



ARIZONA BOARD OF FINGERPRINTING

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129
Telephone (602) 322-8590 • Fax (602) 322-8594

Notice of Public Meeting

February 20, 2007, at 10:00 a.m.

2222 West Encanto Blvd., Suite 350, Phoenix, Arizona

Board Members

Mike LeHew, Department of Economic Security, Chair
Kim Pipersburgh, Department of Health Services, Vice Chair
Rand Rosenbaum, Administrative Office of the Courts
Charles Easaw, Department of Education
Arthur W. Baker, Department of Juvenile Corrections

Executive Director

Dennis Seavers

Pursuant to Arizona Revised Statutes ("A.R.S.") § 38-431.02, notice is hereby given to the members of the Arizona Board of Fingerprinting ("board") and to the general public that the board will hold a meeting open to the public as specified below. The board reserves the right to change the order of the agenda.

As indicated in the following agenda, the board may vote to go into executive session, which will not be open to the public, to discuss certain matters.

Individuals who wish to acquire background material provided to board members (with the exception of material relating to possible or previous executive sessions) may request them by contacting Dennis Seavers at (602) 322-8593.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting Dennis Seavers at (602) 322-8593. Requests should be made as early as possible to allow time to arrange the accommodation.

DATED AND POSTED THIS 14th day of February 2007 at 12:00 p.m.

Arizona Board of Fingerprinting

By _____
Dennis Seavers, Executive Director

AGENDA

I. CALL TO ORDER AND ROLL CALL Mr. LeHew

II. CALL TO THE PUBLIC Mr. LeHew

At this portion of the meeting, the public is invited to make comments. Arizona law prohibits board members from discussing items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to scheduling the matter for further consideration and decision at a later date.

III. AUDIT REPORT Mr. LeHew

At this portion of the meeting, the board will discuss a performance-audit report by the Office of the Auditor General. The Board may vote to discuss this matter in executive session pursuant to A.R.S. §§ 38-431.03(A)(2) and -431.03(A)(3).

IV. LEGISLATION Mr. Seavers

At this portion of the meeting, the Board will discuss legislation that is pending at the Arizona State Legislature, especially Senate Bill 1605.

V. ADJOURNMENT Mr. LeHew

Arizona Board of Fingerprinting

Memo

TO: Board members
FROM: Dennis Seavers
C:
Date: February 15, 2007
SUBJECT: Senate Bill 1605



At its February 20, 2007, public meeting, the Board will be discussing Senate Bill 1605. The purpose of this memo is to:

- Summarize the provisions of the bill relevant to the Board
- Identify problems the bill would cause in its current form
- Suggests that the Board either take a neutral stance on or support an amended version of the bill.

Provisions

SB 1605 requires the Department of Health Services to license agencies that provide non-health-related, in-home care services. Caregivers in these agencies would be required to have a fingerprint clearance card. The licensure requirement would become effective on July 1, 2009.

Problems with the current version of the bill

It has been difficult to determine how many new individuals would be required to get a fingerprint clearance card if this legislation is passed. Many individuals may already have a fingerprint clearance card, and there have only been rough estimates from the trade associations on how many agencies there are and how many individuals work for those agencies. However, a recent estimate is that there are 400 agencies that would need to be licensed. Those agencies may have between 50 and 100 employees. If these numbers are correct, there would be between 20,000 and 40,000 new applications for a fingerprint clearance card. Consequently, the Board's caseload would increase by about 16 to 34%.

The Board does not have a large enough staff to handle this increase. Funding for new positions is not a problem: the Board's funds would increase as the number of fingerprint-clearance-card applications increase, and the Board could change its portion of the card fee. However, the Legislature has authorized only five full-time equivalencies (FTEs), and those five positions are filled. Without authorization for additional positions from the Legislature, the Board would not be able to hire new employees. With insufficient staffing, a significant backlog would arise, particularly in fiscal year 2010, when the legislation would become effective.

Bill's progress

Apart from the Senate Rules Committee, the bill was assigned to the Senate Health Committee. A hearing for the bill took place on February 15. At that hearing, I testified about the negative consequences for the Board of the bill in its current form. Specifically, I said that the Legislature would need to authorize additional FTEs for the Board, although it would not need to appropriate funds to cover the positions. I explained that without this authorization, the Board would develop a backlog. I also explained that a backlog would affect not only the newly regulated population of caregivers but also would cause delays for other populations that are required to have fingerprint clearance cards.

The committee members passed the bill unanimously out of committee. It appears likely that the bill will clear the Senate. There was support for the authorizing the additional FTEs, and I will be working with the bill sponsors to address this issue.

Board stance on bill

The Board may have concerns about the effect the bill has on its caseload. Even if the bill is amended to create additional FTEs, there would be several obstacles for the Board to overcome, such as handling the initial influx of applications when the regulation becomes effective and finding additional office space. However, I believe that these are surmountable obstacles. Individual Board members may want to note that the number of cases they will need to review will increase.

There seems to be strong political support for the legislation. I would recommend that the Board not oppose the bill, unless the Legislature does not authorize additional FTEs. The Board may want to remain neutral on the bill, leaving the public-policy question of whether caregivers should be regulated to the Legislature and Department of Health Services. Alternatively, the Board may want to support the bill, just as it's supporting the addition of assisted-living-facility managers and nursing-care-institution administrators to the card system.