

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 183

SENATE BILL 1192

AN ACT

AMENDING SECTION 36-132, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-138; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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 that 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.

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

25 5. Conduct a statewide program of health education relevant to the
26 powers and duties of the department, prepare educational materials and
27 disseminate information as to conditions affecting health, including basic
28 information for the promotion of good health on the part of individuals and
29 communities, and prepare and disseminate technical information concerning
30 public health to the health professions, local health officials and
31 hospitals. In cooperation with the state department of education, THE
32 DEPARTMENT OF HEALTH SERVICES SHALL prepare and disseminate materials and
33 give technical assistance for the purpose of education of children in
34 hygiene, sanitation and personal and public health, and provide consultation
35 and assistance in community organization to counties, communities and groups
36 of people.

37 6. Administer or supervise a program of public health nursing,
38 prescribe the minimum qualifications of all public health nurses engaged in
39 official public health work, and encourage and aid in coordinating local
40 public health nursing services.

41 7. Encourage and aid in coordinating local programs concerning control
42 of preventable diseases in accordance with statewide plans that shall be
43 formulated by the department.

44 8. Encourage and aid in coordinating local programs concerning
45 maternal and child health, including midwifery, antepartum and postpartum

1 care, infant and preschool health and the health of school children,
2 including special fields such as the prevention of blindness and conservation
3 of sight and hearing.

4 9. Encourage and aid in the coordination of local programs concerning
5 nutrition of the people of the state.

6 10. Encourage, ADMINISTER AND PROVIDE DENTAL HEALTH CARE SERVICES and
7 aid in coordinating local programs concerning dental PUBLIC health, in
8 cooperation with the Arizona dental association. THE DEPARTMENT MAY BILL AND
9 RECEIVE PAYMENT FOR COSTS ASSOCIATED WITH PROVIDING DENTAL HEALTH CARE
10 SERVICES AND SHALL DEPOSIT THE MONIES IN THE ORAL HEALTH FUND ESTABLISHED BY
11 SECTION 36-138.

12 11. Establish and maintain adequate serological, bacteriological,
13 parasitological, entomological and chemical laboratories with qualified
14 assistants and facilities necessary for routine examinations and analyses and
15 for investigations and research in matters affecting public health.

16 12. Supervise, inspect and enforce the rules concerning the operation
17 of public bathing places and public and semipublic swimming pools adopted
18 pursuant to section 36-136, subsection H, paragraph 10.

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

26 14. Enforce the state food, caustic alkali and acid laws in accordance
27 with chapter 2, article 2 of this title, chapter 8, article 1 of this title
28 and chapter 9, article 4 of this title, and collaborate in the enforcement
29 of the federal food, drug and cosmetic act of 1938 (52 Stat. 1040; 21 United
30 States Code sections 1 through 905).

31 15. Recruit and train personnel for state, local and district health
32 departments.

33 16. Conduct continuing ~~evaluation~~ EVALUATIONS of state, local and
34 district public health programs, study and appraise state health problems and
35 develop broad plans for use by the department and for recommendation to other
36 agencies, professions and local health departments for the best solution of
37 these problems.

38 17. License and regulate health care institutions according to chapter
39 4 of this title.

40 18. Issue or direct the issuance of licenses and permits required by
41 law.

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

44 20. Subject to the availability of funds MONIES, develop and administer
45 programs in perinatal health care, including:

- 1 (a) Screening in early pregnancy for detecting high risk conditions.
- 2 (b) Comprehensive prenatal health care.
- 3 (c) Maternity, delivery and postpartum care.
- 4 (d) Perinatal consultation, including transportation of the pregnant
- 5 woman to a perinatal care center when medically indicated.
- 6 (e) Perinatal education oriented toward professionals and consumers,
- 7 focusing on early detection and adequate intervention to avert premature
- 8 labor and delivery.

9 21. License and regulate the health and safety of group homes for the
10 developmentally disabled. The department shall issue a license to an
11 accredited facility for a period of the accreditation, except that no
12 licensing period shall be longer than three years. The department is
13 authorized to conduct an inspection of an accredited facility to ensure that
14 the facility meets health and safety licensure standards. The results of the
15 accreditation survey shall be public information. A copy of the final
16 accreditation report shall be filed with the department of health
17 services. For the purposes of this paragraph, "accredited" means accredited
18 by a nationally recognized accreditation organization.

19 B. The department may accept from the state or federal government, or
20 any agency of the state or federal government, and from private donors,
21 trusts, foundations or eleemosynary corporations or organizations grants or
22 donations for or in aid of the construction or maintenance of any program,
23 project, research or facility authorized by this title, or in aid of the
24 extension or enforcement of any program, project or facility authorized,
25 regulated or prohibited by this title, and enter into contracts with the
26 federal government, or an agency of the federal government, and with private
27 donors, trusts, foundations or eleemosynary corporations or organizations,
28 to carry out such purposes. All funds MONIES made available under the
29 ~~provisions of this section shall be considered~~ ARE special project
30 grants. The department may also expend such funds THESE MONIES to further
31 applicable scientific research within this state.

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

37 D. The department may enter into contracts with organizations that
38 perform nonrenal organ transplant operations and organizations that primarily
39 assist in the management of end stage renal disease and related problems to
40 provide, as payors of last resort, prescription medications necessary to
41 supplement treatment and transportation to and from treatment facilities. The
42 contracts may provide for department payment of administrative costs it
43 specifically authorizes.

1 Sec. 2. Title 36, chapter 1, article 2, Arizona Revised Statutes, is
2 amended by adding section 36-138, to read:

3 36-138. Oral health fund; nonlapsing

4 A. THE ORAL HEALTH FUND IS ESTABLISHED CONSISTING OF MONIES RECEIVED
5 BY THE DEPARTMENT AS REIMBURSEMENT FROM ARIZONA HEALTH CARE COST CONTAINMENT
6 SYSTEM CONTRACTORS FOR DENTAL SERVICES PROVIDED BY THE DEPARTMENT PURSUANT
7 TO SECTION 36-132, SUBSECTION A, PARAGRAPH 10. THE DEPARTMENT SHALL
8 ADMINISTER THE FUND AND SHALL EXPEND MONIES FROM THE FUND FOR DENTAL HEALTH
9 SERVICES. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST
10 AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313 AND MONIES EARNED
11 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

12 B. FUND MONIES:

- 13 1. DO NOT REVERT TO THE STATE GENERAL FUND.
14 2. ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO
15 LAPSING OF APPROPRIATIONS.
16 3. ARE CONTINUOUSLY APPROPRIATED.

APPROVED BY THE GOVERNOR MAY 7, 2002.

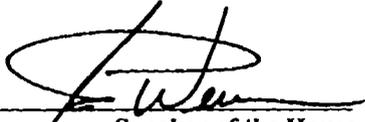
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2002.

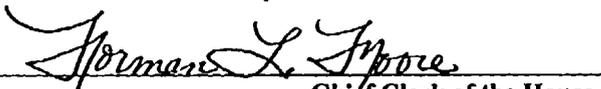


Passed the House April 30, 2002,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

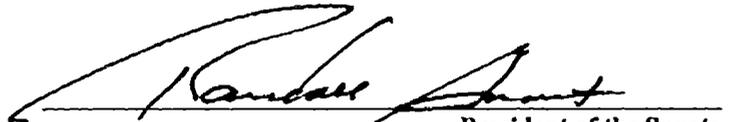

Speaker of the House


Chief Clerk of the House

Passed the Senate March 21, 2002,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting


President of the Senate

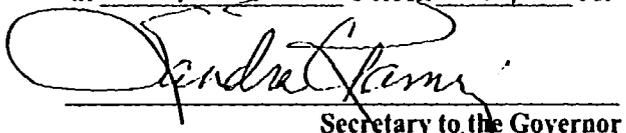

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2002

at 10:50 o'clock A M.


Secretary to the Governor

Approved this 7 day of

May, 2002,

at 10:39 o'clock A M.


Governor of Arizona

S.B. 1192

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 8 day of May, 2002

at 11:33 o'clock A M.


Secretary of State