

PROPOSED AMENDMENT  
SENATE AMENDMENTS TO S.B. 1045  
(Reference to printed bill)

- 1 Page 1, strike line 6, insert "definition"
- 2 Line 15, strike "PORTAL OF ENTRY HEALTH CARE"
- 3 Line 16, strike "PROVIDER" insert "CHIROPRACTOR"; after "OR" insert "A PHYSICAL  
4 THERAPIST LICENSED PURSUANT TO TITLE 32, CHAPTER"
- 5 Line 18, strike "THE SERVICES OF A PORTAL OF ENTRY HEALTH CARE PROVIDER FOR THE"
- 6 Line 19, strike "SAME MEDICALLY NECESSARY TREATMENT OR CONDITION" insert "AN  
7 OFFICE VISIT WITH THE INSURED'S PRIMARY CARE PHYSICIAN LICENSED PURSUANT TO  
8 TITLE 32, CHAPTER 13 OR 17"
- 9 Line 20, strike the colon insert a comma
- 10 Line 21, strike "1."
- 11 Strike lines 25 through 28
- 12 After line 46, insert:
- 13 "Sec. 3. Section 20-2508, Arizona Revised Statutes, is amended to  
14 read:
- 15 20-2508. Denial, suspension or revocation of certificates;  
16 hearing; civil penalties
- 17 A. The director shall deny a certificate if the director finds that  
18 the utilization review agent does not:
- 19 1. Have an allopathic or osteopathic physician available to supervise  
20 utilization review activities of any medical, surgical or health care  
21 services except that:
- 22 (a) A dental service corporation that is licensed pursuant to chapter  
23 4, article 3 of this title and a prepaid dental plan organization that is  
24 licensed pursuant to chapter 4, article 7 of this title may have a licensed  
25 dentist supervise or conduct utilization review activities for health care  
26 services that involve dental care.
- 27 (b) An optometric service corporation that is licensed pursuant to  
28 chapter 4, article 3 of this title may have a licensed optometrist supervise

1 or conduct utilization review activities for health care services that  
2 involve optometric care.

3 (c) A utilization review agent shall have a licensed chiropractor  
4 supervise or conduct utilization review activities for health care services  
5 that are performed by a chiropractor and THAT ARE within the chiropractor's  
6 scope of practice pursuant to title 32, chapter 8.

7 (d) A UTILIZATION REVIEW AGENT SHALL HAVE A LICENSED PHYSICAL  
8 THERAPIST SUPERVISE OR CONDUCT UTILIZATION REVIEW ACTIVITIES FOR HEALTH CARE  
9 SERVICES THAT ARE PERFORMED BY A PHYSICAL THERAPIST AND THAT ARE WITHIN THE  
10 PHYSICAL THERAPIST'S SCOPE OF PRACTICE PURSUANT TO TITLE 32, CHAPTER 19.

11 2. Meet all applicable department rules relating to the qualifications  
12 of utilization review agents or the performance of utilization review.

13 3. Provide assurances satisfactory to the director that the procedure  
14 and policies of the utilization review agent will protect the confidentiality  
15 of medical records and the utilization review agent will be reasonably  
16 accessible to patients and providers in this state and the department by a  
17 toll free telephone line or by acceptance of long-distance collect calls for  
18 forty hours each week during normal business hours.

19 B. The director shall deny a certificate to a utilization review agent  
20 who has been convicted of a misdemeanor involving moral turpitude or a felony  
21 or who employs a person who has been convicted of a felony.

22 C. The director may suspend, revoke or refuse to renew a certificate  
23 issued under this chapter if after giving notice to the utilization review  
24 agent, and holding a hearing if demanded by the agent, the director finds  
25 that the agent has violated this chapter or a rule adopted under this  
26 chapter.

27 D. If after a hearing the director finds that the agent has violated  
28 this chapter or an applicable rule or order adopted under this chapter, the  
29 director shall issue an order that specifies the violation and may impose a  
30 civil penalty of not more than two hundred fifty dollars for each violation  
31 or an aggregate civil penalty of not more than two thousand five hundred  
32 dollars. The director may also impose a civil penalty of not more than two  
33 thousand five hundred dollars for each knowing violation or an aggregate  
34 civil penalty of not more than fifteen thousand dollars. The director shall  
35 deposit, pursuant to sections 35-146 and 35-147, all monies in the state  
36 general fund. A civil penalty is in addition to any other applicable penalty

1 or restraint provided in this chapter and may be recovered in a civil action  
2 brought by the director.

3 E. A certificate does not expire or terminate until a pending  
4 department investigation is resolved but is suspended on the date it would  
5 otherwise expire or terminate. The utilization review agent shall not  
6 transact business in this state until the investigation is completed.

7 F. When the director suspends or revokes a certificate the director  
8 shall immediately notify the utilization review agent either by personal  
9 service or by mail addressed to the agent at the agent's address of record.  
10 Notice by mail is effective at the time it is mailed.

11 G. The utilization review agent shall deliver a revoked or suspended  
12 certificate to the director on the director's request.

13 H. The director shall not issue a new certificate earlier than one  
14 year after the date of a previous revocation. Agents shall reapply to the  
15 director and shall meet all the requirements of this chapter to obtain a new  
16 certificate.

17 I. If the certificate of a firm or corporation is suspended or  
18 revoked, no member of that firm or officer or director of the corporation may  
19 hold a certificate during the period of the suspension or revocation unless  
20 the director determines, based on substantial evidence, that the member,  
21 officer or corporation director was not personally at fault."

22 Amend title to conform

NANCY BARTO

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02/04/2014  
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C: mjh