

ARIZONA HOUSE OF REPRESENTATIVES  
Forty-ninth Legislature –Second Regular Session

**COMMITTEE ON HEALTH AND HUMAN SERVICES**

Minutes of Meeting  
Wednesday, January 27, 2010  
House Hearing Room 4 -- 9:00 a.m.

Chairman Barto called the meeting to order at 9:04 a.m. and roll call was taken by the secretary.

**Members Present**

Mr. Ableser  
Mr. Antenori  
Mr. Boone

Mr. Bradley  
Mrs. Goodale  
Mr. Lopes

Mr. Murphy  
Mr. Court, Vice-Chairman  
Mrs. Barto, Chairman

**Members Absent**

None

**Committee Action**

HB2149 – DP (6-0-0-3)  
HB2150 – DP (8-0-0-1)  
HB2172 – DP (8-0-0-1)  
HB2187 – DP (7-0-0-2)

HB2469 – HELD  
HCM2002 – DPA (8-1-0-0)  
HCM2005 – DP (8-0-0-1)

**CONSIDERATION OF BILLS**

**HB2469 – certified medication assistants – HELD**

Chairman Barto announced that HB2469 will be held.

**PRESENTATIONS**

Rodney Moffet, President, Arizona Association of Nurse Anesthetists, gave a presentation on Certified Registered Nurse Anesthetists (CRNA) (Attachment 1). He explained that CRNAs are Registered Nurses with Intensive Care Unit experience and a graduate-level education in anesthesia. CRNAs take care of patients before, during and after surgery in hospitals, outpatient clinics, physician offices and dental clinics. There are about 277 CRNAs in Arizona, and multiple studies show there is no difference in quality of care provided by an anesthesiologist and a CRNA. In terms of health care reform, CRNAs are an option for hospitals and health care organizations to consider in order to reduce costs for anesthesia.

Mr. Moffet responded to questions about the scope of practice and supervision of CRNAs. He conveyed that there is one training program at Midwestern University in Glendale with a current class of about 22 students. Typically, 10 to 20 percent of students remain in the state. In comparison to CRNAs, there are 485 anesthesiologists in Arizona.

### **CONSIDERATION OF BILLS (CONTINUED)**

#### **HB2149 – physical therapy board – DO PASS**

**Vice-Chairman Court moved that HB2149 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that HB2149 allows the Board of Physical Therapy (Board) to establish a Committee or Committees to assist in carrying out its duties, and outlines procedures for licensure, suspension and reinstatement of licenses or certificates (Attachment 2).

Brandy Petrone, Arizona Board of Physical Therapy, in favor of HB2149, stated that this is a consensus bill that was worked on for about one-and-a-half years.

Vice-Chairman Court announced the names of those who signed up in support of HB2149 but did not speak:

Charles Brown, Executive Director, Board of Physical Therapy

Bryan Ginter, representing self

Tom Dorn, Lobbyist, Arizona Physical Therapy Association

Stuart Goodman, Lobbyist, Arizona Board of Physical Therapy

Kathleen Pagels, Executive Director, Arizona Health Care Association

**Question was called on the motion that HB2149 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 3).**

#### **HB2150 – uniform patient reporting system; exemption – DO PASS**

**Vice-Chairman Court moved that HB2150 do pass.**

Gina Kash, Majority Assistant Research Analyst, explained that HB2150 requires hospitals that provide inpatient and outpatient psychiatric services to comply with the uniform patient reporting system, and exempts the Arizona State Hospital (ASH) (Attachment 4).

Jason Bezozo, Senior Program Director, Government Relations, Banner Health, spoke in favor of HB2150. He related that all hospitals currently provide patient data to the Department of Health Services (DHS), which Banner looks at to determine and plan for communities' needs. When this law was created there was an exemption for hospitals that provide psychiatric care only, so hospitals that provide acute care and psychiatric services are reporting data, but hospitals that only provide psychiatric services are not. Banner would like to have a better picture of what is going on to do a better job of planning for communities' needs, which is what this bill will accomplish. HB2150 also maintains the existing exemption for the ASH where there is a difference in the patient population versus patients in private hospitals.

In response to a question, Mr. Bezozo indicated that most of the data is currently available. It is just a matter of putting it together and providing it to DHS, which those hospitals already have systems set up to do, so it would not be too much of a burden. Also, the data is available to all providers and other entities.

Vice-Chairman Court announced the names of those who signed up as neutral on HB2150 but did not speak:

Duane Huffman, Chief Legislative Liaison, Arizona Department of Health Services

Vice-Chairman Court announced the names of those who signed up in opposition to HB2150 but did not speak:

Bryan Ginter, representing self

Duane Huffman, Legislative Liaison, Department of Health Services, in response to a question, indicated that many public health programs use the data to analyze what is occurring in the community and where there is more need for health services. For example, the data was used to determine how many people went to emergency rooms or were admitted as in-patients due to all-terrain vehicle (ATV) accidents, the length of stay, etc., and a working group was established to determine the best way to address that. It is estimated that this proposal will add 7 to 9 hospitals to the 91 hospitals that are currently reporting, which will not push DHS personnel over the limit, but gets close to it. One person collects and formats all of the data.

Mr. Lopes stated this is an enormously rich database that is very useful for all kinds of public health and public policy purposes; it also contains financial data on facilities. He urged the Members to take advantage of it.

**Question was called on the motion that HB2150 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 5).**

### **HB2172 – dental board; complaints – DO PASS**

**Vice-Chairman Court moved that HB2172 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that HB2172 sets forth provisions that allow the Executive Director, if delegated by the State Board of Dental Examiners (Board), to terminate a complaint filed against a licensee (Attachment 6).

Stuart Goodman, Arizona Board of Dental Examiners, spoke in support of HB2172. He related that this bill is modeled after what was done for the Arizona Medical Board and the Nursing Board. It is designed to increase efficiency, protect consumers' due process, benefit licensees and save the Board valuable resources.

Vice-Chairman Court announced the names of those who signed up in support of HB2172 but did not speak:

Elaine Hugunin, Executive Director, Arizona State Dental Board

Kevin Earle, Executive Director, Arizona Dental Association

John MacDonald, representing, Arizona Dental Association

Vice-Chairman Court announced the names of those who signed up in opposition to HB2172 but did not speak:

Bryan Ginter, representing self

**Question was called on the motion that HB2172 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 7).**

### **HB2187 – osteopathic board – DO PASS**

**Vice-Chairman Court moved that HB2187 do pass.**

Gina Kash, Majority Assistant Research Analyst, explained that HB2187 makes changes to certain provisions of the Board of Osteopathic Examiners in Medicine and Surgery and expands the definition of unprofessional conduct (Attachment 8).

Elaine Letarte, Executive Director, Arizona Osteopathic Board, expressed support for HB2187.

Vice-Chairman Court announced the names of those who signed up in support of HB2187 but did not speak:

David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association

Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association

Bryan Ginter, representing self

Scott Steingard, physician, representing self

**Question was called on the motion that HB2187 do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 9).**

### **HCM2005 – section 1011 reimbursement; reauthorization – DO PASS**

**Vice-Chairman Court moved that HCM2005 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that HCM2005 asks the United States Congress to reauthorize Section 1011 of the Medicare Prescription Drug Improvement and Modernization Act (MMA) of 2003 (Attachment 10).

Barbara Fanning, Director, Government Affairs & Policy, Arizona Hospital and Healthcare Association (AzHHA), spoke in favor of HCM2005. She stated that hospitals are required to treat all patients regardless of citizenship or ability to pay under the federal Emergency Medical Treatment and Labor Act (EMTLA). Section 1011 of EMTLA appropriated money to the states to offset costs incurred by hospitals, certain physicians and ambulance companies for emergency care of undocumented individuals. Although Section 1011 has expired, hospitals' legal obligation to treat all patients under EMTLA remains. The AzHHA believes the federal government is responsible for reimbursing hospitals and other health care providers for the care they are legally obligated to provide to undocumented patients. Ms. Fanning urged the Members to pass HCM2005 to encourage Congress to reauthorize the Section 1011 program. She noted

that there were some concerns about the actual language of the Memorial, but it is language from the original federal legislation.

In response to questions, Ms. Fanning related that the amount allocated to Arizona over the three years of the life of the program was about \$182 million. The federal government has a formula; about 50 percent of the total funds each year is available to all states and the other 50 percent is available for the six states with the highest number of undocumented persons, which includes Arizona. Claims are submitted by hospitals and other health care facilities and reimbursement is provided for care. She said she spoke to someone at the American Hospital Association, and there is no specific bill or sponsor, but the AzHHA is speaking to Arizona's Congressional delegation.

Vice-Chairman Court announced the names of those who signed up in support of HCM2005 but did not speak:

Jim Haynes, Chief Financial Officer, Arizona Hospital and Healthcare Association

Ryan Harper, representing Vanguard Health Systems

Brandy Petrone, Catholic Healthcare West

Jason Bezozo, Senior Program Director, Government Relations, Banner Health

Allison Bell, Arizona Chamber of Commerce & Industry

Elaine Arena, Southwest Ambulance

David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association

Michelle Pabis, Assistant Government Relations Director, Scottsdale Healthcare

Jennifer Allen, Executive Director, Border Action Network

Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians

Pete Wertheim, Chief Legislative Liaison, IASIS Healthcare

Helena Whitney, Director, Government Relations & Legislative Affairs, University Physician's Healthcare (UPH)

Vice-Chairman Court announced the names of those who signed up in opposition to HCM2005 but did not speak:

Seth Apfel, representing self

**Question was called on the motion that HCM2005 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 11).**

### **PRESENTATIONS (CONTINUED)**

Tom Betlach, Director, Arizona Health Care Cost Containment System (AHCCCS), gave a presentation, *Federal Health Care Reform Update* (Attachment 12), which included a comparison of the provisions of the U.S. Senate and House bills on expansion of the Medicaid/Children's Health Insurance Program (CHIP) and the fiscal and policy impacts on the AHCCCS program. He said the Senate bill will increase AHCCCS' costs by \$4 billion through 2020; the House bill will result in a savings of \$7 billion, mostly from one policy difference, i.e., how Arizona is treated as one of six states that provide coverage up to 100 percent of the Federal Poverty Level for childless adults. He related concern about the maintenance of effort portion of the bills. He noted that Governor Brewer sent a letter to the Congressional Delegation asking that the House Members reject the Senate bill given its impact to Arizona.

Mr. Betlach responded to questions concerning primary care rates, Arizona Congressional Delegation's vote on the Senate version and the chart on page 4 relating to the *Estimated Impact of Federal Medicaid Expansion Proposals* (Attachment 12).

Chairman Barto remarked that there are many other issues to consider in relation to the health care reform package in total, but this is an in-depth view of how it will specifically impact the AHCCCS budget, which the state cannot afford at the current rate. With additional mandates imposed financially and otherwise, it is important to know what the state is signing up for.

**HCM2002 – health care reform. – DO PASS AMENDED**

**Vice-Chairman Court moved that HCM2002 do pass.**

**Vice-Chairman Court moved that the Court two-line amendment to HCM2002 dated 1/20/10 (Attachment 13) be adopted.**

Gina Kash, Majority Assistant Research Analyst, explained that HCM2002 requests the United States Congress to ensure that any federal health care legislation contain an equitable distribution of Medicaid funding (Attachment 14). The amendment corrects a grammatical error in the measure (Attachment 13).

Representative Andy Tobin, sponsor, indicated that HCM2002 is a message from Arizona about what is happening in Washington, D.C. with the health care initiative. His constituents are anxious and agitated at the hasty process by which the federal legislation was moved through Congress so he believes it is appropriate for those who disagree with that process to get on board and state that this is not the way business should be done.

Chairman Barto pointed out that more information can be found on the Arizona Health Care Cost Containment System (AHCCCS) website, [www.azahcccs.gov](http://www.azahcccs.gov).

Mr. Tobin related that AHCCCS is trying to be as efficient as possible, but costs imposed on providers to allow the cost of care to be lower are shifted to the private sector whose costs rise.

Discussion followed concerning the language on page 2, lines 1 through 3, of the bill, specifically the wording *adjust services*. Mr. Ableser suggested striking *services* and inserting *pricing*.

Mr. Boone recommended adding cost but not striking *services*, noting that some services are provided to AHCCCS patients that are not available in the private sector such as nonemergency transportation, for example, to a doctor's office.

Mr. Tobin indicated that he would be glad to work with Mr. Ableser on the language.

Tom Betlach, Director, Arizona Health Care Cost Containment System (AHCCCS), conveyed that the nonemergency transportation service provided to AHCCCS patients is mandated at the federal level.

Mr. Tobin stated that plans with the most benefits tend to increase claims on the plans. The private sector raises deductibles, eliminates co-pays or moves to health savings plans because taking those pieces out lowers the cost and provides for less usage.

Mr. Lopes stated that he would like to see empirical evidence that high cost plans are used more than low-cost plans.

Chairman Barto stated that an insurance presentation will be heard at a later date.

Vice-Chairman Court announced the names of those who signed up in support of HCM2002 but did not speak:

Eli Robbins, Administrator, Arizona Health Care Association

Courtney Gilstrap Levinus, Central Arizona Chambers; Arizona Medical Association

Elaine Arena, Southwest Ambulance

Heather Bernacki, Government Relations Associate, East Valley Chambers of Commerce Alliance

**Question was called on the motion that the Court two-line amendment to HCM2002 dated 1/20/10 (Attachment 13) be adopted. The motion carried.**

**Vice-Chairman Court moved that HCM2002 as amended do pass. The motion carried by a roll call vote of 8-1-0-0 (Attachment 15).**

Mr. Lopes speculated that most of the Members received a publication from St. Luke's Health Initiatives, which is about to publish Part 2 concerning recommendations on primary care in Arizona. He asked if the author of Part 2 could be invited to make a presentation to the Committee about the recommendations.

Chairman Barto responded that she will review the publication and consider his request.

Without objection, the meeting adjourned at 10:37 a.m.

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Linda Taylor, Committee Secretary  
February 2, 2010

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)