

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

**COMMITTEE ON HEALTH AND HUMAN SERVICES**

Minutes of Meeting  
Wednesday, March 24, 2010  
House Hearing Room 4 -- 9:00 a.m.

Chairman Barto called the meeting to order at 9:04 a.m. and attendance was noted by the secretary.

**Members Present**

Mr. Ableser  
Mr. Bradley  
Mrs. Goodale

Mr. Lopes  
Mr. Murphy  
Mr. Vogt

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

**Members Absent**

Mr. Boone

**Committee Action**

SB1035 – DPA S/E (8-0-0-1)  
SB1090 – DP (7-0-0-2)  
SB1189 – DPA (5-3-0-1)  
SB1190 – DP (6-0-0-3)  
SB1250 – DP (8-0-0-1)  
SB1255 – DP (5-2-0-2)

SB1305 – DP (5-3-0-1)  
SB1306 – HELD  
SB1307 – HELD  
SB1315 – HELD  
SCM1004 – DP (4-3-0-2)

**CONSIDERATION OF BILLS**

**SB1315 – child care programs; fees – HELD**  
**SB1306 – human egg providers; protection. – HELD**  
**SB1307 – human embryos; treatment. – HELD**

Chairman Barto announced that SB1315, SB1306 and SB1307 will be held.

**SB1190 – dental board; powers – DO PASS**

Vice-Chairman Court moved that SB1190 do pass.

Gina Kash, Majority Assistant Research Analyst, explained that SB1190 requires the State Board of Dental Examiners (Board) to maintain a record of its acts and proceedings that must remain available to the Board at all times (Attachment 1).

John MacDonald, representing Arizona Dental Association, in support of SB1190, stated that with this legislation, records will be confidential while an investigation is ongoing, but if action is taken by the Board, the record becomes public unless the complaint is dismissed or terminated. In the case of minor action taken by the Board, the record will be public, but if no further action is taken on the matter, after five years the record will no longer be public.

Dr. Mark Hughes, President, Arizona Dental Association, in support of SB1190, stated that this phenomenon of the way disclosures are currently made is unique to Arizona. In a recent poll of 46 states, information about pending complaints is not disclosed to the public in 44 states. Under current law, the mere fact that someone is sought out by the Board can damage reputations and even livelihoods. Changing the Dental Practice Act as proposed in this bill will make it consistent with the laws in almost every other state.

Vice-Chairman Court announced the names of those who signed up in support of SB1190 but did not speak:

Kevin Earle, Executive Director, Arizona Dental Association  
Stuart Goodman, Lobbyist, Arizona Board of Dental Examiners

Senator Barbara Leff, sponsor, asked for the Members' support of the bill.

**Question was called on the motion that SB1190 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 2).**

### **SB1090 – welfare assistance; assignment of rights – DO PASS**

**Vice-Chairman Court moved that SB1090 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that SB1090 specifies that effective October 1, 2009, individuals applying for Temporary Assistance for Needy Families (TANF) cash assistance must not assign past accruals of child support obligations to the federal or state government (Attachment 3).

Herschella Horton, Chief, Legislative Services, Department of Economic Security (DES), in support of SB1090, stated that the purpose of the bill is to bring state law into conformity with federal law. DES has been doing this since October 1, 2009 as required by federal law.

**Question was called on the motion that SB1090 do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 4).**

### **SB1305 – public monies; insurance; abortion; prohibition – DO PASS**

**Vice-Chairman Court moved that SB1305 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that SB1305 prohibits the use of any public or tax monies to be expended to pay the costs, premiums or charges associated with a health insurance policy, contract or plan that provides coverage, benefits or services related to the performance of an abortion (Attachment 5).

Senator Linda Gray, sponsor, related that SB1305 states that tax dollars shall not be spent to pay for abortions. It does not prohibit the state from complying with the requirements of federal law whereby taxpayer money can be used for abortions when a pregnancy results from rape or incest and when it is necessary to save the life of the mother. In response to a question, she clarified that the bill prohibits governmental entities from providing insurance coverage for abortions.

Cathi Herrod, President, Center for Arizona Policy, spoke in support of SB1305. She held up an insurance plan handbook from the City of Phoenix from a few years ago which indicates that coverage is provided for elective abortions, noting that she understands it is still the current policy. The purpose of this legislation is to clarify that no taxpayer funding for abortions also means no taxpayer funding of insurance coverage for abortions.

Michelle Steinberg, Director of Public Affairs, Planned Parenthood Arizona, opposed SB1305. She submitted that the bill's ban on any coverage, benefits or services related to the performance of an abortion is shockingly broad and could lead to unintended consequences that could have a direct impact on a woman's health. She urged the Members to reject the bill and leave decisions about insurance coverage to employers who understand their own employees' needs. She responded to questions concerning the issue in relation to federal health care reform legislation.

Vice-Chairman Court announced the names of those who signed up in support of SB1305 but did not speak:

Ron Johnson, Executive Director, Arizona Catholic Conference  
Christina Sollenberger, representing self  
George Sollenberger, representing self  
Claudia Blaz, representing self  
James Hallgren, Assistant Prayer Coordinator, 40 Days for Life Campaign, representing self  
Beth Straley, Administrator, 40 Days For Life Campaign, representing self

Vice-Chairman Court announced the names of those who signed up in opposition to SB1305 but did not speak:

Lisa Loewy, representing self  
Ellen Meltzer, representing self  
Laura Carruthers, representing self  
Craig McDermott, representing self  
Emily Herrell, Administrative Assistant, representing self  
Jonae DeLong, representing self  
Karen Lane, representing self  
Maureen Quirk, representing self  
Malinda Briggs, representing self  
Kathleen Thompson, representing self  
Bettina Bickel, representing self  
Erika Jahneke, representing self

Robert Cherner, representing self  
Marabeth Malmgren, representing self  
Barbara Burkholder, Legislative Co-Chair, representing self  
Jack Beveridge, Chief Executive Officer, Arizona Public Health Association  
Kam Majer, representing self  
Gypsy Lyle, representing self  
Elizabeth Offutt, representing self  
Elizabeth Mendoza, representing self  
Madeleine Wachter, representing self  
Jennifer Bonnett, Arizona Public Health Association  
Barbara Seese, representing self

**Question was called on the motion that SB1305 do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 6).**

**SB1189 – admissibility of expert opinion testimony... - DO PASS AMENDED**

**Vice-Chairman Court moved that SB1189 do pass.**

**Vice-Chairman Court moved that the Barto two-line amendment to SB1189 dated 3/17/10 (Attachment 7) be adopted.**

Ingrid Garvey, Majority Research Analyst, explained that SB1189 was heard in a previous meeting. The bill changes the standard used in civil trials relating to the admissibility of expert testimony from the *Frye* standard to the *Daubert* standard (Attachment 8). The amendment removes the provision related to whether the expert employs a level of scientific or technical rigor ordinarily applied by experts in the field (Attachment 7).

Senator Barbara Leff, sponsor, stated that it is time for Arizona to join 37 other states to improve the standard that is used in the court system. Businesses headquartered in Arizona are at a significant disadvantage in state court for any kind of lawsuit with the current *Frye* standard, and it is a deterrent to luring companies to Arizona. In response to questions, she indicated that former Chief Justice Ruth McGregor agreed that the standard should be changed, but it was questionable whether it should be done by the courts or the Legislature. There is now a court ruling that it is a substantive change so the Legislature has the right to proceed.

Mr. Lopes asked Senator Leff to provide him with the names of the companies that do not want to operate in Arizona because of the current standard.

Vice-Chairman Court announced the names of those who signed up in support of SB1189 but did not speak:

Marcus Osborn, Manager of Government and Public Affairs, Arizona Manufacturers' Council  
Suzanne Taylor, Senior Vice President of Public Policy, Arizona Chamber of Commerce & Industry  
Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association  
Tom Dorn, Lobbyist, East Valley Chambers of Commerce Alliance  
Allison Bell, Arizona Chamber of Commerce & Industry

David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association  
Pete Wertheim, Chief Legislative Liaison, IASIS Healthcare  
Kathryn Busby, Arizona Association of Health Plans  
Farrell Quinlan, State Director, National Federation of Independent Business - Arizona  
Barbara Fanning, Legislative Liaison, Arizona Hospital and Healthcare Association  
Catherine Mayorga, Vice President, Public Affairs, Tempe Chamber of Commerce  
Jason Bezozo, Senior Program Director, Government Relations, Banner Health  
Joseph Abate, Counsel, Arizona Osteopathic Medical Association; Pharmaceutical Research & Manufacturers of Arizona  
Michelle Bolton, Vice President of Public Affairs, Greater Phoenix Chamber of Commerce  
Susan Cannata, Attorney, Arizona Academy of Family Physicians  
Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians; Arizona State Association of Physician Assistants  
Lori Lustig, Tucson Metropolitan Chamber of Commerce  
Kathi Beranek, Government Relations Coordinator, Blue Cross Blue Shield of Arizona  
Susie Stevens, Lobbyist, Western States Petroleum Association  
Raymond Kronenbitter, Registered Nurse, Arizona Nurses Association  
Beth Straley, Administrator, 40 Days For Life Campaign, representing self  
Don Hughes, Lobbyist, Property and Casualty Association of America  
Jason Bagley, Government Affairs Manager, Intel Corporation

Vice-Chairman Court announced the names of those who signed up in opposition to SB1189 but did not speak:

Janice Goldstein, Arizona Trial Lawyers Association  
Paul Ahler, Executive Director, Arizona Prosecuting Attorneys' Council

**Question was called on the motion that the Barto two-line amendment to SB1189 dated 3/17/10 (Attachment 7) be adopted. The motion carried.**

**Vice-Chairman Court moved that SB1189 as amended do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 9).**

**SB1255 – health professionals; advertising; disclosure – DO PASS**

**Vice-Chairman Court moved that SB1255 do pass.**

Gina Kash, Majority Assistant Research Analyst, explained that SB1255 requires all licensed health professionals to disclose their title, type of professional license held and field of practice on all advertisements in which they are named (Attachment 10).

Senator Barbara Leff, sponsor, stated that almost every profession in the health industry has a doctorate, so she believes it is important for professionals to indicate the type of license that is held when advertising so people know the kind of professional they are seeing.

Mr. Ableser stated that every code of conduct for every health professional organization requires individuals to reveal their health professional title and licensing, so he is not sure why legislation

is needed. Senator Leff said that information is required by the associations; the bill relates to advertising only.

Chairman Barto opined that this is a transparency and public safety protection issue.

Vice-Chairman Court announced the names of those who signed up in support of SB1255 but did not speak:

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

Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association

Beth Straley, Administrator, 40 Days For Life Campaign, representing self

Vice-Chairman Court announced the names of those who signed up as neutral on SB1255 but did not speak:

Raymond Kronenbitter, Registered Nurse, Arizona Nurses Association

**Question was called on the motion that SB1255 do pass. The motion carried by a roll call vote of 5-2-0-2 (Attachment 11).**

#### **SCM1004 – federal funding; health care costs – DO PASS**

**Vice-Chairman Court moved that SCM1004 do pass.**

Gina Kash, Majority Assistant Research Analyst, explained that SCM1004 requests Congress and the President of the United States to ensure that states receive federal monies to cover the costs of any health care services they are required to provide under any federal health care reform legislation that may be enacted (Attachment 12).

Senator Chuck Gray, sponsor, stated that the memorial indicates that there are mandates in the new health care proposal that will require states to provide a considerable amount of money, and given the state's current and future budget crisis, the federal government must reimburse the state for any costs incurred in relation to those mandates. In response to a question, he indicated that the extent of the mandates is yet to be determined, but he anticipates that it will cost millions and millions of dollars. He added that citizens in Arizona pay federal taxes, so it is fair to use that money to pay for federal mandates.

Mr. Lopes noted that Section 1201 of the health care reform legislation relates to Medicaid reimbursement, so he is not sure the memorial is necessary.

Chairman Barto stated that Arizona Health Care Cost Containment System (AHCCCS) numbers based on the U.S. Senate and House bills are fairly dramatic, and attempts are still being made to figure out what is in the reconciliation bill; therefore, this legislation sends a strong message to make sure the provisions of the health care reform bill do not harm the state.

Senator Gray remarked that according to the new health care proposal, at some point the state receives a nine to one match, which will be beneficial, but the requirement to obtain the match is to spend money the state does not have. Between now and 2020, the state needs to be reimbursed for costs incurred because of the state's dire economic crisis.

Vice-Chairman Court announced the names of those who signed up in support of SCM1004 but did not speak:

Tom Dorn, Lobbyist, East Valley Chambers of Commerce Alliance

Raymond Kronenbitter, Registered Nurse, Arizona Nurses Association

James Hallgren, Assistant Prayer Coordinator, 40 Days for Life Campaign, representing self

Beth Straley, Administrator, 40 Days For Life Campaign, representing self

**Question was called on the motion that SCM1004 do pass. The motion carried by a roll call vote of 4-3-0-2 (Attachment 13).**

### **SB1250 – homeopathic physicians; use of title – DO PASS**

**Vice-Chairman Court moved that SB1250 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that SB1250 removes the term *homeopath* from the violations section of the statutes that regulate homeopathic physicians (Attachment 14).

Senator Paula Aboud, sponsor, deferred testimony to Dr. Todd Rowe.

Dr. Todd Rowe, President, Arizona Homeopathic and Integrative Medicine Board, in favor of SB1250, stated that the bill will bring Arizona into alignment with other states, clarify to the public the titling of practitioners practicing under the current exemption, which will create less confusion for the public, and provide greater access to homeopathy by Arizona citizens. It is budget neutral.

Lee Bakunin, Attorney, representing self, in favor of SB1250, remarked that he has used homeopathy for 18 years and he agrees with Dr. Rowe's comments.

Amanya Jacobs, Director, Evolution of Self School of Homeopathy, representing self, spoke in favor of SB1250. She said this bill removes the restriction on the word *homeopath*, enabling persons working under the exemption to use the word. Persons not licensed by the board will still be prohibited from representing themselves as homeopathic physicians. She urged the Members' support.

Vega Rozenberg, Professor, Evolution of Self School of Homeopathy, spoke in favor of SB1250. He indicated that the bill will be in confluence with SB1255, health professionals; advertising; disclosure. It is necessary because the current law deprives someone who is a homeopath and who is acting under the exemption from providing the public with the proper information.

Denise Nugent, representing self, in support of SB1250, testified that the bill brings Arizona into the 21<sup>st</sup> Century.

Dr. Cliff Heinrich, representing self, spoke in support of SB1250. He related that homeopathy is a spiritual addition to treating someone, and anybody presenting as a homeopath should show people his or her credentials.

Vice-Chairman Court announced the names of those who signed up in support of SB1250 but did not speak:

Patrick Hesselmann, American Medical College of Homeopathy  
Lisa E. Platt, Arizona Homeopathic & Integrative Medical Association  
Marianne Cherney, representing self  
Karen Holder, Family Nurse Practitioner, representing self

Vice-Chairman Court announced the names of those who signed up as neutral on SB1250 but did not speak:

Raymond Kronenbitter, Registered Nurse, Arizona Nurses Association

**Question was called on the motion that SB1250 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 15).**

**SB1035 – parental rights; termination; hearing(now: dependency; guardian ad litem; attorney) – DO PASS AMENDED S/E**  
**S/E: same subject**

**Vice-Chairman Court moved that SB1035 do pass.**

**Vice-Chairman Court moved that the Barto two-page strike-everything amendment to SB1035 dated 3/18/10 (Attachment 16) be adopted.**

Ingrid Garvey, Majority Research Analyst, explained that the strike-everything amendment to SB1035 (Attachment 16) requires the guardian ad litem (GAL) or attorney for a child to meet with the child before the preliminary protective hearing, if possible, or within 14 days after the hearing, and instructs the GAL or attorney to meet with the child before all substantive hearings (Attachment 17).

Chairman Barto commented that the courts are setting up standards for the GAL program, but individuals believe it is a good idea to underline that progress with a baseline expectation, which is the reason for the requirement to meet with the child within a certain number of days rather than as soon as possible.

Maria Hoffman, Director, Legislative Office of Family Advocacy, neutral on the strike-everything amendment to SB1035, noted that the Child Protective Services (CPS) dependency system is very lengthy. The GAL was mandated years ago because advocates believed another person is needed in cases to speak on behalf of the child. She began to hear that people did not know who childrens' GALs were, and according to statistics she keeps on cases, the average time for a GAL to see a child is seven-and-a-half months. She said she believes there is a disconnect between the court and the person who signs the contract in the county. GALs are only paid a certain amount of money, but if someone signs a contract, the contract needs to be honored. She added that although the courts want to solve this in-house, she believes the legislation is necessary.

Mr. Murphy remarked that he has seen both sides as a foster parent. One GAL sent someone else to visit a group of children after they had been in his home for a year and eight months and

then went to court using notes from that person. In other cases, the GAL visited within the first week or two of the child being in his home and was responsive and engaged. He added that the lack of consistency is startling, so he appreciates the bill.

Katy Proctor, Legislative Liaison, Arizona Judicial Council, neutral on the strike-everything amendment to SB1035, related that the courts have been working on this issue internally. A work group is in a 60-day window to develop standards to present to the Committee on Juvenile Courts for adoption. Some items may be better addressed in court standards than in statute, but she hopes to work with the Legislature on the process. She noted that the contracting issue mentioned by Ms. Hoffman can also be addressed. In response to a question, she related that there will be no financial impact to the courts from this measure.

Vice-Chairman Court announced the names of those who signed up as neutral on the strike-everything amendment to SB1035 but did not speak:  
Lori Ginsburg, Legislative Intern, Arizona Judicial Council

Vice-Chairman Court announced the names of those who signed up in support of the strike-everything amendment to SB1035 but did not speak:  
Robin Quinn, representing self  
Beth Rosenberg, Lobbyist, Children's Action Alliance

Vice-Chairman Court announced the names of those who signed up in opposition to the strike-everything amendment to SB1035 but did not speak:  
Maureen Quirk, representing self  
Gabrielle Zartman, representing self  
Nancy Hellner, representing self

Chairman Barto thanked Beth Rosenberg and the Children's Action Alliance for their work on this issue.

**Question was called on the motion that the Barto two-page strike-everything amendment to SB1035 dated 3/18/10 (Attachment 16) be adopted. The motion carried.**

**Vice-Chairman Court moved that SB1035 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 18).**

Without objection, the meeting adjourned at 10:53 a.m.

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Linda Taylor, Committee Secretary  
March 30, 2010

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