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

COMMITTEE ON HEALTH AND HUMAN SERVICES

Minutes of Meeting
Wednesday, February 10, 2010
House Hearing Room 4 -- 9:00 a.m.

Chairman Barto called the meeting to order at 9:05 a.m. and roll call was taken by the secretary.

Members Present

Mr. Ableser	Mr. Bradley	Mr. Murphy
Mr. Antenori	Mrs. Goodale	Mr. Court, Vice-Chairman
Mr. Boone	Mr. Lopes	Mrs. Barto, Chairman

Members Absent

None

Committee Action

HB2020 – DPA S/E (8-0-0-1)	HB2499 – DP (8-0-0-1)
HB2126 – DPA S/E (7-1-0-1)	HB2468 – DPA S/E (9-0-0-0)
HB2405 – DPA S/E (8-0-0-1)	HB2649 – DPA (5-3-0-1)
HB2471 – HELD	HB2650 – DPA (5-3-0-1)

CONSIDERATION OF BILLS

HB2471 – appointed mental health experts; requirements – HELD

Chairman Barto announced that HB2471 will be held.

HB2468 – technical correction; exchange teachers – DO PASS AMENDED S/E
S/E: optometrists; medication

Vice-Chairman Court moved that HB2468 do pass.

Vice-Chairman Court moved that the Court three-page S/E amendment to HB2468 dated 2/8/10 (Attachment 1) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that the S/E amendment to HB2468 allows optometrists to prescribe, dispense and administer macrolides and antivirals for the treatment of

diseases of the eye and its appendages, which includes the eyelids, muscles and soft tissue (Attachment 2).

Jeff Gray, Legislative Liaison, Arizona Ophthalmological Society, opposed the S/E amendment to HB2468. He stated his primary concern relates to the limited clinical training for optometrists in comparison to ophthalmologists. During the Committee of Reference (COR) hearing, questions arose about negative consequences in other states related to administration of antiviral drugs or scope issues in general. There have been issues in other states as far as the treatment of glaucoma, which is currently within the scope of practice of optometrists, in the California Palo Alto Veterans' Administration Hospital and in Oregon, which is requiring additional training in the area of glaucoma. In response to a question, he indicated that the S/E amendment does not address glaucoma.

Dr. Curtis Winkler, Ophthalmologist, representing self, opposed the S/E amendment to HB2468. He said 60 percent of his patients are referred by optometrists, and his impression from his experience in private practice, as well as working with an Optometry Department co-located in the Air Force and at CIGNA for six years, is that the clinical training of optometrists is somewhat limited in disease. He talked about the treatment of herpes zoster (shingles) and herpes simplex and possible long-term effects. He added that as far as cost, whether an optometrist or ophthalmologist is seen, the insurance code is the same.

Don Isaacson, Attorney, Arizona Optometric Association, spoke in support of the S/E amendment to HB2468. He read excerpts from testimony provided by Pamela Potter, Chair of Pharmacology, Midwestern University, in the COR hearing regarding optometry training totaling 120 hours, which is more than a medical student. He said an optometrist has to be knowledgeable about drugs for the eye and how those drugs may interact with any other drug the patient may be taking. There is a requirement for continuing education of 16 hours per year that commonly includes new treatments and pharmaceuticals. He responded to questions concerning certification and referral of cases to an ophthalmologist.

Dr. Annette Hanian, representing self, spoke in support of the S/E amendment to HB2468. She related that in 43 states optometrists with the same level of education and training that she and other optometrists have can prescribe oral antivirals without restrictions. Optometrists already agreed to referral to an ophthalmologist within 72 hours if there is no improvement. Optometrists will only treat what affects the eye and all schools have the same minimal requirements for optometrists of 1,500 patient encounters; ophthalmologists should have more clinical training. This legislation only adds an additional resource for optometrists to treat a patient.

Dr. Winkler, in response to a question, clarified that he also opposed the change relating to macrolides during the COR hearing because there is no need.

Vice-Chairman Court announced the names of those who signed up in support of the S/E amendment to HB2468 but did not speak:
Stacey Meier, Optometrist, representing self
Michael Johnson, Optometrist, representing self
Dr. Thomas Czyz, representing self

Norman Moore, Attorney, Arizona Optometric Association

Vice-Chairman Court announced the names of those who signed up in opposition to the S/E amendment to HB2468 but did not speak:
David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association
Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association
Mindy Rasmussen, Executive Director, Arizona Pharmacy Alliance
Laura Hahn, Executive Vice President, Arizona Academy of Family Physicians

Question was called on the motion that the Court three-page S/E amendment to HB2468 dated 2/8/10 (Attachment 1) be adopted. The motion carried.

Vice-Chairman Court moved that HB2468 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 3).

HB2650 – divorce; waiting period; educational programs. – DO PASS AMENDED

Vice-Chairman Court moved that HB2650 do pass.

Vice-Chairman Court moved that the Court two-line amendment to HB2650 dated 2/9/10 (Attachment 4) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that HB2650 increases the waiting period for a dissolution of marriage or legal separation from 60 days to 180 days and establishes minimum standards for educational programs relating to the impact of divorce (Attachment 5). The amendment specifies that the standards for the educational requirements will go into effect January 1, 2012 (Attachment 4).

Chairman Barto, sponsor, stated that 15 other states with longer waiting periods have lower divorce rates. In response to a question, she indicated that there are other factors that lower the divorce rate in those states, such as the economy; people are putting off divorces because it costs money.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, spoke in favor of HB2650. She said beyond the social cost and community instability of families falling apart, there are increased financial costs associated with divorce for social programs, law enforcement and education. States with longer waiting periods have lower divorce rates. She related that the language in Section 2 is similar to a law passed in Utah that makes parenting classes more effective and more informative. She expressed support for the amendment to allow the courts additional time to adopt and improve standards for the educational program.

Discussion followed about the correlation between a longer waiting period and lower divorce rates and domestic violence. Ms. Sheasby indicated that she is willing to pursue an amendment to include an exception for people in domestic violence situations.

Mr. Bradley asked about annulments in which someone enters a marriage with an impediment or deception that the other person does not know about. Ms. Sheasby surmised that fault would

have to be proved in that situation, noting that Arizona has a divorce system in which fault does not have to be proven; that is one of the reasons many marriages end in divorce.

Ron Johnson, Executive Director, Arizona Catholic Conference, testified in support of HB2650. He said he believes there is a provision in civil law for annulments, which are exceptionally difficult to obtain.

Mr. Court advised that A.R.S. Section 25-302 relates to annulments.

Maria Lawrence, family law attorney, representing self, in favor of HB2650, advised that Arizona does have an annulment law, but the 60-day waiting period does not apply, and deception/fraud has to be proved. With regard to domestic violence, the law provides ample process for victims of domestic violence (order of protection) if the victim takes advantage of it, but she is amenable to an amendment to shorten the waiting period for those instances. In response to questions, she related that the public policy behind the bill is to preserve marriages by allowing people to have time to think about what they are doing.

Katy Proctor, Legislative Liaison, Arizona Judicial Council, neutral on HB2650, said she appreciates the amendment to allow the court to rewrite the educational program in a better manner.

Colleen McNally, Judge, Maricopa County Superior Court, neutral on HB2650, made the following points:

- The court worked diligently in the last few years to decrease the time it takes to complete a divorce because input from custody evaluators, children's counselors, etc., indicated that the best thing that can be done for children is to provide stability in the form of custody and parenting orders so everyone understands what is required and is able to move forward.
- The classes the court is responsible for monitoring and approving are focused on getting mothers and fathers to view the process from the children's eyes and protect the children from conflict so this expansion may undermine the point of the class.
- The time of separation is the most dangerous in domestic violence situations and this bill may increase the period of uncertainty.
- Judges pointed out that in a situation in which a mother is divorcing the father who was accused and convicted of child molestation requires those parties to stay connected longer, or for a husband whose wife is cheating who is seeking a resolution to move on.
- The Supreme Court approves and monitors compliance of the programs for Superior Court and the counties, which is a costly endeavor. An expansion will increase the number of people required to take the classes and the court's responsibility to monitor.

Chairman Barto said the intent is not to expand, so she is willing to work on an amendment.

Judge McNally responded to questions about the cost of the classes and domestic violence.

Vice-Chairman Court announced the names of those who signed up in support of HB2650 but did not speak:
Cathi Herrod, President, Center for Arizona Policy
Christina Sollenberger, representing self
George Sollenberger, representing self
Anthony Baillargeon, representing self
Rich Wiersma, representing self
Debi Vandenboom, representing self
Lori McBurnett, representing self

Vice-Chairman Court announced the names of those who signed up in opposition to HB2650 but did not speak:
Seth Apfel, representing self
Katie Hobbs, Director of Government Relations, Sojourner Center
Pat Vanmaanen, representing self
Ellen Katz, Litigation Director, William E Morris Institute for Justice
Chris Fike, representing self

Kendra Leiby, Arizona Coalition Against Domestic Violence, opposed HB2650. She said she is interested in talking about amendments to carve out a special safety net for victims of domestic violence and their children, noting that it takes seven tries for a victim to leave an abuser, and when she does, the system is not easy to navigate. Although an order of protection is something that domestic violence victims are encouraged to seek, it is just a piece of paper. Often after judicial proceedings are initiated, it exacerbates the situation with the abuser, and that is the most likely time for a woman to be murdered by the abuser. Extending this waiting period further exacerbates the situation for a victim.

Mr. Murphy asked if there is evidence showing correlation between a woman who meets with violence from a partner and the waiting period.

Ms. Leiby stated that many components factor into whether or not a woman can leave, such as financial ability, family support, etc., so she cannot say if 60 days or longer will make a difference, but the chances of a woman being murdered are more likely while trying to leave a situation.

Mr. Murphy suggested that staff research the issue.

Mr. Boone suggested that it may be helpful to carve out non-marriage relationships in domestic abuse situations.

Question was called on the motion that the Court two-line amendment to HB2650 dated 2/9/10 (Attachment 4) be adopted. The motion carried.

Vice-Chairman Court moved that HB2650 as amended do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 6).

HB2649 – abortion; reporting requirements. – DO PASS AMENDED

Vice-Chairman Court moved that HB2649 do pass.

Vice-Chairman Court moved that the Court 13-line amendment to HB2649 dated 2/9/10 (Attachment 7) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that HB2649 requires a hospital or facility that performs abortions and health professionals that treat women with complications due to an abortion to submit a report to the Department of Health Services (DHS) detailing non-patient identifiable information so that DHS can prepare an annual statistical report based on the data gathered in the reports (Attachment 8). The amendment allows electronic signatures and requires any report filed to be electronically submitted to an Internet site that is designated by DHS (Attachment 7).

Chairman Barto, sponsor, said this legislation attempts to put reporting requirements regarding abortion in place in order to have accurate information about what is happening in Arizona. Forty-six other states have similar reporting on this issue and it will help lawmakers decide public policy going forward.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, spoke in support of HB2649. She related that DHS has been collecting data under an obscure administrative rule, but because there is no penalty mechanism and it is basically a form someone must fill out, the data is incomplete and conflicts with other sources. This bill codifies the current DHS form and the rest of the provisions are from Pennsylvania and Georgia. The bill protects confidentiality of patients so no personal identifiable information is reported and there are penalties if an employee of DHS misuses the information. The amendment is the result of a discussion with DHS who said it would be easier and cheaper to have reporting done electronically. She responded to questions relating to personal identifiable information, reporting of complications and requiring the Administrative Office of the Courts to report the number of parental consent petitions filed.

Chairman Barto stated that the courts indicated this would not be an issue since so few petitions are filed annually, and with the new parental consent law, there may be even less.

Michelle Steinberg, Director of Public Affairs, Planned Parenthood Arizona, opposed HB2649. She expressed support for collection of data and strengthening the reporting requirements, but said she is concerned that the bill may allow reporting to include requiring the woman to provide the reason she chose to have an elective abortion, which creates additional burdens and violates privacy of the patient.

Laurie Liles, Senior Vice President, Public Affairs, Arizona Hospital and Healthcare Association, neutral on HB2649, submitted that the penalties for lawfully violating the reporting requirements are extremely severe, i.e., permanent closure of a hospital. She said she does not believe that is the sponsor's intent so she would like to discuss more appropriate penalties. She also has some questions about the information required to be reported, such as how hospital personnel are expected to verify accuracy of the information.

Duane Huffman, Chief Legislative Liaison, Arizona Department of Health Services (DHS), neutral on HB2649, related that he is not familiar with the specific difficulty of getting people to comply with the rule, but he believes having this in statute will make it more feasible. He agreed that electronic reporting will save money.

Vice-Chairman Court announced the names of those who signed up in support of HB2649 but did not speak:
Ron Johnson, Executive Director, Arizona Catholic Conference
Christina Sollenberger, representing self
George Sollenberger, representing self
Anthony Baillargeon, representing self
Rich Wiersma, representing self
Debi Vandenboom, representing self
Lori McBurnett, representing self
James Hallgren, Assistant Prayer Coordinator, 40 Days for Life, representing self

Vice-Chairman Court announced the names of those who signed up in opposition to HB2649 but did not speak:
Seth Apfel, representing self
Katie Hobbs, Director of Government Relations, representing self
Pat Vanmaanen, representing self
Chris Fike, representing self

Question was called on the motion that the Court 13-line amendment to HB2649 dated 2/9/10 (Attachment 7) be adopted. The motion carried.

Vice-Chairman Court moved that HB2649 as amended do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 9).

HB2126 – AHCCCS; naturopaths – DO PASS AMENDED S/E
S/E: AHCCCS; naturopaths; pilot program

Vice-Chairman Court moved that HB2126 do pass.

Vice-Chairman Court moved that the Court two-page S/E amendment to HB2126 dated 2/8/10 (Attachment 10) be adopted.

Vice-Chairman Court moved that the Court two-page S/E amendment to HB2126 dated 2/8/10 (Attachment 10) be amended as follows:
Page 1, line 3, strike "alternative" and insert "NATUROPATHIC"

Vice-Chairman Court withdrew the motion.

Vice-Chairman Court moved that the Court two-page S/E amendment to HB2126 dated 2/8/10 (Attachment 10) be amended as follows:
Page 1, lines 2 and 5, strike "alternative" and insert "NATUROPATHIC"

Ingrid Garvey, Majority Research Analyst, explained that the S/E amendment to HB2126 allows the Director of the Arizona Health Care Cost Containment System (AHCCCS) to permit contractors to provide services offered by a doctor of naturopathic medicine (Attachment 11). She acknowledged that there will be no cost to AHCCCS; the program is conditional based on availability of private funding and grants.

Mark Barnes, Arizona Naturopathic Medical Association, spoke in support of the S/E amendment to HB2126. He said this measure will allow naturopathic physicians in the state to work with AHCCCS and a health plan to determine where naturopathic physicians can be used to treat the million plus people on the AHCCCS plan.

Dr. Paul Mittman, Southwest College of Naturopathic Medicine, spoke in favor of the S/E amendment to HB2126. He stated that the College is honored to be able to collaborate with AHCCCS and one of the health plans to demonstrate the clinical and cost effectiveness of naturopathic medicine in medically underserved communities. This has been done already. In 1993, the King County Health Center in the State of Washington had a pilot program where naturopathic medicine was used in a clinic for a four-year trial period; it was so successful that funds were allocated to continue the program, which still exists 17 years later.

Barry Aarons, Arizona Association of Chiropractic, neutral on the S/E amendment to HB2126, stated that if the Legislature decides it is appropriate for AHCCCS to be able to allow patients to obtain coverage in alternative procedures, it should be done across the board.

Kathryn Busby, Executive Director, Arizona Association of Health Plans, opposed the S/E amendment to HB2126. She said she believes there is still a lot of unaccounted for administrative burden and cost on AHCCCS Administration and the health plan, and with limited resources and further cuts being made, this is not the appropriate time to have an experiment. Although it will be done with private funding, AHCCCS personnel will be involved, which will involve some cost.

Vice-Chairman Court announced the names of those who signed up in support of the S/E amendment to HB2126 but did not speak:
Michael Cronin, naturopathic physician, Arizona Naturopathic Medical Association
Pat Vanmaanen, representing self

Vice-Chairman Court announced the names of those who signed up in opposition to the S/E amendment to HB2126 but did not speak:
Pete Wertheim, Chief Legislative Liaison, Health Choice Arizona
David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association
Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association
Michelle Bolton, Vice President of Public Affairs, Greater Phoenix Chamber of Commerce
Laura Hahn, Executive Vice President, Arizona Academy of Family Physicians
Helena Whitney, Director, Government Relations & Legislative Affairs, University Physician's HealthPlans

Jennifer Carusetta, Chief Legislative Liaison, AHCCCS, neutral on the S/E amendment to HB2126, advised that whether or not there will be a cost to AHCCCS is being looked into, so she asked to meet with the proponents of the bill. With this bill, AHCCCS will be required to administer the pilot program at a time when it is short on staff and experiencing record growth.

Chairman Barto stated that is an important consideration and she will continue to work on the S/E amendment.

Question was called on the motion that the Court two-page S/E amendment to HB2126 dated 2/8/10 (Attachment 10) be amended as follows:

Page 1, lines 2 and 5, strike "alternative" and insert "NATUROPATHIC"

The motion carried.

Vice-Chairman Court moved that the Court two-page S/E amendment to HB2126 dated 2/8/10 (Attachment 10) as amended be adopted. The motion carried.

Vice-Chairman Court moved that HB2126 as amended do pass. The motion carried by a roll call vote of 7-1-0-1 (Attachment 12).

HB2020 – technical correction; health professionals – DO PASS AMENDED S/E
S/E: restoration order; commitment

Vice-Chairman Court moved that HB2020 do pass.

Vice-Chairman Court moved that the Barto two-page S/E amendment to HB2020 dated 2/2/10 (Attachment 13) be adopted.

Gina Kash, Majority Assistant Research Analyst, explained that the S/E amendment to HB2020 allows rather than requires the court to appoint a guardian ad litem for a juvenile who is ordered to participate in an inpatient or outpatient competency restoration program (Attachment 14).

Chairman Barto, sponsor, stated that this is a common sense change to the law to allow the courts some flexibility.

Vice-Chairman Court announced the names of those who signed up in support of the S/E amendment to HB2020 but did not speak:
Beth Rosenberg, Lobbyist, Children's Action Alliance

Vice-Chairman Court announced the names of those who signed up in opposition to the S/E amendment to HB2020 but did not speak:
Seth Apfel, representing self

Vice-Chairman Court announced the names of those who signed up as neutral on the S/E amendment to HB2020 but did not speak:
Raymond Kronenbitter, Registered Nurse, representing self

Question was called on the motion that the Barto two-page S/E amendment to HB2020 dated 2/2/10 (Attachment 13) be adopted. The motion carried.

Vice-Chairman Court moved that HB2126 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 15).

HB2405 – emergency care council – DO PASS AMENDED S/E
S/E: emergency medical services council

Vice-Chairman Court moved that HB2405 do pass.

Vice-Chairman Court moved that the Antenori two-page S/E amendment to HB2405 (Attachment 16) be adopted.

Gina Kash, Majority Assistant Research Analyst, explained that the S/E amendment to HB2405 establishes the Emergency Medical Services (EMS) Council (Attachment 17).

Mr. Antenori, sponsor, conveyed that the S/E amendment extends the EMS Council and the cost will be minimal.

Elaine Arena, Southwest Ambulance, testified in support of HB2405. She stated that the EMS Council brings together all of the different aspects of the emergency medical services community to set protocol in medication, etc.

Vice-Chairman Court announced the names of those who signed up in support of the S/E amendment to HB2405 but did not speak:
Roy Ryals, Arizona Ambulance Association
Charlie Smith, Chief, Arizona Ambulance Association/PMT Ambulance
John Flynn, Arizona Fire District Association
David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association
John Thomas, Life Line Ambulance Service
Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians
Mitch Menlove, Arizona Ambulance Association

Vice-Chairman Court announced the names of those who signed up as neutral on the S/E amendment to HB2405 but did not speak:
Duane Huffman, Chief Legislative Liaison, Arizona Department of Health Services

Question was called on the motion that the Antenori two-page S/E amendment to HB2405 (Attachment 16) be adopted. The motion carried.

Vice-Chairman Court moved that HB2405 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 18).

HB2499 – prescriptions; electronic submission by patient – DO PASS

Vice-Chairman Court moved that HB2499 do pass.

Desiree Baumer, Majority Staff Leadership Intern, explained that HB2499 allows prescriptions to be dispensed when the patient submits the written prescription by fax or email and the patient presents the original handwritten prescription to the pharmacy (Attachment 19).

Mr. Murphy, sponsor, stated that he took one of his children to Urgent Care late in the evening. He obtained a prescription for his son for an antibiotic, but he needed to get the child home. The pharmacist said only the doctor could fax the prescription in, but he found out later that it would have been legal; it is just not clear that it is legal. The original prescription is returned at the time of pickup to ensure that the prescription is valid. He added that he will continue to work on the bill.

Vice-Chairman Court announced the names of those who signed up in support of HB2499 but did not speak:
Laura Hahn, Executive Vice President, Arizona Academy of Family Physicians

Vice-Chairman Court announced the names of those who signed up as neutral on HB2499 but did not speak:
Harlan Wand, Executive Director, Board of Pharmacy
Jeff Gray, Legislative Liaison, Arizona Pharmacy Alliance
Jay Kaprosy, Senior Government Relations Advisor, CVS Caremark
Mindy Rasmussen, Executive Director, Arizona Pharmacy Alliance

Question was called on the motion that HB2499 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 20).

Without objection, the meeting adjourned at 12:32 p.m.

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Linda Taylor, Committee Secretary
March 1, 2010

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