three~~ TWO members who are
6 psychologists in professional practice and ~~at least two members who are~~
7 ONE MEMBER WHO IS A behavior ~~analysts~~ ANALYST in professional practice and
8 who ~~are members~~ IS A MEMBER of the committee on behavior analysts. The
9 public members shall not have a substantial financial interest in the
10 health care industry and shall not have a household member who is eligible
11 for licensure under this chapter.

12 C. Each member shall serve for a term of five years beginning and
13 ending on the third Monday in January.

14 D. A vacancy on the board occurring other than by the expiration of
15 term shall be filled by appointment by the governor for the unexpired term
16 as provided in subsection C of this section. The governor, after a
17 hearing, may remove any member of the board for misconduct, incompetency
18 or neglect of duty.

19 E. Board members shall receive compensation in the amount of ~~one~~
20 ~~hundred dollars~~ \$100 for each cumulative eight hours of actual service in
21 the business of the board and reimbursement of all expenses pursuant to
22 title 38, chapter 4, article 2.

23 F. Members of the board and its employees, consultants and test
24 examiners are personally immune from suit with respect to all acts done
25 and actions taken in good faith and in furtherance of the purposes of this
26 chapter.

27 Sec. 13. Section 32-2502, Arizona Revised Statutes, is amended to
28 read:

29 32-2502. Arizona regulatory board of physician assistants;
30 members; appointment; terms; immunity

31 A. The Arizona regulatory board of physician assistants is
32 established consisting of the following members:

33 1. [Five] ~~[Two]~~ physician assistants who hold a current regular
34 license pursuant to this chapter. The governor may appoint these members
35 from a list of qualified candidates submitted by the Arizona state
36 association of physician assistants. The governor may seek additional
37 input and nominations before the governor makes the physician assistant
38 appointments.

39 2. [Two] ~~[Five]~~ public members who are appointed by the governor.

40 3. [Two physicians] ~~[ONE PHYSICIAN]~~ who [are] ~~[is]~~ actively engaged
41 in the practice of medicine and [who are] ~~[is]~~ licensed pursuant to
42 chapter 17 of this title, [one of whom] ~~[who]~~ supervises or collaborates
43 with a physician assistant at the time of appointment, ~~and who~~ [are] ~~[is]~~
44 appointed by the governor.

1 4. [Two physicians] ~~[ONE PHYSICIAN]~~ who [are] ~~[is]~~ actively engaged
2 in the practice of medicine and who ~~are~~ IS licensed pursuant to chapter 13
3 of this title, [one of whom] ~~[WHO]~~ supervises or collaborates with a
4 physician assistant at the time of appointment, ~~—~~ and who [are] ~~[is]~~
5 appointed by the governor.

6 [B. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
7 PURSUANT TO SECTION 38-211, EXCEPT THAT:

8 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
9 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
10 MEMBER POSITION BY A MAJORITY VOTE.

11 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
12 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

13 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, AT LEAST FIFTY
14 PERCENT OF THE LICENSED MEMBERS OF THE BOARD SHALL BE MEMBERS WHO HAVE
15 NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY
16 SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE
17 FORMER LICENSEES WHO ARE RETIRED FROM PRACTICE IN THIS STATE OR WHO HAVE A
18 VALID LICENSE TO PRACTICE AND ARE NOT CURRENTLY PRACTICING.]

19 ~~[B.]~~[D.] Before appointment by the governor [OR BOARD], a
20 prospective member of the board shall submit a full set of fingerprints to
21 the governor for the purpose of obtaining a state and federal criminal
22 records check pursuant to section 41-1750 and Public Law 92-544. The
23 department of public safety may exchange this fingerprint data with the
24 federal bureau of investigation.

25 ~~[C.]~~[E.] The term of office of members of the board is four years,
26 to begin and end on July 1.

27 ~~[D.]~~[F.] Each board member is eligible for appointment to not more
28 than two full terms, except that the term of office for a member WHO IS
29 appointed to fill a vacancy that is not caused by the expiration of a full
30 term is for the unexpired portion of that term and the governor may
31 reappoint that member to not more than two additional full terms. Each
32 board member may continue to hold office until the appointment and
33 qualification of that member's successor. The governor may remove a
34 member after notice and a hearing on a finding of continued neglect of
35 duty, incompetence or unprofessional or dishonorable conduct. That
36 member's term ends when the finding is made.

37 ~~[E.]~~[G.] A board member's term automatically ends:

38 1. On written resignation submitted to the board chairperson or to
39 the governor.

40 2. If the member is absent from this state for more than six months
41 during a one-year period.

42 3. If the member fails to attend three consecutive regular board
43 meetings.

44 4. [EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION.] five years
45 after retirement from active practice.

46 ~~[F.]~~[H.] Board members are immune from civil liability for all good
47 faith actions they take pursuant to this chapter.

1 <<Sec. 14. Title 32, Arizona Revised Statutes, is amended by adding
2 chapter 27, to read:

3 CHAPTER 27

4 HEALTH PROFESSION REGULATORY BOARD OVERSIGHT COUNCIL

5 ARTICLE 1. OVERSIGHT COUNCIL

6 32-2701. Definitions

7 [IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "HEALTH PROFESSIONAL" MEANS A PERSON WHO IS CERTIFIED OR
9 LICENSED PURSUANT TO CHAPTER 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
10 19.1, 25, 29, 33, 34, 35, 39, 41 OR 42 OF THIS TITLE OR TITLE 36, CHAPTER
11 4, ARTICLE 6.

12 2. "HEALTH PROFESSION REGULATORY BOARD" MEANS ANY BOARD THAT
13 REGULATES ONE OR MORE HEALTH PROFESSIONALS IN THIS STATE.

14 3. "MARKET-SENSITIVE ACTION" MEANS ACTIONS OR DECISIONS BY A HEALTH
15 PROFESSION REGULATORY BOARD THAT CREATE BARRIERS TO MARKET PARTICIPATION
16 AND RESTRICT COMPETITION, INCLUDING:

17 (a) MODIFYING EXAMINATION PASSAGE SCORES.

18 (b) ADOPTING OR MODIFYING ADVERTISING RESTRICTIONS.

19 (c) CHANGING FEES OR CIVIL PENALTIES.

20 (d) EXPANDING OR RESTRICTING THE SCOPE OF PRACTICE OF A LICENSEE OR
21 CERTIFICATE HOLDER.

22 (e) DEMONSTRATING A PATTERN OF DISCIPLINARY OR DISCRIMINATORY
23 ACTIONS THAT CREATE BARRIERS TO MARKET PARTICIPATION.]

24 32-2702. Health profession regulatory board oversight
25 council; appointment; terms

26 [A. THE HEALTH PROFESSION REGULATORY BOARD OVERSIGHT COUNCIL IS
27 ESTABLISHED CONSISTING OF THREE MEMBERS, EACH OF WHOM IS A CURRENT
28 EXECUTIVE DIRECTOR OF A HEALTH PROFESSION REGULATORY BOARD. THE GOVERNOR
29 SHALL APPOINT EACH MEMBER OF THE OVERSIGHT COUNCIL BY LOT AND IN THE
30 PRESENCE OF ALL CURRENT EXECUTIVE DIRECTORS OF THE HEALTH PROFESSION
31 REGULATORY BOARDS. THE INITIAL OVERSIGHT COUNCIL MEMBERS SHALL BE
32 APPOINTED ON OR BEFORE JANUARY 1, 2026 FOR STAGGERED THREE-YEAR TERMS. AN
33 EXECUTIVE DIRECTOR MAY NOT SERVE ON THE OVERSIGHT COUNCIL FOR AT LEAST TWO
34 FULL TERMS BEFORE REAPPOINTMENT. AN EXECUTIVE DIRECTOR MAY NOT REFUSE
35 APPOINTMENT TO THE COUNCIL.

36 B. AN EXECUTIVE DIRECTOR OF A HEALTH PROFESSION REGULATORY BOARD
37 WHO IS SERVING ON THE OVERSIGHT COUNCIL MAY NOT REVIEW OR OVERSEE ANY
38 MATTER RELATING TO THAT EXECUTIVE DIRECTOR'S HEALTH PROFESSION REGULATORY
39 BOARD.

40 C. OVERSIGHT COUNCIL MEMBERS MAY USE THEIR OWN BOARD STAFF AND
41 FACILITIES TO FACILITATE THE BUSINESS OF THE OVERSIGHT COUNCIL.]

42 32-2703. Oversight council duties

43 [A. THE OVERSIGHT COUNCIL SHALL REVIEW AND APPROVE OR DENY
44 MARKET-SENSITIVE ACTION TAKEN OR DECISIONS MADE BY A HEALTH PROFESSION
45 REGULATORY BOARD ON AND AFTER JANUARY 1, 2026. THE OVERSIGHT COUNCIL
46 SHALL MEET AT LEAST ONCE EACH MONTH UNLESS THERE IS NO BUSINESS FOR THE
47 OVERSIGHT COUNCIL TO CONSIDER.

1 B. A HEALTH PROFESSION REGULATORY BOARD SHALL FORWARD ANY
2 MARKET-SENSITIVE ACTION TAKEN OR DECISION MADE TO THE OVERSIGHT COUNCIL
3 FOR REVIEW. THE OVERSIGHT COUNCIL MAY RECEIVE INFORMATION RELATING TO
4 MARKET-SENSITIVE ACTIONS TAKEN OR DECISIONS MADE BY A HEALTH PROFESSION
5 REGULATORY BOARD FROM ANY LICENSEE, CERTIFICATE HOLDER OR OTHER AFFECTED
6 PERSON. THE OVERSIGHT COUNCIL SHALL NOTIFY THE HEALTH PROFESSION
7 REGULATORY BOARD WITHIN TEN BUSINESS DAYS AFTER RECEIVING A REQUEST TO
8 REVIEW AN ALLEGED MARKET-SENSITIVE ACTION. THE OVERSIGHT COUNCIL SHALL
9 EITHER AGREE WITH THE ACTION TAKEN OR DECISION MADE OR REFER THE ISSUE
10 BACK TO THE HEALTH PROFESSION REGULATORY BOARD FOR RECONSIDERATION WITHIN
11 NINETY DAYS AFTER RECEIVING THE MARKET-SENSITIVE ACTION FOR REVIEW. THE
12 OVERSIGHT COUNCIL'S DECISION SHALL INCLUDE A SUMMARY OF THE DECISION AND
13 THE JUSTIFICATION FOR THE DECISION.]>>

14 Sec. 15. Section 32-2902, Arizona Revised Statutes, is amended to
15 read:

16 32-2902. Board of homeopathic and integrated medicine
17 examiners; members; terms; removal; immunity

18 A. The board of homeopathic and integrated medicine examiners is
19 established consisting of the following members WHO ARE appointed by the
20 governor:

21 1. [Two] [FOUR] public members.

22 ~~2. Until January 1, 2017, four members who are licensed pursuant to~~
23 ~~section 32-2912, subsection A.~~

24 ~~3. 2. Beginning January 1, 2017, five~~ THREE members [WHO HAVE
25 NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY
26 SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE
27 FORMER LICENSEES WHO ARE RETIRED FROM THE PRACTICE OF HOMEOPATHIC MEDICINE
28 IN THIS STATE OR WHO HAVE A VALID LICENSE TO PRACTICE HOMEOPATHIC MEDICINE
29 AND ARE NOT CURRENTLY PRACTICING.

30 [3. TWO MEMBERS] who are licensed pursuant to this chapter, one of
31 whom is licensed pursuant to section 32-2912, subsection B.

32 [B. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
33 PURSUANT TO SECTION 38-211, EXCEPT THAT:

34 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
35 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
36 MEMBER POSITION BY A MAJORITY VOTE.

37 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
38 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.]

39 ~~[B.]~~[C.] Before appointment by the governor [OR BOARD], a
40 prospective member of the board shall submit a full set of fingerprints to
41 the governor for the purpose of obtaining a state and federal criminal
42 records check pursuant to section 41-1750 and Public Law 92-544. The
43 department of public safety may exchange this fingerprint data with the
44 federal bureau of investigation.

45 ~~[C.]~~[D.] Board members serve staggered three-year terms ending on
46 June 30. Board members shall not serve more than three consecutive terms.

1 A board member may continue to serve until that member's replacement takes
2 office.

3 ~~[D.]~~[E.] Board members shall be residents of this state for at
4 least three consecutive years immediately before their appointment.

5 ~~[F.]~~[E.] The governor may remove a board member from office because
6 of that member's neglect of duty, malfeasance, misfeasance, incompetence
7 or unprofessional or dishonorable conduct.

8 ~~[F.]~~[G.] A board member's term of office automatically ends if that
9 member is absent from this state for more than six months or if that
10 member fails to attend three consecutive regularly scheduled board
11 meetings.

12 ~~[G.]~~[H.] Board members and board employees are immune from civil
13 liability for any good faith action they take to implement this chapter.

14 Sec. 16. Section 32-3252, Arizona Revised Statutes, is amended to
15 read:

16 32-3252. Board of behavioral health examiners; members;
17 appointment; qualifications; terms; compensation;
18 immunity; training program

19 A. The board of behavioral health examiners is established
20 consisting of the following members **WHO ARE** appointed by the governor:

21 1. The following professional members:

22 (a) ~~[Two members who are]~~ ~~[ONE MEMBER WHO IS]~~ licensed in social
23 work pursuant to this chapter[, at least one of whom is a licensed
24 clinical social worker].

25 (b) ~~[Two members who are]~~ ~~[ONE MEMBER WHO IS]~~ licensed in
26 counseling pursuant to this chapter[, at least one of whom is a licensed
27 professional counselor].

28 (c) ~~[Two members who are]~~ ~~[ONE MEMBER WHO IS]~~ licensed in marriage
29 and family therapy pursuant to this chapter[, at least one of whom is a
30 licensed marriage and family therapist].

31 (d) ~~[Two members who are]~~ ~~[ONE MEMBER WHO IS]~~ licensed in addiction
32 counseling pursuant to this chapter[, at least one of whom is a licensed
33 independent addiction counselor].

34 2. ~~[Four]~~ ~~[FIVE]~~ public members.

35 [B. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
36 PURSUANT TO SECTION 38-211, EXCEPT THAT:

37 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
38 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
39 MEMBER POSITION BY A MAJORITY VOTE.

40 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
41 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

42 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, AT LEAST FIFTY
43 PERCENT OF THE LICENSED MEMBERS OF THE BOARD SHALL BE MEMBERS WHO HAVE
44 NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY
45 SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND FORMER
46 LICENSEES WHO ARE RETIRED FROM PRACTICE IN THIS STATE OR WHO HAVE A VALID
47 LICENSE TO PRACTICE AND ARE NOT CURRENTLY PRACTICING.]

1 ~~[B.]~~[D.] Before appointment by the governor ~~[OR BOARD]~~, a
2 prospective member of the board shall submit a full set of fingerprints to
3 the governor for the purpose of obtaining a state and federal criminal
4 records check pursuant to section 41-1750 and Public Law 92-544. The
5 department of public safety may exchange this fingerprint data with the
6 federal bureau of investigation.

7 ~~[C.]~~[E.] Each professional board member shall:

8 1. Be a resident of this state for at least one year before
9 appointment.

10 2. ~~[EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION,]~~ be an
11 active licensee in good standing.

12 3. Have at least five years of experience in an area of behavioral
13 health licensed pursuant to this chapter.

14 ~~[D.]~~[F.] Each public board member shall:

15 1. Be a resident of this state for at least one year before
16 appointment.

17 2. Be at least twenty-one years of age.

18 3. Not be licensed or eligible for licensure pursuant to this
19 chapter unless the public member has been retired from active practice for
20 at least five years.

21 4. Not currently have a substantial financial interest in an entity
22 that directly provides behavioral health services.

23 5. Not have a household member who is licensed or eligible for
24 licensure pursuant to this chapter unless the household member has been
25 retired from active practice for at least five years.

26 ~~[E.]~~[G.] The term of office of board members is three years, to
27 begin and end on the third Monday in January. A member shall not serve
28 more than two full consecutive terms.

29 ~~[F.]~~[H.] The board shall annually elect a ~~chairman~~ CHAIRPERSON and
30 secretary-treasurer from its membership.

31 ~~[G.]~~[I.] Board members are eligible to receive compensation of not
32 more than \$85 for each day actually and necessarily spent in the
33 performance of their duties.

34 ~~[H.]~~[J.] Board members and personnel are personally immune from
35 suit with respect to all acts done and actions taken in good faith and in
36 furtherance of the purposes of this chapter.

37 ~~[I.]~~[K.] Each board member must complete a twelve-hour training
38 program that emphasizes responsibilities for administrative management,
39 licensure, judicial processes and temperament within one year after
40 appointment to the board.

41 Sec. 17. Section 32-3402, Arizona Revised Statutes, is amended to
42 read:

43 32-3402. Board of occupational therapy examiners; members;
44 qualifications; terms; compensation; immunity

45 A. The board of occupational therapy examiners is established and
46 consists of five members WHO ARE appointed by the governor ~~[PURSUANT TO~~
47 SECTION 38-211, EXCEPT THAT:

1 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
2 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
3 MEMBER POSITION BY A MAJORITY VOTE.

4 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
5 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

6 [B.] Each board member shall be a resident of [the] [THIS] state at
7 the time of appointment. The governor shall appoint [THE FOLLOWING
8 MEMBERS:]

9 [1.] [Two] [THREE] persons who are not engaged, directly or
10 indirectly, in the provision of health care services to serve as public
11 members. ~~The other three~~

12 [2.] TWO members ~~[shall have]~~ [WHO HAVE NEVER HAD THEIR LICENSE
13 REVOKED OR SUSPENDED OR HAVE VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU
14 OF SUSPENSION OR REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE RETIRED
15 FROM THE PRACTICE OF OCCUPATIONAL THERAPY IN THIS STATE OR WHO HAVE A
16 VALID LICENSE TO PRACTICE OCCUPATIONAL THERAPY AND ARE NOT CURRENTLY
17 PRACTICING.]

18 [3. ONE MEMBER WHO HAS] at least three years of experience in
19 occupational therapy or teaching in an accredited occupational therapy
20 education program in this state immediately before appointment and ~~[shall~~
21 ~~be]~~ [WHO IS] licensed under this chapter.

22 [C.] The governor may select board members from a list of licensees
23 submitted by the Arizona occupational therapy association, ~~inc.~~ or any
24 other appropriate organization.

25 ~~[B.][D.]~~ Before appointment by the governor [OR BOARD], a
26 prospective member of the board shall submit a full set of fingerprints to
27 the governor for the purpose of obtaining a state and federal criminal
28 records check pursuant to section 41-1750 and Public Law 92-544. The
29 department of public safety may exchange this fingerprint data with the
30 federal bureau of investigation.

31 ~~[C.][E.]~~ The term of office of board members is three years to
32 begin and end on the third Monday in January. A member shall not serve
33 more than two consecutive terms.

34 ~~[D.][F.]~~ The board, at its first regular meeting after the start of
35 each calendar year and as necessary, shall elect a chairperson and other
36 officers from among its members. The board shall meet at least once each
37 quarter in compliance with the open meeting requirements of title 38,
38 chapter 3, article 3.1 and shall keep an official record of these
39 meetings. Other meetings may be convened at the call of the chairperson
40 or the written request of any two board members. A majority of the
41 members of the board shall constitute a quorum.

42 ~~[E.][G.]~~ Each member of the board is eligible to receive
43 compensation in the amount of ~~one hundred dollars~~ \$100 for each regular or
44 special board meeting the member attends and is eligible for reimbursement
45 for all expenses necessarily and properly incurred in attending board
46 meetings.

1 ~~[F.]~~[H.] A board member is immune from civil liability for any
2 actions that are within the scope of the board member's duties if they are
3 taken without malice and in the reasonable belief that they are warranted
4 by law.

5 Sec. 18. Section 32-3502, Arizona Revised Statutes, is amended to
6 read:

7 32-3502. Board of respiratory care examiners; members;
8 appointment; qualifications; removal

9 A. The board of respiratory care examiners is established
10 consisting of ~~[seven]~~ ~~[NINE]~~ members WHO ARE appointed by the governor
11 [PURSUANT TO SECTION 38-211, EXCEPT THAT:

12 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
13 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
14 MEMBER POSITION BY A MAJORITY VOTE.

15 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
16 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

17 [B.] Each board member shall be a resident of this state at the
18 time of appointment. The governor shall appoint:

19 1. ~~[Three]~~ ~~[TWO]~~ licensed respiratory care practitioners, [at
20 least] one of whom is a technical director of a respiratory care
21 department or respiratory care corporation or an officer or faculty member
22 of a college, school or institution engaged in respiratory therapy
23 education and [at least] one of whom is involved in direct patient care.

24 2. A physician who is licensed pursuant to chapter 13 or 17 of this
25 title and who is knowledgeable in respiratory care.

26 3. ~~[Two]~~ ~~[FIVE]~~ public members who are not engaged, directly or
27 indirectly, in the provision of health care services.

28 4. One hospital administrator.

29 [C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, AT LEAST FIFTY
30 PERCENT OF THE LICENSED MEMBERS OF THE BOARD SHALL BE MEMBERS WHO HAVE
31 NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY
32 SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE
33 FORMER LICENSEES WHO ARE RETIRED FROM PRACTICE IN THIS STATE OR WHO HAVE A
34 VALID LICENSE TO PRACTICE AND ARE NOT CURRENTLY PRACTICING.]

35 ~~[B.]~~[D.] Before appointment by the governor [OR BOARD], a
36 prospective member of the board shall submit a full set of fingerprints to
37 the governor for the purpose of obtaining a state and federal criminal
38 records check pursuant to section 41-1750 and Public Law 92-544. The
39 department of public safety may exchange this fingerprint data with the
40 federal bureau of investigation.

41 ~~[C.]~~[E.] [EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION,] the
42 respiratory care practitioner members shall:

43 1. Have at least five years of experience in respiratory care or
44 respiratory therapy education.

45 2. Have been employed actively in direct patient care, respiratory
46 therapy education or management or supervision of respiratory care for at
47 least three years immediately preceding appointment.

1 3. Be licensed pursuant to this chapter.

2 ~~[D.]~~[E.] The governor may appoint the licensed respiratory care
3 practitioners from a list of seven qualified persons submitted to the
4 governor by the Arizona society for respiratory care.

5 ~~[F.]~~[G.] The governor may appoint the physician member from a list
6 of three qualified persons submitted to the governor by the Arizona
7 medical association and the Arizona osteopathic medical association.

8 ~~[F.]~~[H.] The governor may appoint the hospital administrator member
9 from a list of three qualified persons submitted to the governor by the
10 Arizona hospital association.

11 ~~[G.]~~[I.] The term of office of each member is three years, to begin
12 and end on June 30. A member shall not serve for more than two
13 consecutive terms.

14 ~~[H.]~~[J.] The governor may remove board members for neglect of duty,
15 malfeasance or misfeasance.

16 Sec. 19. Section 32-3902, Arizona Revised Statutes, is amended to
17 read:

18 ~~32-3902.~~ Acupuncture board of examiners; members;
19 qualifications; terms; removal; compensation;
20 immunity

21 A. The acupuncture board of examiners is established consisting of
22 the following members who are appointed by the governor:

23 ~~1. Through January 16, 2022, four members who are licensed to~~
24 ~~practice acupuncture pursuant to this chapter and who have practiced~~
25 ~~acupuncture in this state or any other state for at least one year. Not~~
26 ~~more than two of these members may be graduates of the same school or~~
27 ~~college of acupuncture. The governor may make these appointments from a~~
28 ~~list of names submitted by a statewide acupuncture society.~~

29 ~~2. Through January 17, 2022, three consumers who:~~

30 ~~(a) Are not employed in a health profession.~~

31 ~~(b) Do not have any pecuniary interest in a school of medicine or~~
32 ~~health care institution.~~

33 ~~(c) Demonstrate an interest in health issues in this state.~~

34 ~~3. Through January 17, 2022, two members who are licensed pursuant~~
35 ~~to chapter 8, 13, 14, 17 or 29 of this title. These members shall not be~~
36 ~~licensed pursuant to the same chapter.~~

37 ~~4. 1. Beginning January 17, 2022, One member who is certified or~~
38 ~~licensed to practice auricular acupuncture or acupuncture pursuant to this~~
39 ~~chapter.~~

40 ~~5. 2. Beginning January 20, 2022, [Three] ~~[Two]~~ members who are~~
41 ~~licensed to practice acupuncture pursuant to this chapter and who have~~
42 ~~practiced acupuncture in this or any other state for at least one year.~~
43 ~~Not more than [Two of] these members may NOT be graduates of the same~~
44 ~~school or college of acupuncture. The governor may make these~~
45 ~~appointments from a list of names submitted by a statewide acupuncture~~
46 ~~society.~~

47 ~~6. For appointments made on or after January 18, 2022, two~~

1 3. ~~[FIVE]~~ [TWO] consumers who meet all of the following:

2 (a) Are not employed in a health profession.

3 (b) Do not have any pecuniary interest in a school of medicine or
4 health care institution.

5 (c) Demonstrate an interest in health issues in this state.

6 ~~7. 4. For appointments made on or after January 18, 2022, One~~
7 member who is licensed pursuant to chapter 8, 13, 14, 17 or 29 of this
8 title.

9 [B. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
10 PURSUANT TO SECTION 38-211, EXCEPT THAT:

11 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
12 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
13 MEMBER POSITION BY A MAJORITY VOTE.

14 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
15 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

16 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, AT LEAST FIFTY
17 PERCENT OF THE LICENSED MEMBERS OF THE BOARD SHALL BE MEMBERS WHO HAVE
18 NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE VOLUNTARILY
19 SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION AND WHO ARE
20 FORMER LICENSEES WHO ARE RETIRED FROM PRACTICE IN THIS STATE OR WHO HAVE A
21 VALID LICENSE TO PRACTICE AND ARE NOT CURRENTLY PRACTICING.]

22 ~~[B.][D.]~~ Before appointment by the governor [OR BOARD], a
23 prospective member of the board shall submit a full set of fingerprints to
24 the governor for the purpose of obtaining a state and federal criminal
25 records check pursuant to section 41-1750 and Public Law 92-544. The
26 department of public safety may exchange this fingerprint data with the
27 federal bureau of investigation.

28 ~~[C.][E.]~~ Board members shall be residents of this state for at
29 least one year immediately preceding their appointment.

30 ~~[D.][F.]~~ Board members serve three-year terms to begin and end on
31 the third Monday in January. A member shall not serve more than two
32 consecutive terms.

33 ~~[E.][G.]~~ The board shall meet in January of each year to elect a
34 chairperson and vice chairperson.

35 ~~[F.][H.]~~ The board shall meet quarterly and at the call of the
36 chairperson or a majority of board members.

37 ~~[G.][I.]~~ Board members are eligible to receive compensation in an
38 amount not to exceed \$50 per day for each day of actual service in the
39 business of the board and are eligible for reimbursement of expenses
40 necessarily and properly incurred in attending board meetings.

41 ~~[H.][J.]~~ The governor may remove a board member from office for
42 malfeasance, dishonorable conduct or unprofessional management of board
43 duties.

44 ~~[I.][K.]~~ The term of any member automatically ends on resignation
45 or absence from this state for a period of at least six months. The
46 governor shall fill vacancies for an unexpired portion of a term in the
47 same manner as regular appointments.

1 ~~[D.]~~[L.] Board members and board employees are not subject to civil
2 liability for any act done or proceeding undertaken or performed in good
3 faith and in furtherance of the purposes of this chapter.

4 Sec. 20. Section 32-4102, Arizona Revised Statutes, is amended to
5 read:

6 32-4102. Board of athletic training; members; terms; removal;
7 compensation; immunity

8 A. The board of athletic training is established consisting of the
9 following members WHO ARE appointed by the governor:

10 1. ~~Three~~ TWO athletic trainers [WHO BOTH:

11 (a) ARE RESIDENTS OF THIS STATE.

12 (b) HAVE NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR HAVE
13 VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR REVOCATION
14 AND WHO ARE FORMER LICENSEES WHO ARE RETIRED FROM THE PRACTICE OF ATHLETIC
15 TRAINING IN THIS STATE OR WHO HAVE A VALID LICENSE TO PRACTICE ATHLETIC
16 TRAINING AND ARE NOT CURRENTLY PRACTICING.

17 2. ONE MEMBER] who ~~[are residents]~~ [IS A RESIDENT] of this state,
18 WHO [possess] [POSSESSES] an unrestricted license to practice athletic
19 training in this state and WHO [have] [HAS] been practicing in this state
20 for at least five years immediately preceding ~~[their]~~ appointment. ~~[The~~
21 ~~governor may make these appointments from a list of names submitted by a~~
22 ~~statewide athletic training association or any other group or person.]~~
23 ~~The initial three appointees are not required to be licensed pursuant to~~
24 ~~this chapter at the time of selection but shall meet all of the~~
25 ~~qualifications for licensure as prescribed by this chapter.~~

26 ~~[2.]~~ [3.] ~~[Two]~~ ~~[THREE]~~ public members who are residents of this
27 state and who are not affiliated with and do not have any financial
28 interest in any health care profession but who have an interest in
29 consumer rights.

30 [B. THE GOVERNOR MAY MAKE THE APPOINTMENTS PURSUANT TO SUBSECTION
31 A. PARAGRAPHS 1 AND 2 OF THIS SECTION FROM A LIST OF NAMES SUBMITTED BY A
32 STATEWIDE ATHLETIC TRAINING ASSOCIATION OR ANY OTHER GROUP OR PERSON.

33 C. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
34 PURSUANT TO SECTION 38-211, EXCEPT THAT:

35 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
36 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
37 MEMBER POSITION BY A MAJORITY VOTE.

38 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
39 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.]

40 ~~[B.]~~[D.] Board members serve staggered ~~five-year~~ FIVE-YEAR terms
41 that begin and end on the third Monday in January. Board members shall
42 not serve for more than two successive five year terms or for more than
43 ten consecutive years.

44 ~~[C.]~~[E.] If requested by the board, the governor may remove a board
45 member for misconduct, incompetence or neglect of duty.

1 ~~[D.]~~[E.] Board members are eligible for reimbursement of expenses
2 pursuant to title 38, chapter 4, article 2 to cover necessary expenses for
3 attending each board meeting or for representing the board in an official
4 ~~board-approved~~ BOARD-APPROVED activity.

5 ~~[F.]~~[G.] A board member who acts within the scope of board duties,
6 without malice and in the reasonable belief that the person's action is
7 warranted by law is not subject to civil liability.

8 <<Sec. 21. Section 32-4202, Arizona Revised Statutes, is amended to
9 read:

10 32-4202. Board of massage therapy; members; terms;
11 compensation; immunity

12 A. The board of massage therapy is established consisting of the
13 following members appointed by the governor:

14 1. Two massage therapists who are residents of this state, who
15 possess an unrestricted license to practice massage therapy in this state
16 and who have been practicing in this state for at least five years
17 immediately preceding their appointment. The governor may make these
18 appointments from a list of names submitted by a statewide massage or
19 bodywork therapy association, or both, or any other group or person.

20 2. Three public members who are residents of this state and who are
21 not affiliated with and do not have any financial interest in any health
22 care profession but who have an interest in consumer rights or have a
23 background in compliance or law enforcement issues. At least one public
24 member must be actively involved in programs or services that help to
25 reduce or prevent human trafficking.

26 [B. ALL MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR
27 PURSUANT TO SECTION 38-211. EXCEPT THAT:

28 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
29 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
30 MEMBER POSITION BY A MAJORITY VOTE.

31 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
32 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED.

33 C. AT LEAST FIFTY PERCENT OF THE LICENSED MEMBERS OF THE BOARD
34 SHALL BE MEMBERS WHO HAVE NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR
35 HAVE VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR
36 REVOCATION AND WHO ARE FORMER LICENSEES WHO ARE RETIRED FROM THE PRACTICE
37 OF MASSAGE THERAPY IN THIS STATE OR WHO HAVE A VALID LICENSE TO PRACTICE
38 MASSAGE THERAPY AND ARE NOT CURRENTLY PRACTICING.]

39 ~~[B.]~~[D.] Board members serve staggered five-year terms that begin
40 and end on the third Monday in January. Board members shall not serve for
41 more than two successive five-year terms or for more than ten consecutive
42 years, except that the term of office for a member of the board appointed
43 to fill a vacancy that occurs before the expiration of a full term is for
44 the unexpired portion of that term, and the governor may reappoint that
45 member to not more than two additional full terms.

1 ~~[C.]~~[E.] If requested by the board, the governor may remove a board
2 member for misconduct, incompetence or neglect of duty.

3 ~~[D.]~~[F.] Board members are eligible to receive compensation in the
4 amount of \$100 per day for each day of actual service in the business of
5 the board and for reimbursement of expenses pursuant to title 38, chapter
6 4, article 2 to cover necessary expenses for attending each board meeting
7 or for representing the board in an official board approved activity.

8 ~~[F.]~~[G.] A board member who acts within the scope of board duties,
9 without malice and in the reasonable belief that the member's action is
10 warranted by law is not subject to civil liability.>>

11 Sec. 22. Section 36-446.02, Arizona Revised Statutes, is amended to
12 read:

13 36-446.02. Board of examiners; members; terms; meetings;
14 quorum; vacancies; compensation

15 A. The board of examiners of nursing care institution
16 administrators and assisted living facility managers is established
17 consisting of ~~[eleven]~~ ~~[THIRTEEN]~~ members WHO ARE appointed by the
18 governor [PURSUANT TO SECTION 38-211, EXCEPT THAT:

19 1. IF THE GOVERNOR FAILS TO FILL A PUBLIC MEMBER VACANCY WITHIN ONE
20 YEAR AFTER THE POSITION BECOMES VACANT, THE BOARD MAY FILL THE PUBLIC
21 MEMBER POSITION BY A MAJORITY VOTE.

22 2. IF THE SENATE FAILS TO CONFIRM OR REJECT AN APPOINTEE WITHIN ONE
23 YEAR AFTER THE GOVERNOR'S APPOINTMENT, THE APPOINTEE IS DEEMED CONFIRMED].

24 B. The board shall include:

25 1. One administrator who holds an active license issued pursuant to
26 this article or who is retired.

27 2. One assisted living facility manager who holds an active license
28 issued pursuant to this article or who is retired.

29 3. One administrator of a nonprofit or faith-based skilled nursing
30 facility who ~~either~~ holds an active license issued pursuant to this
31 article or who is retired.

32 4. One administrator of a proprietary skilled nursing facility who
33 ~~either~~ holds an active license issued pursuant to this article or who is
34 retired.

35 5. [Two managers] ~~[ONE-MANAGER]~~ of an assisted living center who
36 ~~either~~ ~~[hold]~~ ~~[HOLDS]~~ an active license issued pursuant to this article or
37 who [are] ~~[is]~~ retired.

38 6. One manager of an assisted living home who ~~either~~ holds an
39 active license issued pursuant to this article or who is retired.

40 7. One public member who represents an organization that advocates
41 for the elderly.

42 8. [One person] ~~[TWO PERSONS]~~ who [is] ~~[ARE]~~ a family member of
43 ~~EITHER~~ a resident or a person who was a resident in the previous three
44 years in either a skilled nursing facility or an assisted living facility
45 at the time the person is appointed to the board.

1 9. ~~[One person who is a] [TWO PERSONS WHO ARE]~~ current or former
2 ~~[resident] [RESIDENTS]~~ of a skilled nursing facility or an assisted living
3 facility.

4 10. One public member who represents an organization that advocates
5 for individuals with Alzheimer's disease, dementia or other related
6 neurocognitive diseases or disorders.

7 ~~[11. ONE PUBLIC MEMBER WHO DOES NOT HAVE A DIRECT OR INDIRECT~~
8 ~~FINANCIAL INTEREST IN NURSING CARE INSTITUTIONS OR ASSISTED LIVING~~
9 ~~FACILITIES.]~~

10 ~~[C. The board may not have more than three board members who are~~
11 ~~appointed pursuant to subsection B, paragraphs 1 through 6 of this section~~
12 ~~and who are retired. Each board member specified in subsection B,~~
13 ~~paragraphs 1 through 6 of this section who is retired must have had an~~
14 ~~active license issued pursuant to this article within the previous two~~
15 ~~years at the time of appointment to the board and may not have had any~~
16 ~~disciplinary action taken against the person's license or had a license~~
17 ~~issued pursuant to this article revoked.]~~

18 ~~[C. AT LEAST FIFTY PERCENT OF THE LICENSED MEMBERS OF THE BOARD~~
19 ~~SHALL BE MEMBERS WHO HAVE NEVER HAD THEIR LICENSE REVOKED OR SUSPENDED OR~~
20 ~~HAVE VOLUNTARILY SURRENDERED THEIR LICENSE IN LIEU OF SUSPENSION OR~~
21 ~~REVOCATION AND FORMER LICENSEES WHO ARE RETIRED FROM PRACTICE IN THIS~~
22 ~~STATE OR WHO HAVE A VALID LICENSE TO PRACTICE AND ARE NOT CURRENTLY~~
23 ~~PRACTICING.]~~

24 D. Board members who are not affiliated with a nursing care
25 institution or an assisted living facility shall not have a direct
26 financial interest in nursing care institutions or assisted living
27 facilities.

28 E. A board member shall not serve on any other board relating to
29 long-term care during the member's term with the board.

30 F. The term of a board member automatically ends when that member
31 no longer meets the qualifications for appointment to the board. The
32 board shall notify the governor of the board vacancy.

33 G. Board members who are not affiliated with a nursing care
34 institution or an assisted living facility shall be appointed for two-year
35 terms. Board members who are the administrator of a nursing care
36 institution or the manager of an assisted living facility shall be
37 appointed for three-year terms.

38 H. A board member shall not serve for more than two consecutive
39 terms.

40 I. The board shall meet at least twice a year.

41 J. A majority of the board members constitutes a quorum.

42 K. Board members are eligible to receive compensation as determined
43 pursuant to section 38-611 for each day actually spent performing their
44 duties under this chapter.

45 L. A board member who is absent from three consecutive regular
46 meetings or who fails to attend more than fifty percent of board meetings

1 over the course of one calendar year vacates the board member's position.
2 The board shall notify the governor of the vacancy.

3 <<Sec. 23. Health profession regulatory boards; report;
4 intent; delayed repeal

5 [A. On or before November 1, 2025, each health profession
6 regulatory board shall submit a report to the governor, the president of
7 the senate and the speaker of the house of representatives, and shall
8 provide a copy to the secretary of state, outlining the laws, rules and
9 internal processes that dictate the following:

10 1. All requirements for each type of license or certificate issued
11 by the board, including:

12 (a) Education and training requirements.

13 (b) Continuing education requirements.

14 (c) Initial and renewal licensure and certification application
15 processes and time frames.

16 (d) Application and initial and renewal licensing and certification
17 fees.

18 (e) Required background checks and any offenses that would preclude
19 licensure or certification.

20 2. How the board receives and investigates complaints and the types
21 of disciplinary authority the board possesses, including appeal processes.

22 3. The number of full-time employees of the board and their
23 corresponding duties.

24 4. Hiring, onboarding and termination of employees of the board.

25 5. A description of documents and discipline records retention.

26 6. A description of current contracts with third-party vendors and
27 the services being provided by the vendors.

28 7. A description of board positions, including qualifications, term
29 length and any prohibitions on consecutive appointments.

30 B. This legislature intends that this report provide the
31 legislature adequate information to facilitate the revision and
32 consolidation of statutes governing each health profession regulatory
33 board in an effort to create uniformity and consistency in application
34 while allowing for necessary exceptions essential to the operation and
35 regulatory authority of each board.

36 C. This section is repealed from and after June 30, 2026.]]>>

37 Sec. 24. Retention of members

38 A. Notwithstanding section 32-802, Arizona Revised Statutes, as
39 amended by this act, all persons serving as members of the state board of
40 podiatry examiners on the effective date of this act may continue to serve
41 until the expiration of their normal terms. The governor shall make all
42 subsequent appointments as prescribed by statute.

43 B. Notwithstanding section 32-901, Arizona Revised Statutes, as
44 amended by this act, all persons serving as members of the state board of
45 chiropractic examiners on the effective date of this act may continue to
46 serve until the expiration of their normal terms. The governor shall make
47 all subsequent appointments as prescribed by statute.

1 C. Notwithstanding section 32-1203, Arizona Revised Statutes, as
2 amended by this act, all persons serving as members of the state board of
3 dental examiners on the effective date of this act may continue to serve
4 until the expiration of their normal terms. The governor shall make all
5 subsequent appointments as prescribed by statute.

6 D. Notwithstanding section 32-1402, Arizona Revised Statutes, as
7 amended by this act, all persons serving as members of the Arizona medical
8 board on the effective date of this act may continue to serve until the
9 expiration of their normal terms. The governor shall make all subsequent
10 appointments as prescribed by statute.

11 E. Notwithstanding section 32-1502, Arizona Revised Statutes, as
12 amended by this act, all persons serving as members of the naturopathic
13 physicians medical board on the effective date of this act may continue to
14 serve until the expiration of their normal terms. The governor shall make
15 all subsequent appointments as prescribed by statute.

16 F. Notwithstanding section 32-1602, Arizona Revised Statutes, as
17 amended by this act, all persons serving as members of the Arizona state
18 board of nursing on the effective date of this act may continue to serve
19 until the expiration of their normal terms. The governor shall make all
20 subsequent appointments as prescribed by statute.

21 G. Notwithstanding section 32-1672, Arizona Revised Statutes, as
22 amended by this act, all persons serving as members of the state board of
23 dispensing opticians on the effective date of this act may continue to
24 serve until the expiration of their normal terms. The governor shall make
25 all subsequent appointments as prescribed by statute.

26 H. Notwithstanding section 32-1702, Arizona Revised Statutes, as
27 amended by this act, all persons serving as members of the state board of
28 optometry on the effective date of this act may continue to serve until
29 the expiration of their normal terms. The governor shall make all
30 subsequent appointments as prescribed by statute.

31 I. Notwithstanding section 32-1801, Arizona Revised Statutes, as
32 amended by this act, all persons serving as members of the Arizona board
33 of osteopathic examiners in medicine and surgery on the effective date of
34 this act may continue to serve until the expiration of their normal terms.
35 The governor shall make all subsequent appointments as prescribed by
36 statute.

37 J. Notwithstanding section 32-1902, Arizona Revised Statutes, as
38 amended by this act, all persons serving as members of the Arizona state
39 board of pharmacy on the effective date of this act may continue to serve
40 until the expiration of their normal terms. The governor shall make all
41 subsequent appointments as prescribed by statute.

42 K. Notwithstanding section 32-2002, Arizona Revised Statutes, as
43 amended by this act, all persons serving as members of the board of
44 physical therapy on the effective date of this act may continue to serve
45 until the expiration of their normal terms. The governor shall make all
46 subsequent appointments as prescribed by statute.

1 L. Notwithstanding section 32-2062, Arizona Revised Statutes, as
2 amended by this act, all persons serving as members of the state board of
3 psychologist examiners on the effective date of this act may continue to
4 serve until the expiration of their normal terms. The governor shall make
5 all subsequent appointments as prescribed by statute.

6 M. Notwithstanding section 32-2502, Arizona Revised Statutes, as
7 amended by this act, all persons serving as members of the Arizona
8 regulatory board of physician assistants on the effective date of this act
9 may continue to serve until the expiration of their normal terms. The
10 governor shall make all subsequent appointments as prescribed by statute.

11 N. Notwithstanding section 32-2902, Arizona Revised Statutes, as
12 amended by this act, all persons serving as members of the board of
13 homeopathic and integrated medicine examiners on the effective date of
14 this act may continue to serve until the expiration of their normal terms.
15 The governor shall make all subsequent appointments as prescribed by
16 statute.

17 O. Notwithstanding section 32-3252, Arizona Revised Statutes, as
18 amended by this act, all persons serving as members of the board of
19 behavioral health examiners on the effective date of this act may continue
20 to serve until the expiration of their normal terms. The governor shall
21 make all subsequent appointments as prescribed by statute.

22 P. Notwithstanding section 32-3402, Arizona Revised Statutes, as
23 amended by this act, all persons serving as members of the board of
24 occupational therapy examiners on the effective date of this act may
25 continue to serve until the expiration of their normal terms. The
26 governor shall make all subsequent appointments as prescribed by statute.

27 Q. Notwithstanding section 32-3502, Arizona Revised Statutes, as
28 amended by this act, all persons serving as members of the board of
29 respiratory care examiners on the effective date of this act may continue
30 to serve until the expiration of their normal terms. The governor shall
31 make all subsequent appointments as prescribed by statute.

32 R. Notwithstanding section 32-3902, Arizona Revised Statutes, as
33 amended by this act, all persons serving as members of the acupuncture
34 board of examiners on the effective date of this act may continue to serve
35 until the expiration of their normal terms. The governor shall make all
36 subsequent appointments as prescribed by statute.

37 S. Notwithstanding section 32-4102, Arizona Revised Statutes, as
38 amended by this act, all persons serving as members of the board of
39 athletic training on the effective date of this act may continue to serve
40 until the expiration of their normal terms. The governor shall make all
41 subsequent appointments as prescribed by statute.

42 T. Notwithstanding section 32-4202, Arizona Revised Statutes, as
43 amended by this act, all persons serving as members of the board of
44 massage therapy on the effective date of this act may continue to serve
45 until the expiration of their normal terms. The governor shall make all
46 subsequent appointments as prescribed by statute.]

1 ~~[F.]~~[U.] Notwithstanding section 36-446.02, Arizona Revised
2 Statutes, as amended by this act, all persons serving as members of the
3 board of examiners of nursing care institution administrators and assisted
4 living facility managers on the effective date of this act may continue to
5 serve until the expiration of their normal terms. The governor shall make
6 all subsequent appointments as prescribed by statute.

7 Enroll and engross to conform
8 Amend title to conform

JANAE SHAMP

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C: MH