

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

The First Regular Session of the 49<sup>th</sup> 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

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

(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.

## **DIVISION OF PUBLIC HEALTH SERVICES**

### **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 device;
- Requires the person or entity acquiring the device 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