



2017 LEGISLATIVE WRAP UP

SB1479: Mental Health Treatment; Patient Transport- Requires a mental health provider to accompany a peace officer when they are taking a mental health patient into protective custody or to apprehend the patient and transport the patient to an agency for inpatient treatment. *Action- Passed in the Senate, Held in the House.*

HB2476: Trauma-Informed Care Training - The Department of Child Safety (DCS) is required to provide three hours of trauma-informed care training for every foster parent and employee of a child welfare agency who has direct contact with a child placed with the agency. Current foster parents and agency employees are required to complete the training within two years after the effective date of this legislation. DCS is required to work with behavioral health care providers that contract with AHCCCS to establish the training. Other requirements for the training are specified. *Action – Passed in the House, Held in the Senate.*

SB1005: Striker to Mental Health; Hospital Boarding – Addressed some issues with hospital boarding of psychiatric patients who have not been court ordered for treatment yet. *Action – Held in Rules. It is important to note that a lot of great community conversations have come about since this bill was introduced.*

HB2042 - DHS: Fingerprinting Requirements- Volunteers who provide medical services, nursing services, behavioral health services, health-related services home health services or supportive services at a residential care institution, nursing care institution or a home health agency are required to have a valid fingerprint clearance card. Some exceptions. The list of persons exempt from the fingerprinting requirements for children's behavioral health program personnel and volunteers is modified. *Action- Passed and Signed.*

HB2135 - Health Care Workforce; Data- Requires a 15-member task force on Health Care Professional Workforce Data to be established with the purpose of researching and making recommendations for the establishment of a resource center for the collection of data concerning the health care professional workforce. The Task Force is required to submit a report of its findings and recommendations to the Governor and the Legislature by March 1, 2018 and self-repeals July 1, 2018. *Action- Held in Rules.*

HB2238 - Sex Trafficking; Violation- The crime of child prostitution, a class 2 (second-highest) felony, is renamed child sex trafficking, and the acts constituting a commission of child sex trafficking are expanded to include knowingly enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in, or with the knowledge that the minor will engage in, prostitution, any “sexually explicit performance” (defined) or any act constituting sexual abuse, sexual assault or molestation. A sentence for child sex trafficking must be consecutive to any other sentence imposed on the person at any time. *Action- Passed and Signed.*

HB2239 - Incompetent, Nonrestorable Defendants; Involuntary Commitment- Various changes related to defendants who are incompetent to stand trial. If the county attorney receives a report that determines a defendant is incompetent to stand trial, the county attorney is permitted to request that the defendant be screened to determine if the defendant may be a sexually violent person if the defendant is charged with a

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sexually violent offense and if the report concludes that there is no substantial probability that the defendant will regain competency within 21 months. If the court orders a screening, the court is required to appoint a competent professional to conduct it and the criminal case cannot be dismissed until the professional's report is provided to the court and the parties and a hearing is held on the report. If the court finds that a defendant is incompetent to stand trial and that there is no substantial probability that the defendant will regain competency within 21 months, the court is authorized to order an assessment of the defendant's eligibility for private insurance or public benefits that may be applied to the expenses of the defendant's medically necessary maintenance and treatment. Petitions for evaluation or court-ordered treatment are required to include any known criminal history. A patient whose period of court-ordered treatment is tolled for at least 60 continuous days is permitted to request a judicial review on the patient's voluntary or involuntary return to treatment. The medical director of a mental health treatment agency is not civilly liable for any acts committed by a released patient if the director complied with statutory requirements in good faith. *Action- Passed and Signed.*

HB2307 - Controlled Substances Prescription Monitoring Program- Each medical practitioner regulatory board is required to notify medical practitioners who register under the federal Controlled Substances Act of the practitioner's responsibility to register with the Board of Pharmacy and be granted access to the Program's central database tracking system, instead of each board being required to notify the Board of Pharmacy and the Board of Pharmacy notifying the practitioners. The purposes for which the Arizona Health Care Cost Containment System Administration is authorized to use confidential data from the Program for are expanded to include for performing a drug utilization review for controlled substances to help combat opioid overuse or abuse or for ensuring the continuity of care. *Action- Passed and Signed.*

SB1026: Behavioral Health Examiners; Continuation- Extends the statutory life of the Board of Behavioral Health Examiners eight years to July 1, 2025. Retroactive to July 1, 2017. *Action- Passed.*

SB1030: AHCCCS; Covered Services; Occupational Therapy- The list of medically necessary health and medical services covered by AHCCCS expanded to include occupational therapy. *Action- Passed and Held in House.*

SB1031: Dangerous and Incompetent Defendants; Study Committee- Establishes a committee on incompetent, nonrestorable, and dangerous defendants. The committees research and recommendations for short and long-term programs to provide treatment and supervision for individuals charged with dangerous or violent crimes and found incompetent and nonrestorable. The Committee is required to report its findings and recommendations to the Governor and the Legislature by December 31, 2017 and self-repeals July 1, 2018. *Action- Passed and Signed.*

SB1108 - Cash Assistance; Children- Modifies TANF eligibility requirements to allow cash assistance for children placed in non-relative kinship placements. It modifies the definition of "child only case" to include children in the legal custody of a tribal court or a tribal child welfare agency located in Arizona. *Action- Passed and Signed.*

SB1109 - Fingerprinting; Child Placement; IT Contractors- The Department of Child Safety (DCS) is prohibited from placing a child with a relative or a person with a significant relationship with a child unless each adult member of the person's household consents to a preliminary state and federal name-based background check, and within 15 calendar days submits a full set of fingerprints for the purpose of obtaining a

state and federal criminal records check. Also, information technology employees of contractors who have access to DCS information are required to have a valid fingerprint clearance card. *Action- Passed and Signed.*

SB1157 - Competency Hearings; Jurisdiction; Referral- The presiding judge of the superior court in each county, with the agreement of the justice of the peace or municipal court judge, is permitted to authorize a justice court or municipal court to exercise jurisdiction over a competency hearing in a misdemeanor case that arises out of the justice court or municipal court. A justice of the peace or municipal court judge, with the approval of the presiding judge of the superior court and the justice or judge of the receiving court, is permitted to refer a competency hearing to another justice court or municipal court that is located in the county. *Action- Passed and Signed.*

SB1158 - Sentencing; Court Debts; Fine Mitigation- Allows the court to waive a civil penalty, fine, forfeiture or surcharge, and allows the court to mitigate a civil penalty or fine if the payment would cause hardship on the individual or their immediate family. Judges are authorized to waive or mitigate mandatory community restitution due to a defendant's medical condition. The court is required to determine the sentence for a definite period of time if it imposes a sentence to perform community restitution for a misdemeanor conviction. *Action- Held in the House.*

SB1194 - DCS; Foster Parent; Medical Consent- If the Department of Child Safety (DCS) has temporary or legal custody of a child, DCS is authorized to consent to evaluation and treatment for emergency conditions that are not life threatening, routine medical and dental treatment and procedures, surgery, blood transfusions, general anesthesia, and testing for the presence of the human immunodeficiency virus (HIV). To the extent possible, DCS is required to consult with each biological parent of the child whose parental rights have not been terminated when making health care decisions for the child. Additionally, foster parents are authorized to, instead of prohibited from, giving consent to testing for the presence of HIV. *Action- Passed and Signed.*

SB1335: Behavior Analysts; Committee; Licensure; Regulation- Establishes a 5-member Committee on Behavior Analysts within the State Board of Psychologist Examiners, and establishes Committee powers and duties. Increases the membership of the Board to ten, from nine, by adding one member who is a behavior analyst in professional practice. The Committee is required to review all complaints against behavior analysts and submit its findings to the Board. The Board is required to receive and consider recommendations from the Committee on all matters relating to the licensing and regulation of behavior analysts before the Board takes action, with some exceptions. Board decisions for educational and training standards for behavior analyst licensure and license issuance must be made on the Committee's recommendation. Session law provides for initial terms of Committee members. Effective November 1, 2017. *Action- Passed and Signed.*

HB2228: Child and Family Advocacy- Requires DCS child welfare investigator to determine if the child should be assessed and interviewed at a "child and family advocacy center." *Action- Held.*

HB2084: Tribal Courts; Involuntary Commitment Orders- Allows Native American patients to be admitted to mental health facilities pending the filing of tribal courts involuntary commitment order. *Action- Passed and Signed.*

HB2342: Veteran's Services; Benefits Counselors; Appropriation- Allows a supplemental appropriation of \$500,000 and 10 FTE positions from the general fund in FY2017-18 to the Department of Veterans' Services to hire additional benefits counselors. *Action- Held in Senate.*

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SB1278: Felony Pretrial Intervention Programs; Appropriations- Appropriates \$2.75 million from the general fund in FY2017-18 to the Arizona Criminal Justice Commission, to be proportionally distributed to county attorney offices in counties with a population of less than 3 million persons for administering felony intervention programs that meet specified requirements. *Action- Passed and Signed.*

HB2372: Public Benefits; Fee Waivers; Requirements- Various changes to public assistance programs. A needy family may continue to receive Temporary Assistance for Needy Families (TANF) cash assistance for 12 months in addition to the 12-month limit if the head of household or other adult household member who is required to participate in the work program is in full compliance with all work activity requirements of the program, and each dependent child in the assistance unit who is required to attend school has a school attendance record of at least 90 percent unless the child was excused pursuant to statutory requirements. A head of household who receives TANF cash assistance or any person authorized by the head of household is prohibited from using an electronic benefit transfer (EBT) card to purchase lottery tickets. The Department of Economic Security (DES) is required to impose a series of graduated sanctions if a TANF recipient voluntarily terminates paid employment without good cause or an adult TANF recipient uses, sells or possesses a controlled substance in violation of the criminal code. If a person requests a third replacement EBT card within a 12-month period or uses more than 10 percent of the EBT card balance in a 6-month period on out-of-state purchases, DES is required to schedule an interview for the person to determine whether there is fraud. DES is required to request any necessary federal waivers to comply with this requirement. DES is required to post online a spending report of the Supplemental Nutrition Assistance Program (SNAP) and TANF benefits, which must include specified information. If specified conditions are met, DES is required to provide the Jobs Program to eligible families transitioning off of TANF cash assistance due to the time limit if needed to obtain or maintain employment or to receive a higher level of employment. The Jobs Program must be provided for up to 12 months after a cash assistance case closure. Beginning in 2017, each employment service contractor is required to semiannually report specified information on job placement to DES, the Governor and the Legislature by June 30 and December 31 of each year. A person who is convicted after August 22, 1996 of a felony offense that has as an element of the offense the use or possession of a controlled substance may be eligible for SNAP if the person successfully completes or is participating in a drug treatment program or is in compliance with all terms of probation, if applicable, if the person and agrees to random drug testing. An “agency” (defined) is required to waive any fee charged for an initial “license” (defined) for any individual applicant whose family income does not exceed 200 percent of the federal poverty guidelines. *Action- Passed and Signed.*

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