**2017 Legislative Wrap Up**

The 2017 Legislative session lasted for 122 days, 1,180 bills were introduced, 353 bills and 42 resolutions passed, and 342 were signed by the Governor. The Arizona Council tracked almost 400 bills this session. This is a brief overview of bills of interest to our members.

**Mental Health Related Bills**

HB 2041: DHS; Health Care Institutions; Licensure sponsored by Representative Carter (R, 15) changed statute related to DHS licensure. It eliminates renewal licensure for health care institutions and requires DHS to establish rules regarding payment of licensing fees. Licenses will not expire unless DHS revokes or suspends the license or the licensee fails to pay their fee.

HB2042: DHS; Fingerprinting Requirements sponsored by Representative Carter (R, 15) modifies the fingerprinting requirements and allows people to work who have applied for a good cause exception with direct visual supervision from someone with a valid fingerprint clearance card. Adds parents, foster parents, kinship families, and guardians participating in behavioral health services, volunteers, and specified vendors to those who exempted from the fingerprint requirement when with staff.

HB2043: State Hospital; Property Leases sponsored by Representative Carter (R, 15) allows DHS to enter into lease agreements with third parties for buildings and land on the campus of the State Hospital.

HB 2084: Tribal Courts; Involuntary Commitment Orders sponsored by Representative E. Farnsworth (R, 12) allows mental health facilities to admit Native American patients pending the tribal court filing of an involuntary commitment order.

HB2196: Residential Care Institutions; Employment sponsored by Representative Carter (R, 15) allows residential care institutions authorized to provide “recidivism reduction services” to employ “recidivism reduction staff” and provide services to adult residents. These staff are exempted from the fingerprint clearance care requirements under specified circumstances.

HB2239: Incompetent; Nonrestorable Defendants; Involuntary Commitment sponsored by Representative E. Farnsworth (R, 12) addresses defendants determined to be incompetent to stand trial. It establishes procedures for the prosecutor and court to track incompetent defendants through the civil commitment process. It allows the prosecutor, in some circumstances, to request the defendant is screened to determine if they are a sexually violent person.

HCR2021: Suicide Prevention Month sponsored by Representative Cook (R, 8) establishes September as Suicide Prevention Month and expresses their commitment to promoting suicide prevention efforts in Arizona.

HR2002: Death Resolution; Max Dine sponsored by Representative Carter (R, 15) expressed regret for the death of Max Dine who was an advocate for people with mental illness for many years. They extended their condolences to his family and friends.

SB1004: Human Rights Committee; Membership sponsored by Senator Barto (R, 15) amends existing statute about human rights committees for those with developmental disabilities and behavioral health issues. It requires the Division of Developmental Disabilities to share information relating to incidents of abuse or neglect, injury, medication errors, suicide attempts, hospitalization, and incarceration. It adds criminal justice and public safety representatives appointed by the AHCCCS director to the human rights committee on the mentally ill. It allows the committee to hold one or more community forums annually to receive comments from those living with serious mental illness and their family and caregivers. It allows subject matter experts to serve on the committee as non-voting members.

SB1031: Dangerous; Incompetent Defendants; Study Committee sponsored by Senator Borrelli (R, 5) re-establishes the study committee on Incompetent, Non-restorable, and Dangerous Defendants expanding its charge and membership. The committee will research and make recommendations for short and long-term programs to provide treatment and supervision for this population. They may request data and reports from state agencies, hold hearings, conduct fact-finding tours, and take testimony. They must submit a report by December 31, 2017 on their findings and recommendations.

SB1157: Competency Hearings; Jurisdiction; Referral sponsored by Senator Borrelli (R, 5) allows the presiding judge in each county to authorize justice or municipal courts jurisdiction over competency hearings arising out of misdemeanor cases.

SB1335: Behavior Analysts; Committee; Licensure; Regulation sponsored by Senator Barto (R, 15) establishes a 5 member Committee on Behavior Analysts (CBA) at the Board of Psychologist Examiners (BPE) and increases board membership from 9 to 10, at least two members will be Behavior Analysts (BA). The CBA will have five members appointed by the Governor serving 5-year terms, who must complete training in ethics and open meeting laws within 1 year of appointment. The CBA may recommend regulatory changes to the BPE following public input from BA. When taking action on licensure and regulation of behavior analysts, BPE will receive and consider recommendations from the CBA. The CBA will review all complaints against BA and submit its recommendations to the full board. AHCCCS shall recognize licensed BA as a behavioral health professional eligible for reimbursement for services.

SB1434: Art Therapy Services; Contracting Requirements sponsored by Senator Barto (R, 15) creates a statute relating to Art Therapists. The title of “Art Therapist” may not be used unless the person holds an active national registration in Art Therapy with the Art Therapy Credentials Board. It allows, but does not require, DHS and AHCCCS to contract for Art Therapy services only with those who have this credential or those with Master’s degree who work under active supervision of a credentialed individual. Art therapy is defined as “the interactive use of psychotherapeutic principles and methods…, the neurobiological implications of art making and art based assessment models to facilitate alternative modes of receptive and expressive communication and to define and implement therapeutic interventions to meet cognitive, developmental, behavioral, and emotional needs.”

SB1440: AHCCCS; Clinical Oversight Committee sponsored by Senator Barto (R, 15) establishes a clinical oversight committee to review data specific to AHCCCS initiatives and populations. The committee, consisting of the director and experts in quality performance, behavioral health, operations, finance, and data analytics, must meet at least quarterly. They will review data, analyze and review quality performance measures, identify and advise the director about challenges, successes, data trends, and potential service delivery improvements, and solicit information from patients, patient advocates, and other informed parties relating to data or metrics for behavioral health services. They must submit an annual report beginning February 1, 2018.

**Substance Abuse Related Bills**

HB2033: Controlled Substances; Definition sponsored by Representative Carter (R, 15) added some drugs and chemical compounds to the Schedule 1 controlled substance list.

HB2211: Drug and Alcohol Treatment Programs; Reports sponsored by Representative Carter (R, 15) requires the Department of Corrections to submit a report about drug and alcohol programs available to offenders under their jurisdiction. The report has to include information on each program, the number of people receiving services in the prior 12 months, the cost and source of revenue to provide the service, the names of the treatment providers, and a comparison of programs offered to people in DOC facilities, private prisons, and community supervision or parole.

SB1023: Dispensers; Prescription Drug Monitoring sponsored by Senator Kavanagh (R, 23) adds Schedule V drugs to the Controlled Substances Prescription Monitoring Program. It allows the program board to release data collected to DHS to implement a public health response to address opioid overdose and abuse.

HB2307: Controlled Substance Prescription Monitoring Program sponsored by Representative Carter (R, 15) makes changes affecting practitioners who are required to enter data into the Controlled Substances Prescription Monitoring Program database. It increases funding for the program. It allows AHCCCS to use data from the database for drug utilization review for controlled substance to combat opioid overuse or abuse and to ensure continuity of care.

HB2493: Drug Overdose; Review Team; Confidentiality sponsored by Representative Carter (R, 15) establishes a 21 member team at DHS to review opioid drug overdoses. The team will develop a data collection system, conduct annual analyses of drug overdoses; aid in developing local teams and provide them with training and technical assistance; develop standards, protocols, and investigative protocols for law enforcement and medical providers; study state and local laws, training, and services to see if changes are needed to decrease drug overdoses fatalities; and educate the public. This bill also permits pharmacists to dispense Naloxone or other opioid antagonists with a standing order rather than without a prescription. Changes some requirements for pharmacists and medical professions when dispensing or prescribing the medication.

SB1278: Felony; Pretrial Intervention Programs; Appropriation sponsored by Senator Smith (R, 11) appropriates $2.7 million to county attorney offices through ACJC in counties with populations less than 3 million people to administer the Felony Pretrial Intervention Programs (FPIP), similar to those in Maricopa County for nonviolent offenders. Requires FPIP provide substance abuse treatment to non-dangerous, non-repetitive offenders including MAT, mandatory drug testing, CBT, and case management services. Allows those with co-occurring disorders to participate in the FPIP.

SB1377: Controlled Substance; Approved Medications sponsored by Senator Brophy McGee (R, 28) allows medications containing cannabidiol (a cannabis compound) to be prescribed in Arizona as a controlled substance if the FDA approves it.

**Child Welfare Bills**

HB2423: Parents’ Rights; DCS Website Information sponsored by Representative Townsend (R, 16) requires DCS to conspicuously post information about parents’ rights and the child removal process on their website.

HB2435: Name Change; Juvenile Court sponsored by Representative Clodfelter (R, 10) permits the juvenile court to change the name of a child freed for adoption to the name requested by the adoptive parent. If the child is 12 years or older, the child’s wishes must be considered before a name change.

HCM2011: Zero Tolerance; Female Genital Mutilation sponsored by Representative Ugenti Rita (R, 23) urges the US Congress to formally recognize February 6th at the Day of Zero Tolerance for Female Genital Mutilation.

SB1003: DCS Oversight Committee sponsored by Senator Barto (R, 15) created a legislative oversight committee for DCS. It also requires DCS to continue to work on report consolidation with stakeholder input, post proposed reports on their website, identify needed metrics/reports, and submit a report to JLBC by December 31st. Townsend amendments relating to DCS removals and investigations were included in this bill prohibiting the covert use of voice stress analysis (VSA), requires informed consent for the overt use of VSA, prohibits the use of VSA in court, and allows parents to record conversations with DCS except in judicial proceedings. Beginning July 1, 2018, requires the Superior Court, rather than Juvenile Court, to issue orders for temporary custody of children. Specifies children may only be taken into temporary custody if the Superior Court issues a pick-up order, the parents give consent, or if there are exigent circumstances. Superior Court may issue the order based on a dependency petition or sworn statement by peace officer, child welfare investigator, or child safety worker after determining that it is contrary to the child’s welfare to remain in the home. Requires DCS to consult with the AOC to develop systems and procedures to implement the pick-up orders and submit a report to JLBC and legislative oversight committee that includes an overview of implementation of pick-up order process and technological and staffing needs of DCS and judicial system to implement this.

SB1107: Child and Family Advocacy Center sponsored by Senator Brophy McGee (R, 28) creates a fund for Child and Family Advocacy Centers (C/FAC) administered by the Attorney General’s office. Those receiving funding must be a private, non-profit or governmental entity that either is accredited by a national organization or certifies annually that they meet accreditation standards. Employees are immune from civil liability from participation in investigation and services offered at the center. The fund may accept grants, gifts, contributions. The AG’s office may use up to 5% of the fund for administrative costs. The remainder of the fund will be distributed to a statewide membership organization that sets best practice standards and supports child and family advocacy centers (5%), 47.5% equally to all C/FACs, and 47.5% will be distributed to C/FACs by proportion of all victims served. Quarterly reports will be shared with JLBC.

SB1108: Cash Assistance; Children sponsored by Senator Brophy McGee (R, 28) allows TANF eligibility for children placed in non-relative kinship placements. It allows the “child only case” to apply to children in the custody of a tribal court or child welfare agency.

SB1109: Fingerprinting; Child Placement; IT Contractors sponsored by Senator Brophy McGee (R, 28) makes changes relating to fingerprint clearance and background check requirements. It requires that IT staff with access to DCS information have a fingerprint clearance card. It sets background check and fingerprint clearance requirements for families agreeing a kinship or fictive kinship placement. It requires DCS to remove a child from a kinship placement if any adult family member fails to provide fingerprints within 15 calendar days. It requires a background check of all adults in the household prior to returning children to their biological parents.

SB1194: DCS; Foster Parent; Medical Consent sponsored by Senator Barto (R, 15) allows DCS to consent to non-life threatening emergency conditions, routine medical and dental evaluation, treatments and procedures for children in their custody, and HIV testing. It adds HIV testing to the existing conditions that foster parents are allowed to give consent. To the extent possible and when in the child’s best interest, DCS should consult with the biological parents about medical treatment.

SB1341: Foster Children; Motor Vehicle Insurance sponsored by Senator Bradley (D, 10) allows foster children or youth in independent living programs ages 16 and older who have completed drivers education to contract for car insurance.

SB1360: Permanent Guardianship; Dependency Proceedings; Reunification sponsored by Senator Brophy McGee (R, 28) makes various changes to guardianship and other DCS statutes. It makes a minor change to the Jacob’s law requirement to notify all foster parents when a child returns to out of home care unless they are no longer licensed or under investigation. It allows permanent guardianship to be established by the court if the child is adjudicated as a dependent child or has a pending dependency petition if all parties agree. Requires fingerprint clearance or background check before guardianship is awarded. Makes changes to statutes regarding when permanent guardianship can be revoked. Adds language about starting reunification if a dependency is filed on the permanent guardian and when a successor guardian is needed. Establishes the joint legislative oversight committee (JLOC) on DCS which will meet at least twice a year to review DCS implementation of policy and procedures regarding program effectiveness and guardianship and dependency proceedings and reports on program outcomes. Requires DCS to post the proposed consolidated reports on their website, hold meetings with stakeholders on proposed reports, identify metrics needed, and submit a report by December 31, 2017 to JLBC and the JLOC on implementation of the new reports, the outcome of stakeholder meetings, and identification of new metrics.

SB1380: DCS Background Checks; Central Registry sponsored by Senator Barto (R, 15) makes a number of changes related to DCS statutes. It expands the list of people eligible to use the confidential intermediary program to include the adoptees grandparents and extended biological family members. Failure to obtain or maintain a Level 1 fingerprint clearance card is not an appealable action when a foster care license is denied, suspended, or revoked. Requires DCS check the central registry for individuals applying for child welfare agency licensure or employment in positions that provide direct services to children or vulnerable adults. Allows DCS to provide by personal service or first class mail notification of a hearing and their intent to substantiate an allegation of abuse or neglect in the central registry.

**Board Bills**

SB1026: Behavioral Health Examiners; Continuation sponsored by Senator Barto (R, 15) extends the Board of Behavioral Health Examiners until 7/1/2025.

SB1437: Agencies; Review; GRRC; Occupational Regulation sponsored by Senator Barto (R, 15) provides an avenue for people to petition the Governor’s Regulatory Review Council (GRRC) regarding rules that are not made in compliance with rulemaking procedures. Creates the “Right to Earn a Living Act” that limits occupational regulations to those necessary to meet public health, safety, or welfare objectives.

SB1452: Health Profession Regulatory Boards sponsored by Senator Barto (R, 15) makes modifications to health profession regulatory boards. It requires that boards post on their website’s all final disciplinary and non-disciplinary actions for not longer than 5 years. Prohibits boards from disclosing information about pending complaints to the public. It requires boards to have a confidential monitoring program for licensees who have been reported or voluntarily report mental health or substance abuse concerns. It prohibits the board from acting on complaints of unprofessional conduct or other violations that occurred more than 4 years before, with certain exceptions. It limits a Dental, Medical, Nursing or Pharmacy board member’s term to two full terms; a board member may not return to the board until two full terms have passed. Recordings of board meetings must be available within 5 days of each meeting and be retained for 3 years.

**TANF Bills**

HB2091: TANF; SNAP; Finger Imaging Repeal sponsored by Representative J Allen (R, 15) repeals the finger imaging requirement to apply for TANF and SNAP program.

HB2372: Public Benefits; Fee Waivers; Requirements sponsored by Representative Weninger (R, 17) increases the eligibility period for TANF from 12 to 24 months if certain requirements are met, including full compliance with the work requirements and 90% school attendance of all children in the household. It adds notification requirements to the public assistance applications. It removes the restriction on SNAP eligibility for those with felony drug convictions if they agree to random drug testing, have completed a substance abuse treatment program or are accepted into a treatment program or are determined by a health care provider to not require treatment. States that those receiving cash assistance may not use an EBT card to purchase lottery tickets and limits the number of replacement cards a recipient may receive. Requires DES to post information about TANF and SNAP spending in a variety. It requires DES provide the JOBS program to eligible families transitioning off public assistance. It makes changes to the graduated sanctions of those receiving TANF assistance. It waives the fee charged for an initial license for applicants whose family income does not exceed 200% of Federal Poverty Level (FPL) when that applicant is applying for a license for the first time in Arizona.

**Budget Bills**

SB1522: Budget; General Appropriation Act; 2017-18 sponsored by Senator Yarbrough (R, 17) is the “feed” bill.

SB1525: Budget; BRB; Criminal Justice; 2017-18 sponsored by Senator Yarbrough (R, 17) is the Criminal Justice Budget Reconciliation Bill.

SB1527: Budget; BRB; Health; 2017-18 sponsored by Senator Yarbrough (R, 17) is the Health Budget Reconciliation Bill.

SB1529: Budget; BRB; Human Services; 2017-18 sponsored by Senator Yarbrough (R, 17) is the Health and Human Services Budget Reconciliation Bill.

**Bullets Dodged**

Psych Boarding/Patient Transportation

Trauma Informed Care Training