



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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**DRAFT MINUTES FOR
JOINT LEGISLATION AND RULES COMMITTEE TELECONFERENCE
Scheduled to be held at 4:00 p.m., on Tuesday, March 29, 2016
9545 E. Doubletree Ranch Road • Scottsdale, Arizona**

Committee Members

Jodi A. Bain, Esq., Chair

R. Screven Farmer, M.D.

Robert E. Fromm, M.D., M.P.H.

A. CALL TO ORDER AND ROLL CALL

Jodi A. Bain, Esq., called the meeting to order at 4:12 p.m.

The following Committee members participated telephonically: Ms. Bain and Dr. Farmer.

The following Committee members were absent: Dr. Fromm.

ALSO PRESENT

Present among Board staff include: Carrie Smith, AAG; Patricia E. McSorley, Executive Director; Kristina Fredericksen, Deputy Director; Alicia Cauthon, Executive Assistant; James Gentile, Chief Information Officer; Mary Bober, Board Operations Manager; and Michelle Robles, Board Coordinator.

B. CALL TO THE PUBLIC

No individuals addressed the committee during the Call to the Public.

C. APPROVAL OF MINUTES

MOTION: Dr. Farmer moved to approve the August 27, 2015 JLRC Committee Minutes and the November 25, 2015 JLRC Committee Minutes.

SECOND: Ms. Bain.

VOTE: 2-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING AMB POLICY AND LEGISLATIVE AGENDA

Stuart Goodman, Legislative Liaison, participated via teleconference and presented a report to the Committee regarding the following legislation:

- HB 2364 – Medical Board; License Renewal
Mr. Goodman stated the bill cleared the senate committee last week and is awaiting a third read. Mr. Goodman explained Senator Smith had concerns with the language regarding the

\$1000 civil penalty fee. Mr. Goodman discussed the justification for the penalty and feels Senator Smith's concerns have been addressed.

- HB 2501 – Health Regulatory Boards; Transfer; DHS
Mr. Goodman stated the bill is no longer moving forward in the Senate. Mr. Goodman explained Senator Barto had concerns with the pace of the boards being transferred to DHS and therefore offered an amendment to change the time frames. The Governor's Office rejected the approach and withdrew the bill. The Governor's Office has stated that they will complete a study in October to be ready for the next legislative session. Dr. Farmer inquired about the DHS director's ability to veto actions of the Board and adjudication of other issues in medicine. Mr. Goodman stated there was agreement within the Governor's Office to narrow down to an anti-competitive portion of the bill. Mr. Goodman advised that once the session adjourns, the Board should reach out to the Governor's Office to offer input for the study.
- HB 2502 – Medical Licensure Compact
Mr. Goodman noted Senator Barto's stated strong objections to the bill and that the bill appears to be held up by President Tobin's office indefinitely. Mr. Goodman opined the bill may move forward in 2017.
- HB 2517 – Businesses; Professions; Regulation Restrictions
Mr. Goodman explained the bill is designed to make sure regulations are minimal and do not create barriers to entry into professions. Mr. Goodman stated the concern is with the unattended consequences of the proposed legislation. Mr. Goodman opined the bill does not affect the board's ability to protect the public.
- SB 1283 – Controlled Substances Prescription Monitoring Program
Ms. McSorley informed the committee that the bill is moving forward, carve outs have been added and concerns have been raised by physicians. Ms. Smith presented the seven carve outs to the committee and clarified that the bill addresses all controlled substances including opioids. Mr. Goodman opined that the likelihood bill will likely pass.
- SB 1443 – Health Profession Regulatory Boards
Mr. Goodman summarized the two main issues in the bill are establishing term limits for board members and requiring that all non-disciplinary actions are to be posted on board websites. Mr. Goodman noted that the justification for the bill is that since the public is able to obtain information regarding non-disciplinary actions by phone that same information should be available on board websites. Ms. McSorley noted the statute also states positions for boards open for employment must be posted to board websites. Mr. Goodman stated the bill is out of the Senate and on to the House, and he expects the bill to go forward. Mr. Goodman mentioned language in the general statute and Board statute conflict. Mr. Goodman recommends the Board clarify their statute. Dr. Farmer inquired whether the ambiguity of the language can be clarified before the bill passes. Mr. Goodman noted the challenge would be to make changes to the bill before it gets to conference committee. Mr. Goodman opined he does not foresee this happening due to Senator Barto not wanting to delay the bill's process. Mr. Goodman stated he can broach the concern with Senator Barto by explaining the topic was raised in committee for consistency in the language of the bill and the board's statute, and inquire how it can be fixed.
- SB 1445 – Health Care Services; Patient Education
Mr. Goodman stated there was success with correcting the bill's language to retain the Board's jurisdiction over licensees that practice outside of the standard of care. Mr. Goodman stated the bill is moving forward.
- SB 1524 – Regulatory Actions; Limitation
- SB 1096- Exemption for Physician Assistants from Fluoroscopy Training Requirements set by the Medical Radiologic Technology Board
- SB 1136- Physician Assisted Suicide
Mr. Goodman stated we have not participated in the discussion of this bill and that this bill did not get a hearing in chamber.
- Discussion and Possible Action Identification of Other Proposed Legislation That May Be Relevant to Board Activities.

Mr. Goodman stated he will continue to provide a legislative weekly update to the Executive Director. Mr. Goodman informed the committee there is a moratorium on new bills until the budget is finalized and the session adjourns in April. Ms. Bain and Dr. Farmer agreed they will provide a report of all the legislative updates raised during this Committee meeting at the Board's April 6th meeting.

Mr. Goodman commented on the discussion during the 90/10 meeting about using the Governor's Regulatory Review Council (GRRC) to address concerns regarding the FTC issues. Mr. Goodman noted this suggestion was not well taken, and is unlikely to be pursued at any time. Ms. McSorley stated that rule exemption requests are submitted to Christina Corieri, Health and Human Services Policy Advisor for the Governor who has the ability to approve exemptions. Mr. Goodman confirmed that the policy advisor has the ability to approve or disapprove a rule exemption request and explained the GRRC exemption rule process.

E. Consideration, Discussion and Possible Action Regarding the Calendar and Content for Submissions Through 2018 to the Governor's Regulatory Review Council ("GRRC").

Discussion occurred regarding the schedule for upcoming rule revisions according to previous 5 year rule reviews.

Ms. McSorley reported that Article 1 and Article 4 regarding Medical Assistants are due August 2017. Ms. Smith informed the Committee the first rule in Article 4 sets forth training requirements for medical assistants and the second rule addresses scope of practice for medical assistants. Ms. McSorley reported that the 5 year review for Article 7 addressing office-based surgery using sedation is due Jan 2018. Ms. McSorley reported the 5 year review report for Article 5 was completed in 2013 and revisions are due in August 2018. Ms. McSorley noted an extension from GRRC was granted for Article 2 regarding licensure because of the licensing rule revisions enacted in 2015. The next five year review report will be due in 2020.

F. Consideration, Discussion and Possible Action Regarding the Recent Submissions to GRRC and an Update on their Status.

Ms. McSorley reported Article 2's five year review regarding licensing rules was successfully completed. Ms. McSorley reported the five year review on Article 3 and Article 6 need to be reviewed with Board recommendations in order to submit to GRRC by December 2016. Article 5 has been submitted to GRRC. Ms. McSorley stated we are ready to move ahead with the Board's discussion and approval of the rules so they can be submitted in August. Ms. Bain requested the matrix be ready for the Committee by May 15th for Articles 3 and 6 so the committee may discuss the matrix and be able to present to the full Board in June.

G. ADJOURNMENT

The meeting adjourned at 5:21 p.m.



Patricia E. McSorley, Executive Director