



April 1, 2024

The Honorable Katie Hobbs
Governor, State of Arizona
Executive Tower
1700 West Washington Street
Phoenix, Arizona 85007

RE: SB 1021 (scope of practice; sunrise; repeal)

Dear Governor Hobbs:

On behalf of the Arizona Medical Association, the Arizona Osteopathic Medical Association, the Arizona Healthcare Advocacy Coalition, the Arizona Nurses Association, the Arizona Academy of Family Physicians, the Arizona College of Emergency Physicians, the Arizona Society of Anesthesiologists, the Arizona Chapter of the American Academy of Pediatrics, the Arizona Clinical Oncology Society, the Arizona Society of Eye Physicians & Surgeons, the Arizona Dermatological & Dermatological Surgical Society, the Arizona Chapter of the American College of Physicians, the Arizona Chapter of the American College of Obstetricians & Gynecologists, the Arizona Allergy & Asthma Society, the Arizona Latin-American Medical Association, the Arizona Psychiatric Society, the Arizona Society of Pathologists, the Maricopa County Medical Society, the Phoenix Society of Gastroenterology, the Pima County Medical Society, and the Phoenix Dermatological Society, we respectfully request a veto for SB 1021 (scope of practice; sunrise; repeal), sponsored by Senator T.J. Shope. **We believe this bill is almost identical to SB 1248 last year — a bill that you expressed significant concerns about and vetoed.** This version of the bill does not offer significant changes to the previous version and does not offer any form of replacement for the open and transparent process that is present in the current Sunrise Review Process. The Sunrise Review Process is a net benefit for Arizona and, as such, should continue to be a part of the legislative decision-making process.

We were very appreciative of your thoughtful words in your [veto letter](#) last year and do agree with the sentiment: “...repealing the sunrise application for scope of practice expansion altogether without replacing it with a better mechanism will not address the underlying issues, and poses a threat to the health and safety of Arizonans.” We do not believe this iteration of the bill provides any replacement to the process. Additionally, the Chairmen of both the Senate and House Health and Human Services Committees spoke about healthcare provider scope of practice expansions, expressing their belief that scope expansions should not be done by way of strike everything amendments, which would leave no time for proper review and research for anyone, including legislators, the public, or healthcare stakeholders. This is exactly what the current Sunrise Review Process achieves — transparency and thoughtful deliberation — and further exemplifies why this process should remain in place until we can compromise on a replacement that is advantageous for all.



It must be noted that this bill did not go through a robust stakeholder process. There was only one stakeholder meeting on this issue, which was held on January 22nd. During this meeting, representatives of various physician advocacy organizations stressed the need for continued conversations on this bill and made numerous offers to amend the current Sunrise Review Process to address the issues raised by the proponents. As testified in the Senate, one of the proponents of the bill identified the report submittal timeline as burdensome. Prior to that legislative hearing, the physician advocacy representatives offered to move that date to January to address this concern, but that offer was rejected. One representative of an advocacy organization that supported the bill stated that they did not want to answer the questions in [ARS 32-3106](#) in writing. We have maintained flexibility throughout the negotiation process and clearly stated that our goal was to keep the answers to the seven questions in writing and offered to amend those questions if needed. The removal of these written answers accomplishes exactly what you warned against in your previous veto letter: “...provider groups could fast-track their priorities through the legislative process without adequate attention to why the change is necessary, or if it will impact communities with the greatest needs.” **As stated above, we do not believe the proponents of SB 1021 have addressed any of your previously stated concerns related to reforming the Sunrise Review Process.**

The delivery of healthcare is a science that is based on facts, evidence, education, and training — not politics and lobbyist influence. SB 1021 is seeking to remove the facts and evidence from the legislative decision-making process, which creates an “unbalance” in the legislative equation by overweighting politics and lobbyist influence in the process. Without the Sunrise Review Process or the Sunrise Reports, the legislature is expected to weigh important arguments fully and fairly with passionate arguments on both sides in an extremely brief timeline, and as you know, sometimes this public input is limited to two minutes during the committee process. **The public deserves more than two minutes.** The need for reliable information that is weighed objectively is essential to protecting public safety. Simply put, less data and less information on the delivery of healthcare — and more politics and lobbyist influence — is not in the interest of the public.

By repealing [ARS 32-3106](#) without replacing the process, we risk setting a dangerous precedent for Arizona. This statute includes seven fundamental questions for health group professionals to answer that were carefully designed to assist the Legislature in reviewing the very basic qualifications, education, and cost implications for any proposed scope of practice increase. These questions have been the foundation for the health group professionals’ scope of practice review process, and the Sunrise Report, where these questions are answered, is designed to be a streamlined process to allow Legislators, staff, and the interested public to review at their leisure. Without these reports, we are potentially creating an environment that will either slow down the legislative process by requiring staff to obtain answers to these questions, or more likely, see these questions go unanswered during the legislative process. We believe these Sunrise Reports are an ultimate benefit to the Legislature and the public because they allow more complete answers to be delivered, as opposed to bullet points given in a two-minute committee testimony. **This is crucial to patient safety.**



By way of background, the Sunrise Review Process was established by Laws 1985, Chapter 352, and further amended by [Laws 2018, Chapter 209](#), which was unanimously approved by both chambers of the Legislature and included your support as a member of the Arizona Senate. Current law states that a health profession can only be regulated “for the exclusive purpose of protecting the public interest” and not for the purpose of prohibiting competition. ([ARS 32-3103](#)) The Sunrise Review Process is designed to deliver to the Legislature, staff, and the public, a data-informed analysis, in the form of a Sunrise Report, before a scope of practice expansion for a specific health care professional is considered. This process is unique to the healthcare field due to the direct nexus of healthcare delivery and ensuring the protection of the public interest.

The [changes](#) approved in 2018 moved up the submittal date for the Sunrise Reports, specified that Sunrise Reports do not need to be resubmitted each year, allowed the health group professionals to request a formal Sunrise Hearing, and specifically allowed health group professionals to seek legislation to increase a scope of practice even if a Sunrise Hearing was not conducted, among other changes. The proponents of this bill — who were the driving forces seeking changes in 2018 — routinely claim that the Sunrise Review Process is burdensome, but they fail to recognize that the changes they pursued in 2018 made the Sunrise Review Process more streamlined while ensuring that the process continued to provide basic and necessary information to the Legislature and the public. We believe that these 2018 changes were not sufficiently conveyed to the large influx of new Legislators, and as such, they did not receive the full picture of what this process is and why it is important.

We continue to stand willing to work with the sponsors and stakeholders of this legislation to further modify the Sunrise Review Process in a manner that does not remove vital information, but eases other requirements (such as reporting deadlines, distribution of reports, the questions that are required to be answered, among other items) to ensure that the public interest is protected and that members of the public can trust that ALL of their healthcare professional are qualified to safely administer care in Arizona. **The signatories of this letter agree: approving SB 1021 has the potential to endanger patient safety and will not advance the delivery of healthcare in Arizona. This bill will further complicate healthcare licensing decisions by removing transparency and replacing it with lobbyist influence. These changes do not correlate with patient safety or better healthcare outcomes.**

Please feel free to reach out with any additional questions. We appreciate your time and consideration.

Sincerely,

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