

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature –First Regular Session

COMMITTEE ON HEALTH AND HUMAN SERVICES

Minutes of Meeting
Wednesday, March 16, 2011
House Hearing Room 4 -- 9:00 a.m.

Vice-Chairman Carter called the meeting to order at 9:10 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

Members Absent

Mr. Ash, Chairman (excused)

Committee Action

SB1025 - DP (7-0-0-2)
SB1030 - DP (5-3-0-1)
SB1113 - DISC. & HELD
SB1175 - DPA (8-0-0-1)
SB1176 - DP (6-0-0-3)

SB1187 - DPA (5-3-0-1)
SB1190 - DPA S/E (6-1-0-2)
SB1315 - DP (5-0-0-4)
SB1382 - DP (8-0-0-1)
SB1583 - DPA (8-0-0-1)

CONSIDERATION OF BILLS

**SB1175 - homeopaths; categories of licensure(now: categories of licensure; homeopaths) -
DO PASS AMENDED**

Mrs. Brophy McGee moved that SB1175 do pass.

**Mrs. Brophy McGee moved that the Ash 15-line amendment to SB1175 dated
3/10/11 (Attachment 1) be adopted.**

Ingrid Garvey, Majority Research Analyst, explained that SB1175 establishes a new licensing category of doctor of homeopathy (DH) (Attachment 2). The 15-line amendment to SB1175 restores language to the violations and classifications section that was removed in the Senate and adds two provisions to the definition of *unprofessional conduct* (Attachment 1).

Senator Nancy Barto, sponsor, stated that SB1175 updates statutes according to what is happening in the homeopathic profession, makes clarifications and establishes licensure for a doctor of homeopathy. A sunrise hearing was held and the provisions in the bill were agreed to by all of the stakeholders. She asked for the Members' support.

Dr. Todd Rowe, President, American Medical College of Homeopathy, spoke in favor of SB1175. He provided a handout with a summary of the bill, an overview of the newly-established College and a letter of support from the American Institute of Homeopathy, a national organization for doctors that practice homeopathic medicine (Attachment 3). He related that this bill has been worked on extensively by a variety of stakeholders, including medical doctors, osteopathic doctors, naturopathic doctors, nurses, unlicensed practitioners practicing under the current exemption and the local homeopathic community. It will improve public safety, help to professionalize the practice of alternative medicine and provide more credibility for homeopathic doctors.

Dr. Rowe pointed out that the National Health Freedom Coalition is opposed to the bill and wants to insert language that is not germane. Attempts were made to work with the group, but agreement was not possible. He added that the only cost to the state will be the creation of a new licensing exam and validation of the exam, and the cost incurred with adding one additional board member, which an analysis shows will be more than compensated by the added income from new license applications and renewals.

Ms. Hobbs noted that she received emails from people concerned that the bill will limit access to homeopathic services and treatment and could affect individuals that are currently practicing. Dr. Rowe responded that about two weeks ago a version of the bill precluded freedom of practice for individuals under the homeopathic exemption, which the amendment removes, so that is no longer an issue. The bill will increase access to care for Arizona citizens by providing another choice.

Dr. Harry Swope, representing self, spoke in favor of SB1175. He conveyed that he was licensed in Arizona as a naturopathic physician about 20 years ago. He is now licensed in and resides in California. He opined that the public in Arizona will be well served by having a definition of what it means to practice homeopathic medicine at a doctoral level, which is the purpose of SB1175. He stated that the effort by groups outside Arizona asking for further changes is more about their own views and interests than the consensus on the legislation that has already been reached by practitioners in Arizona. With the current shortage of primary care doctors throughout the nation, Arizona should be proud to have a licensing category for homeopathic doctors. In response to a question, he clarified that he supports the amendment to SB1175.

Linda Heming, President, C.H.O.I.C.E., Inc., spoke in favor of SB1175. She related that C.H.O.I.C.E., Inc. has 8,000 members who like to maintain their choice for health. A homeopathic doctor who is diagnosing and treating people with serious medical problems should be regulated. Students graduating from the new homeopathic medical school will be treating all types of patients and some very seriously ill patients. This bill will protect not only graduating homeopathic students, but also patients and consumers.

Linda Case, representing self, spoke in favor of SB1175. She indicated that she is a doctoral student in the program Dr. Rowe represents. This bill will allow other practitioners in the state to utilize homeopaths for patients they do not have time to take care of, such as autistic children, people with attention deficit disorder, attention deficit hyperactivity disorder, obesity, etc. These regulations are needed so homeopaths know what not to do as well as what to do.

Vega Rozenberg, Professor of Hahnemannian Homeopathy, Evolution of Self School of Homeopathy, related that he supports the bill with the amendment. He clarified that the people who will receive a license as a result of this bill will be able to diagnose.

Ralph Bigler, representing self, said he is opposed to SB1175. He stated that licensing homeopaths is a good idea; however, he is concerned that language relating to nutrition could be construed to mean that nutritional information and dissemination can only be done by licensed homeopaths or other licensed physicians, which may be addressed with the amendment. He questioned if a concerned citizen, health food store operator or someone who markets nutritional supplements for a living will be penalized for sharing documented or anecdotal information about health and nutrition with other people. He added that if the amendment does not address this issue, the list of exemptions should include a provision so those people will not be penalized.

Mrs. Brophy McGee announced the names of those who signed up in support of SB1175 but did not speak:

Lisa E. Platt, Arizona Homeopathic & Integrative Medical Association
Patrick Hesselmann, HMA, American Medical College of Homeopathy
Joseph Abate, Arizona Homeopathic & Integrative Medical Association; ACH, Arizona Osteopathic Medical Association
Jonathan Lindsey, Phoenix Institute of Herbal Medicine & Acupuncture
Bruce Shelton, President, Arizona Homeopathic & Integrative Medical Association
Martha M. Grout, M.D., MD(H), Arizona Center for Advanced Medicine
Chris Springer, Executive Director, Board of Homeopathic and Integrated Medicine Examiners
Christine Springer, Executive Director, Homeopathic Board
Thelma Rowe, representing self
Bridget Abraham, representing self
Sophia Cyrus, representing self
Arash Cyrus, representing self
Alan Potter, representing self

Mrs. Brophy McGee announced the names of those who signed up as neutral on SB1175 but did not speak:

Rory Hays, Lobbyist, Arizona Nurses Association

Mrs. Brophy McGee announced the names of those who signed up in opposition to SB1175 but did not speak:

Amanya Jacobs, representing self
Roger Price, representing self
Kathleen Fry, Physician, Alternatives for Women; representing self
Lee Bakunin, Attorney, representing self
John Jacobs, College Professor, representing self

Marianne Cherney, representing self
Jerry Weinsheink, business owner, representing self
Denise Nugent, representing self
Barney Nugent, representing self

Mrs. Brophy McGee noted that according to comments submitted by the aforementioned individuals, the Ash 15-line amendment to SB1175 solves many problems.

Question was called on the motion that the Ash 15-line amendment to SB1175 dated 3/10/11 (Attachment 1) be adopted. The motion carried.

Mrs. Brophy McGee moved that SB1175 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 4).

SB1382 - homeopathic physicians; use of title - DO PASS

Mrs. Brophy McGee moved that SB1382 do pass.

Jessica Gordon, Majority Intern, explained that SB1382 removes the term *homeopath* from the violations section of the statutes that regulate homeopathic physicians (Attachment 5).

Dr. Todd Rowe, President, Arizona Board of Homeopathic and Integrated Medicine Examiners, spoke in favor of SB1382. He stated that according to current Arizona statutes, the term *homeopath* or *homeopathic practitioner* is restricted to medical doctors and osteopathic doctors. This restriction does not exist anywhere else in the country. This bill will clarify to the public the titling of practitioners who are practicing under the current exemption but are unable to title themselves as *homeopaths* or *homeopathic practitioners*. Many potential students of homeopathic education have indicated more confidence in homeopathy as a career if this bill passes. It will lower the cost of homeopathic treatment by providing greater choice of homeopaths or homeopathic practitioners to Arizona citizens. This bill is budget neutral and aligns with SB1174.

Amanya Jacobs, representing self, spoke in favor of SB1382. She conveyed that she and her husband, Jake, are interested in and enthusiastic about homeopathy and SB1382. If it is enacted into law, the bill will eliminate a restriction in Arizona on the word *homeopath* and remove any liability that currently arises for not allowing people who work lawfully to disclose what they do to the public. The bill will not cost the state any money. She urged the Members' support.

Vega Rozenberg, Professor of Hahnemannian Homeopathy, Evolution of Self School of Homeopathy, spoke in favor of SB1382. He stated that three years ago a law was passed to make it possible for people to practice homeopathy in its original, spiritual format without restriction; however, another law was in place which specifies that people cannot call themselves homeopaths. This bill will align the statute for the betterment of the law and the public.

Kathleen Fry, Medical Doctor/Homeopath, Alternatives for Women, representing self, stated that she supports SB1382, which clarifies for people in Arizona a very important distinction between

homeopathy and conventional medicine. Homeopathy treats the spirit and not just the physical body. More people in Arizona are using homeopaths because it works.

Mrs. Brophy McGee announced the names of those who signed up in support of SB1382 but did not speak:

Lee Bakunin, Attorney, representing self

Marianne Cherney, representing self

Karen Holder, Family Nurse Practitioner, representing self

Patrick Hesselmann, HMA, American Medical College of Homeopathy

Denise Nugent, representing self

John Jacobs, College Professor, representing self

Bruce Shelton, President, Arizona Homeopathic & Integrative Medical Association

Rory Hays, Lobbyist, Arizona Nurses Association

Thelma Rowe, representing self

Jerry Weinsheink, business owner, representing self

Lisa E. Platt, Arizona Homeopathic & Integrative Medical Association

Barney Nugent, representing self

Question was called on the motion that SB1382 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 6).

SB1030 - dental hygienists; supervision(now: physician assistants; prescribing authority) - DO PASS

Mrs. Brophy McGee moved that SB1030 do pass.

Ms. Hobbs moved that the Hobbs two-line amendment to SB1030 dated 3/14/11 (Attachment 7) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that SB1030 allows a certified physician assistant (PA) to prescribe Schedule II and III controlled substances for 30 days rather than 14 days and prohibits a PA from prescribing medication to perform or induce an abortion (Attachment 8). The amendment to SB1030 removes the provision prohibiting a PA from prescribing medication intended to perform or induce an abortion (Attachment 7).

Senator Nancy Barto, sponsor, advised that SB1030 is designed to give more flexibility to PAs to prescribe Schedule II and III controlled substances for longer periods of time and to maintain clear boundaries about the prescribing authority of PAs for medication abortions. She said she appreciates Ms. Hobbs' concern, but she respectfully opposes the amendment because abortion medications carry significant health risks; the language in the bill prohibiting PAs from prescribing abortion medications is necessary in order to ensure safety.

She read written testimony from Dr. Allan T. Sawyer on HB2416 relating to medically-induced abortions in which he addressed the associated risks, the need for potential patients to be under the care of a licensed physician and to receive counseling about the risks, and the Food and Drug Administration restrictions printed on the label of the medication, mifepristone. She added that

testimony was given that PAs are not commonly involved in medication abortions, so this bill is a clarification of current practice. She asked the Members to support the bill.

Mrs. Yee thanked Senator Barto for sponsoring the legislation and extending the scope of practice in advance through the proper channel of the sunrise hearing during the summer.

Ms. Hobbs stated that the sunrise process is the appropriate channel to expand the scope of practice, which was vetted through the Committee of Reference (COR), but that is not the channel commonly used to restrict a scope of practice, so the abortion issue seems inappropriate in this bill. She opined that if it is a safety issue, it should be brought forth in another bill.

Richard Bitner, Legislative Counsel, Arizona State Association of Physician Assistants, stated that he is in support of the bill, but neutral on the question of abortion in relation to PAs, although there is a long-standing legislative policy for physicians only doing surgical abortions. The language in the bill is a logical extension to discuss who should also be able to perform prescriptive chemical abortions. In response to a question, he stated that the abortion restriction was not discussed during the COR sunrise hearing.

Randy Danielsen, Chair, Legislative and Legal Affairs, Arizona State Association of Physician Assistants, stated that he has been a certified PA in Arizona since 1979. He supports SB1030 to provide parity for PAs with nurse practitioners by allowing PAs to prescribe Schedule II and III controlled substances for 30 days instead of the current 14 days, which will decrease the barrier to patients in obtaining quality health care.

Theresa Ulmer, Consultant, Planned Parenthood Arizona, spoke in support of SB1030 with the Hobbs amendment (Attachment 7). She stated that the COR did what it was supposed to do and recognized that this is a profession that is advancing and warrants permitting the Schedule II and III prescribing authority, but she opposes the fact that the Center for Arizona Policy decided to include the abortion piece to limit a woman's access to a legal medical procedure. She noted that through polling in other states and nationwide, this is a controversial issue, but Arizona constituents do not support government controlling a woman's choice. If a special interest group wants to inject its opinions into legislation, there are plenty of other bills in which it can be done.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, spoke in favor of SB1030. She stated that the provision in the bill relating to medication abortions is about providing the highest standard of care for women in Arizona and ensuring patient safety. It has been a long-standing policy in this state that only licensed physicians can perform abortions, so the provision only makes a clarifying change. In response to a question, she indicated that Senator Barto spoke with the proponents of the bill about the medication abortion language before it was offered in the Senate.

Mrs. Brophy McGee announced the names of those who signed up in support of SB1030 but did not speak:

Steve Barclay, Lobbyist, CIGNA HealthCare of Arizona; Mayo Clinic Arizona
Laura Hahn, Executive Vice President, Arizona Academy of Family Physicians
Jason Bezozo, Senior Program Director, Government Relations, Banner Health

David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association
Mindy Smith, Executive Director/Chief Executive Officer, Arizona Pharmacy Alliance

Mrs. Brophy McGee announced the names of those who signed up in opposition to SB1030 but did not speak:

Michelle Steinberg, Director of Public Affairs, Planned Parenthood Arizona

Senator Barto acknowledged that sunrise legislation is specific in what the COR is asked to review and the scope of practice, but that has nothing to do with legislation the COR or the Legislature proposes in the following Session. It is always up to the legislative body to decide policy.

Question was called on the motion that the Hobbs two-line amendment to SB1030 dated 3/14/11 (Attachment 7) be adopted. The motion carried. Division was called and the motion failed by a roll call vote of 3-5-0-1 (Attachment 9).

Question was called on the motion that SB1030 do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 10).

SB1176 - medical board; omnibus - DO PASS

Mrs. Brophy McGee moved that SB1176 do pass.

Ingrid Garvey, Majority Research Analyst, explained that SB1176 is an omnibus bill that makes changes to Arizona Medical Board statutes (Attachment 11).

Senator Nancy Barto, sponsor, stated that SB1176 updates important elements to help the Board provide better safety and oversight for consumers and the Board's members.

Mrs. Brophy McGee asked the rationale for removing the requirement for quarterly reports to the Board. Senator Barto answered that the purpose is to remove unnecessary regulation by allowing the reports to be submitted as the Board deems appropriate.

Stuart Goodman, Arizona Medical Board, spoke in favor of SB1176. He stated that the Board is moving away from quarterly reports so the provision is more applicable to the exact situation. For example, frequent reports may be needed for an individual entering the program, but as the individual nears the end of the program, less frequent reports than quarterly may be needed.

He related that under current law, and under the provisions of this bill, all felonies, misdemeanors and matters of malpractice will be investigated by the Board. SB1176 addresses investigations that have no relationship to the practice of medicine. For example, a physician and his wife were recently caught swimming in the nude in a federal park, which is a misdemeanor and would have to be posted on the website under current law. With SB1176, only matters relating to misdemeanors and medical malpractice that ultimately result in disciplinary action by the Board have to be posted on the website. Felonies are not addressed in the bill since all felonies result in discipline.

Mrs. Brophy McGee announced the names of those who signed up in support of SB1176 but did not speak:

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

Question was called on the motion that SB1176 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 12).

SB1025 - Arizona state hospital; fingerprinting requirements - DO PASS

Mrs. Brophy McGee moved that SB1025 do pass.

Jessica Gordon, Majority Intern, explained that SB1025 requires the Arizona State Hospital (ASH) staff to hold a valid fingerprint clearance card and directs them to certify that they are not awaiting trial or have not been convicted or admitted in open court or pursuant to a plea agreement to any offenses in Arizona Revised Statutes (A.R.S.) §41-1758.07, Subsection B (Attachment 13).

Senator Linda Gray, sponsor, stated that SB1025 will protect vulnerable adults and children by making sure ASH staff have fingerprint clearance cards.

Mrs. Brophy McGee announced the names of those who signed up in support of SB1025 but did not speak:

Colby Bower, Arizona Department of Health Services

Question was called on the motion that SB1025 do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 14).

SB1187 - dissolution of marriage; legal separation - DO PASS AMENDED

Mrs. Brophy McGee moved that SB1187 do pass.

Mrs. Brophy McGee moved that the Ash seven-line amendment to SB1187 dated 3/14/11 (Attachment 15) be adopted.

Jessica Gordon, Majority Intern, explained that SB1187 specifies a list of minimum standards that, in conciliation court, must be included in educational programs on divorce and allows the court to grant an extension if cause of the extension is established by the moving party (Attachment 16). The amendment to SB1187 allows the court to hold an evidentiary hearing regarding the history of domestic violence if the history is not established in the court record (Attachment 15). In response to a question, she indicated that the bill does not provide funding for the courts to provide the training.

Ms. Hobbs asked if the bill places more of a burden on the victim in relation to proving he or she is a victim of domestic violence in order to opt out of the education program requirement.

Senator Linda Gray, sponsor, clarified that the education program is already in statute and it is provided for people going through a divorce, if they choose. The bill only adds items to be included in the education program. There is an exception for incidents of domestic violence, and if there is a police report, it will have to be taken to court as proof so the education program can be waived. If there is no police report, the victim will have to supply some kind of evidence, such as an affidavit from a neighbor. She said she worked with the domestic violence community and Judge Carey Hyatt to make sure victims are protected. In cases of emotional abuse, the victim will have to present his or her case; a counselor's report would be evidence to the court.

Mrs. Gonzales asked why the bill is needed. Senator Gray answered that in some cases, there is hope that the family can be kept together and differences resolved if there is a cooling off period in which counseling, education and other resources can be used to help the family. Separation and divorce is a long-term process in which children go through years of being pulled between parents. Keeping a family together is better for the children.

Mrs. Gonzales suggested that counseling should be provided before marriage so people will stay together instead of placing this extra burden when people want to get out of a marriage; they know best what their situation is and should be allowed to make their own decisions. Senator Gray said that would be covenant language in which counseling is required before marriage and couples sign an agreement to go through counseling before divorcing, which she totally agrees with.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, spoke in favor of SB1187. She stated that an amendment in the Senate from the Coalition Against Domestic Violence stated what the current bill says, that the court shall not grant the extension if a finding is made of domestic violence. The courts indicated that would require a hearing to be scheduled to make a finding if there was not already a record, which would result in a delay, so the language in the seven-line amendment was suggested by the courts to make the situation better for victims rather than worse.

Ms. Sheasby remarked that the state has a strong interest in strengthening marriage and reducing divorce; there is even a fiscal incentive to do so. A 2008 report from the Institute for American Values estimated the total social cost of divorce in America at \$112 billion each year, which breaks out to about \$650 million for Arizona, due to the increased need for social services, law enforcement and education services, etc. Also, children do better when raised in intact homes. She read testimony given in the Senate in support of SB1187 from Dr. Leo Godzich, President, National Association of Marriage Enhancement, who counsels couples considering divorce.

In response to questions, Ms. Gordon clarified that the amendment states that the court *may* hold an evidentiary hearing. Without the amendment, even if evidence of domestic violence is provided, the court will have to hold a hearing; with the amendment, if evidence of domestic violence is provided, the court does not have to hold a hearing.

Ms. Sheasby advised that the curriculum language pertaining to the parenting class is in law in Utah. Many states have longer waiting periods than Arizona's 60 days with the conciliation court diversion, and waiting periods in other states vary.

Question was called on the motion that the Ash seven-line amendment to SB1187 dated 3/14/11 (Attachment 15) be adopted. The motion carried.

Mrs. Brophy McGee moved that SB1187 as amended do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 17).

Names of persons who signed up in support of SB1187 but did not speak:
Ron Johnson, Executive Director, Arizona Catholic Conference

Names of persons who signed up in opposition to SB1187 but did not speak:
Ellen Katz, Litigation Director, William E. Morris Institute for Justice

SB1190 - developmental disabilities; intermediate care facilities(now: developmental disabilities; residential placement) - DO PASS AMENDED S/E

Mrs. Brophy McGee moved that SB1190 do pass.

Mrs. Brophy McGee moved that the Heinz five-page strike-everything amendment to SB1190 dated 3/14/11 (Attachment 18) be adopted.

Ingrid Garvey, Majority Research Analyst, explained that the strike-everything amendment to SB1190 (Attachment 18) requires the Department of Economic Security (DES) to hold meetings with developmentally disabled individuals living in certain institutional settings and their parents or guardians to present placement options (Attachment 19). It also allows the Director of DES or the Director's designee, when requested by the client or the client's family or estate, to increase the amount of social security supplemental income (SSI) benefits that a client may retain for the client's personal use from 12 to 30 percent for six-month periods if the client or the client's family or estate demonstrates the need, and makes technical and conforming changes.

Senator Linda Gray, sponsor, related that a constituent whose child was at one of the DES units requested a number of times to have the child moved to a private facility, but DES denied the request each time. SB1190 requires DES to hold meetings with the parent or guardian of individuals in the four state-run homes to discuss options that are available so the parent or guardian can decide whether to keep the resident in the current facility or move the resident to a different facility. She indicated that she supports Mr. Heinz' addition relating to retention of SSI benefits if a personal or medical savings account is used instead of the client's personal use, and if the parent or guardian makes the decision on the amount to be set aside. In response to a question, she stated that the intent of SB1190 is for the parent or guardian to have the choice of where the resident will go and not be overruled by DES.

Howard Pilkington, representing self, spoke in opposition to the strike-everything amendment to SB1190. He stated that he and his wife, Sylvia, are the parents of a 51-year-old resident in a state facility. This bill treats individual clients as a group making the same decision in unison, which is not the case. These decisions are one-person-at-a-time-type-decisions that are ongoing. He suggested language clarifying that at least one of the options is for residents to remain at the

present facility. He added that these facilities are homes away from home and any changes dramatically impact the residents.

Warren Coughlin, representing self, spoke in opposition to the strike-everything amendment to SB1190. He said he is the parent of a daughter in the Windsor facility. She went through a nervous breakdown but she is doing fantastic at Windsor. He indicated that the original bill refers to consolidating the homes, which means closure. The residents now receive fabulous care and he does not want to see that changed or any of the homes closed. Parents have choice now and he and his wife choose to keep their daughter at Windsor.

Michael Phillips, representing self, spoke in opposition to the strike-everything amendment to SB1190. He stated that he is primarily concerned about Section 2, which discusses choice, but only refers to private placement; there is no option to retain state care. He and his wife, Donna, are the parents of a 43-year-old son who has been in private care, but is now in state care. Private facilities are businesses and can refuse service to an individual, which is not a problem with state care. He wants to make sure that retaining the choice of placement is an option, which does not seem to be the case with this measure. He added that staff at the state facility is more consistent, which is important because each time a staff person changes, it is very traumatic for the residents. There is currently only one other private caregiver that can take these residents, so by eliminating the state facilities, the parents' choice will be eliminated. Parents have an opportunity for input now during annual Individual Service Plan meetings and six-month reviews. He wants to retain the choice of state care.

Diane Renne, representing self, said her daughter, Lisa, lives at the Windsor Home. She opposes the strike-everything amendment because of language relating to consideration of consolidation or closure of state-operated group homes. Her daughter was in a privately-operated group home, but when her health became tenuous five years ago, the group home refused to allow her to return from the hospital. Her daughter has friends and people who care about her at Windsor Home. She added that the staff at the state-operated homes is better trained and her daughter is alive because of the Windsor Home.

Vice-Chairman Carter asked if this legislation will result in the closure of any facilities. Senator Gray answered that the intent is to look for efficiencies such as additional options for placement with private service providers and potential changes to state facilities such as consolidation or closure, if the data gathered from the meetings suggests it is appropriate and reflects the preferences of the individuals, parents and guardians who participate. If there is a population like the parents from Windsor who are very satisfied, the report will recommend that the facility remain open. The report will be based on satisfaction of the parents or guardians of the residents at the facilities.

Ms. Hobbs asked if a burden will be placed on DES to conduct these additional meetings. Senator Gray answered that there are four state facilities; the bill requires a community meeting at each facility.

In response to questions, Senator Gray indicated that there is a review process as outlined in Section 2, but it was not adhered to. She expressed concern about the fiscal impact of the Heinz amendment, which could result in the bill being held.

Mr. Heinz related that he initially sponsored a bill to revert the SSI withholding for everyone, which would cost \$2.5 million according to the Joint Legislative Budget Committee (JLBC); that is why the amendment to SB1190 only allows the withholding on an individual case-by-case basis with permission of the Director or designee for six months if the need is demonstrated. The goal is to target dental expenses. JLBC is unable to estimate the cost because it depends on how many people apply, but it would not be anywhere near \$2.5 million.

After a brief discussion, Mr. Heinz indicated that in order to create a germane nexus, this has to be done as a strike-everything amendment and approved in Committee. He is committed to clarifying that the money is not for personal use, but for medical or dental needs. If agreement on the language cannot be reached, he will withdraw the strike-everything amendment so the bill is not held up on the Floor. Senator Gray agreed to work with Mr. Heinz on the language.

Matt Salmon, Lobbyist, Hacienda HealthCare, testified in support of the strike-everything amendment to SB1190. He stated that many fragile, seriously developmentally disabled people could have better options. The strike-everything amendment is about making sure parents are well educated about those options in order to make informed decisions on how to best serve the needs of their child. He added that he is against closing any facilities that people believe is a lifeline for their children.

Mrs. Brophy McGee announced the names of those who signed up in opposition to the strike-everything amendment to SB1190 but did not speak:

Jonita Rains, representing self

Blinda Mills, representing self

Mrs. Brophy McGee announced the names of those who signed up as neutral on the strike-everything amendment to SB1190 but did not speak:

Kathy Seeglitz Ber, Director of Legislative Services, Department of Economic Security

Susan Cannata, Attorney, The Arc Of Arizona

Question was called on the motion that the Heinz five-page strike-everything amendment to SB1190 dated 3/14/11 (Attachment 18) be adopted. The motion carried.

Mrs. Brophy McGee moved that SB1190 as amended do pass. The motion carried by a roll call vote of 6-1-0-2 (Attachment 20).

SB1583 - nursing board; membership - DO PASS AMENDED

Mrs. Brophy McGee moved that SB1583 do pass.

Mrs. Brophy McGee moved that the Heinz three-page amendment to SB1583 dated 03/15/2011 (Attachment 21) be adopted.

Jessica Gordon, Majority Intern, explained that SB1583 allows a certified registered nurse anesthetist (CRNA) to serve as a member on the State Board of Nursing (Attachment 22). The

amendment to SB1583 contains the same provisions as HB2091 requiring continuing education (CE) for nurses, with a few additions (Attachment 21).

Mr. Heinz related that the amendment is almost the same as HB2091 regarding CE for nurses, which passed the Committee. A stakeholder meeting was held. There is no official position on the language in the amendment by the Board of Nursing because it has not yet met to vote. It is supported by the Arizona Nurses Association and contains four modifications:

- Codifies in statute existing practice experience requirement hours of 960.
- Provides the option of 60 hours for licensure and renewal over the course of four years or holding an advanced nursing certification in an area of nursing specialty.
- Makes two minor technical changes to ensure that the larger hospitals and nursing home facilities will still be able to offer CE to nurses.

Vice-Chairman Carter noted that the sponsor, Senator John Nelson, is not able to be present because he is in a meeting in the Senate; however, he sent an email stating that he is not aware of the Heinz amendment, so he is opposed.

Rory Hays, Arizona Nurses Association, stated that she supports the underlying bill and she supports the Heinz amendment, which is an improvement over the original language. It will improve the quality of the CE that will be provided and help facilitate the ability of employers to offer the required hours of CE.

Sara Sparman, Lobbyist, Arizona Association of Nurse Anesthetists, spoke in favor of SB1583. She related that Senator John Nelson was asked to sponsor this bill to include CRNAs on the Board. She objects to the Heinz amendment because she would like to see the bill pass without any controversy, and she understands there is not yet complete agreement on the amendment.

Vice-Chairman Carter stated that she received another email from Senator Nelson stating that he is still not in support of the amendment.

Question was called on the motion that the Heinz three-page amendment to SB1583 dated 03/15/2011 (Attachment 21) be adopted. The motion carried. Division was called and the motion carried by a roll call vote of 5-3-0-1 (Attachment 23).

Mrs. Brophy McGee moved that SB1583 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 24).

Names of persons who signed up in opposition to SB1583 but did not speak:
Angela Golden, Nurse Practitioner, representing self

SB1315 - podiatry board; omnibus - DO PASS

Mrs. Brophy McGee moved that SB1315 do pass.

Ingrid Garvey, Majority Research Analyst, explained that SB1315 makes changes to the podiatry statutes relating to unprofessional conduct, issuing provisional licenses, reporting requirements and adds to the definition of *unprofessional conduct* (Attachment 25).

Sarah Penttinen, Executive Director, Podiatry Board, spoke in favor of SB1315. She reviewed the provisions in the bill and added that in addition to being good legislation and applicable to podiatry, the requirements are contained in the governing statutes for most, if not all, of the other regulated health professionals in Arizona. The bill will bring uniformity to the regulation of health care professions in the state.

Mrs. Brophy McGee announced the names of those who signed up in support of SB1315 but did not speak:

Joseph Abate, Counsel, Arizona Podiatric Medical Association

Question was called on the motion that SB1315 do pass. The motion carried by a roll call vote of 5-0-0-4 (Attachment 26).

SB1113 - ALTCS; care facilities; standards - DISC. & HELD

Mrs. Brophy McGee moved that SB1113 do pass.

Ingrid Garvey, Majority Research Analyst, explained that SB1113 allows private state-licensed facilities that contract with the Department of Economic Security (DES) to provide intermediate care facilities (ICF) for mental retardation services for a member who has a developmental disability (Attachment 27).

Vice-Chairman Carter announced that the sponsor, Senator Andy Biggs, is Chairing the Senate Appropriations Committee and cannot be present.

Matt Salmon, Lobbyist, Hacienda HealthCare, testified as neutral on SB1113. He said he has concerns about the bill, but he has not been able to meet with the sponsor. Competition is good, but it is necessary to ensure that any facility that bids on this work will provide the same standard of care as Hacienda HealthCare. He opined that the bill, in its current form, will hurt people and families. In response to a question, he acknowledged that he signed up as neutral, but he just heard this morning that the Hacienda Board is opposed to the bill.

In response to further questions, Mr. Salmon indicated that he would like the bill to be held to work on amendments for the Floor. He explained that the reason for the date in statute is that there was only one facility in 1988 that provided the kind of critical care that is needed for severely developmentally disabled individuals who also have major health issues. Eliminating the date is appropriate, but he questioned what it will be replaced with and how DES will be directed to make sure there is a level playing field and that the kind of care patients are currently receiving will be provided by the new provider.

Mrs. Brophy McGee assumed the Chair.

Laura Knaperek, Hacienda Health Care, in opposition to SB1113, remarked that the Hacienda Board held an emergency meeting last night and she learned this morning that the Board is opposed to the bill. She said because of federal regulations and state law, DES has the final say in placement of people. Hacienda is the only private ICF in the state, so it does not have a published rate like all of the other providers. It is a nonprofit organization that raises money to subsidize some of the services it provides for the state. Hacienda also has medical foster homes and other facilities, but is losing over \$400,000 on placements. If this bill passes and DES is in charge of making decisions about private ICFs, Hacienda could go bankrupt, and there is concern about the safety of clients. She indicated that she would like to work on the bill. Hacienda is not opposed to competition, but the same standards should be in place for everyone who bids for ICF services.

Mrs. Brophy McGee withdrew the motion that SB1113 do pass.

Vice-Chairman Carter resumed the Chair.

Vice-Chairman Carter announced that SB1113 will be held.

Without objection, the meeting adjourned at 11:58 a.m.

Linda Taylor, Committee Secretary
April 1, 2011

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