

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

SENATE BILL 1605

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; AMENDING SECTIONS 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO IN-HOME PERSONAL CARE SERVICES AGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 11, to read:

4 CHAPTER 11

5 IN-HOME PERSONAL CARE SERVICES AGENCIES

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1301. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "AGENCY" MEANS AN IN-HOME PERSONAL CARE SERVICES AGENCY THAT IS
10 LICENSED PURSUANT TO THIS CHAPTER TO PROVIDE IN-HOME PERSONAL CARE SERVICES
11 TO CLIENTS BY AN IN-HOME PERSONAL CARE ATTENDANT.

12 2. "CLIENT" MEANS A PERSON WHO REQUESTS IN-HOME PERSONAL CARE SERVICES
13 FROM AN IN-HOME PERSONAL CARE SERVICES AGENCY IN THE PERSON'S PLACE OF
14 RESIDENCE.

15 3. "IN-HOME PERSONAL CARE ATTENDANT" MEANS A PERSON WHO IS EMPLOYED BY
16 AN IN-HOME PERSONAL CARE SERVICES AGENCY TO ASSIST A CLIENT OR CLIENTS WITH
17 IN-HOME PERSONAL CARE SERVICES.

18 4. "IN-HOME PERSONAL CARE SERVICES":

19 (a) INCLUDES:

20 (i) ACTIVITIES OF DAILY LIVING.

21 (ii) AMBULATION.

22 (iii) TRANSFER.

23 (iv) TOILETING.

24 (v) PERSONAL HYGIENE.

25 (vi) FEEDING.

26 (vii) A REMINDER TO TAKE MEDICATION.

27 (viii) LETTER WRITING.

28 (ix) READING.

29 (x) MONITORING AND COMPANIONSHIP FOR A CLIENT WHO CANNOT SAFELY BE
30 LEFT ALONE.

31 (xi) LIGHT HOUSECLEANING, LAUNDRY AND FOOD PREPARATION.

32 (xii) ESSENTIAL ERRANDS, SUCH AS GROCERY SHOPPING AND SECURING MEDICAL
33 SUPPLIES AND HOUSEHOLD ITEMS.

34 (xiii) PROVIDING INTERMITTENT ASSISTANCE WITH PERSONAL AND PHYSICAL
35 NEEDS, SUCH AS WASHING A CLIENT'S HAIR, BATHING A CLIENT AND DRESSING A
36 CLIENT.

37 (b) DOES NOT INCLUDE:

38 (i) SERVICES PROVIDED BY A LICENSED HEALTH CARE INSTITUTION TO ITS
39 PATIENTS.

40 (ii) SERVICES THAT REQUIRE THE ORDER OF A HEALTH CARE PROFESSIONAL FOR
41 THE SERVICES TO BE LAWFULLY PERFORMED.

42 (iii) SKILLED MEDICAL SERVICES THAT MUST BE PERFORMED BY A PERSON WHO
43 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

1 (iv) HOME HEALTH SERVICES PROVIDED BY HOME HEALTH AGENCIES. FOR THE
2 PURPOSES OF THIS ITEM, "HOME HEALTH SERVICES" HAS THE SAME MEANING PRESCRIBED
3 IN SECTION 36-151.

4 36-1302. In-home personal care services agencies; licensure;
5 application; exemptions

6 A. BEGINNING JULY 1, 2009, AN AGENCY THAT WISHES TO PROVIDE IN-HOME
7 PERSONAL CARE SERVICES MUST HAVE A CURRENT LICENSE ISSUED BY THE DEPARTMENT.
8 EACH APPLICANT FOR LICENSURE MUST SUBMIT AN APPLICATION TO THE DEPARTMENT ON
9 A FORM PRESCRIBED AND FURNISHED BY THE DEPARTMENT AND MUST INCLUDE WITH THE
10 APPLICATION AN INITIAL APPLICATION FEE PRESCRIBED BY THE DEPARTMENT BY RULE.
11 THE APPLICATION MUST CONTAIN:

12 1. THE NAME AND LOCATION OF THE AGENCY.

13 2. THE NAME OF THE PERSON OWNING THE AGENCY AND THE NAME OF THE PERSON
14 DIRECTING THE AGENCY.

15 3. OTHER INFORMATION THE DEPARTMENT DETERMINES NECESSARY TO PROCESS
16 THE APPLICATION.

17 B. THE DEPARTMENT SHALL ISSUE A LICENSE TO EACH APPLICANT IT
18 DETERMINES MEETS THE REQUIREMENTS OF THIS CHAPTER AND RULES ADOPTED BY THE
19 DEPARTMENT PURSUANT TO THIS CHAPTER. THE DIRECTOR MAY DENY A LICENSE BECAUSE
20 AN APPLICANT OR ANYONE IN A BUSINESS RELATIONSHIP WITH THE APPLICANT,
21 INCLUDING CONTROLLING PERSONS, HAS HAD A LICENSE TO OPERATE A HEALTH CARE
22 INSTITUTION DENIED, REVOKED OR SUSPENDED OR A LICENSE OR CERTIFICATE ISSUED
23 BY A HEALTH PROFESSION REGULATORY BOARD PURSUANT TO TITLE 32 OR ISSUED BY A
24 STATE AGENCY PURSUANT TO CHAPTER 6, ARTICLE 7 OR CHAPTER 17 OF THIS TITLE
25 DENIED, REVOKED OR SUSPENDED OR HAS A LICENSING HISTORY OF RECENT SERIOUS
26 VIOLATIONS OCCURRING IN THIS STATE OR IN ANOTHER STATE THAT POSED A DIRECT
27 RISK TO THE LIFE, HEALTH OR SAFETY OF PATIENTS OR RESIDENTS.

28 C. A REGULAR LICENSE IS VALID FOR UP TO TWO YEARS AND MAY BE RENEWED
29 ON PAYMENT OF AN APPLICATION FOR RENEWAL FEE PRESCRIBED BY THE DIRECTOR BY
30 RULE IF THE AGENCY IS IN SUBSTANTIAL COMPLIANCE WITH THIS CHAPTER AND RULES
31 ADOPTED PURSUANT TO THIS CHAPTER.

32 D. A PERSON WHO OPERATES AN AGENCY MUST DISPLAY IN A PROMINENT PLACE
33 IN THE AGENCY THE LICENSE ISSUED PURSUANT TO THIS SECTION.

34 E. THE DEPARTMENT SHALL MAKE A LIST OF AGENCIES LICENSED PURSUANT TO
35 THIS SECTION AVAILABLE TO THE PUBLIC ON REQUEST.

36 F. THE FOLLOWING ARE EXEMPT FROM THE LICENSURE REQUIREMENTS OF THIS
37 SECTION:

38 1. AN INDIVIDUAL WHO INDEPENDENTLY PROVIDES IN-HOME PERSONAL CARE
39 SERVICES AND WHO DOES NOT CONTRACT WITH OR IS NOT EMPLOYED BY AN AGENCY THAT
40 PROVIDES IN-HOME PERSONAL CARE SERVICES.

41 2. A RELIGIOUS CORPORATION, CHURCH OR RELIGIOUS SOCIETY OR
42 DENOMINATION THAT PROVIDES IN-HOME PERSONAL CARE SERVICES ON A VOLUNTEER
43 BASIS.

1 3. AN INDIVIDUAL WHO PROVIDES IN-HOME PERSONAL CARE SERVICES ON A
2 VOLUNTEER BASIS WITHOUT COMPENSATION OTHER THAN REIMBURSEMENT OF ACTUAL
3 EXPENSES INCURRED.

4 36-1303. Fees; deposit

5 A. THE DIRECTOR BY RULE SHALL ESTABLISH FEES FOR CONDUCTING ON-SITE
6 INSPECTIONS, EVALUATIONS AND VERIFICATIONS OF INFORMATION SUBMITTED WITH AN
7 APPLICATION AND OTHER ACTIVITIES RELATED TO LICENSURE OF AGENCIES PURSUANT TO
8 THIS CHAPTER.

9 B. THE DEPARTMENT SHALL DEPOSIT FEES COLLECTED PURSUANT TO THIS
10 CHAPTER IN THE STATE GENERAL FUND.

11 36-1304. Employees; fingerprinting; background investigations

12 A. AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF AN AGENCY AND
13 AS A CONDITION OF EMPLOYMENT BY AN AGENCY, EACH AGENCY OWNER AND MANAGER AND
14 EACH IN-HOME PERSONAL CARE ATTENDANT MUST HAVE A VALID FINGERPRINT CLEARANCE
15 CARD THAT IS ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR MUST
16 APPLY FOR A FINGERPRINT CLEARANCE CARD WITHIN TWENTY WORKING DAYS AFTER
17 EMPLOYMENT.

18 B. FOR NEW EMPLOYEES HIRED FROM AND AFTER JUNE 30, 2009, EACH AGENCY
19 OWNER MUST DOCUMENT THE OWNER'S GOOD FAITH EFFORT TO:

20 1. CONTACT PREVIOUS EMPLOYERS TO OBTAIN INFORMATION OR RECOMMENDATIONS
21 THAT MAY BE RELEVANT TO A PERSON'S FITNESS TO PROVIDE IN-HOME PERSONAL CARE
22 SERVICES.

23 2. VERIFY THE CURRENT STATUS OF A PERSON'S FINGERPRINT CLEARANCE CARD.

24 C. AN AGENCY SHALL NOT ALLOW A PERSON TO CONTINUE TO PROVIDE IN-HOME
25 PERSONAL CARE SERVICES IF THE PERSON HAS BEEN DENIED A FINGERPRINT CLEARANCE
26 CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

27 D. NOTWITHSTANDING THE REQUIREMENTS OF SECTION 41-1758.02, SUBSECTION
28 B, A PERSON WHO PROVIDES IN-HOME PERSONAL CARE SERVICES AFTER MEETING THE
29 FINGERPRINTING AND CRIMINAL RECORDS CHECK REQUIREMENTS OF THIS SECTION IS NOT
30 REQUIRED TO MEET THE FINGERPRINTING AND CRIMINAL RECORDS CHECK REQUIREMENTS
31 OF THIS SECTION AGAIN IF THAT PERSON REMAINS EMPLOYED BY THE SAME EMPLOYER OR
32 CHANGES EMPLOYMENT WITHIN TWO YEARS AFTER SATISFYING THE REQUIREMENTS OF THIS
33 SECTION. FOR THE PURPOSES OF THIS SUBSECTION, IF THE EMPLOYER CHANGES
34 THROUGH SALE, LEASE OR OPERATION OF LAW, A PERSON IS DEEMED TO BE EMPLOYED BY
35 THE SAME EMPLOYER IF THAT PERSON REMAINS EMPLOYED BY THE NEW EMPLOYER.

36 E. IF A PERSON'S EMPLOYMENT RECORD CONTAINS A SIX MONTH OR LONGER TIME
37 FRAME DURING WHICH THE PERSON WAS NOT EMPLOYED BY ANY EMPLOYER TO PROVIDE
38 IN-HOME PERSONAL CARE SERVICES, A COMPLETED APPLICATION WITH A NEW SET OF
39 FINGERPRINTS SHALL BE SUBMITTED TO THE DEPARTMENT OF PUBLIC SAFETY.

40 F. A HEALTH PROFESSIONAL WHO HAS A VALID FINGERPRINT CLEARANCE CARD AS
41 A CONDITION OF LICENSURE OR CERTIFICATION BY A HEALTH PROFESSION REGULATORY
42 BOARD PURSUANT TO TITLE 32 IS NOT REQUIRED TO SUBMIT AN ADDITIONAL SET OF
43 FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS SECTION.

1 36-1305. Competency tests; documentation

2 A. AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF AN AGENCY AND
3 AS A CONDITION OF EMPLOYMENT BY AN AGENCY, EACH IN-HOME PERSONAL CARE
4 ATTENDANT MUST PASS A COMPETENCY TEST THAT IS DESIGNED AND ADMINISTERED BY
5 THE AGENCY. AN ATTENDANT WHO DOES NOT PASS THE COMPETENCY TEST MUST
6 PARTICIPATE IN A TRAINING PROGRAM DESIGNED AND ADMINISTERED BY THE AGENCY.
7 THE COMPETENCY TEST MUST BE APPROVED BY THE DEPARTMENT AND MUST COMPLY EITHER
8 WITH MINIMUM STANDARDS PRESCRIBED BY THE DEPARTMENT OR WITH ARIZONA LONG-TERM
9 CARE SYSTEM GUIDELINES.

10 B. EACH AGENCY SHALL PROVIDE FOUR HOURS OF IN-SERVICE TRAINING
11 ANNUALLY TO ALL IN-HOME PERSONAL CARE ATTENDANTS.

12 C. EACH AGENCY SHALL MAINTAIN RECORDS TO DOCUMENT THE AGENCY'S
13 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

14 D. THE DIRECTOR MAY:

15 1. PRESCRIBE BY RULE STANDARDS FOR THE COMPETENCY TEST AND THE
16 TRAINING PROGRAM REQUIRED PURSUANT TO THIS SECTION.

17 2. GRANT, DENY, SUSPEND OR REVOKE APPROVAL OF AN AGENCY'S COMPETENCY
18 TEST OR TRAINING PROGRAM.

19 3. IMPOSE A CIVIL PENALTY PURSUANT TO SECTION 36-1311 FOR THE USE OF A
20 COMPETENCY TEST OR TRAINING PROGRAM THAT HAS NOT BEEN APPROVED BY THE
21 DEPARTMENT.

22 36-1306. Inspections

23 A. EVERY TWO YEARS, ON LICENSE RENEWAL, THE DEPARTMENT MAY CONDUCT
24 INSPECTIONS OF ANY AGENCY TO CONFIRM THE AGENCY'S COMPLIANCE WITH THE
25 REQUIREMENTS OF THIS CHAPTER AND DEPARTMENT RULES.

26 B. THE DEPARTMENT ON ITS OWN MOTION, OR PURSUANT TO A COMPLAINT FROM
27 THE PUBLIC, MAY INVESTIGATE ANY EVIDENCE THAT A LICENSEE HAS VIOLATED THIS
28 CHAPTER.

29 C. SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF CHAPTER 4, ARTICLES
30 4 AND 5 OF THIS TITLE, TITLE 12, CHAPTER 13, ARTICLE 7.1 AND SECTION 12-2235,
31 THE LICENSEE SHALL KEEP CURRENT DEPARTMENT INSPECTION REPORTS AT THE AGENCY.
32 UNLESS FEDERAL LAW REQUIRES OTHERWISE, THE LICENSEE SHALL CONSPICUOUSLY POST
33 A NOTICE THAT IDENTIFIES THE LOCATION AT THAT AGENCY WHERE THE INSPECTION
34 REPORTS ARE AVAILABLE FOR REVIEW.

35 36-1307. Suspension or revocation; hearing

36 A. AFTER A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10, THE
37 DIRECTOR MAY SUSPEND OR REVOKE AN AGENCY'S LICENSE IF ITS OWNERS, OFFICERS,
38 AGENTS OR EMPLOYEES:

39 1. VIOLATE THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

40 2. HAVE BEEN, ARE OR MAY CONTINUE TO BE IN SUBSTANTIAL VIOLATION OF
41 THE REQUIREMENTS FOR LICENSURE AND AS A RESULT THE HEALTH OR SAFETY OF ONE OR
42 MORE CLIENTS OR THE GENERAL PUBLIC IS IN IMMEDIATE DANGER.

43 B. IF THE LICENSEE REFUSES TO ALLOW THE DEPARTMENT OR ITS EMPLOYEES OR
44 AGENTS THE RIGHT TO INSPECT ITS PREMISES, THIS ACTION IS REASONABLE CAUSE TO

1 BELIEVE THAT A SUBSTANTIAL VIOLATION UNDER SUBSECTION A, PARAGRAPH 2 OF THIS
2 SECTION EXISTS.

3 C. IF THE DIRECTOR DETERMINES THAT THERE IS REASONABLE CAUSE TO
4 BELIEVE THAT AN AGENCY IS IN VIOLATION OF THE REQUIREMENTS OF THIS CHAPTER,
5 THE DIRECTOR OR ANY EMPLOYEE OR AGENT DESIGNATED BY THE DIRECTOR HAS THE
6 RIGHT TO ENTER, DURING BUSINESS HOURS, THE PREMISES OF ANY AGENCY THAT IS
7 LICENSED OR REQUIRED TO BE LICENSED PURSUANT TO THIS CHAPTER FOR THE PURPOSES
8 OF DETERMINING WHETHER THE AGENCY IS COMPLYING WITH THE REQUIREMENTS OF THIS
9 CHAPTER. IF ANY AGENCY HAS SUBMITTED AN APPLICATION FOR LICENSURE, THE
10 APPLICATION CONSTITUTES PERMISSION FOR ENTRY OR INSPECTION OF THE PREMISES
11 WHILE THE APPLICATION IS PENDING AND, IF THE AGENCY IS LICENSED, FOR THE
12 DURATION OF THE LICENSE. IF AN INSPECTION REVEALS THAT THE AGENCY IS IN
13 VIOLATION OF THIS CHAPTER, THE DIRECTOR MAY ACT AS AUTHORIZED BY THIS
14 CHAPTER. AN AGENCY WHOSE LICENSE IS SUSPENDED OR REVOKED IN ACCORDANCE WITH
15 THIS SECTION IS SUBJECT TO INSPECTION ON APPLICATION FOR RELICENSURE OR
16 REINSTATEMENT OF THE LICENSE.

17 36-1308. Removal of licensee; temporary management; continued
18 operation

19 A. IF THE DIRECTOR REASONABLY BELIEVES THAT A VIOLATION OF THIS
20 CHAPTER BY A LICENSEE ENDANGERS THE HEALTH, SAFETY OR WELFARE OF ONE OR MORE
21 OF THE LICENSEE'S CLIENTS, IN ADDITION TO OTHER REMEDIES PROVIDED BY THIS
22 CHAPTER, THE DIRECTOR MAY ENTER INTO AN AGREEMENT WITH THE LICENSEE OR BRING
23 AN ACTION REQUESTING THE SUPERIOR COURT TO:

24 1. REMOVE THE LICENSEE'S ADMINISTRATIVE OFFICERS, AGENTS OR EMPLOYEES
25 BY INJUNCTION, ENJOIN THE LICENSEE FROM CONTINUED OPERATION AND REVOKE THE
26 LICENSE.

27 2. APPOINT TEMPORARY PERSONNEL TO CONTINUE OPERATION OF THE AGENCY
28 UNDER CONDITIONS AND REQUIREMENTS SET BY THE COURT PENDING CORRECTION OF THE
29 VIOLATION AND RESTORATION OF THE LICENSEE, REVOCATION OF THE LICENSE OR
30 CORRECTION OF THE VIOLATION AND CHANGE OF OWNERSHIP.

31 B. THE ACTION SHALL BE BROUGHT IN THE NAME OF THE PEOPLE OF THE STATE
32 THROUGH THE ATTORNEY GENERAL IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE
33 AGENCY IS LOCATED.

34 36-1309. Unlicensed operation; prohibition; injunction

35 THE ATTORNEY GENERAL MAY BRING AN ACTION FOR AN INJUNCTION TO ENJOIN
36 THE CONTINUED OPERATION OF A BUSINESS THAT IS NOT LICENSED PURSUANT TO THIS
37 CHAPTER OR THAT IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER OR
38 RULES ADOPTED PURSUANT TO THIS CHAPTER.

39 36-1310. Violation; classification

40 A. A PERSON WHO OPERATES AN AGENCY WITHOUT HAVING A CURRENT LICENSE
41 ISSUED PURSUANT TO THIS CHAPTER IS GUILTY OF A CLASS 3 MISDEMEANOR.

42 B. EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE
43 VIOLATION.

1 36-1311. Civil penalties

2 A. THE DIRECTOR MAY ASSESS AND COLLECT A CIVIL PENALTY OF NOT MORE
3 THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION OF THIS CHAPTER OR RULE ADOPTED
4 PURSUANT TO THIS CHAPTER. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A
5 SEPARATE VIOLATION.

6 B. THE DIRECTOR MAY ISSUE A NOTICE OF ASSESSMENT THAT INCLUDES THE
7 AMOUNT OF THE CIVIL PENALTY.

8 C. AN AGENCY MAY APPEAL THE ASSESSMENT OF A CIVIL PENALTY BY
9 REQUESTING A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF A CIVIL
10 PENALTY IS APPEALED, THE DIRECTOR SHALL NOT TAKE FURTHER ACTION TO ENFORCE OR
11 COLLECT THE ASSESSMENT UNTIL AFTER THE HEARING.

12 D. WHEN DETERMINING THE AMOUNT OF THE CIVIL PENALTY, THE DIRECTOR
13 SHALL CONSIDER THE FOLLOWING:

- 14 1. IF THE AGENCY REPEATEDLY VIOLATED THIS CHAPTER.
- 15 2. IF THERE IS A PATTERN OF NONCOMPLIANCE.
- 16 3. THE TYPE OF VIOLATION.
- 17 4. THE SEVERITY OF THE VIOLATIONS.
- 18 5. THE POTENTIAL FOR AN OCCURRENCE OF HARM.
- 19 6. THE THREAT TO HEALTH AND SAFETY.
- 20 7. THE NUMBER OF PERSONS AFFECTED BY THE VIOLATION.
- 21 8. THE NUMBER OF VIOLATIONS.
- 22 9. THE DURATION OF THE VIOLATION.

23 E. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY SHALL BRING AN ACTION
24 TO ENFORCE THE COLLECTION OF A CIVIL PENALTY IN THE NAME OF THIS STATE IN THE
25 JUSTICE COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION
26 OCCURRED.

27 F. THE DIRECTOR SHALL TRANSMIT CIVIL PENALTIES COLLECTED PURSUANT TO
28 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT IN THE STATE GENERAL FUND.

29 Sec. 2. Section 41-1758, Arizona Revised Statutes, is amended to read:

30 41-1758. Definitions

31 In this article, unless the context otherwise requires:

32 1. "Agency" means the supreme court, the department of economic
33 security, the department of education, the department of health services or
34 the department of juvenile corrections.

35 2. "Division" means the fingerprinting division in the department of
36 public safety.

37 ~~3. "Facility or program" means state facilities or programs that~~
38 ~~provide direct services to adults with developmental disabilities or to~~
39 ~~juveniles.~~

40 ~~4.~~ 3. "Good cause exception" means the issuance of a fingerprint
41 clearance card to an employee pursuant to section 41-619.55.

42 ~~5.~~ 4. "Person" means a person who is required to be fingerprinted
43 pursuant to any of the following:

- 44 (a) Section 8-105.
- 45 (b) Section 8-322.

- 1 (c) Section 8-509.
- 2 (d) Section 8-802.
- 3 (e) Section 15-183.
- 4 (f) Section 15-534.
- 5 (g) Section 15-1330.
- 6 (h) Section 36-411.
- 7 (i) Section 36-425.03.
- 8 (j) Section 36-594.01.
- 9 (k) Section 36-594.02.
- 10 (l) Section 36-882.
- 11 (m) Section 36-883.02.
- 12 (n) Section 36-897.01.
- 13 (o) Section 36-897.03.
- 14 (p) [SECTION 36-1304.](#)
- 15 ~~(p)~~ (q) Section 36-3008.
- 16 ~~(q)~~ (r) Section 41-1964.
- 17 ~~(r)~~ (s) Section 41-1967.01.
- 18 ~~(s)~~ (t) Section 41-1968.
- 19 ~~(t)~~ (u) Section 41-1969.
- 20 ~~(u)~~ (v) Section 41-2814.
- 21 ~~(v)~~ (w) Section 46-141, subsection A.
- 22 ~~(w)~~ (x) Section 46-321.
- 23 ~~6.~~ 5. "Vulnerable adult" has the same meaning prescribed in section
24 13-3623.
- 25 Sec. 3. Section 41-1758.01, Arizona Revised Statutes, is amended to
26 read:
27 [41-1758.01. Fingerprinting division: duties](#)
28 The fingerprinting division is established in the department of public
29 safety and shall:
30 1. Conduct fingerprint background checks for persons and applicants
31 who are seeking employment with licensees, contract providers and state
32 agencies that require fingerprint background checks pursuant to sections
33 8-105, 8-322, 8-509, 8-802, 15-183, 15-534, 15-1330, 36-411, 36-425.03,
34 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, [36-1304](#),
35 36-3008, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141,
36 subsection A and section 46-321.
37 2. Issue fingerprint clearance cards. On issuance, a fingerprint
38 clearance card becomes the personal property of the cardholder and the
39 cardholder shall retain possession of the fingerprint clearance card.

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

5 4. Inform in writing each person who submits fingerprints for a
6 fingerprint background check of the person's right to petition the board of
7 fingerprinting for a good cause exception pursuant to section 41-1758.03.

8 5. Administer and enforce this article.