Arizona’s 2018 Legislative Session:

Victories, Losses & Missed Opportunities

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Learning Objectives

• Be able to describe 3 bills that passed through the Arizona State Legislature that will have a positive impact on public health

• Be able to describe 3 bills that failed to pass that would have been good for public health

• Describe 2 aspects of the final Budget that passed
VICTORIES
Opioid Epidemic Interventions

• **SB 1001** (Yarborough) and **HB 2001** (Mesnard); the Arizona Opioid Epidemic Act; was passed and signed during a Special Session

• Directs a wide range of interventions to address the opioid epidemic including:
  
  • Opioid pill prescribing limits for opioid naïve patients
  • Morphine Equivalent Unit limits (with certain exemptions)
  • Limitations on physician direct dispensing
  • Requires E-prescribing
  • Requires pharmacists to check the controlled substances monitoring database
  • Requires continuing medical education for prescribers
  • Better regulation of “pill mills”
  • Informed consent and discharge planning at health care institutions
  • Implementation underway via Rulewriting etc.
Voluntary Certification of Community Health Workers

- **HB 2324** (Carter) charges the ADHS with implementing a voluntary certification for CHWs. Rules will include:
  - Scope of practice;
  - Core competencies and qualifications; and
  - Criteria for certificate denial, suspension or revocation.

- Nine person Advisory Council to advise the Agency on the Rules

- No deadline for the Rulemaking but the Advisory Council ends in 2022

- Will facilitate expanded participation by CHWs in the health care workforce
Recess in Schools

- **SB 1083** (Allen S) will require public schools (K-3) to have at least 2 recess periods beginning in August 2018

- Grades 4 and 5 will be required to have 2 recess periods beginning August 2019

- Lunch period can count as one of the recess periods

- Data suggest that physical activity during the school day improves cognitive skills and attitudes, enhances concentration and attention, and improves classroom behavior

*The Association Between School-based Physical Activity, Including Physical Education, and Academic Performance*
Public Health Guidelines in Schools

HB 2088 (Carter) will require school districts to:

- Develop intervention strategies to prevent heat-related illnesses, sudden cardiac death, and prescription opioid use;
- Notify parents when kids are bullied (threatened, intimidated or harassed); and
- Tell parents if a student is suspected of having a concussion

- Directs ADHS to develop 2-year pilot program (in coordination with schools & an entity that supervises interscholastic activities) for trained physical therapists to assess kids with a suspected concussion and remove them from play (consequences evaluated w/physician)

- ADHS concussion training & management report due 12/31/18
Dental Therapy

- **HB2235** (Thorpe) will set up a new licensed class of dental professionals called a Dental Therapist

- Scope of practice would be somewhat less than a DDS, but they could do some procedures like filling cavities (with supervision)

- Limits dental therapists to only practicing at a Federally Qualified Community Health Center (or look-alike) or a nonprofit dental practice or organization that serves low income persons

- Prohibits a dental therapist from performing nonsurgical extractions of permanent teeth unless under the direct supervision of a dentist
Fresh Produce for SNAP Benefit

• **SB 1245** (Brophy-McGee) would have appropriated $400K to ADES to develop a produce incentive program within the Supplemental Nutrition Assistance Program

• Geared toward incentivizing members to buy Arizona-grown fruits and vegetables

• It would also provide matching funds to SNAP-authorized vendors as an incentive to participate in the fruits and vegetable program

• Passed the Senate and House Committees but not funded in the budget—however ADES did get funding for equipment to transport fresh fruits & vegetables
Tribal Exemption from Future AHCCCS Work Requirements

- **HB 2228** (Cook) directs AHCCCS to exempt tribal members from their work requirements

- AHCCCS’ recently submitted Waiver request includes an exemption for American Indians

- This places the exemption into statute

- Treaties and case law also support the exemption
Drug Overdose Review Teams

• **HB 2038** (Carter) requires law enforcement agencies to provide unredacted reports to the chairperson of a local Drug Overdose Fatality Review Team

• Data will be used by the Team to develop standards and protocols for local drug overdose fatality review teams and provide training and technical assistance
Healthcare Workforce Data

• **HB 2197** (Carter) will require AZ health licensing boards to collect certain data from applicants (beginning January 2020)

• This will provide better data about health professions workforce distribution and needs

• Over the long-term this bill would be helpful in providing better data with which to improve the distribution and capacity of the public health workforce in Arizona
Asthma Management

- **HB 2323** (Carter) authorizes contracted nurses to provide emergency inhaler medication in case of respiratory emergencies.

- Some charter and independent schools don’t employ nurses directly but engage them through contracts.

- UA's Western Region Public Health Training Center has [Stock Albuterol Inhaler Training for School Personnel](#) available on their website.
HIV Needs Assessment

• **SB 1389** (Brophy McGee) will require the ADHS to develop an HIV Action Plan that:
  
  • Identifies community-based agencies that serve the HIV population and that are outside of the known HIV service system;
  
  • Conducts outreach to increase community involvement in HIV prevention, education and stigma reduction;
  
  • Develops a social media initiative to engage at-risk populations to be tested for HIV infection; and
  
  • Analyzes data from the Assessment annually to develop and implement HIV training and education initiatives.
Statewide Food-Truck Licensing

- **HB2371** (Payne) will set up statewide licensure for mobile food vendors

- ADHS will need to write statewide food truck food safety rules for 3 categories of mobile food units

- The Rules must be “substantively identical” to Maricopa County’s

- Delegates statewide licensing to the county health departments

- The licenses have reciprocity in all counties
MISSED OPPORTUNITIES
Oral Health Coverage for Pregnant Medicaid Members

- **SB 1445** (Yee) would have added preventative oral health coverage for pregnant Medicaid members up to $1K/year

- The direct cost to AHCCCS is estimated to be a little less than $268K/year

- The Joint Legislative Budget Committee estimated a much higher secondary cost ($3.7M): assumed 25% of the 5,000 pregnant women (not receiving prenatal care) will go to the dentist because of the benefit & switch their eligibility category (SOBRA)

- Passed the Senate but stalled in the House during the budget negotiations
Syringe Access Decriminalization

• **HB 2389** (Rivero) would have decriminalized needle exchange programs (a class 6 felony right now)

• House passed a clean bill

• Amended in the Senate so that syringe exchange programs would be decriminalized only when and where the ADHS declares a public health emergency (because of the rapid spread of infectious diseases)

• Amended bill died in conference committee
Texting & Driving

- **HB 2159** (Farley) would have prohibited drivers from “using a portable wireless communication device to read, write, or send an electronic message while driving” (unless the car is stopped)

- The first violation would only have been a petty offense with a fine between $25 and $99

- Passed neither chamber

- AZ will remain one of the very few states w/o a specific provision
Tobacco 21

- **HB 2109** (Boyer) would have prohibited retailers from selling tobacco products to anybody under 21
- The definition of "tobacco product" is expanded to include "electronic smoking devices"
- Made it through the House Health Committee, but nada mas
- Has failed a few years in a row now
Rear Facing Car Seats

- **HB 2071** (Bolding) would have required kids under 2 years old to be in a rear-facing restraint system unless the child weighs at least 40 pounds or is 40 inches tall

- Penalty for violating the requirement would have only been a $50 fine, which would have been waived when a correction is made (no points)

- Evidence-based & supported by AAA

- Passed in the House but died in the Senate (no hearing)
Tanning Booth Regulation

• **HB 2084** (Carter) would have required commercial tanning studios to ensure that all customers are at least 18 years old

• Studios couldn’t claim that the tanning booths are risk free

• Passed in the House but failed in the Senate

• Has failed at least 3 years in a row now
Kids Care Federal Match Requirement

- **HB 2127** (Cobb) would have removed the trigger that automatically freezes the KidsCare program if FMAP (the federal contribution) drops below 100%

- It would have allowed the state to freeze it if costs are more than the state or federal allotment

- The bill didn’t require any appropriation for the state share but would have provided a pathway to keep KidsCare if the feds drop their contribution level

- Passed in the House but Failed in the Senate
Medicaid Buy-in

- **HB 2443** (Butler) would have allowed Arizonans to buy Medicaid health insurance

  - Persons would have been required to pay the full cost via a monthly premium so there would be no cost to the state

  - Plan would have excluded non-emergency transportation

  - Would have leveraged AHCCCS’ buying power and multi-year contracts with managed care organizations to lower premiums

  - The bill never even received a hearing
Criminal Justice Reform Efforts Thwarted

• Several bills that would have reformed the criminal justice system including sentencing failed

• These reform efforts would have improved some social determinants of health

• Failed bills included:
  • Making possession of small amounts of marijuana a misdemeanor;
  • Allowing some non-violent felony convictions to be sealed after 2 years; and
  • Reducing court/prosecutor fees and fines for low income people.
LOSSES
Ban on Sugar Sweetened Beverage Taxes

• **HB 2484** (Shope) bans Arizona cities and counties from taxing sugary drinks (or other individual foods and drinks)

• These types of taxes are evidence-based interventions that reduce obesity
Abortion Reporting Requirements

- **SB 1394** (Barto) requires healthcare facilities to request information relating to the reason for a woman’s abortion.

- The reason for the abortion must be reported to the ADHS, who will write an annual report that includes:
  - A breakdown by month of all reasons for abortions; and
  - Breakdown by month of the number of abortions performed/prescribed by each hospital and facility.
State Budget- Red for Ed

• Teachers across AZ walked out and protested at the Capitol to advocate for additional public school funding

• Their plan included 5 demands including increased pay for teachers and staff and restoring funding to pre-recession levels

• Legislators passed a $10.4B budget that provides additional funding ($300M) for K-12 schools (relates to one of the 5 demands)

• The formula is a little tricky, but basically boosts funding for teacher salaries by 9% next fiscal year

• School districts decide how to allocate the funds
State Budget- Hospitals

- Assessments on Hospitals (to pay Medicaid match dollars) were increased by $35M (helped pay for increased school funding)

- Reimbursement rates for hospitals will increase about 2.5%. 1st rate increase in 10 years- details to come

- An additional 1.5% increase to hospitals on value-based criteria

- Continuation of “Pool 5” Disproportionate Share (DSH) payments

- Bump to the Critical Access Hospital pool
State Budget- New Revenue & Cuts

- ADOT will raise vehicle license fees about $20 per vehicle to pay for the entire DPS budget (will help pay for school funding)

- The state will no longer pay for $20M in annual court-ordered desegregation costs for several school districts (mostly in Tucson-helped pay for overall school funding)

- Property taxes in those districts will be raised for the required fund (a court monitor is still in place)
State Budget- Other

- Reimbursement to organizations that provide services to persons with developmental disabilities are increased by $13M for higher staff minimum wage requirements (Prop 206)

- $3M is appropriated to AHCCCS for behavioral counseling in schools with low income students, bringing in $9M total with the federal matching funds

- $1M (via ADES) is appropriated for food banks to buy equipment allowing them to transport fresh fruit and vegetables and to support SNAP (food stamp) Arizona-grown fruits and vegetables

- Legislature failed to appropriate $60M in federal funds for childcare subsidies- no state match was even required
Bottom Line

Biggest win

• Arizona Opioid Epidemic Act
• Voluntary Certification of Community Health Workers

Biggest missed opportunities

• Failure to achieve oral health coverage for pregnant Medicaid members
• Many, many more (tobacco 21, texting and driving, Medicaid buy-in, rear facing car seats, syringe access, tanning booths, child care subsidies etc.)
Bottom Line

Biggest disappointments

• More micromanaging of cities (nutrition tax bans)
• More abortion reporting requirements

Budget wins

• New school funding
• Reimbursement for programs serving folks with developmental disabilities
• Equipment for food banks to transport fresh fruits & vegetables