

ARIZONA HOUSE OF REPRESENTATIVES  
Forty-fifth Legislature – First Regular Session

**HOUSE OF REPRESENTATIVES AND SENATE  
HEALTH COMMITTEES OF REFERENCE**

Minutes of Meeting  
Wednesday, December 5, 2001  
House Hearing Room 3 -- 9:00 a.m.

(Tape 1, Side A)

Chairman Huppenthal called the meeting to order at 9:15 a.m. and the secretary noted the attendance.

**Members Present**

Senator Cirillo	Representative Binder
Senator Hartley	Representative Gullett
Senator Solomon	Representative Miranda
Senator Yrun	Representative Huppenthal, Cochair
Senator Gerard, Cochair	

**Members Absent**

Representative Chase

**Speakers Present**

Aubrey Godwin, Chairman, Medical Radiology Technology Board of Examiners  
Names of individuals recognized by the Chair who appeared in support of the sunrise application but did not speak: (page 2)  
Judy Bernas, Associate Director, University of Health Sciences Center  
Timothy Lohman, Professor, University of Arizona  
Sandy Wagelein, Chair Council on Dental Hygiene, Arizona State Dental Hygienists Association  
Emma Vialonte, Registered Dental Hygienist, representing herself  
Ellen Grabarek, Dental Hygienist, representing herself  
Phil Lopes, Executive Director, Arizona Council for School Based Health Care  
Brian Powley, Chair, Council on Government Affairs  
Brian Harvey, President, Arizona Dental Association  
Gregory Harris, Attorney, Lewis and Roca  
Judy Boyer, Legislative Chair, American Massage Therapy Association  
Susan Pomphret, Chair, Arizona Coalition for Massage Therapy and Bodywork  
Peggy Hiller, Investigator, Arizona Board of Physical Therapy  
Jim Locket, Massage Therapist, Associated Bodywork and Massage Therapists  
Tracy Williams, Rehabilitation Counselor, representing herself  
Daz Moran, Massage Therapist, Massage Therapists in Opposition to Licensure  
Ronald Richards, Insurance Agent, International Massage Association  
Chere Sohnen-Moe, Educator and Author, Global Perspective

Senator Jay Blanchard  
Susie Stevens-Matthews, Attorney, Arizona Psychological Association  
Dr. Mathilda Canter, Clinical Psychologist, Arizona Psychological Association  
James Campbell, President, Arizona Psychiatric Association  
Maurice Rappaport, Medical Doctor, American Psychiatric Association  
Jack Wiggins, Psychologist, Arizona Psychological Association

## **PRESENTATIONS**

### **Sunrise – Medical Radiological Board of Examiners**

Aubrey Godwin, Chairman, Medical Radiology Technology Board of Examiners, addressed the committee. Mr. Godwin explained that under current law nuclear medicine technologists or those who practice nuclear medicine, must be certified as x-ray technologists, and as such, they have to train in areas that will benefit the nuclear medicine technologists but do not train to receive their certification in x-ray technology. He explained that the training is not necessary and suggested much less training for those individuals dealing with certain amounts of radiation.

Names of individuals recognized by the Chair who appeared in support of the sunrise application but did not speak:

Joyce Geysler, Lobbyist, Arizona Radiological Society  
Rodney Owen, President, Arizona Radiological Society

Judy Bernas, Associate Director, University of Health Sciences Center, addressed the committee. Ms. Bernas introduced Timothy Lohman and explained that it was his wish to address his concern to the committee.

Timothy Lohman, Professor, University of Arizona, addressed the committee. Mr. Lohman explained that for 30 years he has worked in the field of bone densitometry research using gamma radiation. He informed the committee that in 1988 his department was required to purchase x-ray technology, which was basically the same equipment but used a different source of energy. He explained that the requirement to use the new equipment placed them under a regulation that required that a trained operator be present in the lab for all student projects, research and service. He explained that they cannot afford to comply with that requirement to have a radiation technologist present at all times and it is affecting much research. He suggested changing the certification so that it is appropriate to the technology.

In response to inquiry from Representative Binder, Mr. Lohman explained that his department does not need the x-ray training but that special training is needed, which provides for safety of the instrument used.

Mr. Godwin responded to inquiry from Chairman Huppenthal and explained that the current requirements are too high for the operator of the equipment and that there is too much training required for the type of work to be done.

He added that it would be appropriate to reduce the required training because of the design of the equipment, and as long as it is operated in accordance with the manufacturer, there is no reason to require two complete years of training.

**Motion was made to accept the sunrise application of the Medical Radiological Board of Examiners. Motion carried by a roll call vote of 7-0-0-3 (Attachment 1).**

9:30 a.m. Committee recessed

10:00 a.m. Committee reconvened with all members present.

### **Sunrise – Dental Hygienists**

Sandy Wagelein, Chair Council on Dental Hygiene, Arizona State Dental Hygienists Association, addressed the committee. Ms. Wagelein asked the committee to look at the health statistics in Arizona and to consider solutions to the problem. She asked the committee to lift supervision requirements in statute that prohibit registered dental hygienists from providing the services they are educated for when a dentist is not available. She explained that as the statute is currently written, a dentist must see a patient before he can be treated by a dental hygienist. Additionally, she asked that they be allowed to administer topical flouride and therapeutical mouth rinses because they are so important in the prevention of tooth decay and periodontal disease.

She explained to the committee that most services provided by dental hygienists are done under general supervision of a dentist. However, the dentist does not actually have to be physically present. She explained that dentists typically do not supervise the skills, the quality of the work or the choices made for the treatment needs of the patients. The dental hygiene becomes a barrier to care in areas where it is cost prohibitive or it is difficult to bring in a dentist to see a patient first. She pointed out that lifting dental supervision requirements would allow another point of entry into dental care for those populations that do not have access to a dentist. She informed the committee that the federal government has designated 20 health professional shortage areas in the State of Arizona and ten of those have geographic designations, which means that there are too few dentists for the number of people in that community.

She informed the committee that the typical dental hygiene education preparation involved nearly 2,000 hours of classroom studies, which emphasizes basic sciences, dental sciences and dental hygiene theory. 600 of those hours are supervised instruction in pre-clinical and clinical skills. She added that the American Dental Association Commission on Dental Accreditation sets the standards for dental hygiene education programs, which state that general education, social science and bio-medical science courses are included in the curriculum and should be equivalent to those offered in four-year colleges and universities. She added that the standards further declare that the intent for the general education classes is to prepare graduates to communicate effectively, assume responsibility for oral health and to participate in community health programs. She added that the program must ensure that graduates have the level of understanding that ensures the health status of the patient will not be compromised by dental hygiene intervention.

Ms. Wagelein continued to discuss the various areas of education required for dental hygienists and stated that they are prepared to develop a well thought out, comprehensive assessment and treatment plan for dental hygiene care. She explained that the outcome of their education is evaluated through a written national board examination, as well as a regional clinical examination and that a license to practice is granted through passage of these exams, as well as graduation from an accredited dental hygiene program. She informed the committee that only a dentist can take care of the unmet restorative needs. However, the dental hygienist can educate people and teach them to value their oral health. They can provide preventive and therapeutic care and help people find their way into restorative care. Additionally, they would be able to provide all hygiene services in schools, healthcare facilities, nursing homes, public health agencies, institutions and community health centers without the patient having to see a dentist first.

She concluded her testimony by stating that the dental hygienists are willing to consider additional educational requirements and work experience requirements for hygienists who wish to practice unsupervised. They will also consider keeping some form of supervision for the administration of local anesthetic, nitrous oxide and interrupted suturing. She stated the intention is to reach more people so that they will seek the care they need.

In response to Chairman Huppenthal, Ms. Wagelein explained that every state is different and that most states do require some experience. However, none of them offer unsupervised administration of anesthesia. She added that Colorado has had unsupervised practice longer than any other state. She responded to inquiry from Representative Gullett and explained that the application is asking for a lifting of restricted supervision. She explained further that some dental hygienists have taken extensive education of suturing in the area of therapeutic periodontal treatment.

Emma Vialonte, Registered Dental Hygienist, representing herself, addressed the committee. Ms. Vialonte explained that the only time a suture would be applied is if tissue is damaged in the course of scaling and root planing procedures, which is a more extensive, deep cleaning below the gum line. There may be an occasion where excessive bleeding follows that procedure because some inflamed tissue was removed. She added that it is very rare but it does happen.

Ms. Wagelein continued her testimony and explained that topical flouride is a gel toothpaste used in addition to a regular oral hygiene routine. It is used to promote healing after periodontal treatment.

Ellen Grabarek, Dental Hygienist, representing herself, addressed the committee. Ms. Grabarek explained that she runs a program that allows for visits to nursing homes and home-based settings. She informed the committee that the dentist she uses works a 50-hour week in his practice before she needs him so it is hard to get the mouth exams done so that she can do her job. She informed the committee that she had been serving the population for 14 years. She reaffirmed that people deserve to have good care and access to preventable health dental services and that dental hygienists are prepared to deliver these services safely and effectively.

Phil Lopes, Executive Director, Arizona Council for School Based Health Care, addressed the committee. Mr. Lopes informed the committee that only a minority of the 96 school based health clinics in Arizona offer dental services. Not because they are not needed but because of the legal, administrative and financial barriers that exist. He stated that the recommended changes would help remove at least some of those barriers. He stated that the need for dental services among school children is already quite well known and that tooth decay is the single most common disease in childhood, occurring five times more frequently than asthma. Almost 52 million school hours are missed annually by children because of oral problems and 60 percent of hispanic children ages 5-17 have untreated tooth decay in their permanent teeth compared with 16 percent of anglo children and 39 percent of African-American children. He discussed his support of the sealant application on school campuses and stated that it would help expand the availability of dental services to all school children.

Brian Powley, Chair, Council on Government Affairs, addressed the committee. Mr. Powley informed the committee that he has practiced general dentistry in Phoenix for twelve years. He clarified for the committee that he was very supportive of the role of dental hygienists as fellow members of the oral health team. However, in the current form, he stated that he could not support the Arizona Dental Hygienists Association's request to delete all referenced supervision for registered dental hygienists and to add prescription privileges because they pose a risk to some members of the community.

Mr. Powley explained that current dental hygiene programs today do not contain all of the elements of education necessary for unsupervised practice and no jurisdiction in the United States has allowed such a sweeping change without supervision. Additionally, the lack of supervision requirements will have minimal impact for access to care; also the continuity of care will be unnecessarily impacted in a negative manner if the fragmentation of the dental team is allowed. He stated the importance of addressing access to care issues and explained that his association has developed and supports multiple resolutions that will truly impact access to care.

(Tape 1, Side B)

Brian Harvey, President, Arizona Dental Association, addressed the committee. Mr. Harvey stated that he was astonished at the scope of the application, particularly because there were preliminary discussions leading up to the application deadline. He offered a brief history of his personal background and discussed the educational background of the hygienist in comparison to the educational background of the dentist. He pointed out that dental hygiene programs are designed to prepare the hygienists to provide preventative care services under the direction and supervision of the dentist and that there are no programs designed to prepare the hygienist to practice without supervision.

In response to inquiry from Senator Solomon, Mr. Harvey explained that the intent of the training programs in dental hygiene is to prepare the hygienist to practice dental hygiene under the supervision of the dentist. That is the scope of the educational program. He stated his concern that this application came forward after a process of negotiation was entered and certain limitations were agreed to. Basically, this application is asking for a scope of practice that no other state in the country has come close to granting.

Mr. Harvey stated that the dental association is committed to solving the access to care crisis. He added that in Colorado where the restrictions have been revised over a period of twelve years, the most recent statistics are that one dental hygienist practices in nursing home settings and in New Mexico there are eight applications pending for collaborative practice. However, they do not reach out into the outer areas of the state. Both are in Albuquerque within a ten miles radius of two-thirds of the dentists in the state.

Ms. Wagelein addressed the committee and explained that the dentists do not supervise the hygienists but do supervise the patient before treatment begins. She added that a dentist does not have to be physically present. In response to inquiry from Chairman Huppenthal, she explained that the compromise was to leave some form of supervision for the local anesthesia, the nitrous oxide and interrupted suturing.

Senator Gerard stated that on one hand, more access to care is being provided. However, at the same time, the concern should be with respect to the type of access the health professionals are going to have. Additionally, she stated that insurance companies may get to the point where they may only pay for a visit to a dental hygienist and access to a dentist may cost more or may be denied.

**Motion was made to accept the sunrise application of the dental hygienists. The motion carried by a roll call vote of 7-1-0-2 (Attachment 2).**

11:20 am. Committee recessed.

1:10 p.m. Committee reconvened with all members present.

### **Sunrise – Massage Therapists**

Gregory Harris, Attorney, Lewis and Roca, addressed the Committee. Mr. Harris explained that he was with the law firm of Lewis and Roca and that he was present on behalf of the Massage Therapists Association. He provided the material submitted by the association in support of the sunrise application (Attachment 3). He explained to the committee that massage therapy represents an integral part of continued health practices and that state licensure is not only unnecessary but would also raise the costs of services for consumers. He informed the committee that there are massage therapists and there are those that are not therapists but who practice a trade that goes under the name of massage therapy and it is that level of regulation that is driving the state to regulate the practice. He pointed out that 30 states plus the District of Columbia all regulate the practice of massage therapy.

He informed the committee that this is not an issue about creating a pay scale or a mandate, nor is it about involving a third party. He explained that this is really about providing a quality of approval stamp for those who practice massage therapy.

Judy Boyer, Legislative Chair, American Massage Therapy Association, addressed the committee. Ms. Boyer informed the committee that the Arizona Chapter of the American Massage Therapy Association has over 1,000 members.

Ms. Boyer informed the committee that over a year and a half ago, she organized a meeting and notified over 75 different school employers. She asked them to invite anyone and everyone they knew who might have a stake in a potential state regulation of the trade to see if they would be interested in getting involved. There is now a coalition in place, the effort is broad-based and many others have been invited for the purpose of obtaining a real understanding of what needs to be done and to lay groundwork for which to move forward.

She pointed out that her members have been asking for state regulation of the massage therapy profession since the mid 80's, they have been working on it since the early 90's and the strategic plan is the top priority for their membership. She informed the committee that one of the problems is with respect to licensure. She used the example of a woman she had spoken with recently who, in an effort to obtain licensure, was forced to travel thirty miles from her home to six or seven different cities, and was subjected to tremendous application procedures, as well as the professional and education requirements. In addition, she spent as much as \$750 in the process.

She informed the committee that there are still those who associate massage with prostitution. However, the intent is to offer a type of therapeutic treatment that is not being offered anywhere else. She pointed out that the July 2001 issue of Archives of Internal Medicine reported that massage therapy is the number one treatment for low back pain.

Susan Pompfret, Chair, Arizona Coalition for Massage Therapy and Bodywork, addressed the committee. She explained that she had worked extensively on the proposal and it was on behalf of the coalition that she asked the committee to respond favorably to the resolution. She pointed out that the different cities in Maricopa and Pima counties each have different regulations and that the licensing requirements are different in each county.

Peggy Hiller, Investigator, Arizona Board of Physical Therapy, addressed the committee. Ms. Hiller requested that any bill language that moves forward include an extension for those massage therapists who are currently authorized by license to practice massage therapy.

Jim Locket, Massage Therapist, Associated Bodywork and Massage Therapists, addressed the committee. Mr. Locket stated that he was in favor of regulation.

Tracy Williams, Rehabilitation Counselor, representing herself, addressed the committee. Ms. Williams informed the committee that she is a rehabilitation counselor and a disability advocate and had spent five years teaching students at the Desert Institute of the Healing Arts how to apply massage technique to people with disabilities. She stated that the document provided for the committee explains why state licensure for massage therapists and bodywork is unnecessary and will raise the cost of service for the consumer.

(Tape 2, Side A)

Ms. Williams continued her testimony and discussed the training hours required for licensure.

Daz Moran, Massage Therapist, Massage Therapists in Opposition to Licensure, addressed the committee and stated her opposition to state licensure.

She explained her frustration that she is unable to obtain a license to practice in the City of Tucson due to the fact that she is practicing a particular type of therapy.

Ronald Richards, Insurance Agent, International Massage Association, addressed the committee. Mr. Richards explained the difficulties in attempting to obtain an insurance program for massage therapists. He explained that in 1984 the American Massage Therapy Association lost their insurance market for their members.

He explained that his job was then to design a broader policy; a comprehensive general liability that included premises and operations liability, products and completed operations liability, fire legal liability, contractual liability and personal injury liability as well as the professional liability. He explained that he put the program together with the General Star Indemnity Insurance Company in late 1984 at a rate of \$70 per year. The rate has not changed since 1984. He stated his opposition to licensure and explained that he has never had a loss ratio in excess of 35 percent and that the professional liability has never exceeded 20 percent.

Chere Sohnen-Moe, Educator and Author, Global Perspective, addressed the committee. Ms. Sohnen-Moe discussed the different types of massage therapy and suggested that regulation is not necessary. She pointed out that if some kind of licensure is to be required, it should be some type of a tiered program.

**Motion was made to accept the sunrise application of the massage therapists. The motion carried by a roll call vote of 7-1-0-2 (Attachment 4).**

### **Sunrise – Psychologists**

Senator Jay Blanchard, addressed the committee. He discussed state spending and higher education and stated that it is difficult to get psychologists to agree to work in our prisons and jails. He suggested that services can be expanded if more doctors are available to offer more medication and counseling. He added that with increased quality of services, we can ensure services for all, and with proper medication and counseling citizens can be moved out of the mental health system and prevent new ones from entering. He pointed out that year after year the Maricopa County Jail grows in size and continues to be our largest mental health hospital.

Susie Stevens-Matthews, Attorney, Arizona Psychological Association, addressed the committee. Ms. Stevens-Matthews thanked the committee for considering this issue and offered to turn her time over to Dr. Mathilda Canter.

Dr. Mathilda Canter, Clinical Psychologist, Arizona Psychological Association, addressed the committee. Dr. Canter informed the committee that she had been practicing since 1965 and that she was the second woman to obtain a Ph.D. from Arizona State University. She explained that she had spent ten years on the board of examiners where she learned about the importance of the protection of the public and that it has served her well in terms of her interest in other issues. She explained that she had concerns for the public and the patients she had worked with over the years.

Dr. Canter discussed doctor/patient relationships and the changes she has witnessed over the years. She discussed her support of the proposed legislation.

(Tape 2, Side B)

James Campbell, President, Arizona Psychiatric Association, addressed the committee. Mr. Campbell introduced several of his colleagues that were present with him and informed the committee of their backgrounds. He informed the committee that they were present to oppose the proposed legislation on behalf of the Arizona Psychiatric Association, as well as other medical associations.

Maurice Rappaport, Medical Doctor, American Psychiatric Association, addressed the committee. Mr. Rappaport informed the committee of his opposition to the pending legislation and explained that his association has a long history of seeing that patients with mental illnesses are protected by a safety net of appropriate and medically supervised staff. He explained that the issue is the needs of the patient and the quality of the care, and pointed out that with this legislation psychologists would be allowed to write prescriptions for other medications as well as those for treatment of patients.

The committee referred to attachment 5 and discussed training requirements for prescribing privileges for psychologists.

Jack Wiggins, Psychologist, Arizona Psychological Association, addressed the committee. Mr. Wiggins provided the committee with a transcript of an e-mail debate between Dr. Wiggins and Dr. John Bush, Chair of the Committee Against Medicalizing Psychology (Attachment 6).

Without objection, the meeting ended at 4:30 p.m.

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Robyne Richards, Committee Secretary  
January 10, 2002

(Original minutes, attachments and tapes on file in the Chief Clerk's Office.)