To: ADHS Employees  
From: ADHS Legislative Affairs  
Date: July 23, 2009  
Re: 2009 Legislative and Budget Summary

The First Regular Session of the 49th Legislature ended around 7:30 am on July 1, 2009. This memo briefly (a) outlines legislation passed into law that specifically impacts the Arizona Department of Health Services (ADHS) and (b) lists other health related law that you may have interest in. The general effective date for the laws passed this session is September 30, 2009.

The Legislative Affairs Team extends our thanks to everyone throughout the Department for your responsiveness as issues arose before and during the session. We look forward to working together to provide legislators the best possible information to assist in their service.

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

Arizona Department of Health Services  
Legislation Passed Into Law

The effective date of legislation passed without an emergency clause is September 30, 2009

<table>
<thead>
<tr>
<th>Bill #</th>
<th>Chapter</th>
<th>Short Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 1102</td>
<td>4</td>
<td>ELIGIBILITY DETERMINATIONS; AHCCCS (E)</td>
</tr>
<tr>
<td>SB 1049</td>
<td>8</td>
<td>FINGERPRINT CLEARANCE CARDS (E)</td>
</tr>
<tr>
<td>SB 1188</td>
<td>11</td>
<td>BUDGET; GENERAL APPROPRIATIONS; FY 09-10</td>
</tr>
<tr>
<td>HB 2643</td>
<td>12</td>
<td>BUDGET TRAILER; GENERAL APPROPRIATIONS</td>
</tr>
<tr>
<td>HB 2118</td>
<td>36</td>
<td>ASRS; LTD AMENDMENTS</td>
</tr>
<tr>
<td>HB 2164</td>
<td>41</td>
<td>ADMINISTRATION OF IMMUNIZATIONS; PHARMACISTS</td>
</tr>
<tr>
<td>HB 2399</td>
<td>47</td>
<td>AUTOMATED EXTERNAL DEFIBRILLATORS</td>
</tr>
<tr>
<td>SB 1097</td>
<td>57</td>
<td>RECORDS; EMERGENCY MEDICAL SERVICES; CONFIDENTIALITY</td>
</tr>
<tr>
<td>HB 2265</td>
<td>78</td>
<td>EXEMPTIONS; LICENSURE; CHILD CARE FACILITIES</td>
</tr>
<tr>
<td>HB 2078</td>
<td>133</td>
<td>OUTDOOR BEHAVIORAL HEALTH; DEFINITION; REQUIREMENTS (E)</td>
</tr>
<tr>
<td>SB 1326</td>
<td>156</td>
<td>SAFE HAVEN PROVIDERS; PLACEMENT PROTOCOLS</td>
</tr>
<tr>
<td>SB 1336</td>
<td>157</td>
<td>AFFLICTED PERSONS; ORDERS FOR TRANSPORTATION</td>
</tr>
<tr>
<td>HB 2401</td>
<td>171</td>
<td>ADMINISTRATIVE RULES OVERSIGHT COMMITTEE</td>
</tr>
<tr>
<td>HB 2564</td>
<td>172</td>
<td>ABORTION</td>
</tr>
<tr>
<td>SB 1175</td>
<td>178</td>
<td>PERFORMANCE OF ABORTION; NON-MEDICAL PERSON; PROHIBITION</td>
</tr>
<tr>
<td>SB 1314</td>
<td>191</td>
<td>CUSTODIAL AND JANITORIAL SERVICES; TRANSFER</td>
</tr>
</tbody>
</table>

(E) Contains an emergency clause
FY 09-10 BUDGET

Chapter 11, **SB 1188**  
Short Title: *BUDGET; GENERAL APPROPRIATIONS; FY 09-10*  
*Sponsor: Senator Robert Burns*

Chapter 12, **HB 2643**  
Short Title: *BUDGET TRAILER; GENERAL APPROPRIATIONS*  
*Sponsor: Representative Kirk Adams*

These two bills comprise the budget as signed by the Governor. Both bills include line item vetoes, including the line item veto of the General Fund lump sum reduction directed at the Department of Health Services. As there is still much work to do to balance the FY 09-10 budget, the Department’s budget should be considered unresolved.

ADMINISTRATION

Chapter 36, **HB 2118**  
Short Title: *ASRS; LTD AMENDMENTS*  
*Sponsor: Representative Tom Boone*  
Changes several statutes pertaining to the Arizona State Retirement System (ASRS).

Chapter 171, **HB 2401**  
Short Title: *ADMINISTRATIVE RULES OVERSIGHT COMMITTEE*  
*Sponsor: Representative Vic Williams*  
Establishes an Administrative Rules Oversight Committee consisting of 5 members of the House of Representatives, 5 Senators, and the Governor or her designee. It is given oversight over all rules except those specifically exempted from the Administrative Procedures Act by statute. The intent of the committee is to review any rule or agency practice alleged to constitute a rule for "conformity with statute and legislative intent." The committee sunsets on July 1, 2017.

Chapter 191, **SB 1314**  
Short Title: *CUSTODIAL AND JANITORIAL SERVICES; TRANSFER*  
*Sponsor: Senator Thayer Verschoor*  
Instructs the Department of Administration (ADOA) to transfer all monies dedicated for janitorial services to the agencies in each state-owned or state-leased building on a proportional basis by square footage. The agencies are authorized to hire current or former state employees to provide janitorial services.

DIVISION OF LICENSING SERVICES

Chapter 8, **SB 1049**  
Short Title: *FINGERPRINT CLEARANCE CARDS*  
*Sponsor: Senator Linda Gray*  
Creates a higher level fingerprint clearance card (Level I) for various groups who provide services to children and other vulnerable populations.
Chapter 78, HB 2265
Short Title: EXEMPTIONS; LICENSURE; CHILD CARE FACILITIES
Sponsor: Representative Sam Crump
Clarifies that facilities exempt from child care licensing may maintain “sign-in/sign-out” records so long as it is the children themselves documenting their entrance and departure.

Chapter 133, HB 2078
Short Title: OUTDOOR BEHAVIORAL HEALTH; DEFINITION; REQUIREMENTS
Sponsor: Representative Rich Crandall
Expands the definition of healthcare institution to include outdoor behavioral health programs. To be licensed, the programs must:
- Comply with the requirements for a level 2 behavioral health residential agency;
- Obtain and maintain national accreditation as an outdoor behavioral health care program;
- Ensure personnel comply with the requirements of section 36-425.03.

Chapter 156, SB 1326
Short Title: SAFE HAVEN PROVIDERS; PLACEMENT PROTOCOLS
Sponsor: Senator Linda Gray
Prescribes procedures for the placement of newborns left with safe haven providers.

Chapter 172, HB 2564
Short Title: ABORTION
Sponsor: Representative Nancy Barto
Restrictions are placed on abortion procedures, including imposing a mandatory 24-hour waiting period and distribution of a required set of information that the woman must receive. The consent required from the parent/guardian of an unemancipated minor seeking an abortion must be notarized. A physician who fails to comply with statutes commits an act of unprofessional conduct. A civil action may be brought for failure to obtain informed consent. Also a health care professional or employee of a pharmacy, hospital or physician may file a written document stating an objection to abortion or emergency contraception and be excused from facilitating or participating in the procedure.

Chapter 175, SB 1175
Short Title: PERFORMANCE OF ABORTION; NON-PHYSICIAN; PROHIBITION
Sponsor: Senator Russell Pearce
Prohibits a person who is not a physician from performing a surgical abortion.

DIVISION OF BEHAVIORAL HEALTH SERVICES

Chapter 4, SB 1102
Short Title: ELIGIBILITY DETERMINATIONS; AHCCCS
Sponsor: Senator Carolyn Allen
Changes the redetermination period for adult members of Arizona Health Care Cost Containment System (AHCCCS) who do not have dependent children from every six months to annually. The law became effective on April 24, 2009.
Chapter 41, HB 2164
Short Title: ADMINISTRATION OF IMMUNIZATIONS; PHARMACISTS
Sponsor: Representative Nancy Barto
Allows pharmacists to administer approved vaccines to adults without a physician prescription order. Pharmacists must follow recommendations on the administration of immunizations outlined by the Centers for Disease Control and Prevention and will receive oversight by the Arizona Pharmacy Board. ADHS must establish by rule a list of vaccines for which pharmacists would still be required to have a prescription in order to administer. The rulemaking would be streamlined and exempt from the requirements of Title 41, Chapter 6.

A second provision of the bill makes clarifying changes so that information in the Arizona State Immunization Information System (ASIIS) is available for release through adulthood.

Chapter 47, HB 2399
Short Title: AUTOMATED EXTERNAL DEFIBRILLATORS
Sponsor: Representative Nancy Barto
Expands access to lifesaving Automated External Defibrillators (AEDs) and gives ADHS the ability to better track the use of AEDs to improve their use.

AEDs are lifesaving devices that deliver a needed shock to cardiac victims. The devices are great public health tools. The new law:

- Transfers responsibilities from the physician prescribing the AED to the person or entity which acquires the devise;
- Requires the person or entity acquiring the devise to submit a written report to the ADHS S.H.A.R.E program;
- Removes language which instructs the acquirer to limit AED access to trained responders
- Defines training and trained user;
- Increases protection from civil liability for physicians, those who acquire an AED, and trained users.

Chapter 57, SB 1097
Short Title: RECORDS; EMERGENCY MEDICAL SERVICES; CONFIDENTIALITY
Sponsor: Senator Carolyn Allen
Allows the entity or individual named in a complaint to the ADHS Bureau of Emergency Medical Services to request information concerning the compliant before the informal interview. The bill also enacts safeguards to ensure that the information provided to the entity or individual named in a compliant is protected from misuse.

Chapter 157, SB 1336
Short Title: AFFLICTED PERSONS; ORDERS FOR TRANSPORTATION
Sponsor: Representative Russell Pearce
Removes the requirement that law enforcement physically transport a non-compliant Tuberculosis (TB) patient. Law enforcement is required to “oversee and ensure” the transport under the direction of the TB control officer.
OTHER HEALTH RELATED BILLS:

Chapter 9, **HB 2324**
Short Title: HEALTH INSURANCE; INDIVIDUALS; COVERAGE EXEMPTIONS
Sponsor: Representative Tom Boone

Chapter 28, **SB 1313**
Short Title: PROJECT FINANCING REVIEW; EXTENSION; REPEAL
Sponsor: Senator Jay Tibshraeny

Chapter 40, **HB 2159**
Short Title: BOARD OF PODIATRY EXAMINERS; CONTINUATION
Sponsor: Representative Nancy Barto

Chapter 55, **SB 1100**
Short Title: BIOMEDICAL RESEARCH COMMISSION; CONTINUATION
Sponsor: Senator Carolyn Allen

Chapter 136, **HB 2283**
Short Title: CERTIFIED NURSING ASSISTANTS; PILOT PROGRAM
Sponsor: Representative Doris Goodale

Chapter 161, **HB 2207**
Short Title: BEHAVIOR ANALYSTS
Sponsor: Representative Nancy Barto

Chapter 145, **HB 2532**
Short Title: PROHIBITED POSSESSORS; PERSISTENTLY, ACUTELY DISABLED
Sponsor: Representative Cecil Ash

Chapter 147, **HB 2616**
Short Title: HEALTH CARE DIRECTIVES; GUARDIAN DECISION
Sponsor: Representative Rick Murphy

Chapter 153, **SB 1152**
Short Title: MENTAL HEALTH SERVICES; COURT-ORDERED TREATMENT
Sponsor: Senator Jonathon Paton

Chapter 188, **SB 1400**
Short Title: DENTAL ASSISTANTS; COMMUNITY ORAL HEALTH
Sponsor: Senator Thayer Verschoor