

House Engrossed

~~appropriation; DWR; water efficiency projects~~
(now: group homes; monitoring; reporting; appropriation)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2560

AN ACT

AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-573; AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-595.03; REPEALING SECTION 36-595.03, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 5.1, article 1, Arizona Revised
3 Statutes, is amended by adding section 36-573, to read:

4 36-573. Annual report; group home incident reports; contracts

5 ON OR BEFORE OCTOBER 31, 2023 AND EACH YEAR THEREAFTER, THE
6 DEPARTMENT OF ECONOMIC SECURITY SHALL PROVIDE AN ANNUAL REPORT TO THE
7 CHAIRPERSONS OF THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND
8 THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, THE DIRECTORS
9 OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM AND THE DEPARTMENT OF
10 HEALTH SERVICES AND THE DESIGNATED ENTITY CONDUCTING THE DEVELOPMENTAL
11 DISABILITIES GROUP HOME MONITORING PILOT PROGRAM PURSUANT TO SECTION
12 36-595.03 AND SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF
13 STATE. THE REPORT SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION:

14 1. THE NUMBER OF INCIDENT REPORTS THAT WERE RECEIVED FROM GROUP
15 HOMES IN THE PRECEDING TWO YEARS:

16 (a) CATEGORIZED BY LEVEL OF SEVERITY.

17 (b) THAT RESULTED IN ANY TYPE OF CONTRACT SANCTION.

18 (c) THAT INVOLVED MEDICATION ERRORS. THE REPORT SHALL INCLUDE THE
19 TOTAL NUMBER OF TIMES MEDICATION WAS DISTRIBUTED TO CLIENTS.

20 (d) THAT RESULTED IN CHANGES TO A BEHAVIORAL TREATMENT PLAN.

21 (e) THAT REQUIRED ADDITIONAL STAFF TRAINING MANDATED BY THE
22 DIVISION AFTER REVIEW OF THE INCIDENT REPORT.

23 (f) THAT INVOLVED LAW ENFORCEMENT.

24 (g) AGGREGATED BY SERVICE PROVIDER AND INDIVIDUAL GROUP HOME
25 WITHOUT IDENTIFYING THE SPECIFIC LOCATION OR NAME OF THE HOME.

26 2. WITH RESPECT TO GROUP HOME CONTRACTS AND EXPENDITURES:

27 (a) THE NUMBER OF GROUP HOME CONTRACTS BY SERVICE PROVIDER.

28 (b) FOR EACH GROUP HOME CONTRACT, THE ANNUAL AMOUNT THE DIVISION
29 PAID THE SERVICE PROVIDER FOR THE GROUP HOME SERVICES PROVIDED.

30 (c) THE COST PER CLIENT BY SERVICE PROVIDER.

31 (d) THE NUMBER OF ANY TYPE OF CONTRACT SANCTION BROKEN DOWN BY
32 REASON FOR THE SANCTION.

33 (e) THE NUMBER OF SERVICE PROVIDERS FROM WHOM THE DIVISION RECOUPED
34 PAYMENTS FOR GROUP HOME SERVICES IN THE PRECEDING YEAR FOR MEDICAID FRAUD.

35 3. THE NUMBER OF MEDICAID FRAUD INVESTIGATIONS OF SERVICE PROVIDERS
36 OF GROUP HOME SERVICES.

37 Sec. 2. Title 36, chapter 5.1, article 3, Arizona Revised Statutes,
38 is amended by adding section 36-595.03, to read:

39 36-595.03. Developmental disabilities group home monitoring
40 pilot program; clients with complex needs;
41 expedited referral system; reporting
42 requirements; definition

43 A. THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PILOT
44 PROGRAM IS ESTABLISHED IN THE DEPARTMENT. THE DEPARTMENT SHALL OVERSEE
45 THE PILOT PROGRAM FOR THREE YEARS AND CONTRACT WITH THE ENTITY THAT HAS

1 BEEN DESIGNATED BY THIS STATE TO OPERATE THE PROTECTION AND ADVOCACY
2 SYSTEM FOR PERSONS WITH DEVELOPMENTAL DISABILITIES IN THIS STATE PURSUANT
3 TO THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF
4 2000 (42 UNITED STATES CODE SECTIONS 15041 THROUGH 15045) TO CONDUCT THE
5 PILOT PROGRAM.

6 B. THE SCOPE OF THE PILOT PROGRAM SHALL REQUIRE THE DESIGNATED
7 ENTITY, AT A MINIMUM, TO DO ALL OF THE FOLLOWING BEGINNING JANUARY 1,
8 2023:

9 1. MONITOR IN PERSON THE GROUP HOMES THAT PROVIDE SERVICES TO
10 CLIENTS WITH COMPLEX NEEDS TO DETERMINE, AT A MINIMUM, WHETHER:

11 (a) THE CLIENT WITH COMPLEX NEEDS RECEIVES THE SERVICES IDENTIFIED
12 IN THE CLIENT'S PERSON-CENTERED SERVICE PLAN, INCLUDING MEDICATION
13 MONITORING AND HABILITATION TREATMENT, AS APPLICABLE.

14 (b) THE PROVISION OF SERVICES IDENTIFIED IN THE PERSON-CENTERED
15 SERVICE PLAN OF THE CLIENT WITH COMPLEX NEEDS HAS BEEN EFFECTIVE IN
16 ADDRESSING THE CLIENT'S COMPLEX NEEDS.

17 (c) THE SERVICES HAVE RESULTED IN A REDUCTION IN BEHAVIORS THAT
18 INTERFERED WITH THE ABILITY OF THE CLIENT WITH COMPLEX NEEDS TO LIVE
19 SAFELY IN THE COMMUNITY.

20 (d) ALL PHYSICAL INTERVENTIONS USED BY THE GROUP HOME STAFF HAVE
21 COMPLIED WITH THE BEHAVIORAL TREATMENT PLAN OF THE CLIENT WITH COMPLEX
22 NEEDS AND APPLICABLE STATE LAWS.

23 2. INVESTIGATE QUALITY OF CARE COMPLAINTS RECEIVED BY THE
24 DESIGNATED ENTITY PURSUANT TO SUBSECTION C OF THIS SECTION CONCERNING ANY
25 GROUP HOME FUNDED BY THE DEPARTMENT.

26 3. COMPILE A COMPREHENSIVE REPORT OF ALL OBSERVATIONS AND OUTCOMES
27 DURING THE PRECEDING YEAR.

28 C. ON OR BEFORE JANUARY 1, 2023, THE DEPARTMENT SHALL ESTABLISH AN
29 EXPEDITED REFERRAL SYSTEM TO ENSURE THAT COPIES OF QUALITY OF CARE
30 COMPLAINTS ARE FORWARDED TO THE DESIGNATED ENTITY FOR INVESTIGATION
31 PURSUANT TO THIS SECTION. IF THE DESIGNATED ENTITY SUBSTANTIATES AN
32 ALLEGATION IN A QUALITY OF CARE COMPLAINT, THE INFORMATION SHALL BE
33 PROVIDED TO THE DEPARTMENT AND THE INDEPENDENT OVERSIGHT COMMITTEE ON
34 PERSONS WITH DEVELOPMENTAL DISABILITIES ESTABLISHED BY SECTION 41-3801.

35 D. THE DEPARTMENT SHALL EDUCATE SERVICE PROVIDERS ON THE
36 REQUIREMENTS OF THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PILOT
37 PROGRAM AND THE ROLE OF THE DESIGNATED ENTITY.

38 E. ON OR BEFORE DECEMBER 31, 2025, THE DESIGNATED ENTITY SHALL
39 REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
40 HOUSE OF REPRESENTATIVES, AND PROVIDE A COPY OF THE REPORT TO THE
41 SECRETARY OF STATE, REGARDING THE OBSERVATIONS AND OUTCOMES OF THE PILOT
42 PROGRAM, INCLUDING SYSTEMIC ISSUES THAT WERE IDENTIFIED, THE QUALITY OF
43 SERVICES PROVIDED TO PERSONS WITH DEVELOPMENTAL DISABILITIES WHO HAVE
44 COMPLEX NEEDS IN THIS STATE AND ANY RECOMMENDATIONS FOR SERVICE
45 IMPROVEMENTS.

1 F. FOR THE PURPOSES OF THIS SECTION, "CLIENT WITH COMPLEX NEEDS"
2 MEANS A CLIENT WITH DUAL DISORDERS, INCLUDING PSYCHIATRIC DISORDERS AND
3 DEVELOPMENTAL DISABILITIES, WHO ENGAGES IN BEHAVIORS THAT ARE DISRUPTIVE,
4 SOCIALLY INAPPROPRIATE OR HARMFUL OR DANGEROUS TO SELF OR OTHERS, THAT
5 INTERFERE WITH FUNCTIONING AND QUALITY OF LIFE OR THAT MAY CAUSE
6 DESTRUCTION OF PROPERTY.

7 Sec. 3. Delayed repeal

8 Section 36-595.03, Arizona Revised Statutes, as added by this act,
9 is repealed from and after December 31, 2026.

10 Sec. 4. Appropriation; department of economic security;
11 developmental disabilities group home monitoring
12 pilot program; exemption

13 A. The sum of \$1,200,000 is appropriated from the state general
14 fund in fiscal year 2022-2023 to the department of economic security for
15 the developmental disabilities group home monitoring pilot program
16 established by section 36-595.03, Arizona Revised Statutes, as added by
17 this act.

18 B. The monies appropriated in subsection A of this section are
19 exempt from the provisions of section 35-190, Arizona Revised Statutes,
20 relating to lapsing of appropriations.