

Senate Engrossed

group home monitoring; complex needs

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

# SENATE BILL 1309

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 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 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 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 program; complex needs; at-risk members;  
41 expedited referral system; annual report;  
42 definition

43 A. THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PROGRAM IS  
44 ESTABLISHED IN THE DEPARTMENT. THE DEPARTMENT SHALL OVERSEE THE PROGRAM  
45 AND CONTRACT WITH THE ENTITY THAT HAS BEEN DESIGNATED BY THIS STATE TO

1 OPERATE THE PROTECTION AND ADVOCACY SYSTEM FOR PERSONS WITH DEVELOPMENTAL  
2 DISABILITIES IN THIS STATE PURSUANT TO THE DEVELOPMENTALLY DISABLED  
3 ASSISTANCE AND BILL OF RIGHTS ACT, AS AMENDED (42 UNITED STATES CODE  
4 SECTIONS 15041 THROUGH 15045) TO CONDUCT THE PROGRAM.

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

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

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

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

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

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

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

24 3. COMPILER A COMPREHENSIVE REPORT OF ALL OBSERVATIONS AND OUTCOMES  
25 DURING THE PRECEDING YEAR.

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

33 D. THE DEPARTMENT SHALL PROVIDE EDUCATION TO SERVICE PROVIDERS ON  
34 THE REQUIREMENTS OF THE GROUP HOME MONITORING PROGRAM AND THE ROLE OF THE  
35 DESIGNATED ENTITY.

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

44 F. FOR THE PURPOSES OF THIS SECTION, "CLIENT WITH COMPLEX NEEDS"  
45 MEANS A CLIENT WITH DUAL DISORDERS, INCLUDING PSYCHIATRIC DISORDERS AND

1 DEVELOPMENTAL DISABILITIES, WHO ENGAGES IN BEHAVIORS THAT ARE DISRUPTIVE,  
2 SOCIALLY INAPPROPRIATE OR HARMFUL OR DANGEROUS TO SELF OR OTHERS, THAT  
3 INTERFERE WITH FUNCTIONING AND QUALITY OF LIFE OR THAT MAY CAUSE  
4 DESTRUCTION OF PROPERTY.

5 Sec. 3. Appropriation; department of economic security;  
6 developmental disabilities group home monitoring  
7 program; exemption

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

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