



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

**AMENDED**  
FACT SHEET FOR S.B. 1634

nonhealthy regulatory board; challenges; prohibition

Purpose

Stipulates that the decision of a nonhealth profession regulatory board is the final administrative decision unless the individual regulated by the board accepts the administrative law judge's (ALJ) decision as the final administrative decision.

Background

An agency must serve notice of an appealable agency action or contested case. A party may obtain a hearing on an appealable agency action or contested case by filing a notice of appeal or request for a hearing with the agency within 30 days after receiving the notice. The agency must notify the Office of Administrative Hearings (OAH) of the appeal or request for a hearing and the OAH must schedule a hearing. An ALJ of the OAH must issue a written decision within 20 days after the hearing is concluded. Within 30 days after the date the OAH sends a copy of the decision to the agency head, executive director, board or commission, the agency head, executive director, board or commission may review the decision and accept, reject or modify it. The agency head's decision is the final administrative decision unless: 1) the agency head, executive director, board or commission does not review the ALJ's decision or does not reject or modify the ALJ's decision, in which case the ALJ's decision is the final administrative decision; 2) the decision of the agency head is subject to review by a board or commission whose members are appointed by the Governor and make the final administrative decision; or 3) the licensee accepts the ALJ's decision concerning the appeal of a licensing decision as final. A party may appeal a final administrative decision for judicial review. A party to an appealable action or contested case with a self-supporting regulatory board must exhaust the party's administrative remedies by filing a motion for rehearing or review within 30 days after the service of the administrative decision that is subject to hearing or review in order to be eligible for judicial review (A.R.S. §§ [41-1092.03](#); [41-1092.08](#); and [41-1092.09](#)).

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

Provisions

1. Stipulates that the decision of a nonhealth profession regulatory board is the final administrative decision unless the individual regulated by the board accepts the ALJ's decision as the final administrative decision.
2. Excludes nonhealth profession regulatory boards from the authorization for a party to appeal a final administrative decision for judicial review.

3. Requires Legislative Council to prepare proposed conforming legislation for consideration in the Fifty-Seventh Legislature, First Regular Session.
4. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Eliminates the requirement for the OAH to certify that the ALJ's decision is the final administrative decision of a nonhealth profession regulatory board.
2. Stipulates that the decision of a nonhealth profession regulatory board is the final administrative decision unless the individual regulated by the board accepts the ALJ's decision as the final administrative decision.
3. Makes conforming changes.

Senate Action

GOV            2/14/24    DPA            4-3-1

Prepared by Senate Research

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JT/slp