

ARIZONA HOUSE OF REPRESENTATIVES  
Fiftieth Legislature –Second Regular Session

**COMMITTEE ON HEALTH AND HUMAN SERVICES**

Minutes of Meeting  
Wednesday, February 1, 2012  
House Hearing Room 4 -- 9:00 a.m.

Chairman Ash called the meeting to order at 9:10 a.m. and roll call was taken by the secretary.

**Members Present**

Mrs. Brophy McGee  
Mrs. Gonzales  
Mr. Heinz

Ms. Hobbs  
Mrs. Judd  
Mr. Pierce

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

**Members Absent**

None

**Committee Action**

HB2232 - DP (7-1-0-1)  
HB2236 - DPA (8-0-0-1)  
HB2247 - DPA (7-0-0-2)  
HB2252 - DISCUSSED AND HELD AT  
REQUEST OF SPONSOR  
HB2359 - DPA (8-0-0-1)

HB2369 - DPA (7-0-0-2)  
HB2532 - DP (8-0-0-1)  
HB2534 - DPA (7-0-0-2)  
HB2568 - HELD AT REQUEST OF  
SPONSOR  
HB2582 - DISCUSSED AND HELD AT  
REQUEST OF SPONSOR

Chairman Ash introduced Cathy Jarvis who is participating in the Mesa Leadership Program and shadowing him for the day.

**CONSIDERATION OF BILLS**

**HB2568 - surrogacy; health insurance - HELD AT REQUEST OF SPONSOR**

Chairman Ash announced that HB2568 will be held at the request of the sponsor.

**HB2236 - AHCCCS; covered services; podiatry - DO PASS AMENDED**

Vice-Chairman Carter moved that HB2236 do pass.

**Vice-Chairman Carter moved that the Heinz five-line amendment to HB2236 dated 01/13/2012 (Attachment 1) be adopted.**

Joe DeMenna, Majority Assistant Research Analyst, explained that HB2236 restores podiatry as a covered Arizona Health Care Cost Containment System (AHCCCS) service without the need for a referral by a primary care physician or primary care practitioner (Attachment 2). The amendment specifies that podiatry services will be covered by AHCCCS when performed by a podiatrist and when ordered by a primary care practitioner or physician and makes clarifying technical and conforming changes (Attachment 1).

Mark Forman, President, Arizona Podiatric Medical Association, spoke in favor of HB2236. He explained the scope of practice of podiatry and educational requirements. He provided a *Fact Sheet - Studies on Preventative Podiatric Care* (Attachment 3), noting that the Thomson Reuters Healthcare Study and the Duke University Study show the cost savings when podiatrists are added to the care of patients. He submitted that reinstatement of podiatric services by podiatrists in the AHCCCS system will allow patients to obtain the best care possible.

Joseph Abate, Counsel, Arizona Podiatric Medical Association, spoke in favor of HB2236. He related that the bill as introduced does not require a referral, but the amendment does, and restores language that existed before the Legislature removed podiatry from AHCCCS coverage.

Jennifer Carusetta, Chief Legislative Liaison, Arizona Health Care Cost Containment System (AHCCCS), neutral on HB2236, discussed the calculation of the fiscal note (Attachment 4). She indicated that two years ago, the Legislature voted to reduce the AHCCCS benefits package as part of budget reduction measures; it is a policy decision whether the benefits should be reinstated.

Vice-Chairman Carter announced the names of those who signed up in support of HB2236 but did not speak:

- David Landrith, Vice President of Policy and Political Affairs, Arizona Medical Association
- Peri Jude Radecic, Director of Public Advocacy, Arizona Center for Disability Law
- Amina Donna Kruck, Vice President/Director of Advocacy, Arizona Bridge to Independent Living
- Jason Bezozo, Senior Program Director, Government Relations, Banner Health
- Tara Plese, Arizona Association of Community Health Centers
- Susan Cannata, Attorney, Arizona Academy of Family Physicians
- Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association

**Question was called on the motion that the Heinz five-line amendment to HB2236 dated 01/13/2012 (Attachment 1) be adopted. The motion carried.**

**Vice-Chairman Carter moved that HB2236 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 5).**

**HB2359 - psychiatric hospitals; physical plant standards - DO PASS AMENDED**

**Vice-Chairman Carter moved that HB2359 do pass.**

**Vice-Chairman Carter moved that the Ash four-line amendment to HB2359 dated 1/31/12 (Attachment 6) be adopted.**

Joe DeMenna, Majority Assistant Research Analyst, explained that HB2359 specifies a health care institution that was licensed as a Level 1 psychiatric hospital before October 23, 1992 and is not certified under Title XIX of the Social Security Act is not required to comply with physical plant standards for a general hospital, rural general hospital or special hospital (Attachment 7). The amendment modifies the title of the facility to a Level 1 acute behavioral health facility-inpatient facility as of January 1, 2012 (Attachment 6).

Representative Karen Fann, sponsor, related that last year, the Legislature instructed the Arizona Department of Health Services (DHS) to draft licensing rules to remove dual licensure requirements for hospitals providing psychiatric services. One of the provisions states that all of the hospitals must be of concrete construction. Remuda Ranch in Wickenburg is specifically for women with anorexia and bulimia, and it is a wooden structure. Normally DHS would address this through a rule, but there is a moratorium on rulemaking. If this bill does not pass, the Ranch will go out of business or have to tear down the facility and rebuild to conform to the concrete standard.

Ryan Harper, Remuda Ranch, in favor of HB2359, noted that this is truly an unintended consequence of last year's directive. He indicated that he talked to the Members individually about this bill and Brian Beutin from Remuda Ranch is available to answer questions.

Chairman Ash announced the names of those who signed up in support of HB2359 but did not speak:

Brian Beutin, Chief Executive Officer, Remuda Ranch

Chairman Ash announced the names of those who signed up as neutral on HB2359 but did not speak:

Colby Bower, Director of Government Relations, Arizona Department of Health Services

Vice-Chairman Carter announced the names of those who signed up in support of HB2359 but did not speak:

Gregory Harris, Lobbyist, Community Partnership for Southern Arizona

Barbara Fanning, Legislative Liaison, Arizona Hospital and Healthcare Association

**Question was called on the motion that that the Ash four-line amendment to HB2359 dated 1/31/12 (Attachment 6) be adopted. The motion carried.**

**Vice-Chairman Carter moved that HB2359 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 8).**

**HB2534 - AHCCCS; payment methodology - DO PASS AMENDED**

**Vice-Chairman Carter moved that HB2534 do pass.**

**Vice-Chairman Carter moved that the Ash four-line amendment to HB2534 dated 1/27/12 (Attachment 9) be adopted.**

**Vice-Chairman Carter moved that the Ash seven-line amendment to HB2534 dated 1/31/12 (Attachment 10) be adopted.**

Ingrid Garvey, Majority Research Analyst, explained that HB2534 allows the Arizona Health Care Cost Containment System (AHCCCS) to utilize a hospital reimbursement methodology consistent with Title XIX of the Social Security Act, effective October 1, 2013 (Attachment 11). The four-line amendment specifies that the Director of AHCCCS must provide public notice and an opportunity for public comment on proposed rules at least 30 days before a rule is adopted or amended (Attachment 9). The seven-line amendment makes corrections to dates referenced in the bill (Attachment 10).

Jennifer Carusetta, Chief Legislative Liaison, Arizona Health Care Cost Containment System (AHCCCS), spoke in support of HB2534. She related that in accordance with the statute, AHCCCS pays for inpatient hospital services on a tiered per diem payment system. AHCCCS is reexamining that methodology to see if it is feasible to shift to a diagnostic related group payment methodology. HB2534 frees AHCCCS from the current per diem methodology in order to meet with hospitals and health plans to determine the impact of this shift. Initial feedback from the hospitals has been positive but there are questions; a work group is being formed to study several issues that were raised. If it is determined that this shift is in the best interest of the hospital and the state, AHCCCS will not move forward until October 1, 2013.

Deb Gullett, Arizona Association of Health Plans (AAHP), neutral on HB2534, noted that AAHP is composed of companies who contract with AHCCCS to provide insurance to its members. She related that she is concerned about the timing of this effort. New contracts for acute care for AHCCCS will be awarded on October 1, 2013, and it is not clear how that will be done based on a pricing system that is not yet developed or implemented. Also, it is the day the nation switches to an updated version of diagnostic related groups, moving from 14,000 to 68,000 diagnostic codes for patient billing. She added that she will work with AHCCCS in considering this switch, which cannot be contemplated without statutory authority.

In response to a question, Ms. Carusetta said the cost to modernize the system to make this shift is one of the items that will be looked into. This has been successfully implemented in over 28 states and AHCCCS has been working with vendors successful in implementation in the other states. The timing of the shift, raised by the health plans, will also be part of the deliberation process. She responded to further questions concerning the Governor's plan to modernize technology systems, establishing rates and stakeholder meetings. She endorsed the four-line amendment.

Vice-Chairman Carter announced the names of those who signed up in support of HB2634 but did not speak:

Jason Bezozo, Senior Program Director, Government Relations, Banner Health  
Stuart Goodman, Lobbyist, Dignity Health (formerly Catholic Healthcare West)

**Question was called on the motion that the Ash four-line amendment to HB2534 dated 1/27/12 (Attachment 9) be adopted. The motion carried.**

**Question was called on the motion that the Ash seven-line amendment to HB2534 dated 1/31/12 (Attachment 10) be adopted. The motion carried.**

**Vice-Chairman Carter moved that HB2534 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 12).**

**HB2247 - midwifery; regulation; DHS rules - DO PASS AMENDED**

**Vice-Chairman Carter moved that HB2247 do pass.**

**Vice-Chairman Carter moved that the Ash two-page amendment to HB2247 dated 01/26/2012 (Attachment 13) be adopted.**

Joe DeMenna, Majority Assistant Research Analyst, explained that HB2247 requires the Department of Health Services (DHS) to update rules regarding midwifery that will streamline the regulatory process (Attachment 14). The amendment contains the following provisions (Attachment 13):

- Requires any party interested in increasing the scope of practice of midwifery to submit a report to the Director of DHS containing specified information.
- Requires the Director, upon receipt of the midwifery scope of practice report, to appoint a midwifery scope of practice advisory committee to assist the Director in adopting and amending rules related to the midwifery scope of practice.
- Establishes the midwifery scope of practice advisory committee consisting of eight members.
- Prohibits advisory committee members from being eligible for compensation or reimbursement of expenses.
- Outlines the publishing and reporting requirements.
- Makes clarifying, technical and conforming changes.

Connie Canada, Licensed Midwife, Rights for Homebirth, stated that she wants to be able to provide the most current evidence based care to all of the women and children she serves, which is why she supports HB2247.

Sarah Macklin, Rights for Homebirth, spoke in favor of HB2247. She stated that midwives are qualified health care providers who go through comprehensive training and examinations for certification. Research has shown that by choosing a midwife and natural delivery, there are lower maternity care costs, reduced mortality and morbidity related to Cesarean sections and other interventions, fewer interventions and fewer recovery issues. The rules and regulations governing midwifery in Arizona have not been updated since 2002, putting women and midwives in difficult and uncomfortable situations. She asked the Members to pass this bill so midwives can provide clients with the best care possible based on the latest research available.

Jeanne Stagner, Midwife, South Mountain Midwives, appeared in favor of HB2247. She responded to questions concerning research and training for midwifery. She indicated that she is a proctor for the examination process that is cumbersome and costly for the state. The examination should be changed to save money for the state and become uniform to what is expected nationally so the rules are set to the latest evidence in research and midwives can practice safely, openly and transparently.

Allyson Fernstrom, Community Organizer, Rights for Homebirth, spoke in favor of HB2247. She testified that the current rules and regulations for midwifery are outdated and do not appropriately encompass the profession. Since there is a moratorium on rule revision, this bill will allow DHS to update the rules and regulations. She noted that stakeholder meetings were held and agreement was reached on the amendment. She asked the Members to pass HB2247 to afford midwives an opportunity to continue to serve clients in a way that is safest for moms and babies. In response to a question, she advised that midwives do not carry liability insurance.

Mrs. Yee suggested an amendment about informed consent to patients about liability insurance.

Colby Bower, Director of Government Relations, Arizona Department of Health Services (DHS), neutral on HB2247, advised that informed consent is already in the rules package.

Chairman Ash announced the names of those who signed up in support of HB2247 but did not speak:

Wendi Cleckner, Licensed Midwife, Rights for Homebirth

Vice-Chairman Carter announced the names of those who signed up in support of HB2247 but did not speak:

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

Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians

Joanna Wilder, RN, BSN, LM, CPM, Rights for Homebirth

Rebecca Moore, representing self

Ashley Bennett, Midwife, representing self

Kamilah Smith, representing self

Sue DiSilvestro, Midwife, representing self

Debbie Hervey, representing self

Sarah Butterfly, representing self

Pam White, Midwife, Rights for Homebirth

**Question was called on the motion that the Ash two-page amendment to HB2247 dated 01/26/2012 (Attachment 13) be adopted. The motion carried.**

**Vice-Chairman Carter moved that HB2247 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 15).**

### **HB2532 - court-ordered treatment - DO PASS**

**Mrs. Yee moved that HB2532 do pass.**

Bethan Jones, Majority Intern, explained that HB2532 updates and clarifies Arizona's statutes governing the evaluation of individuals ordered to undergo involuntary inpatient mental health treatment (Attachment 16).

James McDougall, Mental Health and Elder Law Section, State Bar of Arizona, spoke in support of HB2532. He related that he is an attorney who practices in the field of elder law and mental health law and addressed the following provisions in the bill:

- Changes the references in Title 36 from the *Veterans Administration* to the *United States Department of Veterans Affairs*.
- Places the requirement for a physical examination in the process of involuntary mental health treatment in the correct section and clarifies.
- Updates the statute in relation to a court order for continued treatment.

Mr. McDougall noted that one group has an issue with the due process requirements that he agreed to discuss as the bill moves forward.

Referring to page 2, lines 24 through 26 of the bill, Mrs. Yee asked about the language stating that the physical examination may include remote observations by interactive audiovisual media. Mr. McDougall explained that allows telemedicine to take place, which will be a two-way interaction between the patient and the psychiatrist through an audiovisual connection.

Gregory Harris, Community Partnership for Southern Arizona, neutral on HB2532, stated that he represents the group Mr. McDougall mentioned with the concern relating to the due process provisions for continued commitment for which he wants to ensure that the statute does not inadvertently create a barrier. In response to a question, he indicated that he would like the bill to move forward because it contains many important provisions; he will work with Mr. McDougall to fine-tune the due process issue.

Chairman Ash announced the names of those who signed up as neutral on HB2532 but did not speak:

Colby Bower, Director of Government Relations, Arizona Department of Health Services

Dr. Jack Potts, Arizona Psychiatric Society, testified in support of HB2532. He related that the intent of the bill is to make sure people do not "fall through the cracks" when the civil commitment period is ended after one year. This is a way to save money by decreasing hospitalizations and lessen risk to the community and patients by making sure those who need treatment will receive it.

Chairman Ash announced the names of those who signed up in support of HB2532 but did not speak:

Emily Jenkins, President/Chief Executive Officer, Arizona Council of Human Service Providers

Vice-Chairman Carter announced the names of those who signed up in support of HB2532 but did not speak:

Mark Bolton, Attorney, State Bar of Arizona

Vice-Chairman Carter announced the names of those who signed up as neutral on HB2532 but did not speak:

Jennifer Alewelt, Staff Attorney, Arizona Center for Disability Law  
Seth Apfel, representing self

**Question was called on the motion that HB2532 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 17).**

Chairman Ash introduced his son, Dr. Adam Ash, an Emergency Room physician in Los Angeles, and Dr. Trevor Wilkins, who is in residency in Kingman and a good friend of the family.

**HB2232 - minor parents; medical decisions - DO PASS**

**Vice-Chairman Carter moved that HB2232 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that HB2232 allows a minor to consent to the minor's own medical procedures, except for an elective procedure, without parental or legal guardian consent if the minor is at least 16 years old, otherwise competent and a custodial parent (Attachment 18).

Mr. Heinz, sponsor, said this bill passed the Committee last year. Emergency Department providers advised him that in urgent situations, 16- and 17-year-old custodial parents cannot consent for their own treatment; however, they can consent for treatment for their children. This is an inconsistency in statute that can delay urgent intervention. In response to a question, he clarified that the bill will not allow a minor to have an abortion without parental consent.

Discussion followed about the distinction between 16- and 17-year-old custodial parents being able to consent, but not 16- and 17-year-olds who are not parents.

Chairman Ash commented that he placed this bill on the agenda due to a visit by Emergency Room doctors and medical students who said it is a regularly occurring phenomenon, usually involving the mother, but it could also be the father. It caused problems because the doctors were unable to treat the parents.

In response to a question, Ms. Garvey explained that the language on page 1, lines 11 and 12 of the bill, means that because the individual is a minor, the right to consent cannot be refused.

Vice-Chairman Carter announced the names of those who signed up in support of HB2232 but did not speak:

Rory Hays, Lobbyist, Arizona Nurses Association  
David Landrith, Vice President of Policy and Political Affairs, Arizona Medical Association  
Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians  
Susan Cannata, Attorney, Arizona Academy of Family Physicians

Vice-Chairman Carter announced the names of those who signed up as neutral on HB2232 but did not speak:

Seth Apfel, representing self

**Question was called on the motion that HB2232 do pass. The motion carried by a roll call vote of 7-1-0-1 (Attachment 19).**

**HB2369 - electronic medical records - DO PASS AMENDED**

**Vice-Chairman Carter moved that HB2369 do pass.**

**Vice-Chairman Carter moved that the Carter three-line amendment to HB2369 dated 1/20/12 (Attachment 20) be adopted.**

Ingrid Garvey, Majority Research Analyst, explained that HB2369 makes a variety of clarifying changes to Health Information Organizations (HIO) statutes and allows for the electronic submission of prescription orders for schedule II, III, IV and V controlled substances (Attachment 21). The amendment adds clarifying language regarding electronic prescription orders (Attachment 20).

Vice-Chairman Carter, sponsor, advised that last year a lengthy meeting and conversations occurred about the implementation of electronic medical records. Agreement was reached with stakeholders and other elected officials who had concerns. This bill makes technical corrections to many things that were put in place, specifically codifying the definition of HIOs and permitting controlled substances to be dispensed electronically in line with federal standards.

David Landrith, Vice President of Policy and Political Affairs, Arizona Medical Association; Vice-Chairman, Arizona Healthy Connection Organization, spoke in favor of HB2369. He stated that this is a cleanup bill. The most important part deals with e-prescribing of controlled substances so the prescriptions will be more accurate and accessible. The bill is supported by the health care community and many advocacy organizations. In response to questions, he indicated that if a patient chooses not to share health information through the HIO, the information will be red flagged and cannot be accessed until the patient agrees to share the information; it is available in case the patient ends up in the Emergency Room, for example.

Chairman Ash announced the names of those who signed up in support of HB2369 but did not speak:

Melissa Rutala, Chief Executive Officer, Arizona Health-e Connection

Vice-Chairman Carter announced the names of those who signed up in support of HB2369 but did not speak:

Hal Wand, Executive Director, Arizona State Board of Pharmacy

Kristen Rosati, Partner, Arizona Health-e Connection

Janet Underwood, Director, Pharmacy Affairs, Arizona Community Pharmacy Committee

Stuart Goodman, Lobbyist, Dignity Health (formerly Catholic Healthcare West)

Kathi Beranek, Government Relations Coordinator, Blue Cross Blue Shield of Arizona

Rory Hays, Lobbyist, Arizona Nurses Association

Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association  
Don Isaacson, LeadingAge Arizona; Pfizer  
Michelle Pabis, Assistant Government Relations Director, Scottsdale Healthcare  
Richard Bitner, Legislative Counsel, Arizona State Association of Physician Assistants; Arizona  
College of Emergency Physicians  
Jason Bezozo, Senior Program Director, Government Relations, Banner Health  
Kelsey Lundy, UnitedHealthcare of Arizona  
Tara Plese, Arizona Association of Community Health Centers  
Barry Aarons, Lobbyist, Arizona Association of Chiropractic  
Gretchen Conger, Director of Government Relations, Arizona Chamber of Commerce and  
Industry  
Steve Barclay, Lobbyist, Cancer Treatment Centers; Mayo Clinic  
Barbara Fanning, Legislative Liaison, Arizona Hospital and Healthcare Association  
Susan Cannata, Attorney, Arizona Academy of Family Physicians  
Jeff Gray, Legislative Liaison, Arizona Pharmacy Alliance  
Emily Jenkins, President/Chief Executive Officer, Arizona Council of Human Service Providers

**Question was called on the motion that the Carter three-line amendment to HB2369 dated 1/20/12 (Attachment 20) be adopted. The motion carried.**

**Vice-Chairman Carter moved that HB2369 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 22).**

**HB2582 - AHCCCS; food stamps; identification card - DISCUSSED AND HELD AT REQUEST OF SPONSOR**

**Vice-Chairman Carter moved that HB2582 do pass.**

**Vice-Chairman Carter moved that the Ash six-line amendment to HB2582 dated 1/30/12 (Attachment 23) be adopted.**

Bethan Jones, Majority Intern, explained that HB2582 states that the Arizona Health Care Cost Containment System (AHCCCS) must issue identification cards to members eligible for services, specifies that the Arizona Department of Economic Security (DES) must modify electronic benefits transfer (EBT) cards issued under the Supplemental Nutritional Assistance Program (SNAP) and requires retailers to check the identification of any individual presenting an EBT card (Attachment 24). The amendment removes the requirement that the AHCCCS identification cards and the EBT cards issued under the SNAP be safety orange and that the text be in large black print (Attachment 23).

In response to questions, Ms. Jones indicated that it is illegal for anyone to charge sales tax on the cards according to federal law and United States Department of Agriculture SNAP guidelines. The cards only work for items with the nutritional label, which is not included on alcoholic beverages.

Representative Carl Seel, sponsor, stated that he read a proof of concept to review databases for fraud and abuse, and one item that was glaring was the use of these cards, particularly at

convenience stores. An inordinate amount of redemptions occurred at locations similar to a liquor store; for example, many recipients who live in the East Valley redeemed the cards in the southwestern part of the Valley. A fraud ring was discovered where people were redeeming food stamp benefits for cash. This bill seeks to reduce such activities across the board. Also, Dr. John Corey, a former employee of AHCCCS, whose job at AHCCCS was to identify opportunities to be more effective, recommended the inclusion of a photo of the recipient on the card to reduce fraud, waste and abuse which, unfortunately, AHCCCS did not choose to implement. That is required by this bill.

Discussion followed about how the merchant will be able to identify the cards and the ability of other family members to use the cards.

Mrs. Gonzales commented that according to a letter from the United States Department of Agriculture, this bill violates federal regulations (Attachment 25).

Further discussion ensued regarding other family members who use the cards, the cost of implementation, types of Medicaid fraud and penalties for retailers who trade food stamps for cash.

Erin Raden, Legislative Liaison, Department of Economic Security (DES), neutral on HB2585, related that in the first year, it will cost \$22.6 million to implement the new card with a photograph, etc., and \$17.6 million on an ongoing basis. This does not include replacing existing cards in the first year, which is not addressed in the bill, but would be an additional \$13.4 million. In response to questions, she clarified that DES is not prohibited from including a picture on the card, but the federal government requires a system in place so other family members can utilize the card. The EBT card currently includes SNAP and AHCCCS, as well as the Temporary Assistance for Needy Families (TANF) benefit, which will remain as it is on the existing card. It works like any other credit card and federal law precludes the retailer from treating SNAP clients differently than any other customer.

Ellen Katz, Litigation Director, William E. Morris Institute for Justice, opposed HB2585 and made the following points (Attachment 26):

- EBT card holders must be treated like everyone else.
- There must be a procedure so other people can use the card.
- If any person with a disability is unable to use the card and participate in the food stamp program, it would cause discrimination under federal law.
- Under the Patient Protection and Affordable Care Act, the state cannot impose any new eligibility standards on AHCCCS recipients, so approval would be needed from the federal government, which probably would not be granted because it could be a barrier to the receipt of benefits.
- Elderly and disabled people do not go to AHCCCS or DES offices, so DES or AHCCCS employees would have to go to people's homes to take the pictures.

Ritch Steven, Advocacy Volunteer, AARP Arizona, in opposition to HB2585, made the following points:

- This bill imposes new unfunded costs on the state budget.
- This is a 100 percent federally-funded program, yet money will be spent to try to prove a problem that is not defined and, if there is fraud, it is probably occurring between the retailer and recipient face-to-face, so the picture ID would not solve the problem.
- The bill imposes a new set of state government-mandated regulations at a time when everyone is trying to streamline and become more efficient.
- Many older Arizonans with mobility issues will be discouraged from trying to receive benefits to which they are legally entitled that keep them independent and in their homes; otherwise, they would be sitting in long-term care facilities funded by additional state funds, which makes no sense.

Mr. Seel stated that in light of the testimony and some other concerns, he would like to request that the bill be held to clarify the expense and technical aspects of implementing the bill. He added that he does not believe the state is prohibited from implementing processes that prevent fraud, waste and abuse. He said he believes that the Centers for Medicare and Medicaid Services appreciate efforts to decrease fraud, waste and abuse. This bill does not affect AHCCCS eligibility.

**Vice-Chairman Carter withdrew the motion that the Ash six-line amendment to HB2582 dated 1/30/12 (Attachment 23) be adopted.**

**Vice-Chairman Carter withdrew the motion that HB2582 do pass.**

In response to a question, Chairman Ash noted that a fiscal note was requested on HB2582.

Names of persons who signed up in support of HB2582 but did not speak:  
Beth Hallgren, Campaign Administrator, 40 Days For Life, representing self  
James Hallgren, Assistant Prayer Coordinator, 40 Days for Life, representing self

Names of persons who signed up in opposition to HB2582 but did not speak:  
Ginny Hildebrand, Executive Director, Association of Arizona Food Banks  
Cynthia Zwick, Executive Director, Arizona Community Action Association  
Monique Barrios, representing self  
Beth Payne, representing self  
Angela Schultz, representing self  
Ann Rider, representing self  
Kay Martin, representing self  
Rivko Knox, representing self  
Lydia Guzman, representing self  
Timothy Schmaltz, Coordinator, Protecting Arizona's Family Coalition  
Suzanne Schunk, Director, Family Support Services, representing self  
Sarah Young, representing self  
Peri Jude Radecic, Director of Public Advocacy, Arizona Center for Disability Law  
Stephen Jennings, Associate State Director, AARP Arizona

Jodi Liggett, President of Public Affairs, Liggett Consulting Group; Arizona Foundation for Women

Amina Donna Kruck, Vice President/Director of Advocacy, Arizona Bridge to Independent Living

John Mangum, Arizona Food Marketing Alliance

Tara Plese, Arizona Association of Community Health Centers

Seth Apfel, representing self

Jeremy Arp, Social Worker, National Association of Social Workers - Arizona

Erin Celeste Plumlee, representing self

Eileana Felix, representing self

Kathryn Kahle, representing self

Todd Landfried, representing self

Lindsay Simmons, Systems Advocacy Coordinator, Arizona Coalition Against Domestic Violence

Michelle Ahlmer, Executive Director, Arizona Retailers Association

Pat VanMaanen, representing self

Emily Jenkins, President/Chief Executive Officer, Arizona Council of Human Service Providers

Names of persons who signed up as neutral on HB2582 but did not speak:

Jennifer Carusetta, Chief Legislative Liaison, AHCCCS

**Chairman Ash announced that HB2582 will be held to review costs and place on a calendar in the future.**

**HB2252 - custodial parents; medication; full access - DISCUSSED AND HELD AT REQUEST OF SPONSOR**

**Vice-Chairman Carter moved that HB2552 do pass.**

Bethan Jones, Majority Intern, explained that HB2252 specifies that a parent with joint legal custody has full access to any medication prescribed for the child and stipulates that it is unlawful and a Class 1 misdemeanor for one parent to withhold or deny access of the medication to the other parent (Attachment 27).

Representative Terri Proud, sponsor, stated that she is working on amendments, so she is agreeable to having the bill held until those are completed.

**Vice-Chairman Carter withdrew the motion that HB2252 do pass.**

Without objection, the meeting adjourned at 11:40 a.m.

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Linda Taylor, Committee Secretary  
February 13, 2012

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