

# ARIZONA STATE SENATE

## RESEARCH STAFF



**CHERIE STONE**

LEGISLATIVE RESEARCH ANALYST  
HEALTH AND HUMAN SERVICES COMMITTEE  
Telephone: (602) 926-3171

TO: JOINT LEGISLATIVE AUDIT COMMITTEE

DATE: January 7, 2021

SUBJECT: Sunset Review of the Developmental Disabilities Advisory Council

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Attached is the final report of the sunset review of the Developmental Disabilities Advisory Council, which was conducted by the Senate Health and Human Services Committee of Reference.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona  
The Honorable Douglas A. Ducey

President of the Senate  
Senator Karen Fann

Speaker of the House of Representatives  
Representative Russell Bowers

Senate Members  
Senator Kate Brophy McGee, Chair  
Senator Sylvia Allen  
Senator Heather Carter  
Senator Rick Gray  
Senator Tony Navarrete  
Senator Tyler Pace  
Senator Rebecca Rios  
Senator Victoria Steele

Secretary of the Senate  
Senate Resource Center  
Senate Republican Staff  
Senate Democratic Staff  
Senate Research Staff  
Office of the Chief Clerk  
House Republican Staff  
House Democratic Staff  
House Research Staff

Developmental Disabilities Advisory Council  
Office of the Auditor General  
Arizona State Library, Archives and Public Records

# Senate Health and Human Services Committee of Reference Report

## Developmental Disabilities Advisory Council

### *Background*

Originally established in 1976, the Developmental Disabilities Advisory Council (Council) is responsible for reviewing and making recommendations to the Assistant Director of the Department of Economic Security's Division of Developmental Disabilities regarding the coordination, integration, delivery and cost-effectiveness of services. Additionally, the Council is tasked with the oversight and approval of expenditures from the Client Developmental Disabilities Services Trust Fund.

Board membership is composed of 15 voting members who are appointed by the Governor and two non-voting members. Board membership is required to include at least five individuals who are clients, family members or guardians of individuals with developmental disabilities. The Board must also include an individual who is eligible for long-term care ([A.R.S. § 36-553](#)).

The Council is set to terminate on July 1, 2021, unless legislation is enacted for its continuation ([A.R.S. § 41-3021.08](#)).

### *Committee of Reference Sunset Review Procedure*

The Senate Health and Human Services Committee of Reference conducted a public meeting on Thursday, December 17, 2020, to evaluate the Council's response to the sunset factors and receive public testimony.

### *Committee Recommendations*

The Senate Health and Human Services Committee of Reference recommended that the Council be continued for eight years until July 1, 2029.

### *Attachments*

- A. Meeting Notice
- B. Minutes of Senate Health and Human Services Committee of Reference
- C. Chairman's Letter requesting the Council's response to the agency factors
- D. Council's response to the agency factors pursuant to [A.R.S. § 41-2954, subsection F](#)
- E. Council's Presentation

## ARIZONA STATE SENATE

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

**SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS, THE SUNSET REVIEW OF THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL AND THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS**

**Date:** Thursday, December 17, 2020

**Time:** 1:00 P.M.

**Place:** This meeting will be held via teleconference software.  
Members of the public may access a livestream of the meeting here:  
[https://azleg.granicus.com/MediaPlayer.php?publish\\_id=2](https://azleg.granicus.com/MediaPlayer.php?publish_id=2)

### AGENDA

1. Call to Order
2. Roll Call
3. Sunset Review of the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
  - Presentation by the Office of the Auditor General
  - Response by the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers
  - Public Testimony
  - Discussion
  - Recommendation by the Committee of Reference
4. Sunset Review of the Developmental Disabilities Advisory Council
  - Response by the Developmental Disabilities Advisory Council
  - Public Testimony
  - Discussion
  - Recommendation by the Committee of Reference
5. Sunset Review of the Arizona State Board of Podiatry Examiners
  - Response by the Arizona State Board of Podiatry Examiners
  - Public Testimony
  - Discussion
  - Recommendation by the Committee of Reference
6. Adjourn

**Members:**

Senator Kate Brophy McGee, Chair  
Senator Sylvia Allen  
Senator Heather Carter  
Senator Rick Gray  
Senator Tony Navarrete  
Senator Tyler Pace  
Senator Rebecca Rios  
Senator Victoria Steele

**The public may provide written testimony through email to [cstone@azleg.gov](mailto:cstone@azleg.gov) prior to 10:00 a.m. on Thursday, December 17, 2020. Submitted testimony will be entered into the record.**

12/10/2020

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For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

**ARIZONA STATE SENATE**

**SENATE HEALTH AND HUMAN SERVICES COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS, THE SUNSET REVIEW OF THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL AND THE SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS**

**Minutes of the Meeting  
December 17, 2020  
1:00 P.M.**

**This meeting will be held via teleconference software.**

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[https://azleg.granicus.com/MediaPlayer.php?publish\\_id=2](https://azleg.granicus.com/MediaPlayer.php?publish_id=2)

**Members Present:**

- Senator Kate Brophy McGee, Chair
- Senator Sylvia Allen
- Senator Heather Carter
- Senator Rick Gray
- Senator Tony Navarrete
- Senator Rebecca Rios
- Senator Victoria Steele

**Members Excused:**

- Senator Tyler Pace

**Staff:**

- Cherie Stone, Senate Research Staff
- Julia Paulus, Senate Research Assistant Analyst

Chairman Brophy McGee called the meeting to order at 1:05 p.m. and attendance was noted.

Senator Brophy McGee noted for the record that this meeting has a quorum.

**SUNSET REVIEW OF THE ARIZONA STATE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS**

**Presentation by the Office of the Auditor General**

**Dale Chapman, Auditor General’s Office**, electronically distributed and explained a PowerPoint presentation entitled "Arizona Board of Nursing Care Institution Administrators and Assisted Living Facility Managers: Performance Audit and Sunset Review Report No. 20-101 Issued February 2020" (Attachment A). Mr. Chapman addressed the findings of the Performance Audit and Sunset Review, including subsequent recommendations to the Board and answered questions posed by the Committee.

## **Response by the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers**

**Allen Imig, Executive Director, Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers**, electronically distributed a letter dated February 18, 2020 along with enclosures regarding the sunset review process (Attachment B). Mr. Imig gave an update regarding the Board's response of the Auditor General's Performance Audit and Sunset Review and answered questions posed by the Committee.

Senator Brophy McGee offered comments.

Mr. Imig answered additional questions posed by the Committee.

Senator Brophy McGee welcomed Senator Carter.

### **Public Testimony**

Senator Brophy McGee noted for the record that there were three (3) letters electronically submitted in support of the continuation for the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers by Karen Barno, representing Arizona Assisted Living Federation of America (Attachment C), David Voepel, representing Arizona Health Care Association (Attachment D), Pam A. Koester, representing LeadingAge Arizona (Attachment E).

### **Discussion**

Senator Gray shared his concern regarding fingerprint clearances and offered comments.

Mr. Imig answered additional questions posed by the Committee.

### **Recommendation by the Committee of Reference**

Senator Brophy McGee requested a motion on the recommendation by the Committee of Reference.

**Senator Carter moved that the Committee of Reference make the recommendation to continue the Arizona State Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers for 8 years. The motion CARRIED by voice vote.**

## **SUNSET REVIEW OF THE DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL**

### **Response by the Developmental Disabilities Advisory Council**

**Kathy Ber, Legislative Director, Arizona Department of Economic Security**, electronically distributed and explained a PowerPoint presentation entitled "Developmental Disabilities Advisory Council Sunset Review" (Attachment F) and answered questions posed by the Committee.

Senator Brophy McGee offered comments.

**Rick Hargrove, Member, Developmental Disabilities Advisory Council**, answered questions posed by the Committee.

Senator Brophy McGee offered additional comments.

Mr. Hargrove publicly thanked Senator Brophy McGee and offered comments.

Senator Brophy McGee offered additional comments.

Senator Carter publicly thanked Senator Brophy McGee and offered comments.

Senator Brophy McGee publicly thanked Senators Allen and Carter and offered additional comments.

### **Public Testimony**

No public testimony took place.

### **Discussion**

No further discussion took place.

### **Recommendation by the Committee of Reference**

Senator Brophy McGee requested a motion on the recommendation by the Committee of Reference.

**Senator Carter moved that the Committee of Reference make the recommendation to continue the Developmental Disabilities Advisory Council for 8 years. The motion CARRIED by voice vote.**

## **SUNSET REVIEW OF THE ARIZONA STATE BOARD OF PODIATRY EXAMINERS**

### **Response by the Arizona State Board of Podiatry Examiners**

**Heather Broaddus, Executive Director, Arizona Board of Podiatry Examiners**, electronically distributed a letter dated August 13, 2020 along with enclosures regarding the sunset review process (Attachment G). Ms. Broaddus gave an update regarding the Board's response of the Auditor General's Sunset Review and answered questions posed by the Committee.

Senator Brophy McGee offered comments.

### **Public Testimony**

Senator Brophy McGee noted that there was no public testimony.

\*Cherie Stone, Senate Research Staff, noted after the completion of the meeting, written testimony was emailed from Joseph F. Abate, representing Arizona Foot and Ankle Medical Association, in support of the continuation for the Arizona State Board of Podiatry Examiners (Attachment H).

### **Discussion**

Senator Brophy McGee asked if there was any further discussion.

No further discussion took place.

## **Recommendation by the Committee of Reference**

Senator Brophy McGee requested a motion on the recommendation by the Committee of Reference.

**Senator Carter moved that the Committee of Reference make the recommendation to continue the Arizona State Board of Podiatry Examiners for 8 years. The motion CARRIED by voice vote.**

Senator Brophy McGee made closing comments and thanked the Committee members for all their hard work and dedication to serving the people of Arizona.

Senator Brophy McGee thanked staff and made closing comments.

There being no further business, the meeting was adjourned at 1:52 p.m.

Respectfully submitted,

Imee L. Andrew  
Committee Secretary  
Audio and Video Transcription

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)





## Arizona State Senate

January 7, 2021

Gina Judy  
Developmental Disabilities Advisory Council  
1789 W Jefferson St, Phoenix, AZ  
Phoenix, Arizona 85007

Dear Chairperson Judy:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by legislative committees of reference. On completion of the sunset review, the committees of reference recommend to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee (JLAC) has assigned the sunset review of the Developmental Disabilities Advisory Council to committees of reference comprised of members of the Senate Health and Human Services Committee and the House of Representatives Health and Human Services Committee.

Pursuant to A.R.S. § 41-2954, the committee of reference is required to consider certain sunset factors in deciding whether to recommend continuance, modification or termination of an agency. Please provide your agency's response to the factors listed below:

1. The objective and purpose in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.
2. The extent to which the agency has met its statutory objective and purpose and the efficiency with which it has operated.
3. The extent to which the agency serves the entire state rather than specific interests.
4. The extent to which rules adopted by the agency are consistent with the legislative mandate.
5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.
6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.
7. The extent to which the attorney general or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.
8. The extent to which agencies have addressed deficiencies in their enabling statutes that prevent them from fulfilling their statutory mandate.
9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in A.R.S. § 41-2954.

10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.
11. The extent to which the level of regulation exercised by the agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.
12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.
13. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

Additionally, please provide written responses to the following:

1. Identify the problem or the needs that the agency is intended to address.
2. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.
3. Identify any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.
4. Assess the consequences of eliminating the agency or of consolidating it with another agency.

Your response should be received by September 1, so we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to:

Cherie Stone  
Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

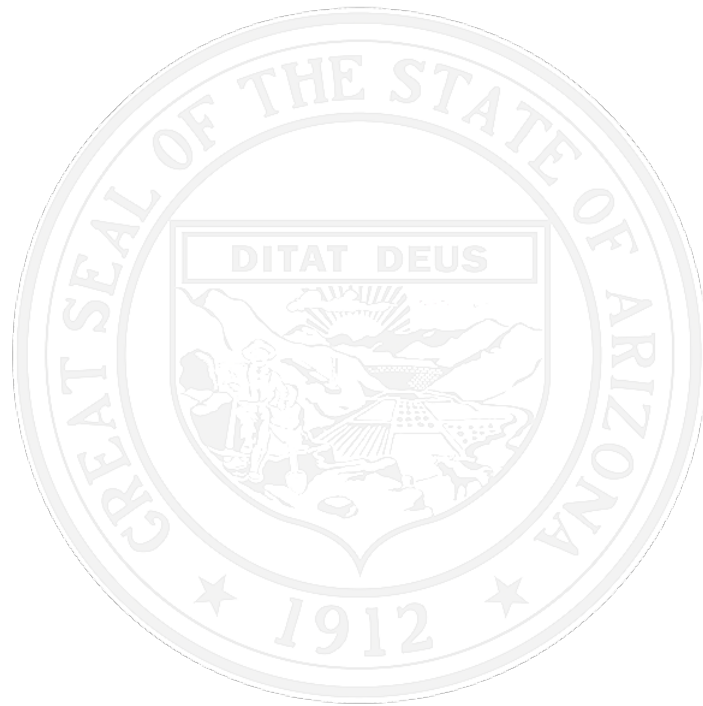
Thank you for your time and cooperation. If you have any questions, please feel free to contact me at (602) 926-4486 or Cherie Stone, the Senate Health and Human Services Committee Research Analyst, at 602-926-3171.

Sincerely,



Senator Kate Brophy McGee

cc: Representative Nancy Barto, House Health and Human Services Committee, Chair  
Ingrid Garvey, House Health and Human Services Committee, Analyst





DEPARTMENT OF ECONOMIC SECURITY

*Your Partner For A Stronger Arizona*

Douglas A. Ducey  
Governor

Michael Wisehart  
Director

September 1, 2020

Ms. Cherie Stone  
Research Analyst  
Health and Human Services Committee  
Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

Dear Ms. Stone:

In response to Senator Kate Brophy McGee's letter dated June 10, 2020, enclosed please find the Sunset Review Report for the Developmental Disabilities Advisory Council.

The report addresses each item in Senator Brophy McGee's letter and includes copies of the meeting minutes from the last two years.

If you have any questions, please contact Kathy Ber, Legislative Director, Arizona Department of Economic Security at (602) 542-2548 or [kber@azdes.gov](mailto:kber@azdes.gov).

Sincerely,

Michael Wisehart  
Director

Enclosure

cc: Senator Kate Brophy McGee, Chair, Senate Health and Human Services Committee  
Representative Nancy Barto, Chair, House Health and Human Services Committee  
Ingrid Garvey, Analyst, House Health and Human Services Committee  
Richard Hargrove, Interim Chair, Developmental Disabilities Advisory Council

**Developmental Disabilities Advisory Council**  
**Sunset Review Report**  
**September 2020**

## **Sunset Factors**

### **1. The objective and purpose in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.**

The Developmental Disabilities Advisory Council (DDAC/Council) was initially established in law in 1976 and re-established in 1992, 1997, and again in 2000. The statutory mandate, A.R.S. § 36-553 (Attachment A), requires the Council to review and make recommendations to the Assistant Director of the Arizona Department of Economic Security (ADES), Division of Developmental Disabilities (DDD/Division) regarding the provision of services to people with developmental disabilities. Additionally, as a result of legislation enacted in 1997 (A.R.S. § 36-572), the Council was charged with responsibilities related to the sale and use of the land formerly known as the Arizona Training Program at Phoenix and the management of the Client Services Trust Fund (Trust Fund). The proceeds from the sale of this land provided the principal of the Trust Fund. The objective and purpose of the Council is to ensure that programs of the Division are responsive and effective in meeting the needs of the individuals who are served through the Division. The Council also fulfills an oversight function to ensure the policies and practices of the Division are cost-effective, outcome-oriented and maintain the principles of family support. To accomplish this, the Council reviews and makes recommendations to the Division in the following areas:

- Coordinating and integrating services provided by state agencies and providers that have contracted with state agencies to provide developmental disability programs;
- The health, safety, welfare and human rights of persons with developmental disabilities;
- The Division's plan for service delivery and improvement;
- Establishing and reviewing division policies and programs;
- The cost-effectiveness of division services;
- Assessing the division's annual needs;
- Selecting of the assistant director of the division;
- Monitoring the division's annual budget; and
- The sale or lease of the real property and improvements on the real property formerly used by the ADES for the Arizona Training Program at Phoenix.

The Council shall oversee and approve expenditures of monies from the Client Developmental Disability Services Trust Fund established by section A.R.S. § 36-572 following expenditure guidelines established by the Council.

The Council is required by A.R.S. § 36-553 to provide the public with an opportunity to address the Council at regularly publicized meetings.

The Council shall submit an annual report of activities to the Director, the Governor, the President of the Senate and the Speaker of the House of Representatives by December 31 of each year and provide a copy of this report to the Secretary of State.

The Council consists of voting members appointed by the Governor, as well as the Director of the Arizona Health Care Cost Containment System (AHCCCS) or the Director's designee, and the Assistant Director of the Division who are non-voting members. Membership must represent:

- One parent or guardian of a child who is under 18 years of age and who has a developmental disability;
- One parent or guardian of a child who is 18 years of age or older and who has a developmental disability;
- One parent of a child who is served through the Arizona early intervention program;
- One member of the private sector who represents an agency that is certified to provide in-home services to persons with developmental disabilities;
- Two members of the private sector who are contracted with the Division to deliver services to persons with developmental disabilities, one who represents a provider of residential services and one who represents a provider of adult day services including employment services;
- Two members with a developmental disability who receive services from the Division;
- Two members who each represent a different Developmental Disability Advocacy organization;
- One member who is from the designated protection and advocacy organization;
- One member who represents a nonprofit organization providing direct advocacy to families with children with developmental disabilities;
- The Director of the AHCCCS administration or the Director's designee. This person is a nonvoting member;
- The Assistant Director of the Division of Developmental Disabilities. This person is a nonvoting member;
- One member who is from the Developmental Disabilities Planning Council;

- One member who represents foster parents of children with developmental disabilities; and
- One member from the Independent Oversight Committee on persons with developmental disabilities established by section A.R.S. § 41-3801.

Voting members and their families cannot be employees of the ADES. In making these appointments, the Governor selects at least five members who are people with developmental disabilities, guardians, parents, or other family members of people with developmental disabilities. One of these five voting members must represent a person who is eligible for long term care services. The Governor also gives consideration to geographic representation in making these appointments.

The Council receives reimbursement of expenses pursuant to A.R.S. § 38-621. The Division provides meeting space to the Council as required to meet its statutory mandate. The Division provides staff support to the Council who organizes meetings, assists Council members with travel arrangements and other supports necessary to attend meetings. Additionally, this support staff provides management oversight and administers the disbursement of the Client Services Trust Fund. This includes establishing program criteria, developing and disseminating applications to individuals and their family members and completing the process for the disbursement of funds. The support position also facilitates the evaluation process and maintains records for the use of these funds. The support staff facilitates the development of Council meeting agendas and completes necessary mailings and notices. The support staff maintains records of the Council's activities, meeting minutes and expenditures.

## **2. The extent to which the agency has met its statutory objective and purpose and the efficiency with which it has operated.**

To ensure that programs of the Division are responsive and effective in meeting the needs of individuals who are served through the Division, the Council reviews and recommends policies and strategies in areas such as budget, rules, human rights, and provider issues that will improve the quality and delivery of services for individuals and families A.R.S. § 36-553.

The Council meets at least four times per year and encourages input from the public at each meeting. Attached are meeting minutes for calendar year 2019 and 2020 to date (Attachment B). All meetings follow Arizona Open Meeting Law. In previous years, the Council also held public forums throughout the state to obtain input from the public regarding the responsiveness and effectiveness of Division programs. In light of the pandemic, virtual public forums are being scheduled. There is representation from the Council at the



Division's virtual public forums.

The Council is responsible for administering the Client Services Trust Fund. The goals of the Trust Fund are to promote self-determination and provide for creative supports which increase participation in the community or improve an individual's quality of life. Since the inception of the Trust Fund in 1999, the Council has received and reviewed 5,854 applications for funding. To date, 2,114 applications have been approved, for a total expenditure of \$3,140,069.56.

### **3. The extent to which the agency serves the entire state rather than specific interests.**

On April 7, 1993, the Council adopted the following mission statement:

The Mission of the Developmental Disabilities Advisory Council is to provide, in partnership with the Division of Developmental Disabilities, advisory oversight on behalf of members, families and providers by:

- Defining appropriate services from the Member perspective;
- Providing realistic and practical recommendations for implementation of the duties in A.R.S.;
- Assisting in the design of a clear and responsive system that promotes access to service delivery and matches the needs of the member; and
- Serving as a forum for public input.

The Council fulfills its mission by evaluating the services needed and received by people with developmental disabilities based on national best practices. The Council pursues creative solutions that use limited resources to maximize positive outcomes. The Council also identifies and recommends changes to Division practices to enhance cost- effectiveness and efficiency. To accomplish this, the Council research issues by requesting information from diverse sources. The Council relies heavily on input from members and their family members. The statutorily required composition of the Council facilitates a broad base of expertise and experience that allows for the necessary skills to critically examine the Division's overall function and operation. The Council reinforces its commitment to the public interest in its recommendations to the Division. This includes open discussions with the Assistant Director of the Division regarding budget and service issues. The Council also seeks out community resources for support for members not available through state funding.

### **4. The extent to which rules adopted by the agency are consistent with the legislative mandate.**

The Council acts in an advisory capacity only and does not have rulemaking authority.

**5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.**

The Council does not have rulemaking authority but provides feedback to the Division during the Division's rulemaking process.

**6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.**

The Council's role does not include investigative functions. If the Council receives a complaint from a member, family member or provider, the Council will evaluate the complaint to determine if there are systemic issues to be addressed by the Division. Complaints are also forwarded to the appropriate investigating entity in the Division.

Complaints about the Client Services Trust Fund are evaluated for merit and the complainant receives a written response. Funding decisions by the Council are final.

**7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.**

This is not applicable to the Council's role and function.

**8. The extent to which the agency has addressed deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.**

There are no deficiencies in the Council's enabling statute that prevent the Council from fulfilling its statutory mandate.

**9. The extent to which changes are necessary in the laws of the agency to adequately comply with these factors listed in A.R.S. § 41-2954.**

There are no changes needed in the laws that govern the Council for it to fulfill its statutory mandate or comply with these factors.

**10. The extent to which the termination of the agency would significantly affect the public health, safety, or welfare.**

The Council has a unique and critical role in the planning, development and monitoring of services for people with developmental disabilities. The Council's ability to provide input into the development of programs and initiatives at the initial design level ensures that the concerns and needs of members and their families are incorporated into the Division's planning. Distinct from other groups, the Council provides a check and balance of the Division's accountability to design and implement programs which are effective and responsive to the people it serves and the public trust. If the Council were to be terminated, there is currently no other formalized system that members and the public could access that is charged with the responsibility of making recommendations to the Division regarding the service needs of people with developmental disabilities and their families.

The Council is the sole expenditure authority for the Client Services Trust Fund. The Council members who review funding applications volunteer numerous hours to generate recommendations for awards. One Council member stated it was the most agonizing task she had ever taken on when she became aware of the tremendous need for supports not funded elsewhere. There is no other body with the statutory authority to disburse these funds. The termination of the Council would adversely affect the public health, safety and welfare of all Arizonans.

**11. The extent to which the level of regulation exercised by the agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.**

The Council has no regulatory authority.

**12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.**

The Council does not use private contractors in the performance of its duties. However, the Council reviews and makes recommendations pertaining to the Division's work in this area

**13. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.**

None, the Council provides input to the Division to decrease the cost of government, and assists the Division to operate more efficiently.

## **Additional Factors**

### **1. Identify the problem or needs that the agency is intended to address.**

The Council ensures programs of the Division are responsive and effective in meeting the needs of the individuals who are served through the Division. The Council does this through its advisory capacity to the Assistant Director of the Division.

### **2. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.**

The objective and purpose in establishing the Council is to ensure that programs of the Division are responsive and effective in meeting the needs of the individuals who are served through the Division. Correspondingly, the Council fulfills an oversight process that is designed to help ensure the policies and practices of the Division are outcome-oriented and maintain the principles of family support A.R.S. § 36-553. To accomplish this, the Council reviews and makes recommendations to the Division in the following areas:

- Coordinating and integrating services provided by state agencies and providers that are under contract with state agencies to provide services to people with developmental disabilities and their families;
- Monitoring the health, safety, welfare, and human rights of persons with developmental disabilities;
- Implementing the state's plan for supports and services to people with developmental disabilities;
- Establishing and reviewing Division policy and programs.
- Reviewing the annual rate setting methodology;
- Assessing the Division's annual need for funding;
- Assisting in the selection of the Assistant Director of the Division;
- Monitoring the Division's annual budget; the sale or lease of the real property and improvements on the real property formerly used by the ADES for the Arizona Training Program at Phoenix; and
- Overseeing and approving expenditures of monies from the Developmentally Disabled Client Services Trust Fund established in A.R.S. § 36-572.

**3. Identify any other agencies having similar, conflicting, or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.**

No other agencies have conflicting, or duplicate objectives.

There is a council that appears to have similar goals; however, it is federally funded and has a different mandate than the DDAC. The DDAC is specifically an advisory council to the DDD per A.R.S..The Developmental Disabilities Planning Council (DDPC) also works in partnership with the Division.

The DDPC receives federal funding through the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 through the Administration for Community Living. The DDPC is authorized to empower individuals with developmental disabilities and their families to help shape policies that impact them. The Developmental Disabilities Act is the fundamental law supporting and enhancing the lives of people with developmental disabilities and their families.

The Developmental Disabilities Act authorizes three programs that operate in each state and territory (University Centers for Excellence in Developmental Disabilities (UCEDD), DD Councils, and PADD) known as the DD Network as well as Protection and Advocacy. The Arizona DDPC is the DD Council in this instance.

The DDAC focuses mainly on advising the DDD per Arizona State Statute, while the DDPC works with a more global agenda under federal law.

**4. Assess the consequences of eliminating the agency or of consolidating it with another agency.**

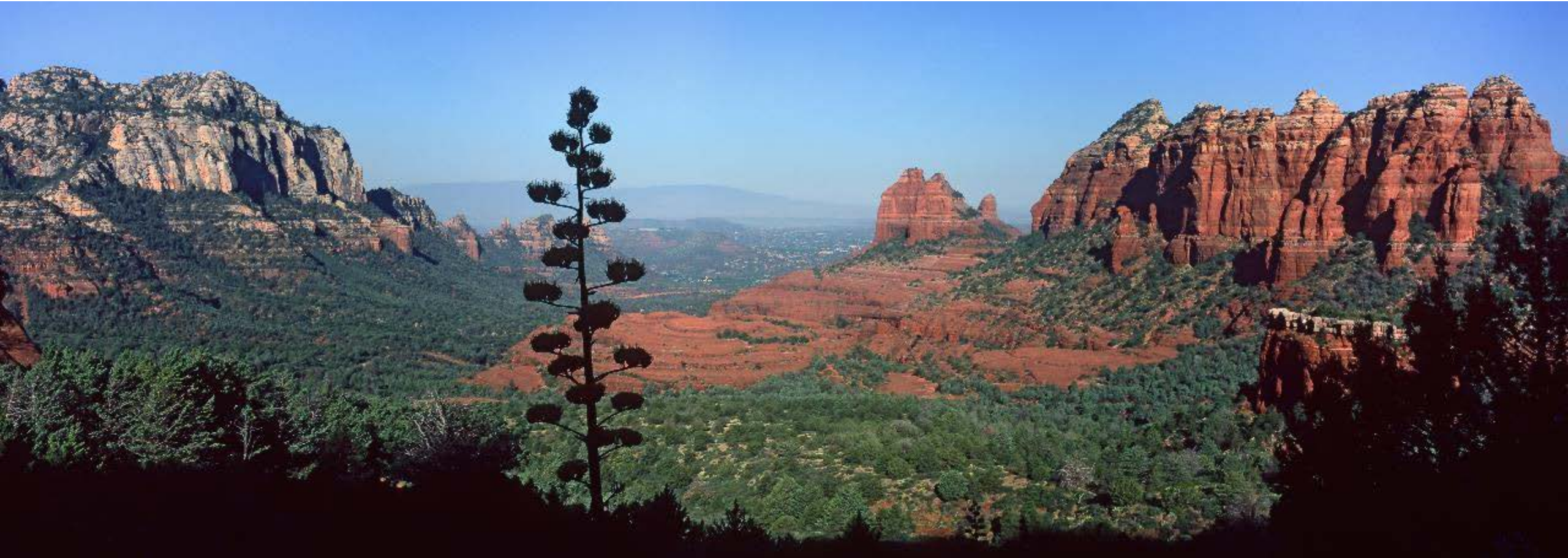
The Council has a unique role in the planning, development and monitoring of services for people with developmental disabilities. The Council's ability to provide input in the development and implementation of programs and initiatives at the initial design level ensures that the concerns and needs of members and their families are incorporated into the Division's planning. Distinct from other groups, the Council provides a check and balance of the Division's accountability to design and implement programs which are effective and responsive to the people it serves and the public trust. There is currently no other system or entity which members and the public can routinely access that is charged with the responsibility of making recommendations to the Division regarding the service needs of people with developmental disabilities and their families. Consolidation with another agency is not considered feasible given the Council's distinct advisory role to the Division.

The Council is the sole expenditure authority for the Client Services Trust Fund. There is no other body with the statutory authority to disburse these funds.



DEPARTMENT OF ECONOMIC SECURITY

*Your Partner For A Stronger Arizona*

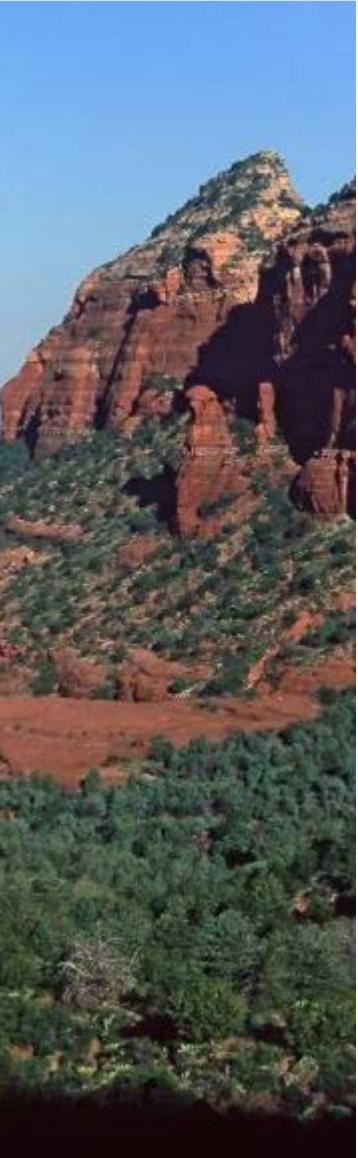


**Developmental Disabilities Advisory Council Sunset Review**

**Senate Committee of Reference**

**December 17, 2020**

# Establishment & Responsibilities





# Membership

- DDAC consists of 15 voting members and 2 non-voting members.
  - Parents/guardians, including those with children in foster care
  - Individuals with a developmental disability, including members receiving services from DDD
  - Service providers
  - Disability advocates
  - Developmental Disabilities Planning Council and Independent Oversight Committee representatives
  - AHCCCS Director and DDD Assistant Director as non-voting members

# Sunset Factors



- The extent to which the agency has met its statutory objective

DDAC meets at least 4 times per year and encourages public input.

Public forums

- In-person in prior years
- Virtual during the pandemic

DDAC member representation at DDD virtual public forums

Client Services Trust Fund - to promote self-determination, provide for creative supports and increased participation for individuals with developmental disabilities

- Over 5,854 applications received with 2,114 approved
- Expenditure of just over \$3.14M

# Sunset Factors - continued



- The extent to which the agency serves the entire state
  - DDAC mission statement encompasses all members served by DDD
  - Utilizes national best practices in evaluating services
  - Statutory composition of the Council facilities broad expertise and experience
  - Input from members and families
  - Open discussion with DDD regarding budget and service issues
  - Seeks out community resources not available through state funding

# Sunset Factors - continued



- Rulemaking & Prosecutions

Not applicable

- Investigation and resolution of complaints

DDAC does not have investigative authority

Complaints about the Client Services Trust Fund are evaluated for merit and written responses are provided

- Deficiencies in enabling statutes

There are not any deficiencies

# Sunset Factors - continued



- Extent to which the termination of the agency would significantly affect the public health, safety, or welfare
  - DDAC has a unique and critical role in planning, development and monitoring of services
  - Provides input at the initial design level to ensure concerns
  - No other formalized system with statutory responsibility to make recommendations to DDD
  - No other entity has authority to disburse Client Services Trust Funds.
- Regulatory authority, use of private contractors, and potential negative consequences
  - Not applicable

# Consequences of Eliminating DDAC

- DDAC provides a check and balance of DDD accountability to design and implement effective and responsive programs
- There is not currently another entity which is statutorily charged with making recommendations to DDD regarding service needs of members and their families
- There is not another entity with authority to disburse Client Services Trust Funds.





**Questions?**

**Thank you for your support**