

REFERENCE TITLE: group home monitoring; complex needs

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1309

Introduced by
Senator Barto

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; 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. Incident reports; contracting; annual report

5 ON OR BEFORE JULY 1, 2023 AND EACH YEAR THEREAFTER, THE DEPARTMENT
6 OF ECONOMIC SECURITY SHALL PROVIDE AN ANNUAL REPORT TO THE CHAIRPERSONS OF
7 THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF
8 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, THE DIRECTORS OF THE
9 ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM AND THE DEPARTMENT OF HEALTH
10 SERVICES AND THE DESIGNATED ENTITY CONDUCTING THE DEVELOPMENTAL
11 DISABILITIES GROUP HOME MONITORING PROGRAM PURSUANT TO SECTION 36-595.03
12 AND SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE. THE
13 REPORT SHALL INCLUDE AT LEAST THE FOLLOWING INFORMATION:

14 1. THE NUMBER OF INCIDENT REPORTS:

- 15 (a) THAT WERE RECEIVED FROM GROUP HOMES IN THE PRECEDING TWO YEARS.
- 16 (b) THAT RESULTED IN ANY TYPE OF CONTRACT SANCTION.
- 17 (c) THAT INVOLVED MEDICATION ERRORS.
- 18 (d) THAT RESULTED IN CHANGES TO A BEHAVIORAL TREATMENT PLAN.
- 19 (e) THAT REQUIRED ADDITIONAL STAFF TRAINING.
- 20 (f) THAT INVOLVED LAW ENFORCEMENT.
- 21 (g) AGGREGATED BY SERVICE PROVIDER AND INDIVIDUAL GROUP HOME.

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

- 23 (a) THE NUMBER OF GROUP HOME CONTRACTS BY SERVICE PROVIDER.
- 24 (b) FOR EACH GROUP HOME CONTRACT, THE ANNUAL AMOUNT THE DIVISION
25 PAID THE SERVICE PROVIDER.
- 26 (c) THE COST PER CLIENT BY SERVICE PROVIDER.
- 27 (d) THE NUMBER OF ANY TYPE OF CONTRACT SANCTION.
- 28 (e) THE NUMBER OF SERVICE PROVIDERS FROM WHOM THE DIVISION RECOUPED
29 PAYMENTS FOR GROUP HOME SERVICES IN THE PRECEDING YEAR.

30 3. THE NUMBER OF MEDICAID FRAUD INVESTIGATIONS OF SERVICE PROVIDERS
31 OF GROUP HOME SERVICES.

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

34 36-595.03. Developmental disabilities group home monitoring
35 program; complex needs; at-risk members;
36 expedited referral system; annual report;
37 definition

38 A. THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PROGRAM IS
39 ESTABLISHED IN THE DEPARTMENT. THE DEPARTMENT SHALL OVERSEE THE PROGRAM
40 AND CONTRACT WITH THE ENTITY THAT HAS BEEN DESIGNATED BY THIS STATE TO
41 OPERATE THE PROTECTION AND ADVOCACY SYSTEM FOR PERSONS WITH DEVELOPMENTAL
42 DISABILITIES IN THIS STATE PURSUANT TO THE DEVELOPMENTALLY DISABLED
43 ASSISTANCE AND BILL OF RIGHTS ACT, AS AMENDED (42 UNITED STATES CODE
44 SECTIONS 15041 THROUGH 15045) TO CONDUCT THE PROGRAM.

1 B. THE SCOPE OF THE PROGRAM SHALL REQUIRE THE DESIGNATED ENTITY, AT
2 A MINIMUM, TO DO ALL OF THE FOLLOWING:

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

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

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

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

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

17 2. INVESTIGATE QUALITY OF CARE COMPLAINTS CONCERNING ANY GROUP HOME
18 FUNDED BY THE DEPARTMENT.

19 3. FOR CLIENTS IDENTIFIED AS BEING AT HIGHER RISK FOR ABUSE OR
20 NEGLECT IN GROUP HOMES, VISIT THE GROUP HOME AND THESE CLIENTS AT LEAST
21 ONCE EVERY FOUR MONTHS. A CLIENT IS IDENTIFIED AS BEING AT HIGHER RISK OF
22 ABUSE OR NEGLECT IF ANY OF THE FOLLOWING APPLIES:

23 (a) THE CLIENT HAS EXPERIENCED A DESTABILIZING EVENT SUCH AS
24 HOSPITALIZATION, EMERGENCY MEDICAL TREATMENT, ARREST, ABUSE OR NEGLECT IN
25 THE PAST YEAR.

26 (b) THE CLIENT HAS BEEN THE SUBJECT OF AN ADULT PROTECTIVE SERVICES
27 REFERRAL OR A DEPARTMENT OF CHILD SAFETY REFERRAL IN THE PAST YEAR.

28 (c) THE CLIENT'S GUARDIAN IS THE PUBLIC FIDUCIARY.

29 4. COMPILE A COMPREHENSIVE REPORT OF ALL OBSERVATIONS AND OUTCOMES
30 DURING THE PRECEDING YEAR.

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

38 D. ON OR BEFORE DECEMBER 31, 2023, AND EACH YEAR THEREAFTER, THE
39 DESIGNATED ENTITY SHALL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
40 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A COPY
41 OF THE REPORT TO THE SECRETARY OF STATE REGARDING THE OBSERVATIONS AND
42 OUTCOMES OF THE PROGRAM, INCLUDING SYSTEMIC ISSUES THAT WERE IDENTIFIED,
43 THE QUALITY OF SERVICES BEING PROVIDED TO PERSONS WITH DEVELOPMENTAL
44 DISABILITIES WHO HAVE COMPLEX NEEDS IN THIS STATE AND ANY RECOMMENDATIONS
45 FOR SERVICE IMPROVEMENTS.

1 E. 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. Appropriation; department of economic security;
8 developmental disabilities group home monitoring
9 program; exemption

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

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