House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 49

HOUSE BILL 2046

AN ACT

AMENDING TITLE 36, CHAPTER 4.1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-466; RELATING TO THE CLINICAL LABORATORY ADVISORY COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 36, chapter 4.1, article 2, Arizona Revised Statutes, is amended by adding section 36-466, to read:

36-466. Advisory committee on clinical laboratories; membership; duties; definition

A. THE ADVISORY COMMITTEE ON CLINICAL LABORATORIES IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

1. FOUR PHYSICIANS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 AND WHO ARE ACTIVELY ENGAGED IN THE PRACTICE OF MEDICINE. THE DIRECTOR SHALL APPOINT THESE MEMBERS.

2. TWO PHYSICIANS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 AND WHO ARE EMPLOYED BY A CLINICAL LABORATORY AS PATHOLOGISTS. THE DIRECTOR SHALL APPOINT THESE MEMBERS.

3. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

B. THE COMMITTEE SHALL:

1. ANNUALLY SELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERS.

2. ADVISE THE DEPARTMENT IN DEVELOPING A LIST OF DIRECT ACCESS TESTS. THE DEPARTMENT SHALL MAKE THE LIST OF DIRECT ACCESS TESTS AVAILABLE TO THE PUBLIC.

3. ADVISE THE DEPARTMENT ON THE USE AND RENEWAL OF STANDING ORDERS.

4. CONDUCT REGULAR MEETINGS AT THE CALL OF THE CHAIRPERSON OR A MAJORITY OF THE COMMITTEE MEMBERS.

C. THE DEPARTMENT'S DESIGNATION OF A TEST AS A DIRECT ACCESS TEST DOES NOT REQUIRE THAT THE TEST BE COVERED BY A HEALTH INSURANCE PLAN OR PRODUCT PURSUANT TO TITLE 20 OR BY ANY PROGRAM ADMINISTERED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION PURSUANT TO CHAPTER 29 OF THIS TITLE.

D. THE DEPARTMENT SHALL ADOPT RULES BASED ON THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE.

E. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR REIMBURSEMENT OF EXPENSES.

F. THE DEPARTMENT SHALL PROVIDE NECESSARY STAFF SERVICES TO THE COMMITTEE.

G. THE APPOINTED COMMITTEE MEMBERS SERVE THREE YEAR TERMS.

H. FOR THE PURPOSES OF THIS SECTION, "DIRECT ACCESS TESTS" MEANS TESTS THAT MAY BE OBTAINED WITHOUT A PHYSICIAN REFERRAL INCLUDING TESTS THAT HAVE BEEN GRANTED WAIVED STATUS UNDER THE FEDERAL CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (P.L. 100-518). DIRECT ACCESS TESTS DO NOT INCLUDE TESTS THAT ARE REQUIRED TO BE REPORTED TO THIS STATE FOR PUBLIC HEALTH AND SAFETY REASONS.

Sec. 2. Initial terms of members of the advisory committee on clinical laboratories

A. Notwithstanding section 36-466, Arizona Revised Statutes, as added by this act, the initial terms of the appointed members of the advisory committee on clinical laboratories are:

1. Two terms ending January 31, 2005.
2. Two terms ending January 31, 2006.
3. Two terms ending January 31, 2007.

B. The director of the department of health services shall make all subsequent appointments as prescribed by statute.

Sec. 3. Exemption from rule making

A. To implement the requirements of section 36-466, Arizona Revised Statutes, as added by this act, the department of health services is exempt from the rule making requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act.

B. The department shall hold at least one hearing to provide the public with an opportunity to comment on the proposed rules.

C. The department shall submit the notice of hearing and proposed rules to the secretary of state for publication pursuant to title 41, chapter 6, article 2, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR APRIL 7, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2004.