Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 62

HOUSE BILL 2054

AN ACT

AMENDING SECTION 36-411, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 36-411, Arizona Revised Statutes, is amended to read:

36-411. Residential care institutions; home health agencies; fingerprinting; definitions

A. Subject to legislative appropriations, as a condition of licensure or continued licensure of a residential care institution, a nursing care institution or a home health agency and as a condition of employment in a residential care institution, a nursing care institution or a home health agency, employees and owners of residential care institutions, nursing care institutions or home health agencies or contracted persons who provide direct care, home health services or supportive services and who have not been subject to the fingerprinting requirements of a health professional's regulatory board pursuant to title 32 shall have valid fingerprint clearance cards that are issued pursuant to title 41, chapter 12, article 3.1 or shall apply for a fingerprint clearance card within twenty working days of employment or beginning volunteer work except as provided in subsections F, G and H of this section.

B. A health professional who has complied with the fingerprinting requirements of the health professional's regulatory board as a condition of licensure or certification pursuant to title 32 is not required to submit an additional set of fingerprints to the department of public safety pursuant to this section.

C. Owners shall make documented, good faith efforts to:

1. Contact previous employers to obtain information or recommendations that may be relevant to a person's fitness to work in a residential care institution, nursing care institution or home health agency.

2. Verify the current status of a person's fingerprint clearance card.

D. An employee, an owner or a contracted person or a facility on behalf of the employee, the owner or the contracted person shall submit a completed application that is provided by the department of public safety within twenty days after the date the person begins work.

E. A residential care institution, nursing care institution or home health agency shall not allow a person or contracted person to continue to provide direct care, home health services or supportive services if the person has been denied a fingerprint clearance card pursuant to title 41, chapter 12, article 3.1, has been denied approval pursuant to this section before May 7, 2001 or has not received an interim approval from the board of fingerprinting pursuant to section 41-619.55, subsection I.

F. Volunteers who provide services to residents under the direct visual supervision of a previously screened owner or employee are exempt from the fingerprint clearance card requirements of this section.

G. Notwithstanding the requirements of section 41-1758.02, subsection B, a person who provides direct care, home health services or supportive services for a residential care institution, home health agency or nursing

care institution after meeting the fingerprinting and criminal records check requirements of this section is not required to meet the fingerprint and criminal records check requirements of this section again if that person remains employed by the same employer or changes employment within two years after satisfying the requirements of this section. FOR THE PURPOSES OF THIS SUBSECTION, IF THE EMPLOYER CHANGES THROUGH SALE, LEASE OR OPERATION OF LAW, A PERSON IS DEEMED TO BE EMPLOYED BY THE SAME EMPLOYER IF THAT PERSON REMAINS EMPLOYED BY THE NEW EMPLOYER.

H. Notwithstanding the requirements of section 41-1758.02, subsection B, a person who has received approval pursuant to this section before May 7, 2001 and who remains employed by the same employer is not required to apply for a fingerprint clearance card.

I. If a person's employment record contains a six-month or longer time frame where the person was not employed by any employer, a completed application with a new set of fingerprints shall be submitted to the department of public safety.

J. For the purposes of this section:

1. "Home health services" has the same meaning prescribed in section 36-151.

2. "Supportive services" has the same meaning prescribed in section 36-151.

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR APRIL 8, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2004.