

REFERENCE TITLE: health care institutions; education; abuse

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

HB 2386

Introduced by
Representatives Longdon: Dunn

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; RELATING TO VULNERABLE ADULTS.

(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 4, Arizona Revised Statutes, is
3 amended by adding article 12, to read:

4 ARTICLE 12. EDUCATION TO IDENTIFY ABUSE AND NEGLECT

5 36-450.11. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ABUSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

8 2. "GROUP HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-551.

9 3. "NEGLECT" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

10 4. "RETALIATORY ACTION" MEANS TERMINATING OR TAKING ANY OTHER
11 ADVERSE ACTION AGAINST A PERSON'S EMPLOYMENT BY A HEALTH CARE INSTITUTION,
12 GROUP HOME OR INTERMEDIATE CARE FACILITY BECAUSE THE PERSON REPORTED
13 SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION 46-454.

14 5. "VULNERABLE ADULT" HAS THE SAME MEANING PRESCRIBED IN SECTION
15 46-451.

16 36-450.12. Education and training curriculum; identification
17 of neglect and abuse; requirements

18 A. THE DEPARTMENT OF HEALTH SERVICES AND THE DEPARTMENT OF ECONOMIC
19 SECURITY SHALL JOINTLY DEVELOP A CURRICULUM TO EDUCATE AND TRAIN ALL
20 PERSONS WHO ARE EMPLOYED IN A CAPACITY OF CARING FOR VULNERABLE ADULTS.
21 THE EDUCATION AND TRAINING SHALL INCLUDE ALL OF THE FOLLOWING:

22 1. THE SIGNS OF NEGLECT AND ABUSE, INCLUDING SEXUAL ABUSE.

23 2. THE RESPONSIBILITIES OF PERSONS TO REPORT SUSPECTED NEGLECT OR
24 ABUSE, INCLUDING SEXUAL ABUSE, PURSUANT TO SECTION 46-454.

25 3. WHOM TO CONTACT TO REPORT THE SUSPECTED NEGLECT OR ABUSE.

26 4. A COMPONENT THAT CAN BE PROVIDED TO FAMILIES OF VULNERABLE
27 ADULTS.

28 B. WHEN DEVELOPING THE CURRICULUM REQUIRED BY SUBSECTION A OF THIS
29 SECTION, THE DEPARTMENTS SHALL CONSULT WITH ALL OF THE FOLLOWING:

30 1. THE DEVELOPMENTAL DISABILITIES PLANNING COUNCIL.

31 2. A STATEWIDE COALITION THAT ADVOCATES TO INCREASE PUBLIC
32 AWARENESS ABOUT ISSUES OF SEXUAL AND DOMESTIC VIOLENCE AND TO END SEXUAL
33 AND DOMESTIC VIOLENCE IN THIS STATE.

34 3. A STATEWIDE NONPROFIT ORGANIZATION THAT REPRESENTS PERSONS WHO
35 ARE AT LEAST FIFTY YEARS OF AGE AND WHOSE MISSION IS TO ENHANCE THE
36 QUALITY OF LIFE FOR PERSONS AS THEY AGE.

37 4. A STATEWIDE ASSOCIATION OF DEVELOPMENTAL DISABILITIES PROVIDERS.

38 5. A STATEWIDE ASSOCIATION OF ENTITIES THAT PROVIDE DIRECT SERVICES
39 TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

40 36-450.13. Mandatory education and training; requirements;
41 nonretaliation policies; presumption

42 A. BEGINNING JANUARY 1, 2023, EACH HEALTH CARE INSTITUTION LICENSED
43 PURSUANT TO THIS CHAPTER, EACH GROUP HOME AND EACH INTERMEDIATE CARE
44 FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES SHALL PROVIDE
45 MANDATORY EDUCATION AND TRAINING USING THE CURRICULUM DEVELOPED PURSUANT

1 TO SECTION 36-450.12 TO EACH PERSON WORKING IN THE HEALTH CARE
2 INSTITUTION, GROUP HOME OR INTERMEDIATE CARE FACILITY THAT PROVIDES CARE
3 TO VULNERABLE ADULTS. THE PERSON SHALL COMPLETE THE EDUCATION AND
4 TRAINING BEFORE BEGINNING EMPLOYMENT AND SHALL UPDATE THE EDUCATION AND
5 TRAINING ANNUALLY. THE EDUCATION AND TRAINING SHALL INCLUDE INFORMATION
6 REGARDING EACH INSTITUTION'S, GROUP HOME'S OR FACILITY'S NONRETALIATION
7 POLICY AND THE LOCATION WHERE THE REPORTING PROCESS AND CONTACT
8 INFORMATION IS POSTED.

9 B. EACH HEALTH CARE INSTITUTION, GROUP HOME AND INTERMEDIATE CARE
10 FACILITY SHALL:

11 1. POST IN A CONSPICUOUS PLACE ACCESSIBLE TO ALL EMPLOYEES
12 INFORMATION REGARDING HOW TO REPORT SUSPECTED NEGLECT OR ABUSE, INCLUDING
13 SEXUAL ABUSE, OF A VULNERABLE ADULT.

14 2. ADOPT A POLICY THAT PROHIBITS RETALIATORY ACTION AGAINST PERSONS
15 WHO IN GOOD FAITH REPORT SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION
16 46-454.

17 C. THERE IS A REBUTTABLE PRESUMPTION THAT ANY TERMINATION OR OTHER
18 ADVERSE ACTION THAT OCCURS MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE
19 DATE A PERSON REPORTS SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION
20 46-454 IS NOT A RETALIATORY ACTION.

21 Sec. 2. Emergency

22 This act is an emergency measure that is necessary to preserve the
23 public peace, health or safety and is operative immediately as provided by
24 law.