

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

Bill #	Chapter	Short Title
HB 2021	172	PHYSICIAN ASSISTANTS; PRACTICE
HB 2022	25	HEARING AID DISPENSERS; CONTINUING ED
HB 2029	8	DEPT OF HEALTH SERVICES; CONTINUATION
HB 2116	86	AMBULANCE SERVICES; RATES; AHCCCS MEMBERS
HB 2124	121	OTCs; INITIAL OPERATION
HB 2150	36	UNIFORM PATIENT REPORTING SYSTEM; EXEMPTION
HB 2209	88	PUBLIC MEETINGS; NOTICE
HB 2260	287	REGULATORY RULE MAKING
HB 2282	288	GOVT TRANSPARENCY; EXPENDITURES, REVENUES
HB 2405	71	EMERGENCY MEDICAL SERVICES COUNCIL (E)
HB 2493	103	SEXUALLY VIOLENT PERSONS; COMMITMENT
HB 2540	196	NATIONAL DISASTER MEDICAL SYSTEM; LEAVE
HB 2586	290	AGENCY RULE MAKING; FEES
SB 1161	205	DEATH CERTIFICATES; REGISTRATION DEADLINE
SB 1174	271	AFRICAN-AMERICAN AFFAIRS; COMMISSION
SB 1181	206	AUTISM SPECTRUM DISORDER TASK FORCE
SB 1182	272	PSYCHIATRIC MENTAL HEALTH NURSE PRACT.
SB 1304	111	ABORTION; REPORTING REQUIREMENTS
SB 1315	248	CHILD CARE PROGRAMS; FEES

(E) Contains an emergency clause

GENERAL/ADMINISTRATION

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