



HOUSE OF REPRESENTATIVES

SB 1069

CPS; psychological assessments and services

Sponsor: Senator Barto

W/D Committee on Reform & Human Services

DPA

S/E Committee on Appropriations

X Caucus and COW

House Engrossed

OVERVIEW

SB 1069 requires the Department of Economic Security to use psychologists licensed in Arizona when contracting for dependent children or their parents in this state.

Summary of the Proposed Strike-Everything Amendment to SB 1069

The proposed strike-everything amendment to SB 1069 includes regulations regarding licensure of abortion clinics and prohibitions on public funding of abortions.

HISTORY

Laws 1973, Chapter 158, established the Arizona Department of Health Services (ADHS) by consolidating the State Department of Health, the Arizona Health Planning Authority, Crippled Children Services, the Arizona State Hospital and the Anatomy Board. ADHS sets the standard for personal and community health and is responsible for protecting and improving public health and providing publicly funded behavioral health programs. The Division of Licensing Services (Division) certifies and monitors healthcare institutions, child care facilities and group homes throughout Arizona. This Division conducts licensing inspections, on-site surveys, and complaint investigations to promote quality care, safety and ensure that performance standards are met for facility operation and maintenance.

Arizona Revised Statute § 36-424 outlines the provisions relating to licensure or relicensure of health care institutions by ADHS. Included in the provisions are that each applicant must submit an application along with the necessary fee. The Director of ADHS (Director) is required to inspect the premises of the health care institution and investigate the character and other qualifications of the applicant to ascertain whether the applicant and the health care institution are in substantial compliance with the requirements of the chapter and the established rules. On determination by the Director that there is reasonable cause to believe a health care institution is not adhering to the licensing provisions, the Director and any duly designated employee or agent, including county health representatives and county or municipal fire inspectors may enter on and into the premises to determine the state of compliance with this chapter, the adopted rules and local fire ordinances or rules.

Laws 1981, Chapter 1, established the Arizona Health Care Cost Containment System (AHCCCS), the Arizona Medicaid program that oversees contracted health plans for the delivery of health care for certain low-income individuals and families in Arizona. Medicaid is a federal healthcare program jointly funded by the federal and state governments. AHCCCS operates

SB 1069

under a managed care system, contracting with private health plans that coordinate and pay for medical services from health care providers.

Many of the state laws regulating abortion are found in Arizona Revised Statutes (A.R.S.), Title 36. Included in those regulations are consent and mandatory reporting requirements, rights of conscience of health care providers and restrictions of abortions under certain circumstances.

PROVISIONS

- Allows the Director and any duly designated employee or agent of the Director, including county health representatives and county or municipal fire inspectors, consistent with standard medical practices, to enter on and into the premises of any abortion clinic that is licensed or required to be licensed during regular business hours of the abortion clinic, subject to a determination by the Director that there is reasonable cause to believe an abortion clinic is not adhering to the licensing requirements of statute or any other law or regulation concerning abortion.
 - Stipulates that the purpose of this is to determine the state of compliance with statute, the rules adopted pursuant to statute, local fire ordinances or rules and any other law or regulation concerning abortion.
- Specifies that any application for licensure constitutes permission for and complete acquiescence in any entry or inspection of the premises during the pendency of the application and, if licensed, during the term of the license.
- Permits the Director to take action authorized by statute if an inspection reveals that the abortion clinic is not adhering to the licensing requirements established pursuant to statute or any other law or regulation concerning abortion.
- Stipulates that any abortion clinic whose license has been suspended or revoked in accordance with statute is subject to inspection on application for relicensure or reinstatement of license.
- Requires health care facilities that perform abortions to report to ADHS whether health care services are provided to AHCCCS members.
- Prohibits all contractors and noncontracting AHCCCS providers from performing non-federally qualified abortions on currently enrolled members to whom they provide other services covered under this chapter.
 - This requirement does not apply to contractors and noncontracting providers that only perform abortions to currently enrolled members through an affiliated entity that is separate from the entity that provides services pursuant to this chapter.
- Specifies that Medicaid funds must not be used to perform, assist or encourage abortion or to directly or indirectly subsidize abortion services or administrative expenses relating to abortions or to refer for abortions except as required by federal or state law.
 - *Administrative expenses* include rent, employee salaries, utilities and similar overhead costs.
- Requires AHCCCS to conduct financial audits as necessary to ensure compliance with the provisions of this bill subject to availability of monies.
- Allows nondirective counseling relating to pregnancy to be provided for AHCCCS members.
- Stipulates that nothing in the provisions of this bill require an agency receiving federal funds pursuant to Title X of the Public Health Service Act to refrain from performing any service

SB 1069

or regulations adopted pursuant to Title X or the Title X program guidelines for project grants for family planning services as published by the United States Department of Health and Human Services in order to remain eligible to receive Title X funds.

- Defines *non-federally qualified abortion*.
- Contains a legislative findings section.
- Contains a severability clause.
- Makes technical and conforming changes.

Amendments

Committee on Appropriations

- The strike-everything amendment was adopted.
- Exempts ADHS from the rule making provisions related to this act for one year.