

FENNEMORE.



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2022 Arizona Psychiatric Society Annual Meeting Legislative Update

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WELCOME!



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Administrative Topics



Presentation does not
constitute legal advice

To provide legal advice,
would need to meet and
fully understand all the
facts and the unique
situation your business
faces.

Arizona Legislature

House of
Representatives

Senate

Republicans 31 Democrats 29

Republicans 16 Democrats 14



Legislative Framework for 2022

Redistricting

Budget

Prop 208

HB2098: Psychiatric Assessment; Nurse Practitioners; Reporting

Signed by Governor on April 13th, sponsored by Representative Cobb.

Allows professionals to conduct outpatient assessments of children exhibiting behavior indicative of serious mental illness or pose a serious risk to self or other.

HB2429: Physicians; Wellness Programs; Confidentiality

Signed by Governor on May 9th, sponsored by Representative Shah.

Mandates the confidentiality of physicians and nurses' participation in employee wellness programs in hope of destigmatizing mental health services.

Applies to and protects any members of a tax-exempt organization in the state that primarily represents health professionals and offers a wellness program.

HB2490: Pharmacists; Providers; Collaborative Practice Agreements

Signed by Governor on March 30th, sponsored by Representative Wilmeth.

States that licensed pharmacists are authorized to enter into a "collaborative practice agreement" with a "provider" to initiate, monitor, and modify drug therapy or provide disease management assistance.

Collaborative practice agreements are required to outline the duties that the provider is delegating to the pharmacist to perform, and specify the medical conditions to be managed by the pharmacist.

SB1114: Court-ordered Treatment; Case Records; Confidentiality

Signed by Governor on June 14th, sponsored by Senator Barto.

Ensures that all case records regarding a court proceeding related to court-ordered mental health evaluation and court-ordered mental health treatment statutes are not open to public access.

The court is permitted to authorize the release of these case records and case information for good cause shown. Helps increase confidentiality around mental health care in an effort to destigmatize access to mental health resources.

SB1138: Gender Transition; Minors; Prohibition

Signed by Governor on March 30th, sponsored by Senator Peterson.

Prohibits physicians from performing irreversible sex-change surgeries on any individuals under 18 years of age, regardless of individual or parental consent.

Does not prohibit the practice of hormone replacement therapy (HRT), as this is considered reversible.

SB1162: Opioid Prescriptions; Intractable Pain; Exceptions

Signed by Governor on April 13th, sponsored by Senator Barto.

States that the limit of 90 morphine milligram equivalents per day on a prescription for opioids does not apply to a patient who is receiving opioid treatment for perioperative care following an inpatient surgical procedure or to a patient who has chronic intractable pain.

Requires that the patient has tried doses of less than 90 morphine milligram equivalents that have been ineffective at addressing the patient's pain.

SB1210: Mentally Ill; Transportation; Evaluation; Treatment

Signed by Governor on May 23rd, sponsored by Senator Barto.

Permits mental health facilities to authorize the transportation of mentally ill individuals without the consent of peace officers.

Stipulates that reasonable grounds must be satisfied such that the patient may be transported without the assistance of peace officers.

SB1311: Health Care Workers; Assault; Prevention

Signed by Governor on April 25th, sponsored by Senator Barto.

Expands workplace protection measures for healthcare workers such that the classification of assault against a healthcare worker is increased from standard to aggravated assault.

Requires employers to investigate instances of assault immediately after they occur, as outlined in pre-existing statutes. Mandates the creation of workplace violence protection plans for healthcare institutions with 50 or more employees.

Jake's Law

SB1523 from the 2020 legislative session; sponsored by Senator Brophy McGee. Bill passed unanimously in the Senate and House and was signed into law by the Governor on March 3rd of 2020.

Requires health care insurers that issue health plans in Arizona to comply with the federal Mental Health Parity and Addiction Equity Act. Establishes reporting requirement for health

Establishes parity reporting requirements for health plans and requires the Department of Insurance and Financial Institutions (DIFI) to evaluate health plan compliance and enforce related regulations.

Parity Study Committee

DIFI authorized, pursuant to Jake's Law, the implementation of rules to facilitate analysis of parity between mental and substance use disorder and other medical/surgical/physical ailments, such that they receive the same amount of treatment in insurance policies.

DIFI created proposed rules in 2021, to which the insurance industry strenuously rejected. As a result, new rules were proposed in 2022. The study session at which the Governor's Regulator Review Counsel (GRRC) will consider DIFI's proposed rules on June 26th. GRRC will vote on July 8th.

Coalition partners organized a stakeholder meeting in February of 2022 organized jointly by Rep. Jeff Weninger to review any concerns the insurance industry might have. Minimal comments were made because rules largely mirror federal health insurance parity rules. Coalition members have also provided a letter to all GRRC members responding to potential arguments from the insurance industry that DIFI's proposals are outside of the statutes of Jake's law and are overly burdensome to the insurance industry.

Sunrise Bills: The Prescribing Psychologist Act

The prescribing psychologist sunrise petition looks to grant psychologists the ability to prescribe not only behavioral health, but other regulated substances. Psychologists do not have the training required to safely prescribe these medications and allowing them the ability to prescribe is not in patients' best interests. The management of psychotropic drugs is best left in the hands of psychiatrists.

Psychologist Training is Insufficient and Will Result in Disintegrated or Siloed Ineffective Medical Care.

Psychologist Prescribing Laws do not decrease the Number of Patient Waiting to be Seen by Psychiatrists

Sunrise Bills: The Prescribing Psychologist Act

Met with Senate and Health committees on Human Services legislators and staff during the 2022 session. Senator Barto withdrew sponsorship due to lack of formal legislation and organization for psychologists.

Next Steps: Anticipate an initial stakeholder meeting during the interim.

APS will continue to work with Senator Barto to monitor the potential introduction of legislation in 2023.

Sunrise Bills

Bill No.	Title	Recent Action	Request to Speak Link	Next Steps	Notes
HB2197	MEDICAL EXAMINER; PATHOLOGIST ASSISTANT; AUTOPSIES	3/29 signed by governor	HB2197	Signed by Governor	SUPPORT
SB1074	DENTISTS; SCOPE OF PRACTICE	3/18 signed by governor	SB1074	Signed by Governor	NEUTRAL
SB1080	ACUPUNCTURE; SCOPE OF PRACTICE; ASSISTANTS	3/22 signed by governor	SB1080	Signed by Governor	NEUTRAL
SB1398	DRY NEEDLING; ATHELTIC TRAINERS	3/23 signed by Governor	SB1398	Signed by Governor	NEUTRAL
Withheld	Prescribing Psychologist Act	Not yet filed			OPPOSED
Withheld	Anesthesiologist	Not yet filed			

Monitor Top Tier

Bill No.	Title	Recent Action	Request to Speak Link	Next Steps	Notes
HB2030	STATE HOSPITAL; PROCUREMENT; OVERTIME	5/20 signed by Governor	HB2030	Signed by Governor	NEUTRAL
HB2083	AHCCCS SERVICES; DIABETES MANAGEMENT	3/30 from Senate appro do pass	HB2083	Waiting for Rules	SUPPORT
HB2098	PSYCHIATRIC ASSESSMENT; NURSE PRACTITIONERS; REPORTING	4/13 signed by Governor	HB2098	Signed by Governor	NEUTRAL
HB2144	HEALTH INSURANCE COVERAGE; BIOMARKER TESTING	5/6 signed by Governor	HB2144	Signed by Governor	SUPPORT
SB1190	HEALTH CARE DIRECTIVES REGISTRY; ACCESS	3/18 signed by Governor	SB1190	Signed by Governor	SUPPORT
SB1210	MENTALLY ILL; TRANSPORTATION; EVALUATION; TREATMENT	5/23 signed by Governor	SB1210	Signed by Governor	SUPPORT
SB1311	HEALTH CARE WORKERS; ASSAULT; PREVENTION	4/25 signed by Governor	SB1311	Signed by Governor	SUPPORT
SB1514	HEALTH CARE INSTITUTIONS; VISITATION	3/29 from House rules okay	SB1514	Waiting for COW	OPPOSED
SB1567	EMPLOYERS; VACCINATIONS; RELGIIOUS EXEMPTION	3/24 from House jud w amend	SB1567	Waiting for Rules	OPPOSED

Monitor

Bill No.	Title	Recent Action	Request to Speak Link	Next Steps	Notes
HB2086	DHS; SCHOOL IMMUNIZATIONS; EXCLUSIONS	5/20 signed by Governor	HB2086	Signed by Governor	
HB2178	SCHOOL PSYCHOLOGISTS; EXEMPTION	3/30 signed by governor	HB2178	Signed by Governor	
HB2336	LICENSED MENTAL HEALTH PROFESSIONAL; DEFINITION	5/2 passed House on final reading 56-0	HB2336	Awaits Senate Final Vote	
HB2490	PHARMACISTS; PROVIDERS; COLLABORATIVE PRACTICE AGREEMENTS	3/30 signed by governor	HB2490	Signed by Governor	
SB1077	AHCCCS; CHIROPRACTIC CARE; REPORT	3/10 from House appro do pass	SB1077	Waiting for Rules	
SB1088	PHYSICIANS; NATUROPATHIC MEDICINE	3/18 signed by governor	SB1088	Signed by Governor	
SB1164	ABORTION; GESTATIONAL AGE; LIMIT	3/30 signed by governor	SB1164	Signed by Governor	ArMA is generally neutral regarding abortion policy, except when the the policy specifies criminal or civil penalties for patients or providers.
SB1312	PHYSICAL THERAPISTS; IMAGING	6/13 Signed by Governor	SB1312	Signed by Governor	



QUESTIONS?

