



ARIZONA BOARD OF FINGERPRINTING

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FINAL Minutes for Public Meeting

Held June 16, 2017, at 9:00 a.m.
4205 North 7th Avenue, Suite 206
Phoenix, Arizona

Board Members

Courtney Mays, Department of Economic Security, Chairperson
Garnett Winders, Department of Education, Vice Chairperson
Kim Pipersburgh, Department of Health Services
Shamiran Warda, Department of Juvenile Corrections
John Piccarreta, Department of Child Safety
Mark Koch, Administrative Office of the Courts

Executive Director

Matthew A. Scheller

CALL TO ORDER AND ROLL CALL

Ms. Mays called the meeting to order at 9:00 a.m. The following Board members were present: Courtney Mays, Garnett Winders, Kim Pipersburgh, Shamiran Warda, John Piccarreta, and Mark Koch. The following Board member was absent: None.

Also in attendance was Matthew A. Scheller, Executive Director.

CALL TO THE PUBLIC

Ms. Mays made a call to the public. There were no members of the public present who wished to comment.

APPROVAL OF MINUTES FROM FEBRUARY 24, 2017

Ms. Pipersburgh made a motion to approve the draft minutes from February 24, 2017, and Ms. Winders seconded. The motion passed 6–0.

LEGISLATION

Mr. Scheller referred the Board members to the Memo regarding legislation from the most recent legislative session – 53rd Legislature – 1st Regular Session, 2017. (see Attachment 1).

Mr. Scheller focused his comments on the individuals that are being added to the Fingerprint Clearance Card system for this coming year: alarm installers (SB 1186), school bus drivers (HB 2247), and physical therapists/physical therapist assistants (SB 1435).

For alarm installers, the Applicant Clearance Card Team at DPS indicates that their workload will increase by approximately 1700 cases per year. Based upon this amount, the Board should anticipate an increase of approximately 45 - 50 applications per year.

For school bus drivers, the Applicant Clearance Card Team at DPS indicates that their workload will increase by approximately 1300 cases per year. Based upon this amount, the Board should anticipate an increase of approximately 35 - 40 applications per year. Current school bus driver certificate holders are required to obtain a valid fingerprint clearance card by December 31, 2018.

Mr. Scheller indicated that the Board of Physical Therapy receives approximately 900 applications on an annual basis. This includes licensure as a physical therapist or certification as a physical therapist assistant. Based upon this amount, the Board should anticipate an increase of approximately 25 - 30 applications per year.

EMPLOYEE PERFORMANCE AND COMPENSATION

Ms. Winders made a motion to enter into executive session to discuss the salary of an employee of the public body under A.R.S. § 38–431.03(A)(1), and Ms. Pipersburgh seconded. The motion passed, 6–0.

Mr. Scheller reminded the Board it was prohibited from revealing any of its executive-session discussion outside of the executive session. The Board entered into executive session at 9:14 a.m. The Board emerged from executive session at 9:28 a.m.

Ms. Winders made a motion to increase the executive director's salary by \$3,445.11 for an annual yearly salary of \$97,335.06, and Ms. Pipersburgh seconded. The motion passed, 6–0.

ADJOURNMENT

Ms. Mays adjourned the meeting at 9:31 a.m.

Minutes approved on _____, 2017

Matthew A. Scheller, Executive Director



Arizona Board of Fingerprinting Memo

TO: Board Members
FROM: Matthew A. Scheller
C:
Date: June 9, 2017
SUBJECT Legislative update

This memo summarizes the content and disposition of significant legislation relevant to the Board of Fingerprinting. The list below is the most important bills that passed during the most recent legislative session (53rd Legislature - 1st Regular Session, 2017). The General Effective Date for newly signed legislation is August 9, 2017 (unless there is an emergency clause).

SENATE BILLS

SB 1109: FINGERPRINTING; CHILD PLACEMENT; IT CONTRACTORS

This legislation applies fingerprint clearance card requirements to employees of contractors and subcontractors who are employed in IT positions and who will have access to DCS information in any state data system. The law prohibits the employee from having access to DCS information until the employee meets the fingerprint clearance card requirement, and requires the employee be immediately denied access to any DCS IT system if the employee fails to obtain a fingerprint clearance card. Requires the contractor or subcontractor to be responsible for the costs of obtaining the employee's fingerprint clearance card and allows the contractor or subcontractor to charge these costs to the fingerprinted employee. It permits DCS to allow all or part of the costs to obtain a fingerprint clearance card to be included as an allowable cost in a contract.

Signed by Governor Ducey on 3/31/2017. Chap. 130, Laws 2017.

SB 1123: STATE CONTRACT LOBBYISTS; PROHIBITION

This legislation indicates that any state agency, office, department, board or commission and any person acting on behalf of those entities is prohibited from entering into a contract or other agreement with a person or entity for lobbying services, and from spending monies for any person or entity to lobby on behalf of that entity unless that person is a state employee. This essentially codifies Governor Ducey's Executive Order 2016-05 (from June 2016) which prohibited expending public dollars by state governmental units for professional lobbying services. The legislation has minimal impact of the Board as it has not hired private lobbying services in the past. The Executive Director acts as the public information officer, chief financial officer, and lobbyist for the Board. As lobbyist for the Board, I am registered in writing with the Secretary of State (SOS) and file quarterly expenditure reports with the SOS. Signed by Governor Ducey on 4/10/2017. Chap. 145, Laws 2017.

SB 1186: ALARM INDUSTRY; FINGERPRINTING REQUIREMENTS

The law allows an alarm agent to install alarms if each controlling person and alarm agent has submitted an application and proof of a valid fingerprint clearance card to the State board of technical registration. The fingerprint clearance card process does not provide the hiring or certifying party with any criminal or background information other than whether the person is eligible for a fingerprint clearance card. However, unlike a point-in-time background check which was previously required by alarm installers, if a person with a fingerprint clearance card is arrested for a precluding offense, DPS is notified, the person's card is revoked and the agency where the person is employed is apprised.

When I met with DPS regarding legislation and other pending matters, they indicated this legislation will increase their workload by approximately 1700 cases per year. Based upon this amount, I project an increase of approximately 45 - 50 applications per year. (DPS has an approximate 6% denial rate based on FY16 and 45% of those denied avail themselves of the Good Cause Exception application process.) Signed by Governor Ducey on 4/28/2017. Chap. 219, Laws 2017.

SB 1435: OSTEOPATHS; FINGERPRINTING

Beginning September 1, 2017, an applicant for licensure or expedited licensure by the Board of Osteopathic Examiners and an applicant for expedited licensure by the Arizona Medical Board is required to submit a full set of fingerprints to the appropriate Board for the purpose of obtaining a state and federal criminal records check. Applicants for licensure as a physical therapist or certification as a physical therapist assistant are required to obtain a valid fingerprint clearance card. An emergency clause was included in the legislation; therefore, it is effective immediately. DPS has not received approval from the FBI on the background for physical therapists or physical

therapist assistants. DPS and the Board of Physical Therapy are in a “holding pattern” until this approval is made and the process is developed.

When I met with DPS, they did not have projections on the number of applications they will receive as a result of this legislation. The Executive Director of the Board of Physical Therapy indicated that they receive approximately 900 applications on an annual basis. This includes licensure as a physical therapist or certification as a physical therapist assistant. Based upon this amount, I project an increase of approximately 25 - 30 applications per year.

Signed by Governor Ducey on 5/2/2017. Chap. 265, Laws 2017.

HOUSE BILLS

HB 2042: DHS; FINGERPRINTING REQUIREMENTS

Volunteers who provide medical services, nursing services, behavioral health services, health-related services home health services or supportive services at a residential care institution, nursing care institution or a home health agency are required to have a valid fingerprint clearance card. A volunteer must submit a completed application for a fingerprint clearance card within 20 days after the person begins volunteer service. The law exempts an employee or contractor from fingerprinting requirements if they have applied for a good cause exception and have not yet received a decision if they provide services while under the direct supervision of an employee or owner who has a valid fingerprint clearance card.

Signed by Governor Ducey on 3/21/2017. Chap. 24, Laws 2017.

HB 2247: SCHOOL BUS DRIVERS; FINGERPRINT CARDS

Each person who applies for a school bus driver certificate is required to have a valid fingerprint clearance card, instead of being required to submit a full set of fingerprints to the Department of Public Safety for the purpose of a federal criminal records check. A person who is issued a school bus driver certificate is required to maintain a valid fingerprint clearance card, and the Department of Education is required to suspend a school bus driver certificate if the card is invalid, suspended, canceled or revoked. Current school bus driver certificate holders are required to obtain a valid fingerprint clearance card by December 31, 2018.

When I met with DPS regarding legislation, they indicated that their workload will increase by approximately 1300 cases per year. Based upon this amount, I project an increase of approximately 35 - 40 applications per year.

Signed by Governor Ducey on 4/26/2017. Chap. 196, Laws 2017.

HB 2515: GOVERNOR APPOINTEES; CRIMINAL RECORDS CHECK

Before nomination by the Governor, a prospective nominee for any state office that is appointed by the Governor and subject to the consent of the Senate is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Before appointment by the Governor, the nominees for a justice or judge of the Supreme Court, an intermediate appellate court, the superior court or another court is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Some exceptions. Before appointment by the Governor, a prospective member of the Board of Osteopathic Examiners, Naturopathic Physicians Medical Board, Board of Homeopathic and Integrated Medicine Examiners, Board of Behavioral Health Examiners, Board of Occupational Therapy Examiners, Board of Respiratory Care Examiners, Acupuncture Board of Examiners, Board of Podiatry Examiners, Regulatory Board of Physician Assistants Board of Nursing, Board of Dispensing Opticians, Board of Optometry or Board of Dental ' Examiners is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Before appointment by the Governor, a prospective member of the Arizona Commerce Authority Board, the Arizona Finance Authority Board, the Board of Trustees of the Public Safety Personnel Retirement System or the Arizona Peace Officer Standards and Training Board is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. Before an individual is hired as an employee of the Office of the Governor, that individual is required to submit a full set of fingerprints to the Governor for the purpose of obtaining a state and federal criminal records check. The Department of Public Safety is authorized to exchange criminal justice information and central state repository information with the Governor for these purposes.

Signed by Governor Ducey on 5/22/2017. Chap. 327, Laws 2017.