



**ARIZONA DENTAL HYGIENIST ASSOCIATION
END OF SESSION LEGISLATIVE REPORT
49TH LEGISLATURE – 2ND REGULAR SESSION**

END OF SESSION BRIEFING

The second regular session of the 49th Legislature adjourned *sine die* on April 29, 2010. The Legislature approved 352 of the 1233 bills introduced. The Governor may sign the bill into law, veto the bill, or allow the bill to become law without her signature. Unless a bill was enacted with an emergency clause or another specified effective date, the general effective date for enacted legislation is 90 days after the Legislature adjourns. This year's general effective date is July 28, 2010.

The Arizona State Dental Hygienists Association spearheaded efforts this legislative session to address the unintended consequences of the passage of SB1400 in 2009. In 2009, ASDHA sought to legislatively expand the Affiliated Practice (AP) Model to serve adults, however shortly after the bill became law, a number of reimbursement issues arose, namely due to the policy change AHCCCS had made to its Medical Manual. After some research, it was apparent that the policy changes made to AHCCCS' Medical Manual were not a direct result of the 2009 legislation, but rather a byproduct of the AP statutes being placed in the limelight. It was discovered that AHCCCS had changed their medical policy relating to the AP Model based on the fact that the policy had never been brought in-line with federal CMS regulations. According to CMS regulations, only the provider of the services can submit and be paid for the services rendered.

SB1419 originally sought to remove all language that was implemented by the 2009 legislation (SB1400), however as the process began it became clear that the Arizona Dental Association would not be willing to revert back to pre-SB1400. A number of stakeholders meetings were held throughout the session between ASDHA, AzDA and AHCCCS, and a compromise was reached. The agreed upon language passed through the process and was signed by the Governor on April 26, 2010.

LEGISLATION OF INTEREST

At the completion of the 2nd Regular Session of the 49th Legislature, the following list contains legislation with potential to impact the Arizona State Dental Hygienists, which was approved by both the Senate and House chambers and passed on to receive positive action from the Governor. Included for each bill is ASDHA's position, the bill sponsor, a brief explanation of the language, and the significant action taken by the Legislature.

S1190 dental board; powers
Sponsor: Senator Barbara Leff

ASDHA Position: Support

The Board of Dental Examiners is required to maintain records of the issuance, denial, renewal, suspension or revocation of licenses. A complaint that is dismissed or terminated shall not be available to the public. A record of all other complaints shall be available to the public except if a non-disciplinary action is taken, the record of the complaint is only available for a period of five years.

SB1190 (Chapter 187) was signed by the Governor after passing the House by a vote of 52-5.

SB1255 health professionals; advertising; disclosure

ASDHA Position: Support

Sponsor: Senator Barbara Leff

Advertisements for health care services that include a health professional's name must identify the title and type of license under which the health professional is practicing. Violations are considered an act of unprofessional conduct.

SB1255 (Chapter 110) was signed by the Governor after passing the House by a vote of 31-24.

HB2125 dental board; membership

ASDHA Position: Neutral

Sponsor: Representative Nancy Barto

Composition of the State Board of Dental Examiners is changed to reduce the number of public members to 2 from 3 and adding one business entity member (who may not be a dentist, dental hygienist or denturist). All current members may serve out their respective terms.

HB2125 (Chapter 112) was signed by the Governor after passing the House by a vote of 55-0.

HB2172 dental board; complaints

ASDHA Position: Support

Sponsor: Representative Steve Court

The executive director of the dental board may terminate a complaint against a licensee if the investigation reveals the complaint is without merit and if the investigative staff concurs with the action. Termination may not occur if the complaint is against a licensee who has been convicted of malpractice. The complainant of a terminated case may file a request for review within 30 days of being notified that the complaint has been terminated.

HB2172 (Chapter 46) was signed by the Governor after passing the Senate 29-0.

HB2545 professions; dismissed complaints; records

ASDHA Position: Support

Sponsor: Representative Matt Heinz

If a professional regulatory board "dismisses a complaint" (defined as not having issued a disciplinary or non-disciplinary order) or issues a non-disciplinary order, the record of the complaint remains available to the public as well as to the regulatory board but is not available on the agency's website. If the agency issues an advisory letter or letter of concern or imposes a practice limitation, documentation related to that action may appear on the agency's website regardless of whether the agency defines the action as a disciplinary or non-disciplinary action. Regulatory agencies must comply with this act by Jan. 1, 2012.

HB2545 has passed the House by a vote of 56-3 and has been transmitted to the Governor for her signature. At the time this briefing was written, no action by the Governor had been taken, however her support is anticipated.

This list contains brief explanations of proposed legislation with the potential to impact the Arizona State Dental Hygienists Association which did not obtain approval of both Chambers of the Legislature or was vetoed by the Governor.

SB1191 dental board; disciplinary actions; confidentiality

ASDHA Position: Support

Sponsor: Senator Barbara Leff

Dental Board investigations of evidence or complaints that appear to show cause for disciplinary action are confidential and records of investigations are not open to public inspection.

SB1191 failed to be heard in the Committee of the Whole. Provisions of SB1191 were rolled into SB1190 – combined into one bill with a Senate floor amendment. SB1190 successfully passed through the process and was signed by the Governor.

SB1327 dental hygienists; community oral health

ASDHA Position: Support

Sponsor: Senator Thayer Verschoor

Eliminates the requirement for all patients treated by dental hygienists at public health agencies or institutions to be seen by a licensed dentist within 12 months of initial treatment. Patients 65 years of age or older must be seen by a dentist within 12 months, instead of immediately after, treatment by a hygienist.

SB1327 was one of the bills drafted on behalf of ASDHA. After internal discussions, ASDHA chose to move forward during the session with SB1419 instead of SB1327. SB1327 did not receive a hearing.

SB1417 dental insurance; charges; covered services

ASDHA Position: None taken

Sponsor: Senator Thayer Verschoor

Contracts between a dental insurance plan and a dentist cannot require dentists to provide services to patients at a fee set by the insurer unless the service for which the fee is set is a covered service under the contract or plan.

SB1417 was amended to SB1419. Senator Verschoor sponsored both pieces of legislation, and when it appeared, due to time constraints that SB1417 would not pass through the Senate in time to be heard in the House, Senator Verschoor asked to amend the bill to HB1419. Permission was granted and the bill was amended in the House Health Committee where it successfully passed through the process and was signed by the Governor.

HB2472 mobile dentistry units

ASDHA Position: Support with amendments

Sponsor: Representative Doris Goodale













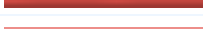
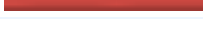
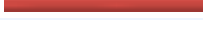















Beginning January 1, 2011, mobile dental facilities (defined) and dental providers using portable dental units (defined) must obtain a permit from the Dental Board.












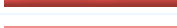
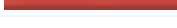
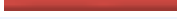


















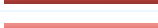

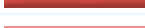





HB2472 failed to receive a hearing. ASDHA recommended a number of changes to the original language and was prepared to work with BODEX to address those issues. However, BODEX chose not to move












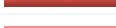
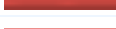
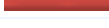





forward with the legislation in 2010. BODEX is open to discuss the concerns expressed by ASDHA prior to the 2011 legislative session.

VOTE ANALYSIS

Listed below is a vote analysis of all member of the Legislature as compared to the position ASDHA's has taken on the above listed bills.

LEGISLATOR	PARTY	CHAMBER	% VOTES YOUR POSITION	
Carolyn Allen	R	Senate	100%	
Martha Garcia	D	House	100%	
Robert Burns	R	Senate	100%	
Linda Gray	R	Senate	100%	
Barbara Leff	R	Senate	100%	
Robert Meza	D	House	100%	
John Nelson	R	Senate	100%	
Ken Chevront	D	Senate	100%	
Cloves Campbell, Jr.	D	House	100%	
Leah Landrum Taylor	D	Senate	100%	
Meg Burton Cahill	D	Senate	100%	
John Huppenthal	R	Senate	100%	
Rich Crandall	R	House	100%	
Jay Tibshraeny	R	Senate	100%	
Thayer Verschoor	R	Senate	100%	
John McComish	R	House	100%	
Rebecca Rios	D	Senate	100%	
Warde Nichols	R	House	100%	
Steve Yarbrough	R	House	100%	
Manuel Alvarez	D	Senate	100%	
Al Melvin	R	Senate	100%	
Jorge Luis Garcia	D	Senate	100%	
Paula Aboud	D	Senate	100%	
Linda Lopez	D	Senate	100%	
Patricia Fleming	D	House	100%	
Olivia Cajero Bedford	D	House	100%	
Phil Lopes	D	House	100%	
David Bradley	D	House	100%	
Matt Heinz	D	House	100%	
Daniel Patterson	D	House	100%	

Doris Goodale	R	House	100%	
Nancy McLain	R	House	100%	
Ray Barnes	R	House	100%	
Nancy Barto	R	House	100%	
Ed Bunch	R	Senate	100%	
Amanda Reeve	R	House	100%	
Frank Antenori	R	Senate	100%	
Chad Campbell	D	House	90%	
Amanda Aguirre	D	Senate	89%	
Rae Waters	D	House	88%	
Barbara McGuire	D	House	88%	
David Stevens	R	House	88%	
Frank Pratt	R	House	88%	
Adam Driggs	R	House	88%	
Michele Reagan	R	House	88%	
Bill Konopnicki	R	House	88%	
Sylvia Allen	R	Senate	80%	
Steve Pierce	R	Senate	80%	
Richard Miranda	D	Senate	80%	
Ben Miranda	D	House	78%	
Edward Ableser	D	House	78%	
David Schapira	D	House	78%	
Cecil Ash	R	House	78%	
Doug Quelland	R	House	78%	
Eric Meyer	D	House	78%	
Jim Weiers	R	House	78%	
Kirk Adams	R	House	78%	
Lynne Pancrazi	D	House	78%	
Steve Farley	D	House	78%	
Tom Chabin	D	House	78%	
Christopher Deschene	D	House	78%	
Anna Tovar	D	House	78%	
Andy Tobin	R	House	76%	
Steve Court	R	House	76%	
Albert Hale	D	Senate	70%	
Jack Harper	R	Senate	69%	
Vic Williams	R	House	68%	
Nancy Young Wright	D	House	66%	
Russ Jones	R	House	66%	
David Gowan	R	House	66%	

Lucy Mason	R	House	66%	
Jerry Weiers	R	House	66%	
John Kavanagh	R	House	66%	
Debbie Lesko	R	House	66%	
Rick Murphy	R	House	66%	
David Braswell	R	Senate	59%	
Ron Gould	R	Senate	59%	
Chuck Gray	R	Senate	59%	
Debbie McCune Davis	D	Senate	59%	
Russell Pearce	R	Senate	59%	
Andy Biggs	R	House	56%	
Carl Seel	R	House	56%	
Judy Burges	R	House	56%	
Laurin Hendrix	R	House	54%	
Ted Vogt	R	House	49%	
Kyrsten Sinema	D	House	44%	
David Lujan	D	House	42%	
Jack Brown	D	House	42%	
Tom Boone	R	House	42%	
Steve Montenegro	R	House	33%	