

COBB FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2896
(Reference to printed bill)

1 Page 1, between lines 25 and 26, insert:

2 "Sec. 2. Title 20, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 20-126, to read:

4 20-126. Department: annual medical loss ratio report: posting:
5 definition

6 A. ON OR BEFORE MARCH 31 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE
7 AN ANNUAL REPORT ON THE MEDICAL LOSS RATIO FOR EACH DENTAL INSURER DOING
8 BUSINESS IN THIS STATE. IN CALCULATING THE MEDICAL LOSS RATIO, THE
9 DEPARTMENT SHALL USE DATA SUBMITTED BY DENTAL INSURERS IN EXISTING REQUIRED
10 REGULATORY FILINGS, INCLUDING ALL OF THE FOLLOWING:

- 11 1. ADJUSTED INCURRED ANNUAL DENTAL CLAIMS IN THIS STATE.
12 2. ANNUAL DENTAL INSURANCE PREMIUMS EARNED IN THIS STATE.
13 3. ANNUAL INCURRED FEDERAL AND STATE TAXES, LICENSING FEES AND
14 REGULATORY FEES ON DENTAL PREMIUMS IN THIS STATE.

15 B. THE DEPARTMENT SHALL POST THE CALCULATED ANNUAL MEDICAL LOSS
16 RATIO FOR EACH DENTAL INSURER ON THE DEPARTMENT'S WEBSITE.

17 C. FOR THE PURPOSES OF THIS SECTION, "DENTAL INSURER" MEANS A DENTAL
18 SERVICE CORPORATION PURSUANT TO CHAPTER 4, ARTICLE 3 OF THIS TITLE, HEALTH
19 CARE SERVICES ORGANIZATION PURSUANT TO CHAPTER 4, ARTICLE 9 OF THIS TITLE,
20 DISABILITY INSURER PURSUANT TO CHAPTER 6, ARTICLE 4 OF THIS TITLE OR GROUP
21 OR BLANKET DISABILITY INSURER PURSUANT TO CHAPTER 6, ARTICLE 5 OF THIS
22 TITLE THAT OFFERS, ISSUES OR RENEWS A CONTRACT, EVIDENCE OF COVERAGE OR
23 POLICY COVERING DENTAL SERVICES.

Sec. 3. Title 23, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 23-206, to read:

23-206. Employers: accommodations required

IF AN EMPLOYER RECEIVES NOTICE FROM AN EMPLOYEE THAT THE EMPLOYEE'S SINCERELY HELD RELIGIOUS BELIEFS, PRACTICES OR OBSERVANCES PREVENT THE EMPLOYEE FROM TAKING THE COVID-19 VACCINATION, THE EMPLOYER SHALL PROVIDE A REASONABLE ACCOMMODATION UNLESS THE ACCOMMODATION WOULD POSE AN UNDUE HARDSHIP AND MORE THAN A DE MINIMUS COST TO THE OPERATION OF THE EMPLOYER'S BUSINESS."

10 Renumber to conform

11 Page 4, between lines 23 and 24, insert:

"Sec. 6. Section 36-446.02, Arizona Revised Statutes, is amended to read:

36-446.02. Board of examiners; terms; meetings; quorum; effect of vacancies; compensation

A. The board of examiners of nursing care institution administrators and assisted living facility managers is established consisting of ~~nine~~ ELEVEN members appointed by the governor.

B. The board shall include:

1. One administrator who holds an active license issued pursuant to this article.

2. One manager who holds an active license issued pursuant to this article.

3. One administrator of a nonprofit or faith-based skilled nursing facility.

4. One administrator of a proprietary skilled nursing facility.

5. Two managers of an assisted living center as defined in section 36-401.

6. One manager of an assisted living home as defined in section 36-401.

7. Two public members who are not affiliated with a nursing care institution or an assisted living facility.

1 8. ONE PUBLIC MEMBER WHO REPRESENTS AN ORGANIZATION THAT ADVOCATES
2 FOR THE ELDERLY.

3 9. ONE PERSON WHO IS A FAMILY MEMBER OF A RESIDENT IN EITHER A
4 SKILLED NURSING FACILITY OR AN ASSISTED LIVING FACILITY AT THE TIME THE
5 PERSON IS APPOINTED TO THE BOARD.

6 C. Board members who are not affiliated with a nursing care
7 institution or an assisted living facility shall not have a direct
8 financial interest in nursing care institutions or assisted living
9 facilities.

10 D. A board member shall not serve on any other board relating to
11 long-term care during the member's term with the board.

12 E. The term of a board member automatically ends when that member no
13 longer meets the qualifications for appointment to the board. The board
14 shall notify the governor of the board vacancy.

15 F. Board members who are not affiliated with a nursing care
16 institution or an assisted living facility shall be appointed for ~~two-year~~
17 TWO-YEAR terms. Board members who are the administrator of a nursing care
18 institution or the manager of an assisted living facility shall be
19 appointed for ~~three-year~~ THREE-YEAR terms.

20 G. A board member shall not serve for more than two consecutive
21 terms.

22 H. The board shall meet at least twice a year.

23 I. A majority of the board members constitutes a quorum.

24 J. Board members are eligible to receive compensation as determined
25 pursuant to section 38-611 for each day actually spent performing their
26 duties under this chapter.

27 K. A board member who is absent from three consecutive regular
28 meetings or who fails to attend more than fifty ~~per cent~~ PERCENT of board
29 meetings over the course of one calendar year vacates the board member's
30 position. The board shall notify the governor of the vacancy.

31 Sec. 7. Section 36-446.04, Arizona Revised Statutes, is amended to
32 read:

1 36-446.04. Qualifications: period of validity: exemption

2 A. The board shall issue a license as a nursing care institution
3 administrator pursuant to its rules to any person who meets the following
4 qualifications:

5 1. Is of good character.

6 2. Has satisfactorily completed a course of instruction and training
7 approved by the board that:

8 (a) Is designed and sufficiently administered to give the applicant
9 knowledge of the proper needs to be served by nursing care institutions.

10 (b) Includes a thorough background in the laws and rules governing
11 the operation of nursing care institutions and the protection of the
12 interests of the patients in nursing care institutions.

13 (c) Includes thorough training in elements of good health care
14 facilities administration.

15 3. Has passed an examination administered by the board designed to
16 test for competency in the subject matter referred to in this subsection.

17 4. Has met one of the following fingerprinting requirements:

18 (a) Has a valid fingerprint clearance card issued pursuant to title
19 41, chapter 12, article 3.1.

20 (b) Has provided proof of the submission of an application for a
21 fingerprint clearance card. An applicant who has been denied a fingerprint
22 clearance card must also provide proof that the applicant qualifies for a
23 good cause exception hearing pursuant to section 41-619.55.

24 B. A person who is licensed pursuant to this section must maintain a
25 valid fingerprint clearance card during the valid period of the person's
26 license.

27 C. The board shall issue a certificate as an assisted living
28 facility manager pursuant to its rules to a person who meets the following
29 qualifications:

30 1. Is of good character.

31 2. Has satisfactorily completed a course of instruction and training
32 approved by the board that:

1 (a) Is designed and sufficiently administered to give the applicant
2 knowledge of the proper needs to be served by an assisted living facility.

3 (b) Includes a thorough background in the laws governing the
4 operation of assisted living facilities and the protection of the interests
5 of the patients in assisted living facilities.

6 (c) Includes thorough training in elements of assisted living
7 facility administration.

8 3. Has passed an examination administered by the board that is
9 designed to test for competency in the subject matter prescribed in this
10 subsection.

11 4. Provides documentation satisfactory to the board that the
12 applicant has completed two thousand eighty hours of paid work experience
13 in a health related field within the preceding five years as prescribed by
14 board rule.

15 5. Has met one of the following fingerprinting requirements:

16 (a) Has a valid fingerprint clearance card issued pursuant to title
17 41, chapter 12, article 3.1.

18 (b) Has provided proof of the submission of an application for a
19 fingerprint clearance card. An applicant who has been denied a fingerprint
20 clearance card must also provide proof that the applicant qualifies for a
21 good cause exception hearing pursuant to section 41-619.55.

22 D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, BEGINNING
23 JULY 1, 2021, ALL NEW LICENSES AND CERTIFICATIONS ISSUED BY THE BOARD MUST
24 BE APPROVED BY BOTH THE BOARD AND THE DEPARTMENT OF HEALTH SERVICES.

25 ~~D.~~ E. A person who is certified pursuant to this section must
26 maintain a valid fingerprint clearance card during the valid period of the
27 person's certificate.

28 ~~E.~~ F. In lieu of the requirements contained in subsection A,
29 paragraph 2 or subsection C, paragraph 2, an applicant may present
30 satisfactory evidence to the board of sufficient education and training in
31 the areas listed in that paragraph.

1 ~~F.~~ G. A license is nontransferable and remains in effect until the
2 following June 30 of an even numbered year, at which time the license may
3 be renewed if the licensee otherwise complies with this article and unless
4 the license has been surrendered, suspended or revoked.

5 ~~G.~~ H. A certificate is nontransferable and remains in effect until
6 the following June 30 of an odd numbered year, at which time the
7 certificate may be renewed if the certificate holder otherwise complies
8 with this article and the certificate has not been surrendered, suspended
9 or revoked.

10 ~~H.~~ I. This section does not apply to managers of adult foster care
11 homes as defined in section 36-401."

12 Renumber to conform

13 Page 12, between lines 23 and 24, insert:

14 "Sec. 12. Section 36-672, Arizona Revised Statutes, is amended to
15 read:

16 36-672. Immunizations; department rules; prohibitions

17 A. Consistent with section 15-873, the director shall adopt rules
18 prescribing required immunizations for school attendance, the approved
19 means of immunization and indicated reinforcing immunizations for diseases,
20 and identifying types of health agencies and health care providers ~~which~~
21 THAT may sign a laboratory evidence of immunity. The rules shall include
22 the required doses, recommended optimum ages for administration of the
23 immunizations, persons who are authorized representatives to sign on behalf
24 of a health agency and other provisions necessary to implement this
25 article.

26 B. The director, in consultation with the superintendent of public
27 instruction, shall develop by rule standards for documentary proof.

28 C. ~~Immunization against the human papillomavirus is~~ THE FOLLOWING
29 IMMUNIZATIONS ARE not required for school attendance:

- 30 1. THE IMMUNIZATION AGAINST THE HUMAN PAPILLOMAVIRUS.
31 2. AN IMMUNIZATION FOR WHICH A UNITED STATES FOOD AND DRUG
32 ADMINISTRATION EMERGENCY USE AUTHORIZATION HAS BEEN ISSUED.

1 D. AN IMMUNIZATION MUST BE PRESCRIBED BY A RULE ADOPTED PURSUANT TO
2 SUBSECTION A OF THIS SECTION BEFORE THE IMMUNIZATION MAY BE REQUIRED FOR
3 IN-PERSON SCHOOL ATTENDANCE.

4 E. PURSUANT TO SECTION 1-602, THIS SECTION DOES NOT PRECLUDE A
5 PARENT'S RIGHT TO MAKE HEALTH CARE DECISIONS FOR THE PARENT'S MINOR CHILD.

6 Sec. 13. Title 36, chapter 6, Arizona Revised Statutes, is amended
7 by adding article 4.2, to read:

8 ARTICLE 4.2. VACCINE PASSPORT PROHIBITIONS

9 36-681. COVID-19 vaccine passport; prohibitions

10 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND ANY CITY, TOWN OR
11 COUNTY OF THIS STATE ARE PROHIBITED FROM ESTABLISHING A COVID-19 VACCINE
12 PASSPORT OR REQUIRING EITHER OF THE FOLLOWING:

13 1. ANY PERSON TO BE VACCINATED FOR COVID-19.

14 2. A BUSINESS TO OBTAIN PROOF OF THE COVID-19 VACCINATION STATUS OF
15 ANY PATRON ENTERING THE BUSINESS ESTABLISHMENT.

16 B. ANY LAW OR ORDINANCE ESTABLISHING A COVID-19 VACCINE PASSPORT IS
17 VOID AND IS NOT ENFORCEABLE AGAINST ANY PERSON OR BUSINESS LOCATED IN THIS
18 STATE.

19 36-682. Article application; exceptions

20 THIS ARTICLE DOES NOT DO EITHER OF THE FOLLOWING:

21 1. LIMIT AN INDIVIDUAL'S ABILITY TO REQUEST THAT THE INDIVIDUAL'S
22 OWN VACCINATION RECORDS BE PROVIDED TO THAT INDIVIDUAL OR TO A THIRD PARTY
23 TO WHOM THE INDIVIDUAL REQUESTS THE RECORDS BE RELEASED.

24 2. PROHIBIT A HEALTH CARE INSTITUTION LICENSED PURSUANT TO CHAPTER 4
25 OF THIS TITLE FROM REQUIRING THE INSTITUTION'S EMPLOYEES TO BE VACCINATED."

26 Renumber to conform

27 Page 19, between lines 9 and 10, insert:

28 "Sec. 18. Repeal

29 Section 41-3021.11, Arizona Revised Statutes, is repealed.

1 Sec. 19. Title 41, chapter 27, article 2, Arizona Revised Statutes,
2 is amended by adding section 41-3022.26, to read:

3 41-3022.26. Board of examiners of nursing care institution
4 administrators and assisted living facility
5 managers; termination March 31, 2022

6 A. THE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS
7 AND ASSISTED LIVING FACILITY MANAGERS TERMINATES ON MARCH 31, 2022.

8 B. TITLE 36, CHAPTER 4, ARTICLE 6 AND THIS SECTION ARE REPEALED ON
9 JANUARY 1, 2023."

10 Renumber to conform

11 Page 19, between lines 40 and 41, insert:

12 "Sec. 21. Nursing care institution and assisted living
13 facility study committee; membership; duties;
14 report; delayed repeal

15 A. The nursing care institution and assisted living facility study
16 committee is established consisting of the following members:

17 1. Two members of the house of representatives who represent
18 different political parties and who are appointed by the speaker of the
19 house of representatives. The speaker of the house of representatives
20 shall designate one of these members to serve as cochairperson of the study
21 committee.

22 2. Two members of the senate who represent different political
23 parties and who are appointed by the president of the senate. The
24 president of the senate shall designate one of these members to serve as
25 cochairperson of the study committee.

26 3. One representative of the governor's office.

27 4. The director of the department of health services or the
28 director's designee.

29 5. The state long-term care ombudsman or the ombudsman's designee.

30 6. Two representatives from organizations that advocate for the
31 elderly who are appointed by the governor.

1 7. Two licensed nursing care institution administrators who are
2 currently employed as administrators of skilled nursing facilities, one of
3 whom is from a nonprofit facility and one of whom is from a proprietary
4 facility. The president of the senate shall appoint both of these members.

5 8. Two licensed assisted living facility managers who are currently
6 employed as managers of assisted living facilities, one of whom is from a
7 nonprofit facility and one of whom is from a proprietary facility. The
8 speaker of the house of representatives shall appoint both of these
9 members.

10 9. Two licensed assisted living facility managers who are currently
11 employed as managers of assisted living facility homes and who are
12 appointed by the president of the senate.

13 10. Four family members of residents of a skilled nursing facility,
14 assisted living facility or assisted living facility home who are appointed
15 by the governor.

16 11. One health care professional who treats the elderly and who is
17 appointed by the governor.

18 B. The study committee shall:

19 1. Consider whether the board of examiners of nursing care
20 institution administrators and assisted living facility managers should be
21 administered independently or the duties should be moved to the department
22 of health services or another successor agency or licensing board.

23 2. Review and discuss the statutes related to disclosure of all
24 felonies regardless of the applicants' fingerprint clearance card
25 requirement.

26 3. Receive an update from the auditor general's office and the
27 executive director of the board of examiners of nursing care institution
28 administrators and assisted living facility managers on the auditor
29 general's recommendations and the board's compliance with the
30 recommendations to date.

31 4. Hear testimony about operational changes from the executive
32 director of the board.

1 5. Discuss and research best practices to administer licenses.

2 6. Identify any additional efficiencies to make the board more
3 responsive to the public and its licensees.

4 7. Review best practices relating to answering and investigating
5 complaints.

6 8. Review and analyze the regulatory oversight of skilled nursing
7 facilities and assisted living facilities by the state and federal
8 government and the future needs of the industry.

9 C. Public members of the study committee are eligible to receive
10 reimbursement of expenses pursuant to title 38, chapter 4, article 2,
11 Arizona Revised Statutes.

12 D. On or before December 1, 2021, the study committee shall submit a
13 report of its findings and recommendations to the governor, the president
14 of the senate and the speaker of the house of representatives and shall
15 provide a copy of this report to the secretary of state.

16 E. This section is repealed from and after June 30, 2022."

17 Renumber to conform

18 Page 25, after line 24, insert:

19 "Sec. 35. Purpose

20 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
21 the legislature continues the board of examiners of nursing care
22 institution administrators and assisted living facility managers to promote
23 the safe and professional regulation of nursing care institutions and
24 assisted living facilities in this state.

25 Sec. 36. Retroactivity

26 Section 36-446.04, Arizona Revised Statutes, as amended by this act,
27 section 41-3021.11, Arizona Revised Statutes, as repealed by this act, and
28 section 41-3022.26, Arizona Revised Statutes, as added by this act, apply
29 retroactively to from and after July 1, 2021."

30 Amend title to conform

REGINA E. COBB

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06/21/2021

07:39 PM

C: MH