

CARTER SUBSTITUTE FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2501

I move the following SUBSTITUTE amendment to the HEALTH Committee Amendment to HOUSE BILL 2501 (Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Title 36, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 36-116, to read:

4 36-116. Director: review of board-proposed rules; board  
5 decisions: definition

6 A. BEFORE A HEALTH PROFESSION REGULATORY BOARD FILES A PROPOSED RULE  
7 WITH THE GOVERNOR'S REGULATORY REVIEW COUNCIL, THE DIRECTOR SHALL REVIEW THE  
8 PROPOSED RULE. THE DIRECTOR MAY REJECT A PROPOSED RULE IF THE PROPOSED RULE  
9 EITHER:

10 1. WOULD HAVE A MATERIAL ANTICOMPETITIVE EFFECT AND THE PROPOSED RULE  
11 IS NOT NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, UNLESS THE PROPOSED  
12 RULE IS REQUIRED BY LAW.

13 2. WOULD HAVE A MATERIAL ANTICOMPETITIVE EFFECT AND THERE IS A LESS  
14 RESTRICTIVE MEANS AVAILABLE TO PROTECT PUBLIC HEALTH AND SAFETY.

15 B. THE DIRECTOR MAY REVIEW ANY HEALTH PROFESSION REGULATORY BOARD  
16 DECISION ON REQUEST BY ANY PARTY AS DEFINED IN SECTION 41-1001 WITHIN FIFTEEN  
17 DAYS AFTER THE BOARD'S DECISION IS MADE AND AFTER THAT PARTY HAS EXHAUSTED  
18 ITS ADMINISTRATIVE REMEDIES AS REQUIRED BY SECTION 41-1092.09, SUBSECTION B.  
19 THE BOARD'S DECISION REMAINS IN EFFECT UNTIL THE DIRECTOR HAS COMPLETED THE  
20 REVIEW. THE DIRECTOR SHALL COMPLETE THE REVIEW OF THE HEALTH PROFESSION

1 REGULATORY BOARD'S DECISION WITHIN THIRTY DAYS AND MAY OVERTURN THE DECISION  
2 FOR ANY OF THE FOLLOWING REASONS:

3 1. THE DECISION WOULD HAVE A MATERIAL ANTICOMPETITIVE EFFECT AND IS  
4 NOT NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY, UNLESS THE DECISION IS  
5 REQUIRED BY LAW.

6 2. THE DECISION WOULD HAVE A MATERIAL ANTICOMPETITIVE EFFECT AND THERE  
7 IS A LESS RESTRICTIVE MEANS AVAILABLE TO PROTECT PUBLIC HEALTH AND SAFETY.

8 C. IF THE DIRECTOR REJECTS A PROPOSED RULE, THE DIRECTOR SHALL PROVIDE  
9 THE HEALTH PROFESSION REGULATORY BOARD WITH A WRITTEN EXPLANATION OF THE  
10 REASONS SUPPORTING THE DECISION. IF THE DIRECTOR OVERTURNS A HEALTH  
11 PROFESSION REGULATORY BOARD'S DECISION IN WHOLE OR IN PART, THE DIRECTOR'S  
12 DECISION IS THE FINAL AGENCY DECISION FOR THAT BOARD. THE DIRECTOR SHALL  
13 SERVE A COPY OF THE DECISION ON THE BOARD AND ALL PARTIES WITH A WRITTEN  
14 EXPLANATION OF THE REASONS SUPPORTING THE DIRECTOR'S DECISION.

15 D. IF THE DIRECTOR FAILS TO COMPLETE THE REVIEW OF THE HEALTH  
16 PROFESSION REGULATORY BOARD'S DECISION WITHIN THIRTY DAYS AS REQUIRED IN  
17 SUBSECTION B OF THIS SECTION, THE DECISION OF THE BOARD IS THE FINAL AGENCY  
18 DECISION.

19 E. A PARTY IS NOT REQUIRED TO FILE A REQUEST FOR REVIEW PURSUANT TO  
20 SUBSECTION B OF THIS SECTION TO EXHAUST THE PARTY'S ADMINISTRATIVE REMEDIES.  
21 IF A PARTY CHOOSES NOT TO FILE A REQUEST FOR REVIEW PURSUANT TO SUBSECTION B  
22 OF THIS SECTION, THE HEALTH PROFESSION REGULATORY BOARD'S DECISION IS THE  
23 FINAL AGENCY DECISION.

24 F. SECTION 41-1092.08 DOES NOT APPLY TO HEALTH PROFESSION REGULATORY  
25 BOARDS.

26 G. FOR THE PURPOSES OF THIS SECTION:

27 1. "HEALTH PROFESSION REGULATORY BOARD" MEANS ANY BOARD THAT ISSUES A  
28 CERTIFICATE, LICENSE, PERMIT OR REGISTRATION TO A PERSON PURSUANT TO TITLE  
29 32, CHAPTER 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 19, 19.1, 25, 28, 29, 33, 34,  
30 35, 39 OR 41.

1           2. MATERIAL ANTICOMPETITIVE EFFECT DOES NOT INCLUDE A LICENSING,  
2           DISCIPLINARY OR NONDISCIPLINARY ACTION AFFECTING AN INDIVIDUAL LICENSED BY  
3           THE HEALTH PROFESSION REGULATORY BOARD MAKING THE DECISION."

4 Renumber to conform

5 Page 1, line 2, strike "transfer" insert "move"

6     Line 4, after "A." strike remainder of line

7     Line 5, strike "authority of"; after "boards" insert "shall move to space under  
8     the operation and control of the department of health services"

9     Between lines 11 and 12, insert:

10           "(e) Board of athletic training."

11 Reletter to conform

12     Line 13, strike "2017-2018" insert "2019-2020"

13     Line 21, strike "2018-2019" insert "2020-2021"

14     Line 25, strike "2019-2020" insert "2021-2022"

15     Line 31, after "contract" insert "that extends beyond July 1 of the respective  
16     fiscal year prescribed in subsection A of this section for that board"

17     Line 32, after "services" insert "or the director's designee"; after the period  
18     insert "The director or the director's designee shall review and approve the  
19     contract within ten business days after the contract is submitted. If the  
20     review is not completed within ten business days after the contract is  
21     submitted, the board may complete the contract without approval by the  
22     director or the director's designee. The requirements of this subsection do  
23     not apply to contracts relating to discipline, investigations, interagency  
24     service agreements or intergovernmental agreements."

25     Strike lines 33 through 45

26 Page 2, strike lines 1 through 8

27 Reletter to conform

28     Line 12, strike "or" insert a comma; after "39" insert "or 41,"

1 Page 2, between lines 13 and 14, insert:

2 "Sec. 3. Health profession regulatory boards; executive  
3 directors; vacancy; delayed repeal

4 A. Notwithstanding any other law, after the move of the acupuncture  
5 board of examiners, the state board of dispensing opticians, the board of  
6 homeopathic and integrated medicine examiners, the board of occupational  
7 therapy examiners, the board of athletic training and the board of  
8 respiratory care examiners to the department of health services in fiscal  
9 year 2016-2017, if there is a vacant staff position for an executive director  
10 of one of these boards, the respective board or boards may nominate a  
11 candidate for that position to the director of the department of health  
12 services who shall either accept or reject the nomination. If the nomination  
13 is rejected, the board or boards shall send the name of a new nominee to the  
14 director. If the board or boards fail to send the name of a nominee to the  
15 director within one hundred twenty days after the position becomes vacant,  
16 the director shall fill the position. Notwithstanding any other law, each  
17 board's executive director shall serve at the pleasure of the director of the  
18 department of health services.

19 B. This section is repealed from and after December 31, 2019.

20 Sec. 4. Department of health services; study; report; delayed  
21 repeal

22 A. On or before July 1, 2018, the department of health services shall  
23 complete a study relating to the move of the acupuncture board of examiners,  
24 the state board of dispensing opticians, the board of homeopathic and  
25 integrated medicine examiners, the board of occupational therapy examiners,  
26 the board of athletic training and the board of respiratory care examiners to  
27 the department. In conducting the study, the department shall hold at least  
28 one hearing to receive public comments. The study shall address at least the  
29 following:

30 1. Individual and combined board staffing recommendations, including  
31 staffing levels and salaries.

32 2. The consolidation of administrative functions.

1           3. Areas in which greater efficiencies and cost-effectiveness may be  
2 realized.

3           4. Possibilities for integrating procedures and practices among the  
4 boards.

5           B. The department of health services shall complete the same study  
6 prescribed in subsection A of this section on or before October 15 following  
7 the fiscal year of the move of each group of health profession regulatory  
8 boards. The department of health services shall present the initial report  
9 of the study to the house of representatives health committee of reference  
10 and the senate health and human services committee of reference, or their  
11 successor committees, on or before September 1, 2018, and the subsequent  
12 reports on or before November 15 of the relevant fiscal year. The committees  
13 of reference shall make legislative recommendations regarding the continuing  
14 move of health profession regulatory boards to the department of health  
15 services and for any necessary statutory changes.

16           C. This section is repealed from and after December 31, 2023.

17           Sec. 5. Auditor general study: report: delayed repeal

18           A. On or before July 1, 2018, the auditor general shall conduct a  
19 study to evaluate the structure, organization and operation of health  
20 profession regulatory boards as defined in section 36-116, Arizona Revised  
21 Statutes, as added by this act, and make recommendations regarding board  
22 processes that can be streamlined to benefit licensees and be more uniform  
23 among the boards while protecting public health and safety. The study may  
24 not include the merger or elimination of any boards and shall include a  
25 comparison of at least the following:

26           1. Fees charged to persons who are regulated by each board and whether  
27 the fees are sufficient, insufficient or excessive relative to the board's  
28 operating expenses.

29           2. Fingerprinting requirements for licensees.

30           3. The licensing processes of the board.

31           4. Disciplinary proceedings and the adjudication of licensees.

32           5. Investigative procedures.

1           6. Policies, procedures and practices that could apply uniformly to  
2 the boards.

3           7. Substance abuse programs for licensees.

4           8. Streamlining the sunset review process of the boards.

5           9. Delivery of legal services by the attorney general's office.

6           B. The auditor general shall present a report of the study to the  
7 house of representatives health committee of reference and the senate health  
8 and human services committee of reference, or their successor committees, on  
9 or before September 1, 2018. The committees of reference shall make  
10 legislative recommendations for any necessary statutory changes.

11           C. This section is repealed from and after December 31, 2018."

12 Renumber to conform

13 Page 2, strike lines 20 through 23

14 Amend title to conform

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02/29/2016  
03:43 PM  
C: MJH