To:       ADHS Employees
From:    ADHS Legislative Affairs
Date:    May 20, 2010
Re:      2010 Legislative Summary

The Second Regular Session of the 49th Legislature ended April 29, 2010 at 11:07 p.m. This memo briefly: (a) outlines legislation passed into law that specifically impacts the Arizona Department of Health Services (ADHS) and; (b) lists other bills of interest. The general effective date for the laws passed this session is July 29, 2010.

The Legislative Affairs Team extends our thanks to everyone throughout ADHS for your responsiveness as issues arose before and during the session. We look forward to working together to provide policymakers the best available information as they serve Arizona.

Please contact ADHS Legislative Affairs at 602-542-1032 with any questions about these bills or other legislative issues.

49th Legislature, Second Regular Session

The effective date of legislation passed without an emergency clause is 7/29/2010

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(E) Contains an emergency clause
SB 1174
Short Title: AFRICAN-AMERICAN AFFAIRS; COMMISSION
Sponsor: Senator Leah Landrum Taylor
Establishes the Commission of African-American Affairs, which includes the Director, to assist and support agencies in assisting African-Americans in Arizona.

SB 1181
Short Title: AUTISM SPECTRUM DISORDER TASK FORCE
Sponsor: Senator Amanda Aguirre
Establishes the autism spectrum disorder task force, which includes the Director, to review and make recommendations regarding services provided to persons with autism spectrum disorder.

HB 2029
Short Title: DEPT OF HEALTH SERVICES; CONTINUATION
Sponsor: Representative Nancy K. Barto
Extends the statutory life of ADHS until July 1, 2020.

HB 2209
Short Title: PUBLIC MEETINGS; NOTICE
Sponsor: Representative Michelle Reagan
Requires a state public body to conspicuously post on its website a statement of all physical and electronic notices of its meeting notices instead of filing the statement with the Secretary of State.

HB 2260
Short Title: REGULATORY RULE MAKING
Sponsor: Representative Andrew Tobin
Authorizes a state agency to use summary rulemaking to repeal other obsolete rules or "rules deemed by the agency to be ineffective" if the repeal does not increase the cost of compliance or reduce procedural rights of regulated persons. If a state agency makes or amends a rule for the issuance of a regulatory permit, requires the agency to use a general permit. If funds are appropriated, requires the Governor’s Office of Strategic Planning and Budgeting to prepare the economic impact statement. Authorizes the Governor’s Regulatory Review Council (GRRC), at its discretion, to extend the date for submitting a five-year-review report by a state agency instead of the current automatic 120-day extension upon a timely request by the state agency. Allows a regulated person or potentially regulated person to petition GRRC for a state agency to include an obsolete rule in a five-year-review report recommending repeal instead of allowing the obsolete rule to expire. Continues the rulemaking moratorium through June 30, 2011.

HB 2282
Short Title: GOVT TRANSPARENCY; EXPENDITURES, REVENUES
Sponsor: Representative Frank Antenori
By January 1, 2011, requires the Department of Administration’s database to allow users to access electronic versions of contracts that relate to expenditures.
HB 2540
Short Title: NATIONAL DISASTER MEDICAL SYSTEM; LEAVE
Sponsor: Representative David Gowan
Requires officers or employees of the state to be granted a leave of absence from state service duties on all days that they are on training duty with the National Disaster Medical System.

HB 2586
Short Title: AGENCY RULEMAKING; FEES
Sponsor: Representative Andy Biggs
Authorizes ADHS to increase fees up to $600,000 in FY 2011 for services provided in FY 2011 with exempt rulemaking authority until July 1, 2011. Requires public notice and an opportunity for public comment on proposed rulemaking related to fee increases and that fees be fairly and equally assessed to all parties for services rendered and assessed in a nondiscriminatory manner against both public and private parties. Establishes the State Agency Fee Commission to review existing state agency fee authority and to make recommendations on the appropriate legal procedure to raise or lower existing state agency fees.

DIVISION OF LICENSING SERVICES

HB 2022
Short Title: HEARING AID DISPENSERS; CONTINUING ED
Sponsor: Representative Nancy K. Barto
Allows courses on business and client services practices to qualify for up to one-third of the required annual continuing education requirements for hearing aid dispensers.

HB 2124
Short Title: OUTPATIENT TREATMENT CENTERS; INITIAL OPERATION
Sponsor: Representative Nancy K. Barto
Establishes submission requirements for an applicant, applying for an initial license for an outpatient treatment center that does not provide dialysis services or abortion services, to obtain a temporary license allowing the applicant to begin operating the outpatient treatment center before an initial licensing inspection is conducted or an initial license is issued and allows ADHS to cease issuance of temporary licenses if the Director believes that public health and safety is endangered.

SB 1315
Short Title: CHILD CARE PROGRAMS; FEES
Sponsor: Senator Sylvia Allen
Allows ADHS to establish a discount program for licensure and certification fees, subject to the availability of monies. Establishes perpetual licenses for child care facilities and certifications for child care group homes that are valid unless ADHS revokes or suspends the license or certificate or the licensee or certificate holder does not submit the required licensure or certification fee. Pursuant to available funding, requires ADHS to collect annual fees. Allows licensees and certificate holders to pay fees in installments based on procedures established by ADHS. Requires ADHS to review actual costs and adjust fees accordingly and includes provisions for exempt rulemaking for lowering fees and for returning fees to licensees and certificate holders.
Session law requires ADHS to conduct a cost and effectiveness study of the licensing program for child care facilities and the certification program for child care group homes to be submitted to the Governor and the Legislature by February 1, 2011. Provides a one-year rulemaking exemption for and requires ADHS to amend the child care facility rules on or before October 1, 2010 and the child care group home rules on or before October 1, 2011.

DIVISION OF BEHAVIORAL HEALTH SERVICES

**HB 2493**  
Short Title: SEXUALLY VIOLENT PERSONS; COMMITMENT  
Sponsor: Representative Debbie Lesko  
If a person has a pending sentence of imprisonment in another state or federal jurisdiction, allows the Director of the State Department of Corrections to enter into a written agreement with the prosecuting authority by which the person was prosecuted, was found incompetent or will be released to have the person retrieved by the other state or federal jurisdiction.

**SB 1182**  
Short Title: PSYCHIATRIC MENTAL HEALTH NURSE PRACT  
Sponsor: Senator Amanda Aguirre  
Authorizes the Board of Nursing to certify nurses as psychiatric and mental health nurse practitioners. Authorizes certified psychiatric and mental health nurse practitioners to perform various mental health services.

DIVISION OF PUBLIC HEALTH SERVICES

**HB 2021**  
Short Title: PHYSICIAN ASSISTANTS; PRACTICE  
Sponsor: Representative Nancy K. Barto  
Allows physician assistants to certify death certificates and modifies the duties of the Arizona Regulatory Board of Physician Assistants, the responsibilities of supervising physicians, and the duties and practice settings of physician assistants.

**HB 2116**  
Short Title: AMBULANCE SERVICES; RATES; AHCCCS MEMBERS  
Sponsor: Representative Bill Konopnicki  
Establishes the Arizona Health Care Cost Containment System reimbursement rate for ambulance services to be set at 80% of ADHS’ approved ambulance service rates. Also establishes a reimbursement rate of 76% in contract year CY 2010 and CY 2011.

**HB 2150**  
Short Title: UNIFORM PATIENT REPORTING SYSTEM; EXEMPTION  
Sponsor: Representative Steve Court  
Removes hospitals providing primarily psychiatric services, other than the State Hospital, from the reporting requirements exemption in A.R.S. § 36-125.05.

**HB 2405**  
Short Title: EMERGENCY MEDICAL SERVICES COUNCIL
Sponsor: Representative Frank Antenori
Establishes and delineates membership for an Emergency Medical Services Council. Includes a provision for repeal on January 1, 2020 and an immediate effective date.

**SB 1161**
**Short Title: DEATH CERTIFICATES; REGISTRATION DEADLINE**
**Sponsor: Senator Linda Gray**
Requires registrars to register death certificates within 72 hours after receiving a complete death certificate and requires the medical examiner to sign the medical certification of death within 72 hours after the examination of human remains, excluding weekends and holidays. Amends the definition of “physician”, for the purposes of the Section, to include naturopaths.

**SB 1304**
**Short Title: ABORTION; REPORTING REQUIREMENTS**
**Sponsor: Senator Linda Gray**
Establishes abortion reporting requirements for hospitals or facilities where abortions are performed and for health care professionals that provide care to a woman as a result of a complication resulting from an abortion. Requires ADHS to collect the abortion reporting data and complete and make available a statistical report of the submitted information and abortion petition statistics from the Administrative Offices of the Courts, excluding any personally identifiable information. Establishes that information submitted to ADHS other than the information in the statistical report is not public record and includes legal consequences for willfully disclosing personally identifiable information; failing to file a required report, keep records, or supply information; and submitting or disclosing false information.

**OTHER BILLS OF INTEREST:**

- **HB 2020 (Chapter 24):** JUVENILE OFFENDER; COMPETENCY RESTORATION
- **HB 2123 (Chapter 120):** PHYSICAL THERAPY SERVICES; BUSINESS ENTITIES
- **HB 2133 (Chapter 315):** AIR QUALITY NONATTAINMENT AREAS; DESIGNATION
- **HB 2162 (Chapter 211):** IMMIGRATION; BORDER SECURITY
- **HB 2224 (Chapter 89):** FOSTER PARENTS; RIGHTS
- **HB 2238 (Chapter 255):** SEXUAL OFFENSES; PROBATION; SENTENCING
- **HB 2328 (Chapter 256):** PROCUREMENT FROM CERTAIN AGENCIES
- **HB 2389 (Chapter 50):** RETIREMENT; ASRS; PLAN DESIGN; REFUNDS
- **HB 2442 (Chapter 152):** ENVIRONMENTAL REGULATION
- **HB 2469 (Chapter 90):** CERTIFIED MEDICATION ASSISTANTS
- **HB 2471 (Chapter 259):** APPOINTED MENTAL HEALTH EXPERTS; REQUIREMENTS
- **HB 2477 (Chapter 72):** CIVIL ACTIONS; PUBLIC EMPLOYEE; DEFINITION
- **HB 2503 (Chapter 228):** DEVELOPMENTALLY DISABLED; PAYEE
- **HB 2545 (Chapter 322):** PROFESSIONS; DISMISSED COMPLAINTS; RECORDS
- **HB 2653 (Chapter 328):** INTERGOV AGREEMENTS; SEPARATE LEGAL ENTITIES
- **SB 1004 (Chapter 231):** RETIREMENT SYSTEMS & PLANS; AMENDMENTS
SB 1055 (Chapter 233): VICTIMS’ RIGHTS; DISCLOSURES OF INFO
SB 1056 (Chapter 234): SENTENCING; GUILTY EXCEPT INSANE
SB 1070 (Chapter 113): IMMIGRATION; LAW ENFORCEMENT; SAFE NEIGHBORHOODS
SB 1071 (Chapter 112): INVOLUNTARY CIVIL COMMITMENT; PRIVILEGED COMM
SB 1087 (Chapter 299): BEHAVIORAL ANALYST; LICENSURE EXEMPTION
SB 1091 (Chapter 161): CPS WORKERS; INVESTIGATIONS; GROUP HOMES
SB 1093 (Chapter 54): PRISONERS; TRANSITION PROGRAM
SB 1123 (Chapter 57): PRISONERS; COMMUNITY CORRECTIONS; MONITORING FEES
SB 1152 (Chapter 218): FOSTER CARE CHILDREN; RIGHTS
SB 1183 (Chapter 219): PUBLIC ACCOMMODATION; BILINGUAL ACCOMMODATION
SB 1212 (Chapter 246): APPROPRIATIONS; NAMED CLAIMANTS
SB 1255 (Chapter 110): HEALTH PROFESSIONALS; ADVERTISING; DISCLOSURE
SB 1306 (Chapter 280): HUMAN EGG DONORS; PROTECTION
SB 1307 (Chapter 281): HUMAN EMBRYOS; TREATMENT
SB 1309 (Chapter 307): PARENTS; RIGHTS
SB 1419 (Chapter 170): DENTISTS; DENTAL HYGIENISTS

Recap:
352 Bills Received by Governor
338 Total Enactments
14 Vetoes