

Legislative Overview – 2011 Signed Bills

Dental Bills:

H2155 – Dental Board; Omnibus

Summary of Bill:

H2155 makes various changes to the dental statutes. Many modifications involve the State Board of Dental Examiners review of unprofessional conduct and license renewals. Denture procedures are also modified. There are other modifications to the dental statutes that are not necessary to point out here.

Main Points:

- The Executive Director or someone assigned from the Executive Director will be able to:
 - Hold investigations if unprofessional conduct is believed to have occurred with a dentist, dental hygienist, denturist, or a whole business entity.
 - Issue and renew licenses, certificates and permits to applicants.
- Continuing education requirements for renewal applications for dentists, dental hygienists and denturists. Continuing education for dentists can be done through audio seminars or lectures.
- Dentures will have to be marked with the patient's name in order to be used for identification. All marked denture records will be retained by the dentist and released only to those authorized to have the patient's information.
- The State Board of Dental Examiners will be allowed to deny or suspend a license renewal application for dentists, dental hygienists, and denturists.
- If a dentist, dental hygienist, or denturist, enters a treatment and/or rehabilitation program, it must remain confidential. The individual also will enter a stipulation agreement with the Board and allows the Executive director to monitor the individual's treatment of chemical substance abuse or misuse.

How it Impacts Seniors:

As stated in the main points section, dentures will have to be marked with patient's name and the marked denture records will be kept by the dentist. Patients do however have the right to object to the marking of their dentures.

H2169 – Dental Board; Fees

Summary of Bill:

H2169 establishes fee guidelines for dentists, dental hygienists, and denturists' licensure renewal that occurs once every three years.

Main Points:

- The State Board of Dental Examiners will:
 - Establish the license renewal fee once every three years for dentists, dental hygienists, and denturists. The proposed fee will be evaluated in a public meeting and then voted on by the Board.
 - Establish a license renewal fee that will cover the Board's anticipated expenditures for the following three years
 - Not revise the license renewal fee for the three year time period
- Dentists cannot pay more than \$650 for a license renewal fee once every three years

- Dental Hygienists cannot pay more than \$325 for a license renewal fee once every three years
- Denturists cannot pay more than \$300 for a license renewal fee once every three years

H2233 – Mobile Dental Facilities

Summary of Bill:

H2233 defines what a mobile dentistry facility and portable unit are and establishes the standards of operation and practice for them. Starting January 1, 2012 all facilities and units will be required to have a permit for practice that will be renewed annually.

Main Points:

- Definition of Mobile Unit:
 - A facility in which dentistry is practiced and that is routinely towed, moved or transported from one location to another.
- Definition of Portable Dental Unit:
 - A nonfacility in which dental equipment used in the practice of dentistry is transported to and used on a temporary basis at an out-of-office location.
- Will be required to establish written protocols for follow-up care for patients and provide follow-up referrals. Must ensure that patients have access to communicate during and after business hours about emergency care, follow-up care or general information about treatment.
- All patients must have completed informed consent. This consent can be written or verbal.
- Exceptions to permit requirement:
 - Services are through federal, state, or local government agency
 - Services are done occasionally outside a licensee's office without charge
 - A practicing dental hygienist is in affiliation with the provider at the mobile unit or facility
 - Services are provided by an accredited dental or dental hygiene school.

How it Impacts Seniors:

Mobile Dental facilities can be used to provide dental services to individuals that lack transportation, live in a nursing home, or are homebound. All mobile dental facilities that serve seniors will have to be licensed and follow the standards for operations including providing a means of communication during and after business hours and obtaining appropriate informed consent by patient or guardian for treatment.

H2530 – Dental Board

Summary of Bill:

H2530 makes several changes to laws regarding conduct and scope of practice for dentistry.

Main Points:

- Unprofessional Conduct
 - Giving or receiving rebates, as well as actions that encourage rebates are no longer seen as unprofessional conduct.
 - It is unprofessional conduct to split a professional fee for a patient referral among or between dental care providers.
- Scope of practice no longer includes "prevention and treatment of human diseases, disorders and conditions of the oral cavity, the maxillofacial area and the adjacent and associated structures within

the dentist's scope of education, training and experience and according to the ethics of the profession and applicable law"

- Specifies that an individual holding a surrendered or revoked license to practice dentistry or dental hygiene in any state or jurisdiction in the United States may not have majority interest in the business entity, and specifies any dentist or dental hygienist shall have one year to divest themselves of their ownership interest.
- If an individual has a dentistry or dental hygiene license that is surrendered or revoked in any state or jurisdiction in the United States, he or she cannot have majority interest (ownership greater than 50%) in the business entity.

Health Bills:

H2099- AHCCCS; Hospice Care; Restoration

This bill came by a Striker Amendment

Summary of Bill:

H2099 establishes back hospice care as a covered health and medical service under the Arizona Health Care Cost Containment System (AHCCCS). In General Appropriations Act in 2008-2009 allowed AHCCCS to provide hospice care services for members but was not added as a covered service for subsequent years. This bill adds it back in.

H2157 – DHS; Stroke Care Protocols

Summary of Bill:

H2157 mandates that Arizona Department of Health Services establishing rules and protocols to coordinate a state-wide stroke system of care by January 1, 2014.

Main Points:

- Arizona Department of Health Services will work with Arizona EMS Council in establishing protocols for emergency stroke care procedures including patient assessment, treatment and transport.
- Emergency Stroke Care Standards will:
 - Be based on nationally recognized standards for hospital-based and rehabilitative stroke care
 - Also based on input from stakeholders including health care providers
- Data on stroke care will be recorded and utilized in order to evaluate current stroke care as well as promote stroke quality improvement

How it Impacts Seniors:

DHS states "We've already established some stroke centers in AZ and we'll be developing various rules and protocols regarding the transportation of patients to hospitals based on several criteria. These protocols help transport patients to the closest appropriate hospital for treatment based on the severity of the injuries. Currently, there are no stroke specific guidelines for suspected stroke victims."

H2620 – Medical Records; Disclosure; Release

Summary of Bill:

H2620 adds a chapter to Arizona Revised Statutes to regulate Health Information Organizations (HIO) and focus on patients' rights. Health Information Organization is defined as an "organization that oversees and governs the exchange of individual identifiable health information among organizations according to nationally recognized standards." This bill also amends current statutes to regards to the exchange of electronic health information.

Main Points:

- Individuals' rights regarding HIO
 - Have the ability to opt-out of participating in the HIO
 - Can request a copy of their health information and must be received within 30 days
 - Can request a list of individuals that have viewed their health record within the last three years
 - If an individual does not have the ability to make health care decisions, all rights regarding HIO will be direct to the individual's health care decision maker
- HIO are required to update its current health information practices on its website
- Civil and criminal immunity is provided to health care providers who act in good faith with information that is provided through a HIO to treat a patient

Update since March Council Meeting:

Individuals can request to see what list of persons have accessed their health information within the past three years. Previously, it was only in the last two years. Also provisions were added to protect the privacy of health information by requiring that a HIO may not transfer health information for any purpose of research or grant unless the health care provider has received consent from the individual for the transfer.

How it Impacts Seniors:

This bill gives further clarification on when patient's medical records or medical information may be lawfully disclosed. It also gives seniors the right to opt-out of participating in a HIO, request a copy of their health information that is viewed by the HIO, and a list of people who have access to the information.

S1038 – Assisted Living Caregivers; Regulation

Summary of Bill:

S1038 transfers regulation and overseeing of training programs for assisted living managers and caregivers from Department of Health Services and the Private Postsecondary Board to the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers (NCIA Board). This transfer will come into effect on the general effective date.

S1043 – Nursing Care Administrators; Continuation

Summary of Bill:

S1043 permits the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers to continue till July 1, 2021.

Probate Bills:

H2424: Probate; Wards; Rights

This bill was added to the short list after the March Council Meeting

Summary of Bill:

H2424 establishes a probate advocacy panel consisting of the nine members appointed to three year terms in order to recommend statutory changes to improve the probate system. Panel will give a report to the Governor, Speaker of the House, President of the Senate and Chief Justice of the State by November 15 each year.

S1499: Probate; Omnibus

This bill was added to the short list after the March Council Meeting

Summary of Bill:

S1499 makes various provisions regarding the prudent management of costs, unreasonable conduct, disclosure of compensation, court appointment of a guardian and substitution of guardian, appointment of conservator and resignation or substitution of conservator, and removal of trustee. The provisions have an effective date of December 31, 2011.

Public Safety Bills:

H2302 – Protected Address; Secretary of State

Summary of Bill:

H2302 establishes an Address Confidentiality Program in order to protect victims of domestic violence, sexual offenses or stalking by keeping their residential address confidential. The Secretary of State will initiate this program by December 31, 2012 and the program will end on July 1, 2021.

Main Points:

- Victims of the actions listed above will be given a substitute address in order to keep their residential address private. This substitute address will become their lawful address.
- Individuals will be able to receive all first-class, certified or registered mail by forwarding to their actual residential address at no cost.
- Will have the ability to receive other types of mail forwarded to their residential address for a fee.
- Other individuals who live at the same address with the victim will be assigned the substitute address as well.
- Defines what duties the Secretary of State has for this program including and provides rules for the substitute address by state and local government entities.

H2402 – Incapacitated Persons; Guardians

Summary of Bill:

H2402 creates several provisions regarding incapacitated individual's privilege to drive by court procedures. While it also expands the definition of the powers of a guardian and the options of involuntary commitment proceedings, it is only necessary to discuss the provisions that relate to driving.

Main Points:

- The court can decide if an incapacitated individual's license should be suspended.
- The court can decide to not suspend an incapacitated individual's license if they believe that the incapacity that affects the individual does not interfere with the driving ability of the individual based on medical or other evidence.
- Allows an incapacitated individual, with a suspended license, to request the court to terminate the suspension. If the court revokes the suspension, the individual may apply to the Department of Transportation to reinstate the license and must follow all the department rules.

How it Impacts Seniors:

This bill will require guardians of senior drivers to show to the court through sufficient medical or other evidence how the incapacity prevents the ward's ability to safely drive. If not provided with adequate evidence, the court is allowed to deny the guardians request to suspend the senior driver's privilege.

S1082 – DES; Fingerprinting; Finger Imaging

Summary of Bill:

S1082 changes the time period for which the Department of Economic Security (DES) must hold onto finger images for individuals who apply or are recipients of Cash Assistance and Food Stamp programs. It also requires DES licensees and contractors that provide direct services to vulnerable adults to have a valid fingerprint clearance card. It becomes effective on general effective date.

Main Points:

- Further clarifies that finger images for individuals are retained in order to prevent multiple enrollments Cash Assistance and Food Stamp programs.
- DES licensees and contractors who are now required to have a valid fingerprint clearance card do not have to meet this requirement until December 31, 2012.