



# ARIZONA HOUSE OF REPRESENTATIVES

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House: GOV DP 8-0-0-1 | HHS DP 9-0-1-0

## **HB 2033: department of health services; rulemaking**

**Sponsor: Representative Cook, LD 7**

**Caucus & COW**

### **Overview**

Exempts the Arizona Department of Health Services (DHS) rules that regulate accredited hospitals from the Arizona Administrative Procedures Act (APA), if all criteria are met.

### **History**

The APA is a group of statutes that governs how state agencies do rule making ([A.R.S. § 41-1001](#) - [A.R.S. § 41-1029.12](#)). *Rule*, as defined in statute, pertains to an agency's assertion that implements, interprets and prescribes policy and its procedures, excluding non-delegation agreements ([A.R.S. § 41-1001](#)).

[DHS](#) licenses and regulates healthcare and childcare facilities in Arizona which include hospitals, nursing homes and assisted living centers. DHS is additionally responsible for maintaining public health records, providing emergency health services, emergency preparedness and promoting vaccinations and immunizations. According to statute, *accredited hospital* is defined as a hospital currently accredited by a nationally recognized organization on hospital accreditation ([A.R.S. § 36-401](#)). Hospitals in the state of Arizona are accredited by the Joint Commission on Accreditation of Healthcare Organizations ([JCAHO](#)).

### **Provisions**

1. Prohibits DHS rules pertaining to radiation training and experience of using radiation from exceeding the requirements of the Center of Medicare and Medicaid Services for radiation oncology services as the requirements apply to the following:
  - a) general or direct physician supervision;
  - b) technician staffing requirements; and
  - c) training or experience requirements. (Sec. 1)
2. Exempts ADHS rules to regulate accredited hospitals from the APA if all are applicable:
  - a) the rules reduce a regulatory burden without jeopardizing health and safety;
  - b) the rules do not increase costs to people who are regulated by the rule; and
  - c) before adoption of the rules, the public is provided at least 15 days to comment. (Sec. 2)
3. Contains an emergency clause. (Sec. 3)
4. Makes technical changes. (Sec. 1, 2)

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