



**ARIZONA STATE SENATE**  
*Fifty-First Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1380

Arizona medical board; licensees; fingerprinting

Purpose

Makes changes within the statutes governing the Arizona Medical Board (AMB) including requiring licensees to submit fingerprints for criminal background checks, clarifies primary source documentation and requires meetings to be video recorded.

Background

The Arizona Medical Board's (AMB) primary purpose is to protect the public from unlawful, incompetent, unqualified, impaired or unprofessional practitioners of allopathic medicine through licensure, regulation and rehabilitation of the professional in this state (A.R.S. § 32-1403). The AMB consists of 12 members appointed by the Governor. Eight members must be physicians who are actively practicing medicine and the remaining four individuals are public members, one of whom must be a licensed nurse. Currently, members are eligible to serve up to two five-year terms and the unexpired term of a vacant member and to receive \$250 a day in compensation, plus expenses.

In October 2013, the Arizona Ombudsman-Citizens' Aide (AOCA) released an investigative report of the AMB based on 20 allegations that the Board enacted procedures that violated state laws and rules. The AOCA substantiated many of the allegations and made recommendations, including ones that required legislative action. S.B 1380 addresses some of the recommendations addressed in the report ([Case No. 1202725](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

***Criminal Background Checks***

1. Requires each applicant for initial license or on the first renewal after the effective date of this measure to submit fingerprints to the AMB for obtaining a criminal background check and authorizes the Department of Public Safety to exchange fingerprint data with the Federal Bureau of Investigation.

***Disciplinary and Nondisciplinary Actions and Complaints***

2. Requires the AMB, on request, to send information relating to any nondisciplinary order or action against a licensee within five business days, either electronically or by mail.

3. Requires the AMB Executive Director to submit all medical complaints alleging harm as a result of patient care to a medical consultant for review.
4. Requires the AMB to enter into a written agreement with a complainant who wishes to have identifying information withheld from the physician against whom an allegation of unprofessional conduct is being made to the extent consistent with the administrative appeals process and to post this policy on its website.

#### *Primary Source*

5. Requires any credential information required by the AMB to be submitted from the primary source where the document or information originated, except that the AMB may accept primary-source verified credentials from a service approved by the AMB.
6. Stipulates the AMB is not required to verify any documentation or information that is received from an approved service.
7. Stipulates that if an applicant is unable to provide requested information from the primary source due to no fault of the applicant, the Executive Director must forward the issue to the AMB for review and determination.
8. Requires the AMB to adopt rules establishing the criteria that must be met in order to waive the documentation requirement.

#### *AMB Terms of Office*

9. Removes the stipulation for the Governor to make AMB appointments for vacancies no later than 90 days after receiving a list of nominees.
10. Limits the term to one that a member can be appointed to serve on the AMB when filling a vacancy caused other than by the expiration of a term.

#### *Miscellaneous*

11. Requires the AMB to randomly audit at least 10 percent of licensees to verify continuing medical education compliance once every two years.
12. Requires the AMB to provide renewal forms online, and on request, to mail the forms to the licensee. Clarifies how renewal information is provided to the AMB.
13. Requires the annual AMB report to include information regarding staff turnover and status and the number of investigators that have completed required training. Requires the report to be submitted to the legislative health committee members and to the Arizona Regulatory Board of Physician Assistants.
14. Requires the AMB to video record, in addition to audio record, meetings and post the video recording on its website within five business days after the meeting.

15. Requires the Executive Director to disseminate any information received from the Office of the Ombudsman-Citizens Aid to the AMB at its regular meetings.
16. Changes the sunset date of the AMB from July 1, 2022, to July 1, 2019.
17. Exempts the AMB from rulemaking requirements for one year to implement this act, adjust renewal timeframes, and modify rules consistent with outlined laws, except that the AMB must provide public notice and opportunity for comment on proposed rules as outlined.
18. Makes technical changes.
19. Becomes effective on the general effective date.

#### Amendments Adopted by Committee

1. Modifies the length of time a person may serve on the AMB.
2. Requires the annual AMB report to be submitted to the Legislature and adds to the reporting requirements.
3. Establishes a timeframe in which the AMB has to remove qualified disciplinary orders from its website.
4. Requires the AMB to video record meetings and post within three business days.
5. Requires the Executive Director to submit medical complaints to a medical consultant for review and to disseminate information received from the Office of the Ombudsman Citizens Aide.
6. Allows fingerprints for licensure to be submitted to a third-party vendor.
7. Requires the AMB to adopt rules on criteria for waiving documentation requirements.
8. Eliminates the requirement for the AMB to contract with an in-state credentials verification service for review and process of initial applications.
9. Requires the AMB to enter into a written agreement with a complainant who wishes to remain anonymous as outlined.
10. Sunsets the AMB in 2019 rather than 2022.

#### Amendments adopted by Committee of the Whole

1. Modifies requirements related to the Medical Board's annual report, meeting videos and renewal forms and related information.
2. Removes the requirement for the Board to remove disciplinary actions from their website after a certain period of time.
3. Clarifies the type of complaints that the Executive Director is required to forward to a medical consultant.
4. Removes references to a third-party vendor for criminal records checks.

5. Requires the Board to post on its website the policy allowing a person's identifying information to be withheld from a physician against whom there is a complaint and states the written agreements for this anonymity will be entered to the extent consistent with the administrative appeals process.
6. Includes a rulemaking exemption.

Senate Action

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Prepared by Senate Research

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MY/tf