

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature –First Regular Session

COMMITTEE ON HEALTH AND HUMAN SERVICES

Minutes of Meeting
Wednesday, February 23, 2011
House Hearing Room 4 -- 9:30 a.m.

Chairman Ash called the meeting to order at 9:37 a.m. and roll call was taken by the secretary.

Members Present

Mrs. Barton
Mrs. Brophy McGee
Mrs. Gonzales

Mr. Heinz
Ms. Hobbs
Mrs. Judd

Mrs. Yee
Mrs. Carter, Vice-Chairman
Mr. Ash, Chairman

Members Absent

None

Committee Action

SB1032 - DP (9-0-0-0)
SB1042 - DP (8-0-0-1)
SB1043 - DP (9-0-0-0)

SB1044 - DP (9-0-0-0)
SB1232 - DPA (9-0-0-0)

PRESENTATION

Elizabeth Romero, Outreach Manager, Juvenile Diabetes Research Foundation (JDRF), provided a handout (Attachment 1) and reported that over 500,000 Arizonans live with Type I or Type II diabetes. Type I diabetes is an autoimmune disease in which the insulin-producing cells in the pancreas are attacked and destroyed by the body's own immune system, so there is no prevention. It is a chronic, lifelong illness, and most individuals diagnosed with Type I diabetes have to take insulin by multiple daily injections or the use of an insulin pump. Type II diabetes is a metabolic condition in which the body does produce insulin, but it is either not enough or the body does not know how to use it effectively, called insulin resistance. Individuals with Type II diabetes have to take oral medication or a combination of oral medication and shots of insulin. Individuals with Type I and Type II diabetes must monitor everything they eat.

She related that there is a strong hereditary link with Type II diabetes and there are preventative measures such as diet, exercise and visiting the doctor. With Type I diabetes, intensive management has been clinically shown to delay or prevent complications, so the JDRF advocates checking blood sugar often, taking the right amount of insulin and seeing a medical professional.

Ms. Romero stated that long-term complications affect individuals with Type I and Type II diabetes and include cardiovascular disease, kidney disease, nerve damage, non-traumatic

amputation and blindness. Individuals diagnosed in childhood can develop those complications in their 20s or earlier. Short-term complications are more drastic and can include seizure, coma and death. If someone's blood sugar plummets and there is little to no glucose in their system, the person could die while asleep, which is a severe case, but it happens primarily to adults and adolescents in the middle of the night who cannot tell their blood sugar is low.

Ms. Romero added that diabetes is a devastating disease; it is a 24/7 rollercoaster of trying to keep blood sugar levels in the optimal range to prevent short-term and long-term complications. Diabetes is a disease that affects too many people emotionally, physically and fiscally, but 20 years ago, the tools were not available that are available today, such as blood sugar checks, continuous glucose monitoring and insulin pumps, which help to better manage the disease and delay complications.

CONSIDERATION OF BILLS

Chairman Ash stated that many of the bills on the agenda are the result of Committee of Reference (COR) hearings held during the summer of 2010.

Ingrid Garvey, Majority Research Analyst, explained the sunset review process outlined in a handout (Attachment 2), whereby the COR makes a recommendation to the entire Legislature as to whether an agency should be continued, terminated, revised or consolidated with other agencies. Agencies are typically continued for a certain period of time.

SB1032 - mammographic images; physician requirements - DO PASS

Vice-Chairman Carter moved that SB1032 do pass.

Amber Morin, Majority Intern, Appropriations Committee, explained that SB1032 aligns state requirements for physicians who interpret mammographic images with federal requirements, as established in the Mammography Quality Standards Act (Attachment 3).

Senator Nancy Barto, sponsor, remarked that this bill eliminates duplicative requirements and regulations.

Brandy Petrone, Arizona Medical Board, in favor of SB1032, offered to answer questions.

Names of persons who signed up in favor of SB1032 but did not speak:

David Landrith, Vice President of Policy and Political Affairs, Arizona Medical Association
Aubrey Godwin, Director, Arizona Radiation Regulatory Agency

Question was called on the motion that SB1032 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 4).

SB1042 - medical student loans; board; continuation - DO PASS

Vice-Chairman Carter moved that SB1042 do pass.

Jessica Gordon, Majority Intern, explained that SB1042 continues the Board of Medical Student Loans until July 1, 2017 (Attachment 5).

Senator Nancy Barto, sponsor, stated that this is a simple continuation bill the COR heard over the interim. The Board deserves to be considered for continuation since there are medical students on the program.

In response to a question about the Medical Student Loan Fund, Ms. Gordon advised that there is still money in the Fund, but there will be no more students, which is the reason the extension is only for six more years. For FY2011, \$431,900 was approved for the program.

Names of persons who signed up in support of SB1042 but did not speak:

Don Isaacson, Independent Colleges and Universities of Arizona

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

Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association

Question was called on the motion that SB1042 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 6).

SB1043 - nursing care administrators; continuation - DO PASS

Vice-Chairman Carter moved that SB1043 do pass.

Jessica Gordon, Majority Intern, explained that SB1043 continues the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers until July 1, 2021 (Attachment 7).

Mrs. Yee asked why the Board consists of 11 members that are only appointed by the Governor and not partially appointed by the House Speaker and Senate President.

Senator Nancy Barto, sponsor, responded that she believes it is standard procedure for the Governor to appoint the members of most boards.

Allen Imig, Executive Director, Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers, spoke in favor of SB1043. He stated that the Board currently licenses 360 nursing care institution administrators and 2,400 assisted living facility managers. It is comprised of nine professional members and two public members. In 2004, a performance audit was conducted by the Auditor General's Office and all recommendations were successfully implemented. A follow-up review in 2007 determined that the agency was diligent in implementing the recommendations. The agency currently has all five-year rules review requirements met by the Governor's Regulatory Review Council (GRRC). The Board conducted a self-audit in August 2010 as requested by the Joint Legislative Audit Committee (JLAC) and determined that the agency meets or exceeds allowable time frames for the administrative processing of licensing applications, Board approval and denial of license applications, completing investigations, resolving complaints and processing license renewals. The Board enjoys a strong working relationship with all of its stakeholders.

In response to a question, he related that anyone who is licensed or applies for a license is required to have a fingerprint clearance card issued by the Department of Public Safety, which is good for six years and must be renewed and maintained as a valid card throughout the licensing period.

Stuart Goodman, Arizona Board of Nursing Care Examiners, in favor of SB1043, in response to a question, conveyed that the in-home care profession submitted a sunrise application in 2010 that was rejected by the COR, so the profession remains unregulated.

Mrs. Gonzales commented that issue should be looked into to make sure individuals who receive care at home are receiving quality care.

Vice-Chairman Carter announced the names of those who signed up in support of SB1043 but did not speak:

Don Isaacson, Aging Services of Arizona

Kathleen Pagels, Executive Director, Arizona Health Care Association

Genny Rose, Executive Director, Aging Services of Arizona

Cheryl Knupp, representing self

Melissa Beardsley, Social Services Director, representing self

Norman Moore, Attorney, Aging Services of Arizona

Karen Barno, President, Arizona Assisted Living Federation of America

Ken Kidder, Administrator, representing self

Crystal Keenan, Deputy Director, Arizona Assisted Living Federation of America

Question was called on the motion that SB1043 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 8).

SB1044 - podiatry board; continuation - DO PASS

Vice-Chairman Carter moved that SB1044 do pass.

Ingrid Garvey, Majority Research Analyst, explained that SB1044 continues the Board of Podiatry Examiners for 10 years until July 1, 2021 (Attachment 9).

Senator Nancy Barto, sponsor, stated that two years ago, the COR held a sunset hearing on the Board and quite a few problems were brought forth by the Auditor General, so the Board was only given a two-year extension. Since then, the Board implemented much of what the Auditor General recommended to resolve problems. At the past COR hearing, a lot of good testimony was heard, which is why this bill is before the Committee today. She asked for the Members' support of SB1044.

Sarah Penttinen, Executive Director, Podiatry Board, provided a handout containing information about the Board (Attachment 10), noting that in the fall of 2008, a number of concerns were raised by the Auditor General's Office, but since that time, the Board satisfied each of those requirements and demonstrated to the Auditor General's Office that it is fulfilling the objective and purpose of the agency with efficiency and effectiveness. The COR reviewed the agency

thoroughly and recommended continuation for 10 years. She requested that the Members pass the bill.

In response to queries, Ms. Penttinen related that the biggest issue found by the Auditor General's Office was a commingling of the investigation and adjudication processes, which are now separate. Another issue was that information on the website for licensees needed to be cleaned up, which was done. She started at the Board the day after the last COR hearing in December 2008, so two of the recommendations were implemented prior to her arrival; the remainder was completed after her arrival.

Mrs. Yee noted that the handout states that the Board should remain a stand-alone agency and asked if consideration was given to consolidation. Ms. Penttinen replied that there was discussion in the past about consolidation of healthcare regulatory agencies in an effort to streamline administrative overhead and become as fiscally effective and efficient as possible. She opined that it is appropriate for the agency to remain stand-alone because podiatry is a separate type of practice of medicine and should be regulated in a separate fashion.

Vice-Chairman Carter announced the names of those who signed up in support of SB1044 but did not speak:

Joseph Abate, Arizona Podiatric Medical Association

Question was called on the motion that SB1044 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 11).

SB1232 - developmental disabilities advisory council; continuation - DO PASS AMENDED

Vice-Chairman Carter moved that SB1232 do pass.

Vice-Chairman Carter moved that the Ash four-line amendment to SB1232 dated 2/22/11 (Attachment 12) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that SB1232 continues the Developmental Disabilities Oversight Advisory Council for 10 years, changes the membership and adds new duties to the Council (Attachment 13). The four-line amendment to SB1232 clarifies that adult day care services includes employment services and changes the name of one of the member's entities from the Governor's Council on Developmental Disabilities to the Developmental Disabilities Planning Council (Attachment 12).

Mrs. Yee questioned why the Council is being made larger when the Legislature is trying to downsize government.

Senator Linda Gray, sponsor, answered that many different groups are affected by disability; the intent is to bring all of the groups together so they all have a voice.

Mr. Heinz moved that the Heinz four-page amendment to SB1232 dated 02/22/2011 (Attachment 14) be adopted.

Ms. Garvey explained that the four-page amendment allows the Director of the Department of Economic Security (DES) or a designee, on request of the client or the client's family or estate, to increase the client's Supplemental Security Income (SSI) benefits they may retain to 30 percent, instead of the current 12 percent, for six-month periods, if the client or the client's family or estate demonstrates to the Director or the designee a need for increased retention of benefits for the client's personal use (Attachment 14). In response to a query, she indicated that the amendment does not specify whether the benefits can be used for dental services, but that could be a possibility.

Mr. Heinz stated that the four-page amendment arises from two constituents. SSI withholding by the Division of Developmental Disabilities was previously at 70 percent; it is now 88 percent, which was done as a line item in the budget to save money. Unfortunately, this population has no dental coverage and dental problems that go unchecked can turn into massive systemic infections and even cause death. Reversing the SSI withholding to 70 percent for the entire population would be costly, so this is an appropriate compromise. If an appeal demonstrating a dental need specifically is made by the family or estate of one of these individuals and confirmed by the Director, the individual's withholding can be reverted in order to pay dental expenses for a number of months, and then it will go back to 80 percent. He added that the Rules Attorneys are questioning if this is germane, but he said he believes it is because it directly pertains to individuals with developmental disabilities, and this Advisory Council is in the same chapter of the statute. He will talk to the Rules Attorneys and move this on the Floor.

Chairman Ash asked if an effort was made to determine the ability of families to help out with that kind of expense. Mr. Heinz answered that the intent is to have the financial situation of the family and estate assessed.

In response to a question, Mr. Heinz related that there is no fiscal note, but it would be less than the \$2.6 million estimated by the Joint Legislative Budget Committee to revert withholding for the entire population from 70 percent to 88 percent. He will ask JLBC to estimate the impact of this bill, but it will be very difficult.

Chairman Ash remarked that it would be a good idea to check on germaneness and indicated that perhaps the amendment can be discussed before Committee of the Whole.

Mr. Heinz withdrew the motion that the Heinz four-page amendment to SB1232 dated 02/22/2011 (Attachment 14) be adopted.

Question was called on the motion that the Ash four-line amendment to SB1232 dated 2/22/11 (Attachment 12) be adopted. The motion carried.

Vice-Chairman Carter moved that SB1232 as amended do pass.

Sherry Howard Wilhelmi, Developmental Disabilities Advisory Council, appeared in support of SB1232. In response to a question, she stated that meetings are held in Flagstaff, Yuma and Tucson wherever a space can be found to meet. Normally there are four meetings per year, which the Council wants to expand to one meeting in every district throughout the year so families can express concerns and issues that can be brought to the attention of DES.

Vice-Chairman Carter announced the names of those who signed up in support of SB1232 but did not speak:

Monica Attridge, Arizona Consortium for Children with Chronic Illness

Edward Myers, Attorney, Arizona Center for Disability Law

Donna Kruck, Director of Advocacy Programs, Arizona Bridge to Independent Living

Question was called on the motion that SB1232 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 15).

Without objection, the meeting adjourned at 10:22 a.m.

Linda Taylor, Committee Secretary
March 15, 2011

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