



## Arizona Council of Human Service Providers 2015 Legislation Overview Behavioral Health, Child Welfare, AHCCCS, and Budget

The 2015, 52<sup>nd</sup> Legislature, 1<sup>st</sup> regular session lasted 81 days, 1163 bills were dropped, 344 were passed, and 20 were vetoed. It was described by legislative leaders as both efficient and hasty.

Bills enacted become effective 90 days after the end of the legislative session (7/2/2015) unless otherwise indicated.

### ***Behavioral Health***

[SB1212: Behavioral Health Examiners Board](#)—This Council Supported Bill, sponsored by Senator Nancy Barto (R, District 15) was largely a technical correction bill. It requires the BBHE to adopt rules regarding the use of telepractice by 11/15, allows the director to dismiss complaints deemed to be without merit, and requires the establishment of of academic review committees.

[SB1283 Outpatient Treatment Centers; Colocation; Respite](#)—This Council Supported Bill, sponsored by Senator Nancy Barto (R, District 15), passed unanimously both House and Senate. Since it has an emergency clause, this bill goes into effect with the Governor's signature.

[SB1194/HB2495: Medically Underserved Areas; Loan Repayment](#)—Council Supported Bill, sponsored by Senator Gail Griffin (R, District 14) and Representative Heather Carter (R, District 15), adds Psychiatrists, psychologists, physician assistants, nurse practitioners, and licensed social workers, professional counselors, and marriage and family therapists to those eligible for the student loan repayment program.

[SB1257: Behavioral Health; Transfer; AHCCCS](#). This bill sponsored by Senator Kelly Ward (R, District 5) repeals the DHS, Division of Behavioral Health and transfers its powers and duties to AHCCCS.

[SB1400: Human Rights Committees; Members](#). This bill sponsored by Senator Nancy Barto (R, District 15) adds committee members with expertise in mental health and housing for the mentally ill. It also allows current or former providers or employees of providers who contracted with a RBHA to serve on the committee. Requires DHS ensure that each RBHA and its providers develop and implement human rights training plans. Expands the permitted practices and requirements of the committee and its members.

[SB1439: Judicially Appointed Psychologists; Complaints](#). This bill sponsored by Senator Steve Smith (R, District 11) requires complaints against psychologists arising from court ordered services be independently reviewed by three members of the board and make recommendations to the executive director about disposition of the complaint. A formal complaint investigation will only occur if one or more of the independent reviewers recommend full investigation.

HB2238: Health Professional Licensure Requirements. This bill sponsored by Representative Paul Boyer (R, District 20) says that health professionals are not required to participate in public or private third party reimbursement programs as a condition of licensure.

HB2294: Courts; Approved Screening, Treatment Facilities. This bill sponsored by Representative Eddie Farnsworth (R, district 12) adds Department of Veterans Affairs approved facilities to the list of approved alcohol or other drug screening or domestic violence treatment programs that a judge may order defendants to.

HB2307: Court Ordered Treatment; Hearing. This bill sponsored by Representative Eddie Farnsworth (R, district 12) allows the court to proceed in cases in which the patient for medical or psychiatric reasons is unable to appear at the hearing and cannot appear by other reasonably feasible means.

HB2310: Mental Health Courts; Establishment. This bill sponsored by Representative Eddie Farnsworth allows the superior court presiding judges in counties with less than 250,000 people to establish regional mental health courts.

HB2438: PTSD; Public Safety. This bill sponsored by Representative David Livingston (R, District 22) establishes a PTSD in Public Safety committee to research the effects of PTSD on state and local law enforcement officers and report to the legislature by 12/31/15.

HB2488: Housing Assistance; Seriously Mentally Ill. This bill sponsored by Representative Heather Carter (R, District 15) allows SMI housing trust fund monies to be spent on rental assistance, as well as housing projects.

### ***Child Welfare***

SB1080: Tribal Social Services Agencies; Info. This bill sponsored by Senator Carlyle Begay (D, District 7) adds to the mandatory reporting statute tribal law enforcement or social services agencies as recipients of reports of allegations of abuse or neglect to Indian children living on Indian reservations. It also gives tribal social service agencies access to fingerprint records on prospective adoptive parents and access to the central registry.

SB1103: Charitable Tax Credit; Foster Children. This bill sponsored by Senator David Bradley (D, District 10) adds to the definition of “qualifying foster care charitable organization” organizations that provide services to at least 200 “qualified individuals” and defines “qualified individuals” as foster children or a person under 21 participating in a transitional independent living program.

HB2022: Tuition Waiver Pilot Program Revisions. This bill sponsored by Representative Kate Brophy McGee (R, District 28) modifies the qualification for tuition waivers for people who are currently or were previously in foster care by increasing the age to 23 years.

HB2024: Child Safety Oversight Committee; Continuation. This bill sponsored by Representative Kate Brophy McGee (R, District 28) continues the Child Safety Oversight committee until 1/1/2017, removes the director of the DCS as a member of the committee, and adds a pediatrician.

HB2047: Child Removal; Supervisor Review; Approval. This bill sponsored by Representative Kelly Townsend (R, District 16) prohibits the removal of child from their parents without supervisor review and approval. There are exceptions for emergency situations. This codifies existing DCS policy.

HB2098: Department of Child Safety. This bill sponsored by Representative Kate Brophy McGee (R, District 28) makes a variety of technical and other changes related to DCS. It establishes parameters for confidentiality of information regarding foster parents, adoption agencies, and child welfare agencies. Allows DCS to provide administrative orders, notices, or letters by electronic means if the recipient consents. Requires DCS provide information to the Auditor General's Audit Team, who will provide ongoing performance reviews and analyses. This may include determining the validity and accuracy of information reported by DCS to the legislature. Requires DCS issue an RFI to private vendors to address the backlog cases and report the results of the RFI to JLBC by 10/1/15. Makes changes to the requirements for CMDP coverage for foster children.

HB2099: Adoption; Definitions; Agency Records. This bill sponsored by Representative Kate Brophy McGee (R, District 28) addresses information transfer when an adoption agency closes. It requires that records be transferred to another adoption agency to another in Arizona or to DCS. The closing agency must notify DCS and the adoptive parents of the transfer.

HB2100: DCS Employee Personal Information; Confidentiality. This bill sponsored by Representative Kate Brophy McGee (R, District 28) addresses information sharing between those receiving DCS information and law enforcement and the court. Also establishes address confidentiality for DCS staff with direct contact with families.

HB2166: DCS Information; Egregious Abuse; Neglect. This bill sponsored by Representative Kate Brophy McGee (R, District 28) allows for the release of information if a DCS employee has a reasonable belief that exigent circumstances exist involving the potential death or serious injury to child without immediate intervention. The bill details what information DCS will release regarding fatalities and near fatalities following preliminary investigation and 90 days after the date of the report. It details the process for releasing additional information following consultation with the county attorney. It also establishes a human rights committee.

HB2516: Teachers; Abuse Prevention; Continuing Ed. This bill sponsored by Representative Weninger (R, District 17) requires the State Board of Education to adopt rules to allow teachers and administrators to count child abuse and child sexual abuse training, including warning signs that a child may be a victim, as continuing education credits.

HB2517: Internet Crimes Against Children; Fund. This bill sponsored by Representative Paul Boyer (R, District 20) establishes the internet crimes against children enforcement fund to be used to continue operation of the federally recognized internet crimes against children taskforce. This taskforce assists federal, state, local and tribal law enforcement in investigation, forensic examinations, and prosecution of technology facilitated sexual exploitation of children.

HB2571: DCS Info; Legislator Discussion. This bill introduced by Representative Kelly Townsend (R, district 16) allows legislators to discuss information they have received from DCS with another legislator if both have signed confidentiality forms.

### **AHCCCS**

SB1032: AHCCCS Contractors; Prescription Monitoring. This bill sponsored by Senator Kelly Ward (R, District 5) requires AHCCCS contractors to intervene with a member if they have 10 or more controlled substance prescriptions in a 3 month period. The contractor must monitor prescriptions filled and intervene with the prescriber and member when excessive amounts are used.

SB1034: AHCCCS Emergency Services; Case Management. This bill sponsored by Senator Kelly Ward (R, District 5) requires a contractor to intervene if a member inappropriately seeks care in a hospital emergency department four or more times in a 6 month period to educate the member on

proper use of emergency services. The contractor must report to AHCCCS the number of times they have intervened with members.

SB1092: AHCCCS; Annual Waiver Submittals. This bill sponsored by Senator Nancy Barto (R, District 15) requires AHCCCS to apply for waivers to institute a work requirement for “able bodied adults” on AHCCCS and place a 5 year lifetime cap on benefits for them. It also requires AHCCCS to develop and impose meaningful cost sharing requirements for the non-emergency use of emergency rooms and ambulance services for nonemergency transportation or when it is not medically necessary.

### **General Interest**

SB1459: Pupils; Restraint; Seclusion; REQs. This bill sponsored by Senator Andy Biggs (R, District 12) allows schools to permit the use of restraint or seclusion techniques if the student’s behavior presents an imminent danger of bodily harm to the student or other and less restrictive interventions are insufficient to mitigate the danger. It establishes guidelines for use of restraint or seclusion, allows schools to establish policies and procedures, and requires schools to establish reporting and documentation procedures.

HB2086: Fingerprint Clearance Cards; Omnibus. This bill sponsored by Representative Sonny Borrelli (R, District 5) makes a variety of changes to existing fingerprint statutes including adding DCS staff with contact with children or in IT positions to have a valid card or documentation of application and certification they have not committed any specified criminal acts.

HB2299: Sexual Offenses; Definitions; Defenses. This bill sponsored by Representative Eddie Farnsworth (R, District 12) adds a definition of a “position of trust” to the sexual abuse statutes. “Position of trust” includes the minor’s parent, stepparent, adoptive parent, legal guardian, foster parent, teacher, coach, instructor, clergyman or priest, or someone engaged in a sexual or romantic relationship with the minor’s parent.

HB2553: Sex Trafficking; Vacating Conviction. This bill sponsored by Representative Victoria Steele (D, District 9) allows those convicted of sex trafficking before 7/24/14 to apply to have their conviction vacated if they were a victim of sex trafficking.

HB2643: Sovereign Authority; Affordable Care Act. This bill sponsored by Representative Justin Olson (R, District 25) prohibits the state from using personnel or financial resources to enforce, administer, or cooperate with the Affordable Care Act by funding or implementing a state based health care exchange, limiting the available of self-funded health insurance programs, or funding or aiding in the prosecution of any entity for a violation of the act. It makes an exception for AHCCCS and funding for public health. It allows the state to provide employee health benefits which may be in compliance with the ACA.

### **Bullets Dodged**

SB 1315: Incompetent and Dangerous Defendants; Treatment. This bill sponsored by Senator Adam Driggs (R, District 28) attempted to address cases in which defendants had committed crimes, were deemed to be incompetent to stand trial, and could not be treated. The Council acknowledges this is an issue that needs to be addressed and will be working on new legislation for 2016.

SB 1162: Home Based Business; Licensing; Emergencies. This bill sponsored by Senator David Farnsworth (R, District 16) would have eliminated licensing requirements during a state of emergency, state of war emergency, or when unemployment exceeds 10 percent.

SB1115: Delegation of Powers; Parent; Custodian. This bill sponsored by Senator Kelly Ward (R, District 5) would allow parents to give custody of their child/ren through a power of attorney. It would exempt attorneys and nonprofit organizations that facilitate this from licensure requirements for agencies and foster homes.

HB 2563: Health Facilities; Substance Abuse Recovery. This bill sponsored by Representative Noel Campbell (R, District 1) attempted to address concerns with unregulated sober living facilities by establishing registration requirements. It also added non-medical housing for outpatient treatment centers to the definition of health care institution.

### **BILLS VETOED**

SB1145: Restoration to Competency; State Costs. This bill sponsored by Senator Gail Griffin (R, District 14) required cities and counties to reimburse DHS for costs related to defendants inpatient, in custody competency restoration treatment, if the state paid the initial cost. The Governor vetoed the bill because the party in question had been moved to a different unit and the county would no longer incur the cost.

HB2178: Wine Consumption. This bill sponsored by Representative Bob Thorpe (R, district 6) creates a class 1 misdemeanor crime to sell, offer for sale, furnish, purchase, consume, or ingest alcohol in powdered form. The Governor's veto message said in part "As with any new product, it makes sense to monitor its impact on public health and safety. At this time, there does not appear to be evidence that this bill is necessary."

HB2296: Adoption Petition; County Attorney. This bill sponsored by Representative Eddie Farnsworth (R, District 12) would have permitted, rather than the current law that requires, county attorneys to prepare adoption petitions and act as attorney without expense to prospective adoptive parents. It also would have permitted, rather than the current law that requires adoption agencies to submit adoption petitions to the county attorney. The Governor vetoed the bill stating he felt this could potentially reduce the number of adoptions and encouraged counties to look for other cost savings and efficiencies.