

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 191

SENATE BILL 1312

AN ACT

AMENDING SECTION 36-132, ARIZONA REVISED STATUTES; RELATING TO DEVELOPMENTAL DISABILITIES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-132, Arizona Revised Statutes, is amended to
3 read:

4 36-132. Department of health services; functions; contracts

5 A. The department shall, in addition to other powers and duties vested
6 in it by law:

7 1. Protect the health of the people of the state.

8 2. Promote the development, maintenance, efficiency and effectiveness
9 of local health departments or districts of sufficient population and area
10 that they can be sustained with reasonable economy and efficient
11 administration, provide technical consultation and assistance to local health
12 departments or districts, provide financial assistance to local health
13 departments or districts and services which meet minimum standards of
14 personnel and performance and in accordance with a plan and budget submitted
15 by the local health department or districts to the department for approval,
16 and recommend the qualifications of all personnel.

17 3. Collect, preserve, tabulate and interpret all information required
18 by law in reference to births, deaths and all vital facts, and obtain,
19 collect and preserve information relating to the health of the people of the
20 state and the prevention of diseases as may be useful in the discharge of
21 functions of the department not in conflict with the provisions of chapter
22 3 of this title, and sections 36-693, 36-694 and 39-122.

1 4. Operate such sanitariums, hospitals or other facilities assigned
2 to the department by law or by the governor.

3 5. Conduct a statewide program of health education relevant to the
4 powers and duties of the department, prepare educational materials and
5 disseminate information as to conditions affecting health, including basic
6 information for the promotion of good health on the part of individuals and
7 communities, and prepare and disseminate technical information concerning
8 public health to the health professions, local health officials and
9 hospitals. In cooperation with the state department of education, prepare
10 and disseminate materials and give technical assistance for the purpose of
11 education of children in hygiene, sanitation and personal and public health,
12 and provide consultation and assistance in community organization to
13 counties, communities and groups of people.

14 6. Administer or supervise a program of public health nursing,
15 prescribe the minimum qualifications of all public health nurses engaged in
16 official public health work, and encourage and aid in coordinating local
17 public health nursing services.

18 7. Encourage and aid in coordinating local programs concerning control
19 of preventable diseases in accordance with statewide plans which shall be
20 formulated by the department.

21 8. Encourage and aid in coordinating local programs concerning
22 maternal and child health, including midwifery, antepartum and postpartum
23 care, infant and preschool health and the health of school children,
24 including special fields such as the prevention of blindness and conservation
25 of sight and hearing.

26 9. Encourage and aid in the coordination of local programs concerning
27 nutrition of the people of the state.

28 10. Encourage and aid in coordinating local programs concerning dental
29 health, in cooperation with the Arizona dental association.

30 11. Establish and maintain adequate serological, bacteriological,
31 parasitological, entomological and chemical laboratories with qualified
32 assistants and facilities necessary for routine examinations and analyses and
33 for investigations and research in matters affecting public health.

34 12. Supervise, inspect and enforce the rules concerning the operation
35 of public bathing places and public and semipublic swimming pools adopted
36 pursuant to section 36-136, subsection H, paragraph 11.

37 13. Take all actions necessary or appropriate to ensure that bottled
38 water sold to the public and water used to process, store, handle, serve and
39 transport food and drink are free from filth, disease-causing substances and
40 organisms and unwholesome, poisonous, deleterious or other foreign
41 substances. All state agencies and local health agencies involved with water
42 quality shall provide to the department any assistance requested by the
43 director to ensure that this paragraph is effectuated.

1 14. Enforce the state food, caustic alkali and acid laws in accordance
2 with chapter 2, article 2 of this title, chapter 8, article 1 of this title
3 and chapter 9, article 4 of this title, and collaborate in the enforcement
4 of the federal food, drug and cosmetic act.

5 15. Recruit and train personnel for state, local and district health
6 departments.

7 16. Conduct continuing evaluation of state, local and district public
8 health programs, study and appraise state health problems and develop broad
9 plans for use by the department and for recommendation to other agencies,
10 professions and local health departments for the best solution of these
11 problems.

12 17. License and regulate health care institutions according to chapter
13 4 of this title.

14 18. Issue or direct the issuance of licenses and permits required by
15 law.

16 19. Participate in the state civil defense program and develop the
17 necessary organization and facilities to meet wartime or other disasters.

18 20. Subject to the availability of funds, develop and administer
19 programs in perinatal health care, including:

20 (a) Screening in early pregnancy for detecting high risk conditions.

21 (b) Comprehensive prenatal health care.

22 (c) Maternity, delivery and postpartum care.

23 (d) Perinatal consultation, including transportation of the pregnant
24 woman to a perinatal care center when medically indicated.

25 (e) Perinatal education oriented toward professionals and consumers,
26 focusing on early detection and adequate intervention to avert premature
27 labor and delivery.

28 21. LICENSE AND REGULATE THE HEALTH AND SAFETY OF GROUP HOMES FOR THE
29 DEVELOPMENTALLY DISABLED. THE DEPARTMENT SHALL ISSUE A LICENSE TO AN
30 ACCREDITED FACILITY FOR A PERIOD OF THE ACCREDITATION, EXCEPT THAT NO
31 LICENSING PERIOD SHALL BE LONGER THAN THREE YEARS. THE DEPARTMENT IS
32 AUTHORIZED TO CONDUCT INSPECTION OF AN ACCREDITED FACILITY TO ENSURE THAT THE
33 FACILITY MEETS HEALTH AND SAFETY LICENSURE STANDARDS. THE RESULTS OF THE
34 ACCREDITATION SURVEY SHALL BE PUBLIC INFORMATION. FOR THE PURPOSES OF THIS
35 SECTION, "ACCREDITED" MEANS ACCREDITED BY A NATIONALLY RECOGNIZED
36 ACCREDITATION ORGANIZATION. A COPY OF THE FINAL ACCREDITATION REPORT SHALL
37 BE FILED WITH THE DEPARTMENT OF HEALTH SERVICES.

38 B. The department may accept from the state or federal government, or
39 any agency of the state or federal government, and from private donors,
40 trusts, foundations or eleemosynary corporations or organizations grants or
41 donations for or in aid of the construction or maintenance of any program,
42 project, research or facility authorized by this title, or in aid of the
43 extension or enforcement of any program, project or facility authorized,
44 regulated or prohibited by this title, and enter into contracts with the

1 federal government, or an agency of the federal government, and with private
2 donors, trusts, foundations or eleemosynary corporations or organizations,
3 to carry out such purposes. All funds made available under the provisions
4 of this section shall be considered special project grants. The department
5 may also expend such funds to further applicable scientific research within
6 this state.

7 C. The department, in establishing fees authorized by this section,
8 shall comply with title 41, chapter 6. The department shall not set a fee
9 at more than the department's cost of providing the service for which the fee
10 is charged. State agencies are exempt from all fees imposed pursuant to this
11 section.

12 D. The department may enter into contracts with private, nonprofit
13 organizations for health educational programs and cooperate with such
14 organizations including those organizations that primarily assist in the
15 management of end stage renal disease and related problems to provide, as
16 payors of last resort, prescription medications necessary to supplement
17 treatment and transportation to and from treatment facilities. The contracts
18 may provide for department payment of administrative costs it specifically
19 authorizes.

20 Sec. 2. Division of developmental disabilities: transfer of
21 powers

22 A. Beginning on July 1, 1997, the department of health services
23 succeeds to the powers and duties of the division of developmental
24 disabilities in the department of economic security relating to the licensing
25 and regulation of group homes for the developmentally disabled. The
26 departments shall complete this transition of powers and duties by July 1,
27 1997.

28 B. The department of health services shall adopt rules regarding the
29 operation of group homes for the developmentally disabled. These rules shall
30 provide for the licensing and regulation of these homes pursuant to health
31 and safety standards only. These rules shall not address programmatic
32 requirements and standards.

33 C. Rules adopted by the department of economic security are effective
34 until superseded by rules established by the department of health services.

35 Sec. 3. Developmental disabilities transfer transition
36 committee: membership: duties

37 A. The developmental disabilities transfer transition committee is
38 established consisting of the following members:

39 1. The director of the division of developmental disabilities in the
40 department of economic security.

41 2. The director of the department of health services or the director's
42 designee.

43 3. The director of the joint legislative budget committee or the
44 director's designee.

1 4. The director of the governor's office of strategic planning and
2 budgeting, as established by executive order.

3 5. The chairman of the senate appropriations committee.

4 6. The chairman of the house of representatives appropriations
5 committee.

6 7. The chairperson of the governor's council on developmental
7 disabilities, or his designee.

8 8. A parent of a developmentally disabled adult or child, appointed
9 by the speaker of the house of representatives.

10 9. A representative of the provider community, appointed by the
11 president of the senate.

12 B. The committee shall:

13 1. Formulate a plan and a schedule for the implementation of the
14 transfer prescribed in section 1 of this act.

15 2. Determine the number of full-time employee positions to be
16 transferred from the division of developmental disabilities in the department
17 of economic security to the department of health services.

18 3. Submit a final report of its recommendations for statutory and
19 administrative changes to the governor, the president of the senate, the
20 speaker of the house of representatives and the director of the joint
21 legislative budget committee on or before November 15, 1996.

22 Sec. 4. Delayed effective date

23 Section 1 of this act is effective from and after July 1, 1997.

24 Sec. 5. Delayed repeal

25 Sections 2 and 3 of this act are repealed from and after December 31,
26 1997.

APPROVED BY THE GOVERNOR APRIL 16, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 1996