

ARIZONA STATE SENATE

46TH LEGISLATURE
FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON HEALTH

DATE: February 6, 2003 **TIME:** 8:30 a.m. **ROOM:** SHR 1

CHAIRMAN: Senator Allen **VICE CHAIRMAN:** Senator Binder

ANALYST: Julie Keane **INTERN:** Kimberly Coleman

ASSISTANT ANALYST: Brandy Martin **COMMITTEE SECRETARY:** Carol Dager

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Cannell	X			SB 1103	HELD
Senator Garcia	X			SB 1110	HELD
Senator Harper	X			SB 1111	DP
Senator Hellon	X			SB 1172	DP
Senator Jackson	X			SB 1173	DP
Senator Leff	X			SB 1179	DP
Senator Miranda	X				
Senator Binder, Vice Chairman	X				
Senator Allen, Chairman	X				

GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
-------------	-----------------	-----------------------

PRESENTATIONS

Dr. Jacque Chadwick, Associate Vice President, University of Arizona (UA) Health Sciences Center, Phoenix Campus, Graduate Medical Education

Dr. Roger Hughes, Executive Director, St. Luke's Health Initiatives, Graduate Medical Education

Chairman Allen called the meeting to order at 8:30 a.m., and attendance was taken.

APPROVAL OF MINUTES

**Senator Binder moved the minutes of January 30, 2003 be approved.
Without objection, the minutes were approved as distributed.**

PRESENTATIONS

David Landrith, Vice President of Policy, Arizona Medical Association, pointed out that the Graduate Medical Education (GME) is the number one legislative and budget priority of the healthcare community this year. He provided some introductory remarks about the speakers who will present expert information on the GME program.

Dr. Jacque Chadwick, Associate Vice President, University of Arizona (UA) Health Sciences Center, Phoenix Campus, commented that she oversees the programs of all four colleges in health sciences at the Phoenix campus. Since the inception of the Phoenix medical school 11 years ago, students have been coming to Phoenix to carry out their clinical rotations because of the fantastic teaching hospitals and residency programs. One hundred students annually are accepted into the GME program; next year the class size will be increased to 110 and ultimately to 120 to address a major problem facing Arizona – a shortage of physicians. She stressed that the residency program is a crucial phase of training of a doctor. Approximately 50% of the students who graduate from UA remain in Arizona to practice medicine. Arizona is losing many doctors, who have trained in the State, to other states.

Senator Harper inquired about the Midwestern University students claiming that many of their residency programs have to be conducted out of state. Dr. Chadwick replied that UA is state supported and is an allopathic school with training in the medical doctor (MD) area. However, Midwestern University is a private university and they train doctors of osteopathy (DO). These universities have different accrediting bodies and schools; however, many DO students complete residency programs in the MD area. She pointed out that they have faculty members and residency students in the GME program who are DOs.

Senator Allen asked what Dr. Chadwick's thought was on why doctors are leaving the state or want to come to Arizona to practice. Dr. Chadwick replied that she feels that is a complicated issue. Some of the reasons include: 1) the environment; 2) malpractice insurance crisis; and 3) managed care market. Health Maintenance Organizations (HMO) have highly penetrated the Arizona market, which impacts the ability for doctors to deliver the type of care they feel is best for their patients. Many doctors move to states where HMOs are not as prevalent. She mentioned that doctors are concerned when long-time patients can no longer see a specific doctor because of a change in their insurance carrier, noting that the continuity of care is disrupted.

Dr. Roger Hughes, Executive Director, St. Luke's Health Initiatives, distributed a handout (Attachment A) and provided an overview of the GME program. He summarized the highlights of the program, pointing out concerns if Arizona did not have a GME program. He noted that GME is funded primarily by the federal government through Medicare and Medicaid. Approximately \$56 million is received from Medicare and \$12 million from Medicaid and \$6 million from Arizona Health Care Cost Containment System (AHCCCS). He pointed out that if they lost the state's funding, they would lose the federal matching funds of \$2 for every \$1. He mentioned that GME is a national program and if the State closed the program, there could be legal issues regarding students who

could not complete their training. He stressed that doctor shortage is a critical problem and there is an acute shortage in certain specialties, such as radiology and orthopedics. He also discussed the difficulty of attracting doctors for the rural areas. The loss of funds would dramatically impact the teaching hospitals and could force some to close.

Dr. Hughes next talked about why doctors leave Arizona, noting that the East Coast has a fairly robust infrastructure for professional training and research. People are attracted to cultures and environments similar to their own. Many doctors are recruited into the clinical and research areas. He emphasized that it is critical for Arizona to make an investment in doctors, specifically the highly trained science and medical students.

Senator Allen indicated that the healthcare delivery system in Arizona is in a crisis situation. If the Maricopa County Hospital closes, it will create a crisis for other hospitals. She said that she appreciates everyone who is in the medical field.

In response to Senator Leff's question, Dr. Hughes indicated that they do not have good data on the healthcare problems in Arizona. Much of the information is over three years old. He stressed that they would work on the specific issues brought to their attention by the Legislature.

Senator Binder asked what would happen to the trauma centers without the residency programs. Dr. Hughes replied that they have conducted a study regarding the Level 1 trauma centers. There is a doctor shortage in various specialties: 1) orthopedics; 2) hand surgery; and 3) ophthalmology. Not having a residency program in these trauma centers and emergency rooms would be a serious problem. He stressed that there should be a statewide trauma program.

CONSIDERATION OF BILLS

Senator Allen announced that she would be holding SB 1103 and SB 1110.

SB 1103 – massage therapists; licensure – HELD

SB 1110 – medication assistants; pilot program – HELD

SB 1111 – state hospital; outpatient treatment – DO PASS

Julie Keane, Health Committee Research Analyst, explained that SB 1111 allows for unaccompanied leave of civilly committed patients at the Arizona State Hospital (ASH) if the leave is part of an inpatient individualized treatment and discharge plan.

Dr. Jerry Dennis, Medical Director, Division of Behavioral Health Services, Department of Health Services (DHS), pointed out that this proposed legislation would allow the medical director to issue passes to a person who has reached a certain level of functioning and safety within the hospital setting. These passes would occur at various stages prior to the patient's release. The goal is for the patient to test their abilities to adjust to the community prior to their moving into a more independent living environment.

In response to Senator Leff's question, Dr. Dennis replied that if someone did not do well while out on the temporary pass, they would not be released at the time originally planned. He noted that the forensic patients who are criminally committed to the hospital have a different status and would be under psychiatric security board order or court order to not allow any type of passes.

**Senator Binder moved SB 1111 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 8-0-1. (Attachment 1)**

Senator Allen announced the individuals who registered their position on the bill (Attachment B).

SB 1172 – board of optometry; continuation – DO PASS

Ms. Keane explained SB 1172 continues the Arizona State Board of Optometry (Board) until July 1, 2013.

**Senator Hellon moved SB 1172 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 7-0-2. (Attachment 2)**

Senator Binder announced the individuals who registered their position on the bill (Attachment B).

SB 1173 – board of optometry – DO PASS

Ms. Keane explained SB 1173 makes changes to the statutes governing the Arizona State Board of Optometry. She also explained the Allen three-line amendment dated 2/5/03 at 10:29 a.m. (Attachment C).

Senator Garcia referred to the fingerprinting section of the bill that allows the applicant to be certified even though the results of the fingerprint testing had not been returned and questioned if other boards are doing the same thing.

Senator Binder indicated that if the board does not have any evidence or reasonable suspicion that the applicant has a criminal history, the board may issue a license before it receives the results of a criminal record check.

Ms. Keane replied that she does not know if it is done for other boards; however, the following paragraph of the bill retains the board's authority to otherwise issue, deny, cancel, terminate, suspend, or revoke a license.

Senator Garcia indicated that he has a concern that the Board may feel a person does not have a record; however, when the results are received, the person does have a criminal history and would have been practicing for several months.

Jack Confer, Executive Director, Arizona State Board of Optometry, pointed out that there is a small percentage of applicants that have criminal backgrounds. Because of the heavy workload at the Federal Bureau of Investigation (FBI), fingerprinting results are taking approximately three to six months. In some cases, it is prohibiting the applicant from starting work. He indicated that the Board felt that it might be allowable to start work and if a criminal history was discovered, the Board would take immediate action. He noted that the applicant signs a notarized application which states they do not have a criminal background.

Senator Garcia suggested that it is not good policy to issue a license until the criminal background check is completed. Many professions require such a background check.

In response to Senator Binder, Mr. Confer replied that there is a demand for optometrists with 80 to 100 licenses issued annually.

In response to Senator Leff, Mr. Confer responded that the majority of the boards do not have this authority.

Senator Binder announced that the Allen amendment would be withdrawn.

Senator Harper noted that many of the boards have been moving towards stricter standards and wondered what Mr. Confer thought about some of the boards consolidating. Mr. Confer replied that he does not have a personal opinion nor has the board ever discussed that issue. He suggested that when there are independent professions, there would definitely be some growing pains.

Senator Miranda asked if an applicant has a conviction in another state, the Board will not know until the FBI report is received. Mr. Confer answered that is a possibility; however, in the past three years, four licenses out of over 200 were denied based on criminal backgrounds or that the applicant lied on the application.

Senator Binder inquired as to whether the Board would check with the board in the state the applicant previously worked to find out if there are any problems. Mr. Confer replied that there are several verifications that occur; the previous state does supply background information and the DPS background check is returned within two weeks.

**Senator Binder moved SB 1173 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 5-2-2. (Attachment 3)**

Senator Binder announced the individuals who registered their position on the bill (Attachment B).

SB 1179 – Alzheimer’s treatment facilities; demonstration project – DO PASS

Brandy Martin, Health Committee Assistant Research Analyst, explained SB 1179 increases the maximum number of persons who may participate in the Alzheimer’s treatment assistive living facility demonstration pilot project.

In response to Senator Hellon, Ms. Martin replied that AHCCCS has stated there will be no fiscal impact.

John Durbin, Director of Education and Advocacy, Alzheimer's Association, mentioned that 20 years ago, a national campaign against Alzheimer’s disease was launched. The campaign focused heavily on the emotional, financial, and social consequences of the disease and the need for research funds and support for caregivers. Currently there are approximately 4.5 million people diagnosed with Alzheimer’s; in Arizona there are 90,000 patients with the disease.

Mr. Durbin pointed out that the bill expands the number of individuals who can participate in what to date has been a very successful project. In 1999, the Legislature approved the original project and it was amended in 2000 to extend the length of the pilot and correct some problematic issues in the bill. Today, all beds have been filled and a waiting list has been established. Assistive living care facilities participating in the project specialize in dementia care, which is significant to the patients and their families. This bill has a positive economic consequence by providing placement for individuals in assistive living care facilities at a lower reimbursement rate than a skilled nursing facility. An understanding of the importance of proper placement of individuals with Alzheimer’s disease and related forms of dementia can best be appreciated by the family members who care for them.

Approximately 75% of the care is provided by family members. Most patients are placed in a care facility in the later stages of the disease. The risks inherent for Alzheimer patients who are incapable of providing care for themselves and the associated stresses of caregiving for these individuals cries out for understanding and compassion on the part of public policy makers and legislators.

Senator Leff stated that she assumes only people already eligible under the Arizona Long-Term Care System (ALTCS) would be in this program and asked for clarification that this bill would not expand the ALTCS population. Mr. Durbin replied that this bill would not expand that population.

Freida Smith, caregiver, expressed her concern for the Alzheimer patients. She related her personal experience since her mother was diagnosed with the disease, noting a difficult situation where her mother wandered from the care facility she was residing in. Ultimately, she contacted Mr. Durbin and after waiting for an available bed, her mother was finally placed in the program.

Senator Leff, Senator Allen, and Senator Binder related personal stories and their concerns about Alzheimer patients. Senator Leff noted that Alzheimer patients need caregivers who understand the disease and how to treat them. She suggested that it is almost impossible for the family to take care of an Alzheimer patient.

Virginia Gavette, caregiver, provided information on her personal experience with Alzheimer's, noting her companion was first diagnosed with dementia. Ordinary tasks became overwhelming. Living on social security, she had limited resources. She found a facility where he was receiving excellent care; however, within two weeks she was asked to move him in the next ten days, because the program had already exceeded its limits. She was angry and confused as to what to do next. At the eleventh hour, a bed became available and he was able to remain in the program. It is important to her to have her companion live in dignity and receive the appropriate care. Hardworking, functional adults need a place to rely on when the time comes.

**Senator Binder moved SB 1179 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 9-0-0. (Attachment 4)**

Senator Allen announced the individuals who registered their position on the bill (Attachment B).

There being no further business, the meeting was adjourned at 9:49 a.m.

Respectfully submitted,

Carol Dager
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)