



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

**AMENDED**  
FACT SHEET FOR S.B. 1021

scope of practice; process; repeal

Purpose

Repeals the requirement that state-regulated health professions go through the statutory sunrise review process for proposed scope of practice expansions. Prescribes factors for the Legislature to consider when considering proposed legislation to expand the scope of practice of a health professional group.

Background

Statute prohibits the regulation of unregulated health professions, except to protect the public health and safety. If the Legislature determines that it is necessary to regulate a health profession not previously regulated by law, the least restrictive method of regulation must be implemented ([A.R.S. § 32-3103](#)).

Any health professional group that is seeking to become regulated or expand its current scope of practice must complete the statutory sunrise review process. The group must submit a written report explaining statutorily prescribed factors to the President of the Senate and the Speaker of the House of Representatives by November 1, prior to the start of the legislative session. Although no formal sunrise review hearing is required, the health professional group may request informational hearings before the Health & Human Services Committees of Reference (CORs) of the Senate and House of Representatives or the CORs may choose to conduct an informational hearing themselves prior to the legislative session convening. If an informational hearing is held, the CORs must study the report and may take public comment but may not vote on whether to accept or reject the report. A health professional group that is proposing an increase in its scope of practice may send copies of the report to the applicable health profession regulatory board and the Department of Health Services (DHS) for review and comment. Regardless of whether an informational hearing was held, or the comments made at an informational hearing, the health professional group may introduce legislation during the legislative session to regulate the health profession or increase its scope of practice. Submitted sunrise review reports are not required to be resubmitted for five years, unless there is a material change in the increased scope of practice ([A.R.S. § 32-3104](#)).

A sunrise report filed by a health professional group that is seeking an increased scope of practice must explain each of the following factors: 1) why an increased scope of practice is beneficial; 2) whether the health professional group has or will be required to have didactic and clinical education from accredited professional schools; 3) whether the increased scope of practice is currently tested by nationally recognized and accepted examinations; 4) the extent to which current licensees will be impacted; 5) the extent to which an increased scope of practice may result in a savings or cost to the state and public; 6) relevant health profession licensure laws; and

7) recommendations, if any, from the applicable regulatory entity, DHS, and accredited educational or training programs. In reviewing any legislation increasing professional scope of practice, the Legislature must consider whether the increase will benefit the public and increase access to safe, quality care, as well as whether any changes in the applicable regulatory entity are necessary. The Legislature must also consider that the purpose of any limit on a health profession's scope of practice must be limited to protecting the public from a specific harm or danger ([A.R.S. § 32-3106](#)).

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

#### Provisions

1. Repeals the requirement that regulated health professions seeking an expanded scope of practice complete a statutory sunrise review.
2. Requires the Legislature, when considering proposed legislation to increase the scope of practice of a health professional group, to consider whether:
  - a) current education and training or preparedness or available continuing education and training for the health professional group adequately prepares members of the profession for the proposed increased scope;
  - b) increasing the scope of practice will improve patient access to safe and affordable care;
  - c) increasing the scope of practice will advance health, safety or welfare; and
  - d) increasing the scope of practice will create a substantial regulatory burden for the state, including the administrative and financial capacity of the regulatory entity that regulates the health professional group.
3. Requires a health professional group seeking expanded scope of practice, within 10 days of introduction of proposed legislation for expansion, to provide written notification to the health profession's regulatory entity.
4. Defines *increase the scope of practice* as engaging in conduct beyond the authority granted to a health professional by law.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

#### Amendments Adopted by Committee

1. Requires the Legislature, when considering proposed legislation to increase the scope of practice of a health professional group, to consider whether:
  - a) current education and training or preparedness or available continuing education and training for the health professional group adequately prepares members of the profession for the proposed increased scope;
  - b) increasing the scope of practice will improve patient access to safe and affordable care;

- c) increasing the scope of practice will advance health, safety or welfare; and
  - d) increasing the scope of practice will create a substantial regulatory burden for the state, including the administrative and financial capacity of the regulatory entity that regulates the health professional group.
2. Requires a health professional group seeking expanded scope of practice, within 10 days of introduction of proposed legislation for expansion, to provide written notification to the health profession's regulatory entity.
  3. Defines *increase the scope of practice* as engaging in conduct beyond the authority granted to a health profession by law.

Senate Action

HHS            1/23/23    DPA            5-1-1

Prepared by Senate Research

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MM/slp