



Bill Number: S.B. 1824

Fann Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

Vaccinations

1. Specifies that an immunization that has been authorized for emergency use by the U.S. Food and Drug Administration is not required for school attendance.
2. Stipulates that immunizations must be prescribed by rule prior to being required for school attendance.
3. Precludes Arizona and any of its cities, towns and counties from establishing a COVID-19 vaccine passport, requiring that a person be vaccinated for COVID-19 and requiring that a business obtain proof of a patron's vaccination status before entry into the business.
4. States that any law or ordinance establishing a COVID-19 vaccine passport is not enforceable in Arizona.
5. Obligates an employer who receives notice from an employee whose sincerely held religious beliefs, practices or observances prevent the employee from taking the COVID-19 vaccination to provide the employee a reasonable accommodation, with certain exceptions.
6. Specifies that the aforementioned requirements do not:
 - a. limit an individual's ability to request their own vaccination records or request that their records be released to an authorized third party; or
 - b. prohibit specified health care institutions from requiring that their employees be vaccinated.

Amendment explanation prepared by Cherie Stone

6/22/21

Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (Board)

7. Continues the Board until March 31, 2022 and states that the Legislature continues the Board to promote the safe and professional regulation of institutions and facilities in Arizona.
8. Expands Board membership from 9 to 11 members.
9. Requires, beginning July 1, 2021 that all Board-issued licenses and certifications be approved by the Board and the Department of Health Services.
10. Establishes the Nursing Care Institution Administrators and Assisted Living Facility Study Committee (Committee) and prescribes Committee membership and duties.
11. Requires the Committee to submit a report, by December 1, 2021, of its findings and recommendations to the Governor and the presiding officer in each chamber of the Legislature.
12. Terminates the Committee on July 1, 2022.

Miscellaneous

13. Requires the Department of Insurance and Financial Institutions (DIFI) to prepare an annual report, by March 31 of each year, that includes prescribed information regarding the medical loss ratio for each dental insurer in Arizona.
14. Requires that the report be posted on the DIFI website.
15. Makes technical and conforming changes.

FANN FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1824
(Reference to printed bill)

1 Page 1, between lines 25 and 26, insert:

2 "Sec. 2. Title 20, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 20-126, to read:

4 20-126. Department; annual medical loss ratio report; posting;
5 definition

6 A. ON OR BEFORE MARCH 31 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE
7 AN ANNUAL REPORT ON THE MEDICAL LOSS RATIO FOR EACH DENTAL INSURER DOING
8 BUSINESS IN THIS STATE. IN CALCULATING THE MEDICAL LOSS RATIO, THE
9 DEPARTMENT SHALL USE DATA SUBMITTED BY DENTAL INSURERS IN EXISTING REQUIRED
10 REGULATORY FILINGS, INCLUDING ALL OF THE FOLLOWING:

11 1. ADJUSTED INCURRED ANNUAL DENTAL CLAIMS IN THIS STATE.

12 2. ANNUAL DENTAL INSURANCE PREMIUMS EARNED IN THIS STATE.

13 3. ANNUAL INCURRED FEDERAL AND STATE TAXES, LICENSING FEES AND
14 REGULATORY FEES ON DENTAL PREMIUMS IN THIS STATE.

15 B. THE DEPARTMENT SHALL POST THE CALCULATED ANNUAL MEDICAL LOSS
16 RATIO FOR EACH DENTAL INSURER ON THE DEPARTMENT'S WEBSITE.

17 C. FOR THE PURPOSES OF THIS SECTION, "DENTAL INSURER" MEANS A DENTAL
18 SERVICE CORPORATION PURSUANT TO CHAPTER 4, ARTICLE 3 OF THIS TITLE, HEALTH
19 CARE SERVICES ORGANIZATION PURSUANT TO CHAPTER 4, ARTICLE 9 OF THIS TITLE,
20 DISABILITY INSURER PURSUANT TO CHAPTER 6, ARTICLE 4 OF THIS TITLE OR GROUP
21 OR BLANKET DISABILITY INSURER PURSUANT TO CHAPTER 6, ARTICLE 5 OF THIS
22 TITLE THAT OFFERS, ISSUES OR RENEWS A CONTRACT, EVIDENCE OF COVERAGE OR
23 POLICY COVERING DENTAL SERVICES.

24 Sec. 3. Title 23, chapter 2, article 1, Arizona Revised Statutes, is
25 amended by adding section 23-206, to read:

26 23-206. Employers; accommodations required

IF AN EMPLOYER RECEIVES NOTICE FROM AN EMPLOYEE THAT THE EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS, PRACTICES OR OBSERVANCES PREVENT THE EMPLOYEE FROM TAKING THE COVID-19 VACCINATION, THE EMPLOYER SHALL PROVIDE A REASONABLE ACCOMMODATION UNLESS THE ACCOMMODATION WOULD POSE AN UNDUE HARDSHIP AND MORE THAN A DE MINIMUS COST TO THE OPERATION OF THE EMPLOYER'S BUSINESS."

7 Renumber to conform

8 Page 4, between lines 23 and 24, insert:

9 "Sec. 6. Section 36-446.02, Arizona Revised Statutes, is amended to
10 read:

36-446.02. Board of examiners; terms; meetings; quorum; effect of vacancies; compensation

A. The board of examiners of nursing care institution administrators and assisted living facility managers is established consisting of ~~nine~~ ELEVEN members appointed by the governor.

B. The board shall include:

1. One administrator who holds an active license issued pursuant to this article.

2. One manager who holds an active license issued pursuant to this article.

3. One administrator of a nonprofit or faith-based skilled nursing facility.

4. One administrator of a proprietary skilled nursing facility.

5. Two managers of an assisted living center as defined in section 36-401.

6. One manager of an assisted living home as defined in section 36-401

7. Two public members who are not affiliated with a nursing care institution or an assisted living facility

8. ONE PUBLIC MEMBER WHO REPRESENTS AN ORGANIZATION THAT ADVOCATES
FOR THE ELDERLY

1 9. ONE PERSON WHO IS A FAMILY MEMBER OF A RESIDENT IN EITHER A
2 SKILLED NURSING FACILITY OR AN ASSISTED LIVING FACILITY AT THE TIME THE
3 PERSON IS APPOINTED TO THE BOARD.

4 C. Board members who are not affiliated with a nursing care
5 institution or an assisted living facility shall not have a direct
6 financial interest in nursing care institutions or assisted living
7 facilities.

8 D. A board member shall not serve on any other board relating to
9 long-term care during the member's term with the board.

10 E. The term of a board member automatically ends when that member no
11 longer meets the qualifications for appointment to the board. The board
12 shall notify the governor of the board vacancy.

13 F. Board members who are not affiliated with a nursing care
14 institution or an assisted living facility shall be appointed for ~~two-year~~
15 TWO-YEAR terms. Board members who are the administrator of a nursing care
16 institution or the manager of an assisted living facility shall be
17 appointed for ~~three-year~~ THREE-YEAR terms.

18 G. A board member shall not serve for more than two consecutive
19 terms.

20 H. The board shall meet at least twice a year.

21 I. A majority of the board members constitutes a quorum.

22 J. Board members are eligible to receive compensation as determined
23 pursuant to section 38-611 for each day actually spent performing their
24 duties under this chapter.

25 K. A board member who is absent from three consecutive regular
26 meetings or who fails to attend more than fifty ~~per cent~~ PERCENT of board
27 meetings over the course of one calendar year vacates the board member's
28 position. The board shall notify the governor of the vacancy.

29 Sec. 7. Section 36-446.04, Arizona Revised Statutes, is amended to
30 read:

1 36-446.04. Qualifications; period of validity; exemption

2 A. The board shall issue a license as a nursing care institution
3 administrator pursuant to its rules to any person who meets the following
4 qualifications:

5 1. Is of good character.
6 2. Has satisfactorily completed a course of instruction and training
7 approved by the board that:

8 (a) Is designed and sufficiently administered to give the applicant
9 knowledge of the proper needs to be served by nursing care institutions.

10 (b) Includes a thorough background in the laws and rules governing
11 the operation of nursing care institutions and the protection of the
12 interests of the patients in nursing care institutions.

13 (c) Includes thorough training in elements of good health care
14 facilities administration.

15 3. Has passed an examination administered by the board designed to
16 test for competency in the subject matter referred to in this subsection.

17 4. Has met one of the following fingerprinting requirements:
18 (a) Has a valid fingerprint clearance card issued pursuant to title
19 41, chapter 12, article 3.1.

20 (b) Has provided proof of the submission of an application for a
21 fingerprint clearance card. An applicant who has been denied a fingerprint
22 clearance card must also provide proof that the applicant qualifies for a
23 good cause exception hearing pursuant to section 41-619.55.

24 B. A person who is licensed pursuant to this section must maintain a
25 valid fingerprint clearance card during the valid period of the person's
26 license.

27 C. The board shall issue a certificate as an assisted living
28 facility manager pursuant to its rules to a person who meets the following
29 qualifications:

30 1. Is of good character.

1 2. Has satisfactorily completed a course of instruction and training
2 approved by the board that:

3 (a) Is designed and sufficiently administered to give the applicant
4 knowledge of the proper needs to be served by an assisted living facility.

5 (b) Includes a thorough background in the laws governing the
6 operation of assisted living facilities and the protection of the interests
7 of the patients in assisted living facilities.

8 (c) Includes thorough training in elements of assisted living
9 facility administration.

10 3. Has passed an examination administered by the board that is
11 designed to test for competency in the subject matter prescribed in this
12 subsection.

13 4. Provides documentation satisfactory to the board that the
14 applicant has completed two thousand eighty hours of paid work experience
15 in a health related field within the preceding five years as prescribed by
16 board rule.

17 5. Has met one of the following fingerprinting requirements:

18 (a) Has a valid fingerprint clearance card issued pursuant to title
19 41, chapter 12, article 3.1.

20 (b) Has provided proof of the submission of an application for a
21 fingerprint clearance card. An applicant who has been denied a fingerprint
22 clearance card must also provide proof that the applicant qualifies for a
23 good cause exception hearing pursuant to section 41-619.55.

24 D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, BEGINNING
25 JULY 1, 2021, ALL NEW LICENSES AND CERTIFICATIONS ISSUED BY THE BOARD MUST
26 BE APPROVED BY BOTH THE BOARD AND THE DEPARTMENT OF HEALTH SERVICES.

27 E. A person who is certified pursuant to this section must
28 maintain a valid fingerprint clearance card during the valid period of the
29 person's certificate.

30 F. In lieu of the requirements contained in subsection A,
31 paragraph 2 or subsection C, paragraph 2, an applicant may present

1 satisfactory evidence to the board of sufficient education and training in
2 the areas listed in that paragraph.

3 **F.** G. A license is nontransferable and remains in effect until the
4 following June 30 of an even numbered year, at which time the license may
5 be renewed if the licensee otherwise complies with this article and unless
6 the license has been surrendered, suspended or revoked.

7 **G.** H. A certificate is nontransferable and remains in effect until
8 the following June 30 of an odd numbered year, at which time the
9 certificate may be renewed if the certificate holder otherwise complies
10 with this article and the certificate has not been surrendered, suspended
11 or revoked.

12 **H.** I. This section does not apply to managers of adult foster care
13 homes as defined in section 36-401."

14 Renumber to conform

15 Page 12, between lines 23 and 24, insert:

16 "Sec. 12. Section 36-672, Arizona Revised Statutes, is amended to
17 read:

18 **36-672. Immunizations: department rules: prohibitions**

19 A. Consistent with section 15-873, the director shall adopt rules
20 prescribing required immunizations for school attendance, the approved
21 means of immunization and indicated reinforcing immunizations for diseases,
22 and identifying types of health agencies and health care providers ~~which~~
23 **THAT** may sign a laboratory evidence of immunity. The rules shall include
24 the required doses, recommended optimum ages for administration of the
25 immunizations, persons who are authorized representatives to sign on behalf
26 of a health agency and other provisions necessary to implement this
27 article.

28 B. The director, in consultation with the superintendent of public
29 instruction, shall develop by rule standards for documentary proof.

30 C. ~~Immunization against the human papillomavirus is~~ THE FOLLOWING
31 IMMUNIZATIONS ARE not required for school attendance:

1 1. THE IMMUNIZATION AGAINST THE HUMAN PAPILLOMAVIRUS.
2 2. AN IMMUNIZATION FOR WHICH A UNITED STATES FOOD AND DRUG
3 ADMINISTRATION EMERGENCY USE AUTHORIZATION HAS BEEN ISSUED.

4 D. AN IMMUNIZATION MUST BE PRESCRIBED BY A RULE ADOPTED PURSUANT TO
5 SUBSECTION A OF THIS SECTION BEFORE THE IMMUNIZATION MAY BE REQUIRED FOR
6 IN-PERSON SCHOOL ATTENDANCE.

7 E. PURSUANT TO SECTION 1-602, THIS SECTION DOES NOT PRECLUDE A
8 PARENT'S RIGHT TO MAKE HEALTH CARE DECISIONS FOR THE PARENT'S MINOR CHILD.

9 Sec. 13. Title 36, chapter 6, Arizona Revised Statutes, is amended
10 by adding article 4.2, to read:

11 ARTICLE 4.2. VACCINE PASSPORT PROHIBITIONS

12 36-681. COVID-19 vaccine passport: prohibitions

13 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND ANY CITY, TOWN OR
14 COUNTY OF THIS STATE ARE PROHIBITED FROM ESTABLISHING A COVID-19 VACCINE
15 PASSPORT OR REQUIRING EITHER OF THE FOLLOWING:

16 1. ANY PERSON TO BE VACCINATED FOR COVID-19.
17 2. A BUSINESS TO OBTAIN PROOF OF THE COVID-19 VACCINATION STATUS OF
18 ANY PATRON ENTERING THE BUSINESS ESTABLISHMENT.

19 B. ANY LAW OR ORDINANCE ESTABLISHING A COVID-19 VACCINE PASSPORT IS
20 VOID AND IS NOT ENFORCEABLE AGAINST ANY PERSON OR BUSINESS LOCATED IN THIS
21 STATE.

22 36-682. Article application; exceptions

23 THIS ARTICLE DOES NOT DO EITHER OF THE FOLLOWING:

24 1. LIMIT AN INDIVIDUAL'S ABILITY TO REQUEST THAT THE INDIVIDUAL'S
25 OWN VACCINATION RECORDS BE PROVIDED TO THAT INDIVIDUAL OR TO A THIRD PARTY
26 TO WHOM THE INDIVIDUAL REQUESTS THE RECORDS BE RELEASED.

27 2. PROHIBIT A HEALTH CARE INSTITUTION LICENSED PURSUANT TO CHAPTER 4
28 OF THIS TITLE FROM REQUIRING THE INSTITUTION'S EMPLOYEES TO BE VACCINATED."

29 Renumber to conform

30 Page 19, between lines 9 and 10, insert:

31 "Sec. 18. Repeal

1 Section 41-3021.11, Arizona Revised Statutes, is repealed.

2 Sec. 19. Title 41, chapter 27, article 2, Arizona Revised Statutes,
3 is amended by adding section 41-3022.26, to read:

4 41-3022.26. Board of examiners of nursing care institution
5 administrators and assisted living facility
6 managers: termination March 31, 2022

7 A. THE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS
8 AND ASSISTED LIVING FACILITY MANAGERS TERMINATES ON MARCH 31, 2022.

9 B. TITLE 36, CHAPTER 4, ARTICLE 6 AND THIS SECTION ARE REPEALED ON
10 JANUARY 1, 2023."

11 Renumber to conform

12 Page 19, between lines 40 and 41, insert:

13 "Sec. 21. Nursing care institution and assisted living
14 facility study committee: membership; duties;
15 report; delayed repeal

16 A. The nursing care institution and assisted living facility study
17 committee is established consisting of the following members:

18 1. Two members of the house of representatives who represent
19 different political parties and who are appointed by the speaker of the
20 house of representatives. The speaker of the house of representatives
21 shall designate one of these members to serve as cochairperson of the study
22 committee.

23 2. Two members of the senate who represent different political
24 parties and who are appointed by the president of the senate. The
25 president of the senate shall designate one of these members to serve as
26 cochairperson of the study committee.

27 3. One representative of the governor's office.

28 4. The director of the department of health services or the
29 director's designee.

30 5. The state long-term care ombudsman or the ombudsman's designee.

1 6. Two representatives from organizations that advocate for the
2 elderly who are appointed by the governor.

3 7. Two licensed nursing care institution administrators who are
4 currently employed as administrators of skilled nursing facilities, one of
5 whom is from a nonprofit facility and one of whom is from a proprietary
6 facility. The president of the senate shall appoint both of these members.

7 8. Two licensed assisted living facility managers who are currently
8 employed as managers of assisted living facilities, one of whom is from a
9 nonprofit facility and one of whom is from a proprietary facility. The
10 speaker of the house of representatives shall appoint both of these
11 members.

12 9. Two licensed assisted living facility managers who are currently
13 employed as managers of assisted living facility homes and who are
14 appointed by the president of the senate.

15 10. Four family members of residents of a skilled nursing facility,
16 assisted living facility or assisted living facility home who are appointed
17 by the governor.

18 11. One health care professional who treats the elderly and who is
19 appointed by the governor.

20 B. The study committee shall:

21 1. Consider whether the board of examiners of nursing care
22 institution administrators and assisted living facility managers should be
23 administered independently or the duties should be moved to the department
24 of health services or another successor agency or licensing board.

25 2. Review and discuss the statutes related to disclosure of all
26 felonies regardless of the applicants' fingerprint clearance card
27 requirement.

28 3. Receive an update from the auditor general's office and the
29 executive director of the board of examiners of nursing care institution
30 administrators and assisted living facility managers on the auditor

1 general's recommendations and the board's compliance with the
2 recommendations to date.

3 4. Hear testimony about operational changes from the executive
4 director of the board.

5 5. Discuss and research best practices to administer licenses.

6 6. Identify any additional efficiencies to make the board more
7 responsive to the public and its licensees.

8 7. Review best practices relating to answering and investigating
9 complaints.

10 8. Review and analyze the regulatory oversight of skilled nursing
11 facilities and assisted living facilities by the state and federal
12 government and the future needs of the industry.

13 C. Public members of the study committee are eligible to receive
14 reimbursement of expenses pursuant to title 38, chapter 4, article 2,
15 Arizona Revised Statutes.

16 D. On or before December 1, 2021, the study committee shall submit a
17 report of its findings and recommendations to the governor, the president
18 of the senate and the speaker of the house of representatives and shall
19 provide a copy of this report to the secretary of state.

20 E. This section is repealed from and after June 30, 2022."

21 Renumber to conform

22 Page 25, after line 24, insert:

23 "Sec. 35. Purpose

24 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
25 the legislature continues the board of examiners of nursing care
26 institution administrators and assisted living facility managers to promote
27 the safe and professional regulation of nursing care institutions and
28 assisted living facilities in this state.

29 Sec. 36. Retroactivity

30 Section 36-446.04, Arizona Revised Statutes, as amended by this act,
31 section 41-3021.11, Arizona Revised Statutes, as repealed by this act, and

Senate Amendments to S.B. 1824

1 section 41-3022.26, Arizona Revised Statutes, as added by this act, apply
2 retroactively to from and after July 1, 2021."

3 Amend title to conform

KAREN FANN

1824FloorFANN
06/21/2021
06:40 PM
C: MH