ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Wednesday, January 25, 2023
House Hearing Room 5 -- 2:00 P.M.

Convened 2:00 P.M.
Recessed 2:19 P.M.
Reconvened 2:21 P.M.
Adjourned 2:23 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
1-26-23

Members Present
Representative Bravo
Representative Gutierrez
Representative Hernandez
Representative Payne
Representative Peña
Representative McGarr, Vice-Chairman
Representative Hendrix, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Attendance
Report – Attachment 3

Committee Rules
Approval and Adoption of Committee Rules – Attachment 4

Committee Action

Bill	Action	Vote	Attachments
HB2012	DP	7-0-0-0	5, 6
HB2016	DP	7-0-0-0	7, 8
HB2457	HELD		9, 10

Julie Ryberg, Committee Secretary
January 26, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

Convened 2:00 pm
Recessed 2:19 pm
Reconvened 2:21 pm
Adjourned 2:23 pm

REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY AFFAIRS

DATE Wednesday, January 25, 2023 ROOM HHR 5 TIME 2:00 P.M.

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023011122

Members:

Representative Bravo	Representative Payne	Representative McGarr, Vice-Chairman
Representative Gutierrez	Representative Peña	Representative Hendrix, Chairman
Representative Hernandez A		

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1. Introductions
2. Adoption of Committee Rules

Bills		Short Title	Strike Everything Title
HB2012	DP	real estate appraisers; licensure classifications (Livingston)	
	7-0-0-0	RA, RULES	
HB2016	DP	food handler certificates; training; exemption (Cook)	
	7-0-0-0	RA, RULES	
HB2457	Held	anesthesiologist assistants; licensure (Pingerelli)	
		RA, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

JY
01/19/2023

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Attachment 1

Information Registered on the Request to Speak System

House Regulatory Affairs (1/25/2023)

HB2012, real estate appraisers; licensure classifications

Testified in support:

Stephen Briggs, AZ DEPT OF INSURANCE AND FINANCIAL INSTITUTIONS

HB2016, food handler certificates; training; exemption

Support:

Tiffany Carlson-Richison, representing self; Wendy Jonessee, representing self; kimberly Lovell, representing self

Neutral:

Veronica Spear, representing self

All Comments:

Wendy Jonessee, Self: It is ridiculous to require a volunteer to possess a food handling certificate for a (temporary)school activity or function

HB2457, anesthesiologist assistants; licensure

Support:

David Morris, AMERICANS FOR PROSPERITY AZ; William Thompson IV MD, representing self; David Morris, representing self; Stephen Shadegg, Americans For Prosperity Arizona; Dr. Heidi Tavel, representing self; Doctor Gary Tzeng, representing self

Oppose:

Joseph A. Rodriguez, CRNA, American Association of Nurse Anesthesiology, representing self; Kelsey Lundy, AZ ASSN OF NURSE ANESTHETISTS; Pat VanMaanen, representing self; kathyrn busby, Arizona Nurses Association; Denice Gibson, representing self; Randy Quinn RN, MSN, CRNA, APRN, representing self; Mike MacKinnon, representing self; Brenda Keith MN RN AOCNS, representing self; JOANN MACKINNON RN, CRNA, APRN, representing self; Rachell Patel RN, CRNA, APRN, representing self; Sydney Mahaffay RN, CRNA, APRN, representing self; Udaini Narasimhan RN, CRNA, APRN, representing self; Beth Prall RN, CRNA, APRN, representing self; Jose Ortiz, CRNA, former AzANA President, representing self; Leanne Roman RN, CRNA, APRN, representing self; Erik Like CRNA, MS, representing self; Marnie Kulbeth, representing self; Chad Dike, representing self; Jim Peyton, representing self; Heather Ross, representing self; Beth Brinkman, representing self; W. Brent Thomas, CRNA, representing self; Johnathan Nicholls, representing self; Chris Rourke, representing self; Jaime Sanders, representing self; Matthias Campion, representing self; Jennifer Wanders, representing self; Jasleen Kohli, representing self; Courtney MacKinnon, representing self; Diana Lugo, representing self; Kelly Larsen, representing self; Joshua Rodriguez, representing self; Victoria Dyer, representing self; Jamie Kaiser, representing self; Brad

Lueckhoff, representing self; Curtis Hoopes, representing self; Jared Allred, representing self; Katharine Witham, representing self; Levi Black, representing self; Tyson Barrett, representing self; Charity Hantla, representing self; Kitra Henker, representing self; Caylin Geren, representing self; Jacob Hantla, representing self; Katherine Schmitt, representing self; Jeffrey Hantla , representing self; Lorie Hantla, representing self; Katelyn Inions, representing self; Jade Tinklenberg, representing self; Adaire Webster, representing self; Christopher Hantla, representing self; Ken Weeks, representing self; Rana Kohli, representing self; Michael Schaupp, representing self; Ranu Kohli, representing self; Kelly Kaufman, representing self; Linda Parone, representing self; Rebecca Rohal , representing self; Taylor Leischman, representing self; Elvia Carreon, representing self; Candace Montoya, representing self; Angelica Montoya, representing self; Michael Montoya, representing self; Karen Helzner, representing self; Mark Wright, representing self; Barbara Boemer, representing self; Nicholas Aguanno, representing self; kirt rosenlof, representing self; Mariam Thomas, representing self; Kelly McMahon, representing self; Megan Sweeney, representing self; Jeffrey Burke, representing self; Lorelei Nicholls, representing self; Gina Calvanese , representing self; Ann Marie Dike, representing self; Hilary Rourke, representing self; Jonathan Burge, representing self; Jamie Calderon, representing self; Mary Hulburd, representing self; Jacob Dike, representing self; Ashlyn Dike, representing self; Stephanie Baker, representing self; Rachel Dike, representing self; Joanne Siekierski, representing self; Cody Birch, representing self; Ciji Birch, representing self; Kellie Cox, representing self; Luke Smith, representing self; Sarah Burge, representing self; Tricia Hoffner, representing self; Diane Selby, representing self; Frank Ochs, representing self; Janet Bischoff, representing self; Chelsa Wamsley, representing self; Steven Wamsley, representing self; Debra Papa, representing self; Elizabeth Crane, representing self; George Papa, representing self; Daniel McArthur , representing self; Becky McArthur , representing self; Ali Baghai, representing self; Charles Elam, representing self; Lee Ranalli, representing self; Lee Allred, representing self; Annabelle Porter, representing self; Meghan Rader, representing self; Anthony Arnett , representing self; Sara Arnett , representing self; Chanel Morgan, representing self; Zane Atencio, representing self; Natalie Allred, representing self; Shana Wienke, representing self; Megan Newsom, representing self; Jon Bingham, representing self; Bruce Caulkins, representing self; Tana Shields, representing self; Lisa Yeary, representing self; Manu Awal, representing self; Shane Pendleton, representing self; Nneka Ogbenna, representing self; Jordyn Miller, representing self; Mary Cyr, representing self; Terry McArthur , representing self; Terri Kelly, representing self; Brittany Ruckman, representing self; Shaun Ferrie, representing self; Kuoc Mathiang, representing self; William Webster, representing self; Garrett Park, representing self; Tom Farley, AZ ASSN OF NURSE ANESTHETISTS; Nathan Estep, representing self; Kendra Elliott, representing self; Jason White, representing self; Gabriela Hebronova, representing self; Nicole DeBolt, representing self; Aaron Moulton, representing self; Derek Dibben, representing self; Leah Wheat, representing self; Matthew Matson, representing self; Janki Patel, representing self; Lisa Nedom, representing self; Chris Nedom, representing self; brad rushton, representing self; Toni Prall, representing self; Christopher Selby, representing self; Niranjan Bendre, representing self; Faisal Naveed, representing self; Wing Lester, representing self; Vanessa Sosa, representing self; Roushun Zibari, representing self; Amanda Garcia, representing self; Stormy Aikins, representing self

All Comments:

Doctor Gary Tzeng, Self: Highly-educated, well-compensated , TAX-PAYING workforce is much needed to meet overwhelming demand for anesthesia services in our right-to-work state.; Pat VanMaanen, Self: Please bring stakeholders together to improve this bill. Unless CRNAs are allowed to supervise AAs aslo, introduction of AAs will not do anything to alleviate provider shortages in rural & underserved areas where CRNAs are the exclusive providers.; kathyrn busby, Arizona Nurses Association: Oppose at this time because of lack of stakeholder process to discuss impact, particularly on rural hospitals; Denice Gibson, Self: Please vote NO until stakeholders can meet and bring you a fully vetted, compromise package that addresses the anesthesia care needs of ALL of Arizona.; Mike MacKinnon, Self: Adds to cost, is anti competitive and does Not expand access to care. There are still

facilities without crna and who don't allow us to be trained there.; W. Brent Thomas, CRNA, Self: There are many reasons to vote no but the main reason is that the bill sponsors have refused to have a stakeholders meeting. As it stands, this bill is anti-competitive and will harm healthcare in Arizona. Vote no until a stakeholders meeting can b; Matthias Campion, Self: Allowing Certified Anesthesia Assistants to practice will not increase the availability or quality of anesthesia services to Arizonans.; Jennifer Wanders, Self: This bill will jeopardize Arizona's robust, competitive market for anesthesia services and unless CRNAs are allowed to supervise AAs as well, give the physician anesthesiologists an unfair competitive advantage; Ali Baghai, Self: This will have a negative impact on an already stressed Healthcare system.; Jon Bingham, Self: AA's are anticompetitive in Arizona. CRNAs will not be allowed to supervise AAs. AAs also do not address the issues of healthcare in rural Arizona.

ARIZONA STATE LEGISLATURE
Fifty-sixth Legislature - First Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Laurin Hendrix VICE-CHAIRMAN: Cory McGarr

	DATE	01/25/23	/23	/23	/23	/23
	CONVENED	2:00 pm	m	m	m	m
	RECESSED	2:19 pm				
	RECONVENED	2:21 pm				
	ADJOURNED	2:23 pm				
MEMBERS						
Bravo		✓				
Gutierrez		✓				
Hernandez A		✓				
Payne		✓				
Peña		✓				
McGarr, Vice-Chairman		✓				
Hendrix, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

Rules of the House Committee on Regulatory Affairs

RULE 1. A majority of the members of the committee shall constitute a quorum. No official action may be taken unless a quorum is present in person at the time of taking such action.

RULE 2. The chairman sets the agenda and determines the order of measures. The chairman also controls all public testimony.

RULE 3. The following motions are customary and in order relating to actions on measures:

1. Do pass
2. Do pass amended
3. Return for consideration of the House
4. Hold for further study
5. Do not pass
6. Be assigned to subcommittee for…

RULE 4. The affirmative vote of a majority of those voting is required to take any action.

RULE 5. On a roll call vote the names of committee members shall be called alphabetically by surname, except that the vice chairman and the chairman shall be called upon last. Each member present shall be allowed to pass on one call of the roll, and shall vote "aye" or "nay" (yes/no) or respond "present." Members may change their votes before the announcement of the results and any member may explain his or her vote on any measure.

RULE 6. Whenever a measure is reported from the committee on a divided vote, any member may request a minority report.

RULE 7. All amendments (except strike-everything amendments, see House Rule 8(S)) shall be distributed to each committee member's office by 4:00 P.M. the day before the committee at which it will be offered. Verbal amendments may be offered during the committee meeting at the discretion of the chairman.

In accordance with Rule 9 of the *House Rules*, the following *House Rules* are also incorporated into the Committee Rules:

RULE 9(C) Each Standing Committee shall adopt and file with the Chief Clerk's Office rules of procedure consistent with the Rules of the House and shall include the following:

1. With the exception of executive sessions ordered by a majority of the committee constituting a quorum, all committee meetings shall be open to the other members of the Legislature, the press and public so long as proper decorum is maintained.

2. All committees shall meet at regularly scheduled times and places unless cancelled with the permission of the Speaker. In the absence of the chairman, the vice chairman shall preside. In the absence of both the chairman and vice chairman, some other committee member designated by the Speaker shall preside.

3. The committee chairman (presiding officer) other than the chairman of the Committee on Rules shall prepare an agenda and distribute copies to committee members, the Information Desk and the Chief Clerk's Office by 5:00 p.m. at least five days before the committee meeting. Absence of a bill, memorial or resolution from the committee agenda will prohibit its consideration unless unanimous consent of all committee members is obtained. Unless a reconsideration motion has been offered and failed, a chairman may place a measure that failed in committee on any subsequent agenda.

4. A bill not on the committee agenda shall be scheduled for discussion at the next subsequent committee meeting by presentation of a petition containing the signatures of two-thirds or more of the committee members.

5. A roll call vote shall be taken in each standing committee when final action on any bill is voted.

6. Written committee reports shall be filed with the Chief Clerk's Office within a reasonable time but no later than two weeks from time of completion of meetings. A recording of the meeting shall be made available for public inspection three working days after the meeting. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.

7. Special meetings may be called by the chairman but require permission of the Speaker and notice to members and the general public at the Information Desk by 5:00 p.m. on the previous day, except that the notice of a special meeting of the Committee on Rules may be given in open session prior to the meeting and does not require the Speaker's permission.

RULE 9(E) No committee other than the Committee on Rules shall meet while the House is meeting in session without special permission of the Speaker.

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB2012: real estate appraisers; licensure classifications
Sponsor: Representative Livingston, LD 28
Committee on Regulatory Affairs

Overview
Permits state-licensed real estate appraisers to conduct the appraisal of complex residential units under $400,000.

History
The Department of Insurance and Financial Institutions (DIFI) licenses and authorizes the transactions of insurance-related entities and regulates state-chartered financial entities such as money transmitters, motor vehicle dealers and real estate appraisal entities (JLBC FY2023 Baseline Book – Department of Insurance and Financial Institutions).

The Appraisal Qualifications Board (the Board) sets universal standards adopted by DIFI for minimum criteria necessary to either be certified, licensed, or registered as a real estate appraiser. (A.R.S. § 32-3605). The Board standards for a state-licensed real estate appraiser are as follows:

1) Must complete the Board licensed residential real property appraiser examination;
2) Must complete 150 credit class hours under the Board required core curriculum; and
3) Have 1,000 hours of qualifying experience in no fewer than 6 months.

Associated fees for state-licensed real estate appraisers are composed of new application and national registry fees of $400.00 and $80.00. For license renewal, there is a biennial renewal and national registry fee of $425.00 and $80.00 (Department of Insurance and Financial Institutions). According to DIFI, there is a total of 170 active state-licensed real estate appraisers in Arizona.

In 2019, the Federal Government issued the Appraisal Rule, which required federally related real estate transactions valued at more than $400,000 to require a state-certified appraiser. For transactions under that threshold, an evaluation of real property collateral is required instead (C.F.R. 12-3B-323).

Complex one to four residential units are properties that are considered atypical for the marketplace considering factors such as: 1) architectural style; 2) age of improvements; 3) size of improvements; 4) size of lot; 5) neighborhood land use; 6) potential environmental hazard liability; 7) leasehold interest; and 8) limited readily available comparable sales or other unusual factors (A.R.S. § 32-3601).

Provisions
1. Expands the value threshold that state-licensed real estate appraisers can appraise complex one to four residential units from $250,000 to $400,000. (Sec. 1)
2. Makes technical changes. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2012

DATE January 25, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 6

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2016: food handler certificates; training; exemption
Sponsor: Representative Cook, LD 7
Committee on Regulatory Affairs

Overview

Prohibits counties from requiring volunteers at school activities or functions involving food-handling to obtain a food handler certificate or identification card or to participate in a food handler certificate training course.

History

Counties may require food handler training and certification for employees in the food industry. If required, the food handler certificate training course must meet certain standards and focus on the following topics:

1) The relationship between time and temperature with respect to foodborne illness during various food handling preparation, serving stages and the use of thermometers in monitoring food temperatures;
2) The relationship between personal hygiene and food safety and the recognition of how policies, procedures and management improve food safety practices;
3) Methods of preventing food contamination in all stages of food handling, including before, during and after delivery;
4) Procedures of cleaning and sanitizing equipment and utensils;
5) Problems and potential solutions for temperature control, preventing cross-contamination, housekeeping and maintenance.

Upon completion of a food handler certificate training course, any certificate or any identification card required by the county must be given to the person who completed the course. Food handler certificate training courses must be completed or renewed within the county's required timeframe. (A.R.S. § 11-269.12).

Provisions

1. Prohibits counties from requiring volunteers at school activities or functions that handle or serve food to obtain a food handler certificate or identification card or participate in a food handler certificate training course. (Sec. 1)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2016

DATE January 25, 2023 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo		✓			
Gutierrez		✓			
Hernandez A		✓			
Payne		✓			
Peña		✓			
McGarr, Vice-Chairman		✓			
Hendrix, Chairman		✓			
		7	0	0	0

Julie Ryder
COMMITTEE SECRETARY

APPROVED:

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 8

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

HB 2457: anesthesiologist assistants; licensure
Sponsor: Representative Pingerelli, LD 28
Committee on Regulatory Affairs

Overview

Adds *Anesthesiologist Assistants* (AA) to the licensed and regulated professions, under the Arizona Medical Board (Board), that may assist in the practice of medicine under a *supervising anesthesiologist*. Details the scope of practice.

History

Laws 2017, Chapter 182, authorizes a Certified Registered Nurse Anesthetist (CRNA) to administer anesthetics in the presence of and under the direction of a physician or surgeon. The CRNA's scope of practice includes preoperative, intra-operative and postoperative care of a patient or during a procedure performed while in a health care institution, licensed health care professional's office or an ambulance. During this care, and in addition to statutorily related duties, the CRNA may issue an order for medication or drugs, including controlled substances to be administered by a licensed, certified or registered health care provider. Further, statute asserts that the physician or surgeon is not liable for the acts or omissions of the CRNA who orders or administers anesthetics in these settings (A.R.S. § 32-1634.04).

Provisions

1. Instructs the Board to determine the applicants that qualify for a license to practice as an AA and authorizes the Board to retain jurisdiction throughout the licensing process. (Sec. 1)
2. Details Board duties as follows:
   a) grant, deny, revoke, suspend or reinstate a license;
   b) investigate allegations of misconduct that may constitute grounds to revoke a license;
   c) conduct informal interviews and hearings;
   d) adopt administrative rules that govern the practice of AAs; and
   e) retain jurisdiction over licensees regardless of license status.
3. Prohibits a person from using a designation or title without first having a license.
4. Outlines specific requirements for licensure that include graduating from an accredited program, passing the required certification exam, completing the application and paying the required fees.
5. Prescribes a 2-year license period, renewable by January 31 every other year, and directs the Board to provide written notification of renewals a minimum of one month prior to the license expiration date.
6. Permits the Board to issue a temporary license for one year to a person who successfully completes an accredited program but has not yet passed the certification examination, which must be taken during the next available time period.

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

7. Authorizes the Board to reinstate a license that has lapsed if the person pays the prescribed fee and meets all other Board requirements.

8. Defines pertinent terms.

Anesthesiologist Assistants & Supervising Anesthesiologists – Scope of Practice

9. Stipulates the AA may only perform duties delegated by the supervising anesthesiologist, including assisting in the practice of medicine.

10. States that the supervising anesthesiologist may supervise an AA consistent with federal regulations adopted by the Centers for Medicare and Medicaid Services for reimbursement of anesthesia services.

11. Asserts that the supervising anesthesiologist must be immediately available to the AA and able to intervene as needed.

12. Outlines the tasks that the supervising anesthesiologist may delegate to the AA as follows:
    a) creating and implementing a patient's anesthesia care plan;
    b) composing a patient history, progress notes and performing parts of a physical exam;
    c) conducting anesthesia evaluations for both preoperative and postoperative care;
    d) working on preoperative patient consultations;
    e) ordering preoperative and perioperative medications, including controlled substances that may be administered before the supervising anesthesiologist cosigns;
    f) changing or discontinuing a medical treatment plan;
    g) obtaining informed consent for anesthesia;
    h) testing and calibrating anesthesia delivery systems and interpreting information;
    i) integrating medically accepted monitoring techniques;
    j) performing basic and advanced airway interventions;
    k) establishing peripheral intravenous lines;
    l) performing invasive procedures;
    m) performing general and monitored anesthesia and anesthesia care;
    n) administering anesthetic and accessory drugs;
    o) administering vasoactive drugs to address patients' response to anesthesia;
    p) performing epidural and spinal regional anesthesia;
    q) obtaining blood samples;
    r) performing, ordering and interpreting points of care throughout the operation;
    s) initiating cardiopulmonary resuscitation in response to a life-threatening situation; and
    t) supervising students and assistant students of anesthesiology and performing other tasks in which the individual is trained and proficient. (Sec. 1)

Regulation and Restriction of Licenses

13. Describes the Board's ability to determine license status or take disciplinary action.

14. Requires the Board to record its written order and findings.

15. Outlines the process and procedures for reinstating a revoked license.

Penalty for Unauthorized Practice

16. Classifies any misrepresentation or unauthorized practice as an AA as a class 1 misdemeanor and stipulates that each violation constitutes a separate offense.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2457

DATE January 25, 2023 MOTION: Held

	PASS	AYE	NAY	PRESENT	ABSENT
Bravo					
Gutierrez					
Hernandez A					
Payne					
Peña					
McGarr, Vice-Chairman					
Hendrix, Chairman					

APPROVED:

Julie Ryan
COMMITTEE SECRETARY

LAURIN HENDRIX, Chairman
CORY MCGARR, Vice-Chairman

ATTACHMENT 10