

REFERENCE TITLE: nursing homes; fingerprinting

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1316

Introduced by
Senator Allen

AN ACT

AMENDING SECTIONS 36-446.04, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA
REVISED STATUTES; RELATING TO FINGERPRINTING REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-446.04, Arizona Revised Statutes, is amended to
3 read:
4 36-446.04. Qualifications; period of validity; exemption
5 A. The board shall issue a license as a nursing care institution
6 administrator pursuant to its rules to any person who meets the following
7 qualifications:
8 1. Is of good character.
9 2. Has satisfactorily completed a course of instruction and training
10 approved by the board that:
11 (a) Is designed and sufficiently administered to give the applicant
12 knowledge of the proper needs to be served by nursing care institutions.
13 (b) Includes a thorough background in the laws and rules governing the
14 operation of nursing care institutions and the protection of the interests of
15 the patients in nursing care institutions.
16 (c) Includes thorough training in elements of good health care
17 facilities administration.
18 3. Has passed an examination administered by the board designed to
19 test for competency in the subject matter referred to in this subsection.
20 4. HAS MET ONE OF THE FOLLOWING FINGERPRINTING REQUIREMENTS:
21 (a) HAS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE
22 41, CHAPTER 12, ARTICLE 3.1.
23 (b) HAS PROVIDED PROOF OF THE SUBMISSION OF AN APPLICATION FOR A
24 FINGERPRINT CLEARANCE CARD. AN APPLICANT WHO HAS BEEN DENIED A FINGERPRINT
25 CLEARANCE CARD MUST ALSO PROVIDE PROOF THAT THE APPLICANT QUALIFIES FOR A
26 GOOD CAUSE EXCEPTION HEARING PURSUANT TO SECTION 41-619.55.
27 B. A PERSON WHO IS LICENSED PURSUANT TO THIS SECTION MUST MAINTAIN A
28 VALID FINGERPRINT CLEARANCE CARD DURING THE VALID PERIOD OF THE PERSON'S
29 LICENSE.
30 ~~B-~~ C. The board shall issue a certificate as an assisted living
31 facility manager pursuant to its rules to a person who meets the following
32 qualifications:
33 1. Is of good character.
34 2. Has satisfactorily completed a course of instruction and training
35 approved by the department.
36 3. Has passed an examination administered by the board.
37 4. Provides documentation satisfactory to the board that the applicant
38 has completed two thousand eighty hours of paid work experience in a health
39 related field within the preceding five years as prescribed by board rule.
40 5. HAS MET ONE OF THE FOLLOWING FINGERPRINTING REQUIREMENTS:
41 (a) HAS A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE
42 41, CHAPTER 12, ARTICLE 3.1.
43 (b) HAS PROVIDED PROOF OF THE SUBMISSION OF AN APPLICATION FOR A
44 FINGERPRINT CLEARANCE CARD. AN APPLICANT WHO HAS BEEN DENIED A FINGERPRINT

1 CLEARANCE CARD MUST ALSO PROVIDE PROOF THAT THE APPLICANT QUALIFIES FOR A
2 GOOD CAUSE EXCEPTION HEARING PURSUANT TO SECTION 41-619.55.

3 D. A PERSON WHO IS CERTIFIED PURSUANT TO THIS SECTION MUST MAINTAIN A
4 VALID FINGERPRINT CLEARANCE CARD DURING THE VALID PERIOD OF THE PERSON'S
5 CERTIFICATE.

6 ~~E.~~ E. In lieu of the requirements contained in subsection A,
7 paragraph 2 or subsection ~~B- C~~, paragraph 2, an applicant may present
8 satisfactory evidence to the board of sufficient education and training in
9 the areas listed in that paragraph.

10 ~~F.~~ F. A license is nontransferable and remains in effect until the
11 following June 30 of an even numbered year at which time the license may be
12 renewed if the licensee otherwise complies with this article and unless the
13 license has been surrendered, suspended or revoked.

14 ~~G.~~ G. A certificate is nontransferable and remains in effect until
15 the following June 30 of an odd numbered year at which time the certificate
16 may be renewed if the certificate holder otherwise complies with this article
17 and the certificate has not been surrendered, suspended or revoked.

18 ~~F.~~ H. This section does not apply to managers of adult foster care as
19 defined in section 36-401.

20 Sec. 2. Section 41-619.51, Arizona Revised Statutes, is amended to
21 read:

22 41-619.51. Definitions

23 In this article, unless the context otherwise requires:

24 1. "Agency" means the supreme court, the department of economic
25 security, the department of education, the department of health services, ~~or~~
26 the department of juvenile corrections OR THE BOARD OF EXAMINERS OF NURSING
27 CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS.

28 2. "Board" means the board of fingerprinting.

29 3. "Expedited review" means an examination, in accordance with board
30 rule, of the documents an applicant submits by the board or its hearing
31 officer without the applicant being present.

32 4. "Facility" or "program" means state facilities or programs that
33 provide direct services to adults with developmental disabilities or to
34 juveniles.

35 5. "Good cause exception" means the issuance of a fingerprint
36 clearance card to an employee pursuant to section 41-619.55.

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

- 39 (a) Section 8-105.
- 40 (b) Section 8-322.
- 41 (c) Section 8-509.
- 42 (d) Section 8-802.
- 43 (e) Section 15-183.
- 44 (f) Section 15-534.
- 45 (g) Section 15-1330.

- 1 (h) Section 36-411.
 - 2 (i) Section 36-425.03.
 - 3 (j) SECTION 36-446.04
 - 4 ~~(j)~~ (k) Section 36-594.01.
 - 5 ~~(k)~~ (l) Section 36-594.02.
 - 6 ~~(l)~~ (m) Section 36-882.
 - 7 ~~(m)~~ (n) Section 36-883.02.
 - 8 ~~(n)~~ (o) Section 36-897.01.
 - 9 ~~(o)~~ (p) Section 36-897.03.
 - 10 ~~(p)~~ (q) Section 36-3008.
 - 11 ~~(q)~~ (r) Section 41-1964.
 - 12 ~~(r)~~ (s) Section 41-1967.01.
 - 13 ~~(s)~~ (t) Section 41-1968.
 - 14 ~~(t)~~ (u) Section 41-1969.
 - 15 ~~(u)~~ (v) Section 41-2814.
 - 16 ~~(v)~~ (w) Section 46-141, subsection A.
 - 17 ~~(w)~~ (x) Section 46-321.
- 18 Sec. 3. Section 41-1758, Arizona Revised Statutes, is amended to read:
19 41-1758. Definitions
- 20 In this article, unless the context otherwise requires:
- 21 1. "Agency" means the supreme court, the department of economic
22 security, the department of education, the department of health services, ~~or~~
23 the department of juvenile corrections OR THE BOARD OF EXAMINERS OF NURSING
24 CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS.
 - 25 2. "Division" means the fingerprinting division in the department of
26 public safety.
 - 27 3. "Facility" or "program" means state facilities or programs that
28 provide direct services to adults with developmental disabilities or to
29 juveniles.
 - 30 4. "Good cause exception" means the issuance of a fingerprint
31 clearance card to an employee pursuant to section 41-619.55.
 - 32 5. "Person" means a person who is required to be fingerprinted
33 pursuant to any of the following:
 - 34 (a) Section 8-105.
 - 35 (b) Section 8-322.
 - 36 (c) Section 8-509.
 - 37 (d) Section 8-802.
 - 38 (e) Section 15-183.
 - 39 (f) Section 15-534.
 - 40 (g) Section 15-1330.
 - 41 (h) Section 36-411.
 - 42 (i) Section 36-425.03.
 - 43 (j) SECTION 36-446.04.
 - 44 ~~(j)~~ (k) Section 36-594.01.
 - 45 ~~(k)~~ (l) Section 36-594.02.

- 1 ~~(l)~~ (m) Section 36-882.
 - 2 ~~(m)~~ (n) Section 36-883.02.
 - 3 ~~(n)~~ (o) Section 36-897.01.
 - 4 ~~(o)~~ (p) Section 36-897.03.
 - 5 ~~(p)~~ (q) Section 36-3008.
 - 6 ~~(q)~~ (r) Section 41-1964.
 - 7 ~~(r)~~ (s) Section 41-1967.01.
 - 8 ~~(s)~~ (t) Section 41-1968.
 - 9 ~~(t)~~ (u) Section 41-1969.
 - 10 ~~(u)~~ (v) Section 41-2814.
 - 11 ~~(v)~~ (w) Section 46-141, subsection A.
 - 12 ~~(w)~~ (x) Section 46-321.
- 13 6. "Vulnerable adult" has the same meaning prescribed in section
14 13-3623.
- 15 Sec. 4. Section 41-1758.01, Arizona Revised Statutes, is amended to
16 read:
- 17 41-1758.01. Fingerprinting division; duties
- 18 The fingerprinting division is established in the department of public
19 safety and shall:
- 20 1. Conduct fingerprint background checks for persons and applicants
21 who are seeking employment with licensees, contract providers and state
22 agencies that require fingerprint background checks pursuant to sections
23 8-105, 8-322, 8-509, 8-802, 15-183, 15-534, 15-1330, 36-411, 36-425.03,
24 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
25 36-3008, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141,
26 subsection A and section 46-321.
- 27 2. Issue fingerprint clearance cards. On issuance, a fingerprint
28 clearance card becomes the personal property of the cardholder and the
29 cardholder shall retain possession of the fingerprint clearance card.
- 30 3. On submission of an application for a fingerprint clearance card,
31 collect the fees established by the board of fingerprinting pursuant to
32 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
33 monies collected in the board of fingerprinting fund.
- 34 4. Inform in writing each person who submits fingerprints for a
35 fingerprint background check of the person's right to petition the board of
36 fingerprinting for a good cause exception pursuant to section 41-1758.03.
- 37 5. Administer and enforce this article.