



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2049

fingerprint requirements; care facilities

Purpose

Requires contracted persons or volunteers who provide direct support services at a residential care institution, nursing care institution or home health agency to have a valid fingerprint clearance card.

Background

Current statute requires employees, contracted persons, volunteers or owners of residential care institutions, nursing care institutions or home health agencies who provide outlined services and who are not otherwise subject to a health professional regulatory board's fingerprinting requirement to hold or apply for a valid fingerprint clearance card within 20 working days of employment or beginning volunteer work, with specific outlined exceptions. Outlined services include: 1) medical services; 2) nursing services; 3) behavioral health services; 4) health-related services; 5) home health services; or 6) supportive services. Residential care institutions, nursing care institutions and home health agencies may not allow an employee to continue employment or a contracted person to continue to provide outlined services if the person has been denied a fingerprint clearance card.

An eligible employee or contractor may petition the Board of Fingerprinting (Board) for a good cause exception if the person provides services to residents or patients while under the direct visual supervision of an owner or employee who has a valid fingerprint clearance card. The person must provide documentation of the good cause exception application if the person has not yet received an exemption decision ([A.R.S. § 36-411](#)).

Supportive services or related supportive services means services other than home health services that may reasonably be expected to help maintain an individual in the individual's home as an alternative to institutionalization. Such services may include, but are not limited to: 1) nutrition counseling; 2) meals services; 3) homemaker services; 4) general maintenance services; and 5) transportation services ([A.R.S. § 36-151](#)).

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

Provisions

1. Requires contracted persons or volunteers of residential care institutions, nursing care institutions or home health agencies who provide direct support services and who have not been subject to the fingerprinting requirements of a health professional's regulatory board to:
 - a) have a valid fingerprint clearance card; or
 - b) apply for a fingerprint clearance card within 20 working days of beginning volunteer or contracted work.

2. Prohibits residential care institutions, nursing care institutions or home health agencies from allowing a volunteer to provide direct support services if the person has had a fingerprint clearance card suspended or revoked.
3. Allows an eligible employee, volunteer or contractor of a residential care institution, nursing care institution or home health agency to petition the Board for a good clause exception if the person provides:
 - a) medical services;
 - b) nursing services;
 - c) behavioral health services;
 - d) health-related services;
 - e) home health services; or
 - f) direct supportive services.
4. Removes the following:
 - a) the requirement that an owner or employee of a residential care institution, nursing care institution or home health agency, who has a valid fingerprint clearance card, provide direct visual supervision of a volunteer who does not possess a valid fingerprint clearance card and provides services to residents or patients;
 - b) the exemption of an employee of residential care institution, home health agency or nursing care institution from fingerprint and criminal records check requirements if that person remains employed by the same employer or changes employment within two years of satisfying the requirements;
 - c) the specification that a person is deemed to be employed by the same employer if the employer changes through sale, lease or operation of law; and
 - d) the exemption of fingerprint clearance card requirements for persons who received approval before May 7, 2001, and who remain employed by the same employer.
5. Replaces the definition of *support services* with the definition of *direct support services*.
6. Defines *direct support services* as services other than home health services that provide direct individual care and that are not provided in a common area of a health care institution, including:
 - a) assistance with ambulating, bathing, toileting, grooming, eating and getting in and out of a bed or chair;
 - b) assistance with self-administration of medication;
 - c) janitorial, maintenance, housekeeping or other services provided in a resident's room; and
 - d) transportation services, including van services.
7. Excludes, from the definition of *direct support services*, services provided by persons contracted directly by a resident or the resident's family in a health care institution.
8. Makes technical and conforming changes.
9. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Removes the prohibition on outlined entities from allowing a volunteer to continue to provide direct support services if the person has had a fingerprint clearance card suspended or revoked.

2. Reinstates the requirement that an owner or employee of an outlined entity, who has a valid fingerprint clearance card, provide direct visual supervision of a volunteer who provides services to residents or patients, unless the volunteer has a valid fingerprint clearance card.

Conference Committee Action

- Adopted H.B. 2049 as originally passed by the House of Representatives.

House Action

HHS 1/31/22 DPA 9-0-0-0
3rd Read 2/14/22 54-2-4

Senate Action

HHS 3/9/22 DPA 6-0-2
3rd Read 4/7/22 25-1-4

Prepared by Senate Research

May 4, 2022

MM/MC/sr