

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 293
HOUSE BILL 2197

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; AMENDING SECTION 36-104, ARIZONA REVISED STATUTES; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, Arizona Revised Statutes, is
3 amended by adding article 4, to read:

4 ARTICLE 4. HEALTH PROFESSIONALS WORKFORCE DATABASE

5 32-3247. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "BOARD" MEANS A HEALTH PROFESSIONAL REGULATORY BOARD THAT
8 PROVIDES LICENSURE, CERTIFICATION OR REGISTRATION AND REGULATION PURSUANT
9 TO CHAPTER 13, 15, 17, 19.1 OR 33 OF THIS TITLE.

10 2. "DATABASE" MEANS THE HEALTH PROFESSIONALS WORKFORCE DATABASE
11 THAT IS DEVELOPED FROM DESIGNATED DATABASE INFORMATION.

12 3. "DESIGNATED DATABASE INFORMATION":

13 (a) MEANS INFORMATION THAT IS COLLECTED BY A BOARD PURSUANT TO
14 SECTION 32-3247.01.

15 (b) DOES NOT INCLUDE IDENTIFICATION MATERIALS AND INFORMATION
16 REQUIRED TO DETERMINE QUALIFICATIONS OF AN APPLICANT FOR LICENSURE,
17 CERTIFICATION OR REGISTRATION.

18 4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH
19 SERVICES.

20 32-3247.01. Designated database information; collection;
21 confidentiality

22 A. BEGINNING JANUARY 2, 2020, EACH BOARD SHALL COLLECT FROM
23 APPLICANTS FOR INITIAL OR RENEWAL LICENSURE, CERTIFICATION OR REGISTRATION
24 THE DESIGNATED DATABASE INFORMATION PRESCRIBED IN RULE BY THE DIRECTOR
25 PURSUANT TO SECTION 36-104, PARAGRAPH 25.

26 B. TO PROTECT THE PRIVACY AND SECURITY OF HEALTH PROFESSIONALS WHO
27 PROVIDE INFORMATION PURSUANT TO THIS SECTION, PERSONALLY IDENTIFIABLE
28 INFORMATION COLLECTED PURSUANT TO THIS SECTION IS CONFIDENTIAL AND IS NOT
29 A PUBLIC RECORD PURSUANT TO TITLE 39, CHAPTER 1, ARTICLE 2.

30 Sec. 2. Section 36-104, Arizona Revised Statutes, is amended to
31 read:

32 36-104. Powers and duties

33 This section is not to be construed as a statement of the
34 department's organization. This section is intended to be a statement of
35 powers and duties in addition to the powers and duties granted by section
36 36-103. The director shall:

37 1. Administer the following services:

38 (a) Administrative services, which shall include at a minimum the
39 functions of accounting, personnel, standards certification, electronic
40 data processing, vital statistics and the development, operation and
41 maintenance of buildings and grounds ~~utilized~~ USED by the department.

42 (b) Public health support services, which shall include at a
43 minimum:

44 (i) Consumer health protection programs that include at least the
45 functions of community water supplies, general sanitation, vector control
46 and food and drugs.

1 (ii) Epidemiology and disease control programs that include at
2 least the functions of chronic disease, accident and injury control,
3 communicable diseases, tuberculosis, venereal disease and others.

4 (iii) Laboratory services programs.

5 (iv) Health education and training programs.

6 (v) Disposition of human bodies programs.

7 (c) Community health services, which shall include at a minimum:

8 (i) Medical services programs that include at least the functions
9 of maternal and child health, preschool health screening, family planning,
10 public health nursing, premature and newborn program, immunizations,
11 nutrition, dental care prevention and migrant health.

12 (ii) Dependency health care services programs that include at least
13 the functions of need determination, availability of health resources to
14 medically dependent individuals, quality control, utilization control and
15 industry monitoring.

16 (iii) Children with physical disabilities services programs.

17 (iv) Programs for the prevention and early detection of an
18 intellectual disability.

19 (d) Program planning, which shall include at least the following:

20 (i) An organizational unit for comprehensive health planning
21 programs.

22 (ii) Program coordination, evaluation and development.

23 (iii) Need determination programs.

24 (iv) Health information programs.

25 2. Include and administer, within the office of the director, staff
26 services, which shall include at a minimum budget preparation, public
27 information, appeals, hearings, legislative and federal government
28 liaison, grant development and management and departmental and interagency
29 coordination.

30 3. Make rules ~~and regulations~~ for the organization and proper and
31 efficient operation of the department.

32 4. Determine when a health care emergency or medical emergency
33 situation exists or occurs within ~~the~~ THIS state that cannot be
34 satisfactorily controlled, corrected or treated by the health care
35 delivery systems and facilities available. When such a situation is
36 determined to exist, the director shall immediately report that situation
37 to the legislature and the governor. The report shall include information
38 on the scope of the emergency, recommendations for solution of the
39 emergency and estimates of costs involved.

40 5. Provide a system of unified and coordinated health services and
41 programs between ~~the~~ THIS state and county governmental health units at
42 all levels of government.

43 6. Formulate policies, plans and programs to effectuate the
44 missions and purposes of the department.

1 7. Make contracts and incur obligations within the general scope of
2 the department's activities and operations subject to the availability of
3 ~~funds~~ MONIES.

4 8. Be designated as the single state agency for the purposes of
5 administering and in furtherance of each federally supported state plan.

6 9. Provide information and advice on request by local, state and
7 federal agencies and by private citizens, business enterprises and
8 community organizations on matters within the scope of the department's
9 duties subject to the departmental rules and regulations on the
10 confidentiality of information.

11 10. Establish and maintain separate financial accounts as required
12 by federal law or regulations.

13 11. Advise with and make recommendations to the governor and the
14 legislature on all matters concerning the department's objectives.

15 12. Take appropriate steps to reduce or contain costs in the field
16 of health services.

17 13. Encourage and assist in the adoption of practical methods of
18 improving systems of comprehensive planning, of program planning, of
19 priority setting and of allocating resources.

20 14. Encourage an effective use of available federal resources in
21 this state.

22 15. Research, recommend, advise and assist in the establishment of
23 community or area health facilities, both public and private, and
24 encourage the integration of planning, services and programs for the
25 development of the state's health delivery capability.

26 16. Promote the effective ~~utilization~~ USE of health manpower and
27 health facilities that provide health care for the citizens of this state.

28 17. Take appropriate steps to provide health care services to the
29 medically dependent citizens of this state.

30 18. Certify training on the nature of sudden infant death syndrome,
31 which shall include information on the investigation and handling of cases
32 involving sudden and unexplained infant death for use by law enforcement
33 officers as part of their basic training requirement.

34 19. Adopt protocols on the manner in which an autopsy shall be
35 conducted under section 11-597, subsection D in cases of sudden and
36 unexplained infant death.

37 20. Cooperate with the Arizona-Mexico commission in the governor's
38 office and with researchers at universities in this state to collect data
39 and conduct projects in the United States and Mexico on issues that are
40 within the scope of the department's duties and that relate to quality of
41 life, trade and economic development in this state in a manner that will
42 help the Arizona-Mexico commission to assess and enhance the economic
43 competitiveness of this state and of the Arizona-Mexico region.

44 21. Administer the federal family violence prevention and services
45 act grants, and the department is designated as this state's recipient of
46 federal family violence prevention and services act grants.

1 22. Accept and spend private grants of monies, gifts and devises
2 for the purposes of methamphetamine education. The department shall
3 disburse these monies to local prosecutorial or law enforcement agencies
4 with existing programs, ~~faith-based~~ FAITH-BASED organizations and
5 nonprofit entities that are qualified under section 501(c)(3) of the
6 United States internal revenue code, including nonprofit entities
7 providing services to women with a history of dual diagnosis disorders,
8 and that provide educational programs on the repercussions of
9 methamphetamine use. State general fund monies shall not be spent for the
10 purposes of this paragraph. If the director does not receive sufficient
11 monies from private sources to carry out the purposes of this paragraph,
12 the director shall not provide the educational programs prescribed in this
13 paragraph. Grant monies received pursuant to this paragraph are ~~no~~ NOT
14 lapsing and do not revert to the state general fund at the close of the
15 fiscal year.

16 23. Identify successful methamphetamine prevention programs in
17 other states that may be implemented in this state.

18 24. Pursuant to chapter 13, article 8 of this title, coordinate all
19 public health and risk assessment issues associated with a chemical or
20 other toxic fire event if a request for the event is received from the
21 incident commander, the emergency response commission or the department of
22 public safety and if funding is available. Coordination of public health
23 issues shall include general environmental health consultation and risk
24 assessment services consistent with chapter 13, article 8 of this title
25 and, in consultation with the Arizona poison control system, informing the
26 public as to potential public health risks from the environmental
27 exposure. Pursuant to chapter 13, article 8 of this title, the department
28 of health services shall also prepare a report, in consultation with
29 appropriate state, federal and local governmental agencies, that evaluates
30 the public health risks from the environmental exposure. The department
31 of health services' report shall include any department of environmental
32 quality report and map of smoke dispersion from the fire, the results of
33 any environmental samples taken by the department of environmental quality
34 and the toxicological implications and public health risks of the
35 environmental exposure. The department of health services shall consult
36 with the Arizona poison control system regarding toxicology issues and
37 shall prepare and produce its report for the public as soon as practicable
38 after the event. The department of health services shall not use any
39 monies pursuant to section 49-282, subsection E to implement this
40 paragraph.

41 25. ADOPT RULES PURSUANT TO TITLE 32, CHAPTER 32, ARTICLE 4
42 PRESCRIBING THE DESIGNATED DATABASE INFORMATION TO BE COLLECTED BY HEALTH
43 PROFESSION REGULATORY BOARDS FOR THE HEALTH PROFESSIONALS WORKFORCE
44 DATABASE.

H.B. 2197

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.