

ARIZONA STATE SENATE

51ST LEGISLATURE
FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: February 20, 2013 **TIME:** 2:00 P.M. **ROOM:** SHR1

CHAIRMAN: Senator Nancy Barto **VICE-CHAIRMAN:** Senator Kelli Ward

ANALYST: Marianne Yamnik **INTERN:** Orlando Menjivar

ASSISTANT ANALYST: Bryan Durham **COMMITTEE SECRETARY:** Shelley Ponce

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Bradley	X			SB 1023	DPA/SE
Senator Burges	X			SB 1115	DPA
Senator Hobbs	X			SB 1286	DPA
Senator Lopez	X			SB 1353	DPA
Senator Yee	X			SB 1362	DPA
Senator Ward, Vice-Chairman	X			SB 1376	DPA
Senator Barto, Chairman	X			SB 1421	DPA
				SB 1433	DPA
				SB 1437	DPA
				SB 1438	DPA
				SB 1440	DPA
				SB 1442	DP
				SB 1443	DP
				SCR 1002	FAILED

EXECUTIVE NOMINATIONS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Monica Z. Ray	Member, Radiation Regulatory Hearing Board	CONFIRMATION

Chairman Barto called the meeting to order at 2:23 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Barto stated that without objection, the minutes of February 13, 2013 were approved.

PRESENTATION

Recognition of Little People of Arizona

Chandra Streitt, Vice President, Arizona Chapter of Little People of America, read a personal statement (Attachment A).

EXECUTIVE NOMINATIONS

Monica Z. Ray – Member, Radiation Regulatory Hearing Board – CONFIRMATION RECOMMENDED

Orlando Menjivar, Health and Human Services Intern, gave a brief overview of the Radiation Regulatory Hearing Board.

Monica Z. Ray reviewed her resume and answered questions posed by the Committee.

Senator Ward moved the Health and Human Services Committee recommend to the full Senate the CONFIRMATION of Monica Z. Ray as a member of the Radiation Regulatory Hearing Board. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 1).

CONSIDERATION OF BILLS

SB 1115 – direct pay prices; health care – DO PASS AMENDED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1115, the 7-page Barto amendment dated 02/19/13 at 2:47 p.m. (Attachment B) and answered questions posed by the Committee.

David Landrith, Arizona Medical Association, testified as neutral on SB 1115 and answered questions posed by the Committee.

Senator Ward moved SB 1115 be returned with a DO PASS recommendation.

Senator Ward moved the 7-page Barto amendment dated 02/19/13 at 2:47 p.m. (Attachment B) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1115 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 2).

Senators Yee, Ward and Barto explained their votes.

SCR 1002 – health care; direct pay prices – FAILED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SCR 1002 and the 7-page Barto amendment dated 02/19/13 at 3:22 p.m. (Attachment C).

Senator Ward moved SCR 1002 be returned with a DO PASS recommendation.

Senator Ward moved the 7-page Barto amendment dated 02/19/13 at 3:22 p.m. (Attachment C) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SCR 1002 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 3-4-0 (Attachment 3).

SB 1023 - technical correction; dentistry; permit – DO PASS AMENDED/STRIKE EVERYTHING

Marianne Yamnik, Health and Human Services Committee Analyst, explained the 16-line Barto strike everything amendment dated 02/18/13 at 2:49 p.m. (Attachment D).

Senator Ward moved SB 1023 be returned with a DO PASS recommendation.

Senator Ward moved the 16-line Barto strike everything amendment dated 02/18/13 at 2:49 p.m. (Attachment D) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1023 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 4).

SB 1353 – health insurance; telemedicine – DO PASS AMENDED

Orlando Menjivar, Health and Human Services Committee Intern, explained SB 1353 and the 5-page Ward amendment dated 02/19/13 at 4:24 p.m. (Attachment E).

Senator Griffin, bill sponsor, further explained SB 1353.

Michael Keeling, Chairman, Arizona Telecommunications and Information Council, testified in support of SB 1353.

Dr. Ronald Weinstein, representing himself, testified in support of SB 1353.

Dr. Daniel Roe, Copper Queen Community Hospital, Bisbee, Arizona testified in support of SB 1353.

Charles Bassett, Blue Cross Blue Shield of Arizona, testified as neutral on SB 1353 and answered questions posed by the Committee.

Dr. Sue Sisley, Physician and Assistant Professor, University of Arizona College of Medicine, representing herself, testified in support of SB 1353.

Dr. Sara Presler, CEO, Maricopa County Medical Society, distributed a letter to the Legislature (Attachment F) and testified in support of SB 1353.

Dr. Richard Strand, representing himself, testified in support of SB 1353.

Dr. Jonathan Weisbuch, representing himself, testified in support of SB 1353.

Senator Ward moved SB 1353 be returned with a DO PASS recommendation.

Senator Ward moved the 5-page Ward amendment dated 02/19/13 at 4:24 p.m. (Attachment E) be ADOPTED. The motion CARRIED by voice vote.

Senator Griffin further answered questions posed by the Committee.

Senator Ward moved SB 1353 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 5).

Senator Ward explained her vote.

SB 1362 – insurance; unfair practices; utilization review – DO PASS AMENDED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1362 and the 5-line Barto amendment dated 02/19/13 at 1:57 p.m. (Attachment G).

Senator Murphy, bill sponsor, further explained SB 1362 and answered questions posed by the Committee.

Alan Immerman, Chiropractic Physician, Arizona Chiropractic Society, distributed a copy of a remittance statement (Attachment H), testified in support of SB 1362 and answered questions posed by the Committee.

Steve Barclay, Lobbyist, Blue Cross and Blue Shield of Arizona, testified in opposition to SB 1362.

Barry Aarons, Lobbyist, Arizona Association of Chiropractic, testified in support of SB 1362.

Melody Jafari, Doctor of Chiropractic, representing herself, distributed a packet of papers (Attachment I) and testified in support of SB 1362.

Ginger Valencia, Medical Biller, representing herself, testified in support of SB 1362.

Thomas Blankenbaker, Arizona Chiropractic Society (ACS), distributed a packet of papers (Attachment J) and testified in support of SB 1362.

Senator Murphy further addressed the Committee.

Senator Ward moved SB 1362 be returned with a DO PASS recommendation.

Senator Ward moved the 5-line Barto amendment dated 02/19/13 at 1:57 p.m. (Attachment G) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1362 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 6).

Senators Bradley and Ward explained their votes.

SB 1376 – reproductive technology – DO PASS AMENDED

Orlando Menjivar, Health and Human Services Committee Intern, explained SB 1376 and the 2-page Barto amendment dated 02/19/13 at 1:45 p.m. (Attachment K).

Cathi Herrod, President, Center for Arizona Policy, testified in support of SB 1376.

Kristen Boilini, The National Infertility Association (RESOLVE) and the Society for Assisted Reproductive Technologies (SART), testified in opposition to SB 1376.

Dr. Frederick Larsen, Physician, representing himself, testified in opposition to SB 1376 and answered questions posed by the Committee..

Ms. Boilini further addressed the Committee.

Senator Ward moved SB 1376 be returned with a DO PASS recommendation.

Senator Ward moved the 2-page Barto amendment dated 02/19/13 at 1:45 p.m. (Attachment K) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1376 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 7).

SB 1421 school personnel; emergency epinephrine administration – DO PASS AMENDED

Bryan Durham, Health and Human Services Committee Assistant Analyst, explained SB 1421 and the 24-line Lopez amendment dated 02/19/13 at 12:48 p.m. (Attachment L).

Michael Zelin, representing himself, testified in support of SB 1421.

Sue Braga, Executive Director, Arizona Chapter of the American Academy of Pediatrics, testified in support of SB 1421.

Senator Ward moved SB 1421 be returned with a DO PASS recommendation.

Senator Ward moved the 24-line Lopez amendment dated 02/19/13 at 12:48 p.m. (Attachment L) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1421 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 8).

Senator Barto explained her vote.

SB 1286 – nursing facility provider assessments – DO PASS AMENDED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1286, the 10-line Barto amendment dated 02/19/13 at 2:43 p.m. (Attachment M) and answered questions posed by the Committee.

Senator Griffin, bill sponsor, further explained SB 1286.

David Hampton, PIO, Arizona Department of Veterans Services, testified in support of SB 1286.

Colleen Rundell, Administrator, Arizona State Veteran Home - Phoenix, distributed a handout entitled "Veterans Health Programs Improvement Act" (Attachment N) and testified in support of SB 1286.

Senator Ward moved SB 1286 be returned with a DO PASS recommendation.

Senator Ward moved the 10-line Barto amendment dated 02/19/13 at 2:43 p.m. (Attachment M) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1286 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 9).

Senator Bradley explained his vote.

SB 1433 – optometry board – DO PASS AMENDED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1433 and the following amendments:

7-line Ward amendment dated 02/19/13 at 2:16 p.m. (Attachment O)

7-line Barto amendment dated 02/19/13 at 3:05 p.m. (Attachment P)

Don Isaacson, Arizona Optometric Association, testified in support of SB 1433 and the Barto amendment. Mr. Isaacson testified in opposition to the Ward amendment and answered questions posed by the Committee.

John Mangum, Arizona Ophthalmological Society, testified in opposition to SB 1433.

Raymond Zimmerman, Ophthalmologist, Arizona Ophthalmological Society, testified in opposition to SB 1433 and answered questions posed by the Committee.

Dan Briceland, MD, Arizona Ophthalmological Society, testified in opposition to SB 1433.

Brian Mach, President, Arizona State Board of Optometry, testified in support of SB 1433.

Senator Ward moved SB 1433 be returned with a DO PASS recommendation.

Senator Ward moved the 7-line Ward amendment dated 02/19/13 at 2:16 p.m. (Attachment O) be ADOPTED. A DIVISION was called. The motion FAILED by a hand vote of 3 ayes, 4 nays.

Senator Ward moved the 7-line Barto amendment dated 02/19/13 at 3:05 p.m. (Attachment P) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1433 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 10).

Senators Yee, Ward and Barto explained their votes.

SB 1438 – prescription orders; biological products; substitution – DO PASS AMENDED

Orlando Menjivar, Health and Human Services Committee Intern, explained SB 1438 and the following amendments:

2-line Ward amendment dated 02/18/13 at 2:00 p.m. (Attachment Q)

6-line Ward amendment dated 02/19/13 at 1:39 p.m. (Attachment R)

Dr. Richard Dolinar, Physician, Alliance for Safe Biologic Medicines (ASBM), discussed a slideshow about biologic medicines (Attachment S), testified in support of SB 1438 and answered questions posed by the Committee.

Senator Ward distributed a handout entitled "Organizations in Support of SB 1438" (Attachment T).

Cheyenne Cook, Director, National Government Affairs, Boehringer Ingelheim Pharmaceuticals, testified in opposition to SB 1438.

David Landrith, Vice President of Policy & Political Affairs, Arizona Medical Association, testified in support of SB 1438.

Brynna Clark, Senior Director of State Affairs, Generic Pharmaceutical Association (GPhA), testified in opposition to SB 1438 and answered questions posed by the Committee.

Richard Knapp, Executive Director State and External Affairs, Novartis Pharmaceuticals Corporation, testified in opposition to SB 1438 and answered questions posed by the Committee.

Brett Hunt, The Alliance for the Adoption of Innovations in Medicine, testified in support of SB 1438 and answered questions posed by the Committee.

Kelly Ridgway, CEO, Arizona Pharmacy Association, testified in opposition to SB 1438 and answered questions posed by the Committee.

Barbara Lussenhop, Genentech, testified in support of SB 1438.

David Childers, America's Health Insurance Plans, testified in opposition to SB 1438 and answered questions posed by the Committee.

Robert Tamis, Physician, International Cancer Advocacy Network (ICAN), testified in support of SB 1438.

Jay Kaprosy, Senior Government Relations Advisor, CVS Caremark, testified in opposition to SB 1438 and answered questions posed by the Committee.

Joan Koerber-Walker, President and CEO, Arizona Bioindustry Association, representing herself, testified in support of SB 1438.

Janet Underwood, Director, Pharmacy Affairs, Arizona Community Pharmacy Committee, testified in opposition to SB 1438.

Senator Ward moved SB 1438 be returned with a DO PASS recommendation.

Senator Ward moved 2-line Ward amendment dated 02/18/13 at 2:00 p.m. (Attachment Q) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1438 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 11).

Senators Burges, Hobbs, Lopez, Yee, Ward and Barto explained their votes.

SB 1437 – music therapists; licensure – DO PASS AMENDED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1437 and the 20-line Barto amendment dated 02/19/13 at 3:31 p.m. (Attachment U).

Barbara A. Else, Senior Advisor, Policy & Research, AZ Music Therapy Task Force (AMTA), testified in support of SB 1437.

Senator Ward moved SB 1437 be returned with a DO PASS recommendation.

Senator Ward moved 20-line Barto amendment dated 02/19/13 at 3:31 p.m. (Attachment U) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1437 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 12).

SB 1440 – medical marijuana; advertising; labeling – DO PASS AMENDED

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1440 and the 3-line Yee amendment dated 02/19/13 at 12:20 p.m. (Attachment V).

Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council (APAAC), testified in support of SB 1440 and answered questions posed by the Committee.

Mark McClain, Special Agent, Attorney General's Office, representing himself, gave a slide presentation (Attachment W) and answered questions posed by the Committee.

Alex Romero, Drug Watch International & Arizonans for Drug Free Youth and Communities, testified in support of SB 1440.

Michael Auerbach, District Area Director, representing himself, testified in support of SB 1440.

Anjali Abraham, Public Policy Director, American Civil Liberties Union of Arizona, testified in opposition to SB 1440.

Senator Ward moved SB 1440 be returned with a DO PASS recommendation.

Senator Ward moved the 3-line Yee amendment dated 02/19/13 at 12:20 p.m. (Attachment V) be ADOPTED. The motion CARRIED by voice vote.

Senator Ward moved SB 1440 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 13).

Senators Bradley, Lopez and Yee explained their votes.

SB 1442 – medical marijuana; child care facilities – DO PASS

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1442 and answered questions posed by the Committee.

Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council (APAAC), testified in support of SB 1442.

Senator Ward moved SB 1442 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 14).

SB 1443 – marijuana; postsecondary education; medical research – DO PASS

Marianne Yamnik, Health and Human Services Committee Analyst, explained SB 1443.

Dr. Sara Presler, CEO, Maricopa County Medical Society, distributed a letter to the Legislature (Attachment X) and testified in support of SB 1443.

Richard Strand, representing himself, testified in support of SB 1443.

Alex Romero, Drug Watch International & Arizonans for Drug Free Youth and Communities, testified in opposition to SB 1443.

Senator Ward moved SB 1443 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 15).

Senator Ward explained her vote.

Attached is a list noting the individuals who registered their position on the agenda items (Attachment Y).

There being no further business, the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)