

**To: ADHS Employees**  
**From: ADHS Legislative Affairs**  
**Date: May 4, 2011**  
**Re: 2011 Legislative and Budget Summary**

---

The First Regular Session of the 50<sup>th</sup> Legislature ended April 20, 2011. This memo briefly (a) outlines legislation passed in to law that specifically impacts the Arizona Department of Health Services (ADHS) and (b) lists other health related law in which you may have interest. The general effective date for the laws passed this session is July 20, 2011.

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.

<b><u>BILL NUMBER</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>EFFECTIVE DATE</u></b>
<a href="#">HB 2157</a>	STROKE CARE; DHS	Jul 20, 2011
<a href="#">HB 2634</a>	DHS; HEALTH CARE INSTITUTIONS; RULES	Jul 20, 2011
<a href="#">SB 1240</a>	BEHAVIOR ANALYSTS; PRACTICE RECOGNITION; DHS	Jul 20, 2011
<a href="#">SB 1248</a>	HOSPITALS; DUAL LICENSURE; ELIMINATION	Jul 20, 2011
<a href="#">SB 1402</a>	SPECIAL LICENSE PLATES	Jul 20, 2011
<a href="#">SB 1560</a>	DEPENDANT CHILDREN; HEARING	Jul 20, 2011
<a href="#">SB 1612</a>	BUDGET; GENERAL APPROPRIATIONS; FY2011-12	VARIES
<a href="#">SB 1615</a>	STATE AGENCIES; CONSOLIDATION	Jun 30, 2011
<a href="#">SB 1616</a>	BUDGET RECONCILIATION; REVENUE; 2011-2012	Jul 20, 2011
<a href="#">SB 1619</a>	BUDGET RECONCILIATION; HEALTH; 2011-2012	VARIES
<a href="#">HB 2402</a>	OUTPATIENT TREATMENT; AGENCY NOTIFICATION	Jul 20, 2011
<a href="#">SB 1025</a>	ARIZONA STATE HOSPITAL; FINGERPRINTING REQUIREMENTS	Jul 20, 2011
<a href="#">HB 2416</a>	ABORTION	Jul 20, 2011
<a href="#">HB 2103</a>	HOMEMADE FOOD PRODUCTS; REGULATION; EXCEPTION	Jul 20, 2011
<a href="#">HB 2158</a>	TOBACCO REVENUES; TRACKING COMMISSION	Jul 20, 2011
<a href="#">HB 2541</a>	EMPLOYEE DRUG TESTING; MEDICAL MARIJUANA	Apr 12, 2011
<a href="#">HB 2548</a>	MEDICAL HELICOPTERS; NONTRAUMA PATIENTS; GUIDELINES	Jul 20, 2011
<a href="#">HB 2585</a>	CONTROLLED SUBSTANCES; MARIJUANA; MONITORING	Jul 20, 2011
<a href="#">SB 1121</a>	REVIEW TEAM; MATERNAL MORTALITY	Jul 20, 2011
<a href="#">SB 1123</a>	STATE LIBRARY; ARCHIVES	Jul 20, 2011

## **GENERAL / ADMINISTRATION**

### **HB 2157: STROKE CARE; DHS**

The bill grants exempt rule making authority to ADHS in order to create rules and protocols establishing a coordinated state wide stroke system of care. ADHS, through its Emergency Medical Services (EMS) has established various rules and protocols regarding the transportation of patients to hospitals based on several criteria. These protocols help transport patients to the closest appropriate hospital for treatment based on the severity of the injuries. Currently, there are no stroke specific guidelines for suspected stroke victims.

### **HB 2634: DHS; HEALTH CARE INSTITUTIONS; RULES**

The bill gives ADHS exempt rule making authority until July 1, 2013 to revise the administrative rules governing health care institutions. The bill directs ADHS to revise rules to reduce regulatory and monetary burdens and to facilitate the integration of healthcare, specifically behavioral health and medical care.

### **SB 1240: BEHAVIOR ANALYSTS; PRACTICE RECOGNITION; DHS**

The bill instructs ADHS to add Behavioral Analysts to the list of recognized Behavioral Health Professionals in rules. The intent of the legislation is to allow Behavioral Analysts to be recognized for reimbursement purposes. Currently, there are less than 40 licensed Behavioral Analysts in Arizona. SB 1240 grants exempt rule making authority for one year after the effective date.

### **SB 1248: HOSPITALS; DUAL LICENSURE; ELIMINATION**

The legislation directs ADHS to eliminate the requirement in rules that require hospitals that psychiatric services have dual licensure, streamlining the rules to allow for more integrated care while reducing the licensing burden on health care institutions. The bill gives ADHS exempt rule making authority for two years after the effective date.

### **SB 1402: SPECIAL LICENSE PLATES**

Special license plates are established for "In God We Trust," law enforcement, a youth development organization, "Don't Tread on Me" (Gadsden Flag - Tea Party), multiple sclerosis awareness, hunger relief, childhood cancer research, litter prevention and cleanup, the Phoenix Coyotes, public broadcast TV, and the Thunderbird School of Global Management. Each type of plate will be issued if the Dept of Transportation receives \$32,000 for the issuance of that plate. ADHS will administer the childhood cancer and multiple sclerosis plate funds.

**SB 1560: DEPENDANT CHILDREN; HEARING**

This bill generally relates to the Department of Economic Security but it does contain one provision that impacts DBHS. ADHS must now require that contracts to provide behavioral health services to children placed in out-of-home care shall be done outside of regular school hours, if possible.

**SB 1612: BUDGET; GENERAL APPROPRIATIONS; FY2011-12**

The "feed bill" for FY2011-12, containing appropriations for state agencies and programs. Contains appropriations for ADHS and various footnotes (Sec. 45) relating to public/family health, behavioral health, and department wide budget implementations.

**SB 1615: STATE AGENCIES; CONSOLIDATION**

SB 1615 makes statutory and session law changes related to government consolidation in order to implement the FY 2011-12 state budget. The bill contains provisions (Sec. 16-22) transferring the Arizona Biomedical Research Commission to ADHS.

**SB 1616: BUDGET RECONCILIATION; REVENUE; 2011-2012**

SB 1616 makes temporary and permanent law changes relating to state revenues in order to implement the Fiscal Year (FY) 2011-12 state budget. Establishes the Seriously Mentally Ill Housing Fund to be administered by ADHS (Sec 4).

**SB 1619: BUDGET RECONCILIATION; HEALTH; 2011-2012**

SB 1619 includes provisions related to health necessary to implement the FY 2011-12 state budget. For ADHS, the bill includes vital records self-funding provisions (Sec. 7), a transfer of Children's Rehabilitative Services to AHCCCS (Sec. 1-6; 8-9), an increase in county contribution for persons housed at the SVP unit at the State Hospital (Sec. 20), competency restoration costs (Sec. 21), and exempt rule making to implement portions of the bill (Sec. 35).

**DIVISION OF BEHAVIORAL HEALTH SERVICES**

**HB 2402: OUTPATIENT TREATMENT; AGENCY NOTIFICATION**

If criminal charges involving death, serious physical injury or sexual crimes are dropped against a patient who is in the Arizona State Hospital or other institution assigned to determine and/or treat mental illness, the medical director must notify the prosecuting agency if a civil commitment order expires or is terminated, or if the patient is discharged to outpatient treatment. Notification must be made within five days before the anticipated date of the expiration, termination or discharge.

### **SB 1025: ARIZONA STATE HOSPITAL; FINGERPRINTING REQUIREMENTS**

SB 1025 is an ADHS agency bill that restores statutory authority for the Agency to fingerprint employees and volunteers that work at the Arizona State Hospital.

### **DIVISION OF LICENSING SERVICES**

#### **HB 2416: ABORTION**

HB 2416 expands the definition of abortion to include “any means,” among other changes to statute. ADHS will now license approximately twelve additional abortion clinics as a result of the definition change.

### **DIVISION OF PUBLIC HEALTH**

#### **HB 2103: HOMEMADE FOOD PRODUCTS; REGULATION; EXCEPTION**

The bill allows baked and confectionary food, that is not potentially hazardous, to be prepared in a home kitchen and sold for commercial purposes.

#### **HB 2158: TOBACCO REVENUES; TRACKING COMMISSION**

The Tobacco, Revenue, Use, Spending and Tracking Commission was created as part of Proposition 303. The Commission serves as an advisory board to ADHS on issues of tobacco control. HB 2158 establishes the Commission in statute and does not alter the advisory role of the Commission.

#### **HB 2541: EMPLOYEE DRUG TESTING; MEDICAL MARIJUANA**

The bill better defines the employee / employer relationship as it relates to legal medical marijuana card holders. It provides legal protections to employers who suspect their employee is “impaired” while at work. The bill also allows employers to verify an employee’s medical marijuana card by accessing the medical marijuana database at ADHS.

#### **HB 2548: MEDICAL HELICOPTERS; NONTRAUMA PATIENTS; GUIDELINES**

The bill directs ADHS to develop guidelines regarding the transport of patients by helicopter in non-trauma situations. In rural Arizona, where ground ambulances are can be scarce, non-trauma patients are sometimes air transported, leading to higher costs with no medical benefit.

#### **HB 2585: CONTROLLED SUBSTANCES; MARIJUANA; MONITORING**

This legislation requires the controlled substances prescription monitoring program database to include data from the Department’s medical marijuana database established in ARS 36-2807. It would allow doctors, who are considering prescribing patients medication, to check if the patient is a medical marijuana card holder.

**[SB 1121](#): REVIEW TEAM; MATERNAL MORTALITY**

Currently the Child Fatality Review Program reviews deaths of children and issues an annual report, with policy recommendations, to help reduce preventable deaths of children. This legislation adds a maternal mortality component in which the same process would be used to review maternal mortality cases.

**[SB 1123](#): STATE LIBRARY; ARCHIVES**

Every year, ADHS transmits vital records information over to the State Library and Archives so the information can be archived. This bill adds the requirement that ADHS transmit the information within 90 days of the end of the calendar year.

**OTHER HEALTH RELATED BILLS OF INTEREST**

[HB 2003](#): EMS FEE; PROHIBITION

[HB 2102](#): LICENSED ELIGIBILITY; AUTHORIZED PRESENCE

[HB 2151](#): STATE EMPLOYEE WAGE PAYMENTS

[HB 2211](#): INPATIENT EVALUATION; TREATMENT

[HB 2213](#): INTELLECTUALLY DISABLED; TERMINOLOGY

[HB 2384](#): ABORTION PUBLIC FUNDING; PROHIBITION

[HB 2443](#): ABORTION SEX; RACE SECTION; PROHIBITION

[HB 2402](#): GUARDIANS; INCAPACITATED PERSONS

[HB 2478](#): COUNTY PAYMENTS; TUBERCULOSIS

[HB 2620](#): MEDICAL RECORDS DISCLOSURE; RELEASE

[HB 2635](#): COURT ORDERED EVALUATION

[SB 1038](#): ASSISTED LIVING CAREGIVER; REGULATION

[SB 1169](#): ABORTION; NURSING PROHIBITION

[SB 1247](#): SEXUALLY VIOLENT PERSONS; HEARINGS

[SB 1458](#): PROFESSIONAL LICENSURE; OUT OF STATE APPLICANTS

[SB 1465](#): VALID ID; CONSULAR CARDS