

REFERENCE TITLE: group homes; monitoring; appropriation

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

HB 2394

Introduced by
Representatives Dunn: Longdon

AN ACT

ESTABLISHING THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PILOT PROGRAM IN THE DEPARTMENT OF ECONOMIC SECURITY; APPROPRIATING MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Developmental disabilities group home monitoring
3 pilot program; designated entity; report;
4 exemption; delayed repeal; definitions

5 A. The developmental disabilities group home monitoring pilot
6 program is established. The department of economic security shall
7 contract for the pilot program for three years and shall use the entity
8 that has been designated by this state to operate the protection and
9 advocacy system for persons with developmental disabilities in this state
10 pursuant to the developmental disabilities assistance and bill of rights
11 act, as amended (42 United States Code section 15043) to conduct the pilot
12 program. The pilot program may not limit the designated entity's ability
13 to fulfill its statutory mandate as prescribed in federal law that
14 provides the designated entity with the authority to advocate for the
15 rights of individuals with developmental disabilities pursuant to
16 42 United States Code section 15043. The designated entity shall begin
17 monitoring group homes not later than ____.

18 B. The scope of the pilot program shall require the designated
19 entity, at a minimum, to do all of the following:

20 1. Monitor in person the quality of life of residents and services
21 provided in all of the group homes once each year during reasonable times.
22 The designated entity shall monitor the health, safety and wellness of
23 group home residents, including living conditions and how the staff
24 interacts and responds to the residents' needs. The visit may be
25 announced or unannounced, except that if the designated entity is unable
26 to meet with the specific resident, a follow-up visit must be scheduled.
27 Scheduled visits shall be made at times the specific resident is available
28 or requested by the resident.

29 2. Investigate complaints received by the designated entity
30 concerning these group homes. As allowed by law, the designated entity, on
31 request, shall have access to investigatory records in the possession of
32 the department of economic security concerning the health, safety and
33 wellness of an individual who is the subject of a complaint. A visit
34 related to a complaint received by the designated entity may be announced
35 or unannounced, except that if the designated entity is unable to meet
36 with the specific resident, a follow-up visit must be scheduled.
37 Scheduled visits shall be made at times the specific resident is available
38 or requested by the resident.

39 3. For clients identified as being at higher risk for abuse or
40 neglect in group homes, visit the group home and these clients at least
41 once every four months, including unannounced visits if necessary. An
42 unannounced visit may replace a scheduled visit, except that if the
43 designated entity is unable to meet with the resident, a follow-up visit
44 must be scheduled.

1 4. Provide information to clients with developmental disabilities
2 about the client's rights and available resources for the client and the
3 client's family or guardian in a format that can best be understood by
4 both the client and the client's family or guardian.

5 5. Provide the department of economic security with quarterly
6 update reports and compile a comprehensive report of all observations,
7 outcomes and recommended corrective actions during the pilot program. The
8 department of economic security shall post the reports on a publicly
9 available department website.

10 6. Recommend to the department of economic security necessary
11 corrective actions when identified.

12 7. Notify the department of economic security division of
13 developmental disabilities immediately if either of the following occurs:

14 (a) The monitoring team discovers or suspects any issue in which
15 the immediate safety or welfare of any resident of a facility may be at
16 risk.

17 (b) The group home staff refuses to cooperate with the monitoring
18 activity.

19 8. Report suspected abuse, neglect or exploitation of a child or
20 vulnerable adult to a peace officer, the department of child safety or
21 adult protective services pursuant to sections 13-3620 and 46-454, Arizona
22 Revised Statutes.

23 C. Pursuant to subsection B, paragraph 3 of this section, the
24 department of economic security and the designated entity shall develop a
25 process to determine which of the department of economic security group
26 home clients are at a higher risk of abuse or neglect. The department of
27 economic security and the designated entity may consider factors such as:

28 1. Whether the client lives with the client's caregiver and
29 receives no other developmental disabilities services or whether the
30 client is largely or entirely dependent on a sole caregiver for assistance
31 and that caregiver is largely or entirely dependent on the client for the
32 caregiver's income.

33 2. Whether the client has limited ability to supervise the
34 caregiver, has limited ability to express himself or herself verbally or
35 has few community contacts or whether no independent person outside the
36 home is identified to assist the client.

37 3. Whether the client has experienced a destabilizing event such as
38 hospitalization, arrest or victimization.

39 4. Whether the client has been the subject of an adult protective
40 services referral or a department of child safety referral in the
41 preceding year.

42 5. Whether the client lives in an environment that jeopardizes the
43 client's personal safety.

44 D. On or before _____, the designated entity shall report to the
45 governor, the president of the senate, the speaker of the house of

1 representatives and the director of the department of economic security
2 and provide a copy of the report to the secretary of state regarding the
3 observations and outcomes of the pilot program, including systemic issues
4 that were identified, the quality of services being provided to persons
5 with developmental disabilities in this state and any recommendations for
6 service improvements. The department of economic security shall post the
7 report on a publicly available department website.

8 E. This section is repealed from and after _____.

9 F. For the purposes of this section:

10 1. "Client" and "group home" have the same meanings prescribed in
11 section 36-551, Arizona Revised Statutes.

12 2. "Resident" means a client who lives in a group home.

13 Sec. 2. Appropriation; department of economic security;
14 developmental disabilities group home monitoring
15 pilot program

16 A. The sum of \$1,200,000 is appropriated from the state general
17 fund in fiscal year 2022-2023 to the department of economic security for
18 the developmental disabilities group home monitoring pilot program
19 established by this section.

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