

Arizona Center for Rural Health State Office of Rural Health Webinar Series



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Will Humble

2024 Arizona Public Health Legislative Update



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2024 Legislative
Session:

April 18 Report

2024 Legislative Session:

UArizona Center for Rural Health
Presentation

April 18, 2024

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The Good



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Public Health Licensing

HB2764 – long-term care; enforcement; memory care

- Raises the cap on ADHS imposed civil money penalties to \$1,000 per patient per day.
- Authorizes ADHS to deny a change in ownership of a currently licensed health care institution if the transfer would jeopardize patient safety (prevents license hopping).
- Requires facilities to ensure staff aren't on the Adult Protective Services Registry.
- Requires ADHS to develop a separate certification for places that want to provide memory care.
- **Eliminated from bill:** Allowing ADHS to do on-site monitoring of HCI's not in substantial compliance including extra monitoring fees (**deemed status protections remain**).

Signed by Governor



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Public Health Licensing

HB2051 joint training; surveyors; providers

- Requires ADHS hold annual joint training session between long term care providers and ADHS licensing leadership to discuss changes in the survey process of long-term care facilities and compliance priorities.

Signed by Governor



Behavioral Health



- **SB1311 Mental health; data; evaluation**
 - Requires the information and data collected by AHCCCS to identify and measure clinical outcomes in the past year of members with an SMI designation
 - Makes good changes to the procedures for mental health prepetition screenings and court-ordered evaluations.

Signed by Governor



Behavioral Health



- **HB2744 - involuntary treatment; guardians; agents; rights**
- Grants guardians and agents who have prescribed decision making authority for a patient more input in proceedings involving involuntary treatment.

Signed by Governor



Close Calls



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Food Insecurity



HB2502 SNAP; mandatory employment; training

- ADES would need to make 'able-bodied adults' under 60 participate in employment & training programs to get Supplemental Nutrition Assistance Program benefits.

HB2503 SNAP; waivers; exemption

- Prevents ADES from accepting or renewing waivers of work requirements for 'able-bodied' adults w/o dependents to get SNAP benefits - unless the waiver is required by federal law or authorized by state law.

Vetoed by Governor



Deadly Force – Premises Definition



- **HB2843 defense of premises; definition**

- Changes the definition of premises for purposes of the justification defense in [ARS 13-407](#) to mean any property (rather than any structure).
- Basically, extends the ‘stand your ground’ law to any property (e.g. ranch land) , not just a home or other structure.

Vetoed by Governor



Medical Privacy

- **HB2183** parental rights; medical records
- Would have let parents get access to all of their minor children's medical records, including treatment for STI's

Vetoed by Governor



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TBD



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Behavioral Health



- **SB1309 Mental health evaluations**

- Expands information that's needed for court ordered behavioral health evaluations to include more information about the proposed patient. It also specifies which individuals may provide informed consent on behalf of a proposed patient for a voluntary evaluation

Awaiting House Floor Vote



Behavioral Health

- **SB1678 - secure state mental health facilities**
- Makes it clear that secure residential behavioral health facilities are only for people receiving court ordered treatment.
- Keeps civilly placed patients in separate Secure Behavioral Health Residential Facilities (that don't yet exist) from persons committed to SBHRFs as dangerous and incompetent to stand trial in a criminal proceeding.

Passed Senate 19-9; Awaiting House Floor Vote



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Magic Mushrooms



- **SB1570 – psilocybin (magic mushroom) services, regulation, licensure**
- Charges ADHS with creating regulations & license psychedelic-assisted therapy centers (by 1/1/26).
- Identifies licensure requirements & restrictions. Establishes a Psilocybin Advisory Board & the Psilocybin Control & Regulation Fund.

Passed Senate; Awaiting House Floor



Marijuana Advertising



- **HB2451 marijuana; advertising; restrictions**
- Prohibits marijuana establishments and nonprofit medical marijuana dispensaries from advertising marijuana or marijuana products to individuals who are under 21.
- Various limits on advertising distance to schools etc.

Awaiting Senate Floor Vote



Behavioral Health

- **SB1101 Appropriations; secure behavioral health facilities**
- Appropriates \$35M from the state General Fund and \$18M from Medicaid Expenditure Authority in FY 2025 to AHCCCS for the support and construction of secure behavioral health residential and secure behavioral health provider rate increases.

Passed Senate Health 7-0 but not acted on in Senate Approps –can still be built into the state budget



E-Verify for Public Benefits



- [HCR2060](#) **lawful presence; e-verify program; penalties**
- Requires municipalities, counties, state agencies and licensing agencies to verify that an adult recipient is lawfully present in the US using the E-Verify program before enrollment in a public welfare program. Would likely cut many WIC recipients from benefits.

Passed House; Died in Senate (for now)

Governor can't veto – would go straight to Nov. ballot



Missed Opportunities



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Behavioral Health



- **SB1688: Arizona State Hospital; governing board; governance**
- Establishes the State Hospital Governing Board and transfers operational control of the Arizona State Hospital to an independent 5-member board – eliminating the conflict of interest in which ADHS both runs and ‘regulates’ ASH.

Failed in the Senate 13-15. Dead (again for the 3rd year in a row)



Public Health Licensing

- **HB2653 – assisted living care; reporting; monitoring; injury**
- Greatly enhances incident reporting requirements for assisted living facilities and establishes optional electronic monitoring options (with limitations).
- Maintains the ability for a resident to install electronic monitoring devices in their private living space.
- Prohibits an owner or manager from preventing a resident or resident's responsible person from installing and paying for the cost of electronic monitoring devices.
- Requires staffing registry checks.

Passed House; Died in Senate



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Public Health Licensing

- **HB2249 - residential care institutions; inspections**
- Adds behavioral health residential care facilities to the list of places for which ADHS can't accept accreditation in lieu of a compliance inspection (eliminates deemed status).

Passed House 57-0; Died in Senate



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Public Health Licensing

SB1655 - health care institutions; regulation

- Increases the cap on civil penalties for violation of health care institution statutes from \$500 to \$10,000.
- Establishes the Indigenous Peoples Protection Revolving Fund with money from civil penalties.



Passed Senate Health 7-0; Failed in Senate Health

Behavioral Health

- **SB1102 Civil Reintegration Unit; Arizona State Hospital**
- Establishes and funds a Civil Reintegration Unit for a transitional unit for civil patients who are approaching discharge

Dead



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School Community Gardens



- [SB1464](#) - appropriation; schools; community gardens
- Appropriates \$500K to the Arizona Department of Education to award grants to public schools to build community gardens. In FY 2024 the state appropriated \$100K for public school campus community gardens.

Passed Senate Education 5-2, died in Rules



Gray Area Bills



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Tamales



- **HB2042 food preparation; sale; cottage food (aka Tamale bill)**
- Expands the foods that meet the cottage food product exemption to include some foods that are potentially hazardous or require time or temperature control.
- Requires labels, list of ingredients, registration # of food preparer, statement regarding allergens and other disclosure information.

Signed by Governor

Public Health Licensing

[HB2317](#) Sober Living Homes

- Prescribes guidelines for the inspection and penalizing of sober living homes that are noncompliant with state regulations. Keeps sober living facility addresses secret.
- Requires a sober living homes to get clearance from local jurisdiction verifying compliance with all local zoning, building, fire & licensing ordinances

Passed House 31-29; Waiting Senate Floor Vote



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The Wildcards

- Will the Legislature finally hear [HB2335](#) - retracting the 1864 law that will shortly ban nearly all abortion care? (that bill never even got assigned to a committee)
- Will there be one or more legislative ballot referrals with alternatives to the voter driven Arizona Abortion Access Act? (governor's can't veto ballot referrals)

Stay tuned



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The Budget



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Governor's Budget Ideas



ADHS Licensing Program Investments

Hobbs made several proposals to improve ADHS' healthcare licensing system after a series of articles in the *Arizona Republic* and scathing Auditor General Reviews.

[Arizona Republic Article Prompts Hobbs to Direct DHS & APS to Investigate Regulation of Assisted Living Facilities](#)

- Governor Hobbs proposes an increase of **\$24.8 million in ADHS' licensing programs** including **\$1.9 million ongoing** and **\$157,500 one-time to add 16 employees to follow up on complaints, general inspections, and enforcement.**
- Proposing **\$500K ongoing** and **\$900K one-time** to fund improvements to AZCARECHECK to improve transparency.
- There's also **\$500K** earmarked for an independent assessment of AZ's network of services for persons with a serious mental illness, and **\$485K** for ADES Ombudsmen and **\$271K** ongoing for an ombudsman for the AZ State Hospital.
- The budget also includes a **\$10M** item for AHCCCS to get more people to join behavioral health quality improvement initiatives.

