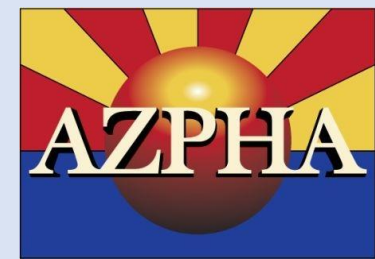


Arizona's 2018 Legislative Session:

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
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- 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)
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- 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%. 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

