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# Arizona State Office of Rural Health Webinar Series



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# Arizona State Office of Rural Health Monthly Webinar Series

Provides technical assistance to rural stakeholders to disseminate research findings, policy updates, best-practices and other rural health issues to statewide rural partners and stakeholders.



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Today's presentation:

# Arizona's 2018 Legislative Session: Victories, Losses & Missed Opportunities



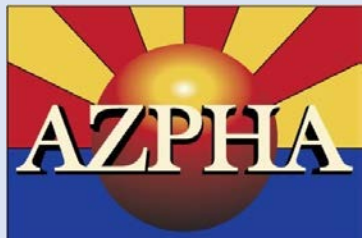
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# Arizona's 2018 Legislative Session:

Victories, Losses & Missed Opportunities

May 17, 2018

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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 weights 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 the 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





# BUDGET



# 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%. 1<sup>st</sup> 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





**Thank you!**  
**Questions?**

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This webinar is made possible through funding provided by Health Resources and Services Administration, Office for the Advancement of Telehealth (G22RH24749). Arizona State Office of Rural Health is funded granted through a grant from US Department of Health and Human Services. Grant number H95RH00102-25-00

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