

**To: ADHS Employees**  
**From: ADHS Legislative Affairs**  
**Date: May 1, 2012**  
**Re: 2012 Legislative and Budget Summary**

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The Second Regular Session of the 50<sup>th</sup> Legislature ended May 3, 2012. 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 August 2, 2012.

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 2019</a>	SEX OFFENDER REGISTRATION; MULTIPLE RESIDENCES	Aug 2, 2012
<a href="#">HB 2029</a>	CHILD CARE; DAY CAMPS; EXEMPTION	Aug 2, 2012
<a href="#">HB 2035</a>	MEDICAL MARIJUANA	Aug 2, 2012
<a href="#">HB 2036</a>	ABORTION PROCEDURES; INFORMED CONSENT; REQ.	VARIES
<a href="#">HB 2070</a>	LICENSE ELIGIBILITY; AUTHORIZED PRESENCE	Aug 2, 2012
<a href="#">HB 2247</a>	MIDWIFERY; REGULATION; DHS RULES	Aug 2, 2012
<a href="#">HB 2261</a>	EMERGENCY MEDICAL SERVICES	Aug 2, 2012
<a href="#">HB 2359</a>	PSYCHIATRIC HOSPITALS; PHYSICAL PLANT STANDARDS	Aug 2, 2012
<a href="#">HB 2520</a>	PESTICIDE BUFFER ZONES; HEALTH CARE	Aug 2, 2012
<a href="#">HB 2532</a>	COURT ORDERED TREATMENT	Aug 2, 2012
<a href="#">HB 2555</a>	SEXUALLY VIOLENT PERSON; ESCAPE; SENTENCE	Aug 2, 2012
<a href="#">HB 2571</a>	STATE PERSONNEL SYSTEM	Sept 29, 2012
<a href="#">HB 2744</a>	REGULATORY RULES; AMENDMENTS	Aug 2, 2012
<a href="#">HB 2800</a>	PUBLIC FUNDING; FAMILY PLANNING; PROHIBITION	Aug 2, 2012
<a href="#">SB 1008</a>	CHILD FATALITY REVIEW TEAM	Aug 2, 2012
<a href="#">SB 1136</a>	FINGERPRINTING; CENTRAL REGISTRY; BACKGROUND CHECKS	Aug 2, 2012
<a href="#">SB 1193</a>	PROPOSED RULES; ACCEPTABLE DATA	VARIES
<a href="#">SB 1220</a>	CHILD CARE FACILITIES	Aug 2, 2012
<a href="#">SB 1523</a>	BUDGET; GENERAL APPROPRIATIONS	Jul 1, 2012
<a href="#">SB 1528</a>	BUDGET; BRB; HEALTH; WELFARE	VARIES
<a href="#">SB 1524</a>	BUDGET RECONCILIATION; CAPITAL OUTLAY	Jul 1, 2012

## **GENERAL / ADMINISTRATION**

### **HB 2035: MEDICAL MARIJUANA**

HB 2035 defines “unprofessional conduct” for health professionals writing medical marijuana certifications outside the constraints of the Medical Marijuana Act as well as grants ADHS explicit authority to share information with various medical boards related to unprofessional conduct and medical marijuana. The bill also contains a reporting requirement for the medical board’s actions on medical marijuana complaints.

### **HB 2036: ABORTION PROCEDURES; INFORMED CONSENT; REQUIREMENTS**

HB 2036 impacts many parts of the agency, from IT, Licensing, and Rules. It requires a new website by November 2, 2012 (90 days after the effective date) focused on informed consent requirements. The bill also changes many of the licensing requirements we currently have in our administrative rules. ADHS has exempt rule making authority until August 2, 2014.

### **HB 2247: MIDWIFERY; REGULATION; DHS RULES**

HB 2247 directs ADHS to consider revising the administrative rules governing midwifery for the purposes of streamlining and reducing regulatory burden. The bill also includes an advisory committee to review any proposed changes in the scope of practice and make recommendations to the Director. ADHS has exempt rule making authority until July 1, 2013.

### **HB 2571: STATE PERSONNEL SYSTEM**

HB 2571 consolidates the current state personnel systems, establishes the transition of a majority of the State workforce to uncovered and at-will status, improves management of the workforce, restructures the grievance and appeal process and updates human resources practices.

### **HB 2744: REGULATORY RULES; AMENDMENTS**

The bill changes many of the statutes that govern regulatory rule making.

### **SB 1193: PROPOSED RULES; ACCEPTABLE DATA**

Expands the data required as part of an economic, small business and consumer impact statement. SB 1193 allows an applicant for a license to request a clarification of an agency’s interpretation or application of a statute, rule, delegation agreement or substantive policy statement.

**SB 1523: BUDGET; GENERAL APPROPRIATIONS; FY2012-13**

The "feed bill" for FY2012-13, contains appropriations for state agencies and programs. Contains appropriations for ADHS and various footnotes (Sec. 45) relating to public/family health, behavioral health, the Arizona State Hospital and department wide budget implementations.

**SB 1524: BUDGET RECONCILIATION; CAPITAL OUTLAY**

The bill designates a capital outlay project of \$1.7 million dollars for a backup generator for the Arizona State Hospital (Sec. 1).

**SB 1528: BUDGET; BRB; HEALTH; WELFARE**

SB 1528 includes provisions related to health necessary to implement the FY 2012-13 state budget. For ADHS, the bill includes a new behavioral health report (Sec. 5), a change in statuses related to the Well Woman Health Check program (Sec. 4), prescribes how ADHS deposits reconciliation payments or penalties for RHBA's or providers (Sec. 1), continues to require the counties and cities to pay 100% of RTC treatment (Sec. 11), continues to require the counties to pay 50% of the cost of treatment and confinement of SVP (Sec. 10), provides funding for Alzheimer's disease research (Sec. 26), and removes the statutory cap on the second newborn screening test (Sec. 2).

**DIVISION OF BEHAVIORAL HEALTH SERVICES**

**HB 2019: SEX OFFENDER REGISTRATION; MULTIPLE RESIDENCES**

The bill modifies statutory requirements for sex offender registration with law enforcement.

**HB 2532: COURT ORDERED TREATMENT**

HB 2532 updates and clarifies Arizona's statutes governing the evaluation of individuals ordered to undergo involuntary inpatient mental health treatment.

**HB 2555: SEXUALLY VIOLENT PERSON; ESCAPE; SENTENCE**

This bill makes it a class 5 felony to escape or attempt to escape from the ACPTC at the State Hospital.

**DIVISION OF LICENSING SERVICES**

**HB 2029: CHILD CARE; DAY CAMPS; EXEMPTION**

The bill adds to the exemptions from ADHS licensure to include a day camp if the day camp meets certain criteria including accreditation, restrictions on the weeks and hours of operation, age of attendees, fingerprinting, and notification of non-licensure.

**HB 2070: LICENSE ELIGIBILITY; AUTHORIZED PRESENCE**

This bill adds that any license issued by the federal government, any other state government, an agency of this state, or a political subdivision of this state requiring proof of citizenship or lawful alien status before it was issued is an acceptable form of identification for receiving an Arizona license.

**HB 2359: PSYCHIATRIC HOSPITALS; PHYSICAL PLANT STANDARDS**

The bill creates an exemption from physical plant standards for hospital licensure if the licensee held a specific license on or before January 1, 2012 and meets other criteria.

**HB 2520: PESTICIDE BUFFER ZONES; HEALTH CARE**

The bill clarifies that a health care institution must meet the requirements of A.R.S § 36-421 in order to trigger pesticide buffer zone restrictions and makes other clarifying changes.

**SB 1136: FINGERPRINTING; CENTRAL REGISTRY; BACKGROUND CHECKS**

This bill requires the Department of Economic Security (DES) to conduct central registry background checks on individuals who provide direct services to children or vulnerable adults. SB 1136 adds a DES Central Registry check requirement on ADHS licensees' employees as a condition of licensure.

**SB 1220: CHILD CARE FACILITIES**

This bill adds to the list of exemptions for licensure for child care facilities. SB 1220 adds an exemption for a school that conducts education only instruction for 3 and 4 year olds if certain conditions are met.

**DIVISION OF PUBLIC HEALTH**

**HB 2261: EMERGENCY MEDICAL SERVICES**

This bill updates and modifies many of the statutes related to EMS with a few substantive changes. The bill provides ADHS with exempt rule making authority until December 31<sup>st</sup>, 2013.

**HB 2800: PUBLIC FUNDING; FAMILY PLANNING; PROHIBITION**

HB 2800 outlines the priority for distribution of public funds for family planning services and specifies that the state or any political subdivision may not contract with any person or facility that performs non-federally qualified abortions.

**SB 1008: CHILD FATALITY REVIEW TEAM**

SB 1008 revises the Child Fatality Review Team (Team) statutes and expands the duties of the Team to include those previously performed by the Unexplained Infant Death Advisory Council.

## **OTHER HEALTH RELATED BILLS OF INTEREST**

[HB 2034](#): HOOKAH USE; MINORS; PROHIBITION

[HB 2063](#): COMMUNITY HEALTH CENTERS; WALK-IN PATIENTS

[HB 2154](#): CHILD RESTRAINT SYSTEMS

[HB 2349](#): MEDICAL MARIJUANA; CARDHOLDER; CAMPUSES; PROHIBITION

[HB 2369](#): ELECTRONIC MEDICAL RECORDS

[HB 2370](#): DEATH CERTIFICATES

[HB 2526](#): SKILLED NURSING HOME PROVIDER ASSESSMENTS

[HB 2625](#): INSURERS; HEALTHCARE COVERAGE; RELIGIOUS BELIEVES

[SB 1059](#): SCHOOL PROPERTY; COMMUNITY USE; LIABILITY

[SB 1147](#): SEXUALLY VIOLENT PERSONS; DEFINITION

[SB 1280](#): TOBACCO; INTERNET; MAIL SALES; E-CIGARETTES