

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2394

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 OF
6 ECONOMIC SECURITY SHALL PROVIDE AN ANNUAL REPORT TO THE CHAIRPERSONS OF THE
7 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.

1 (b) FOR EACH GROUP HOME CONTRACT, THE ANNUAL AMOUNT THE DIVISION
2 PAID THE SERVICE PROVIDER.

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

4 (d) THE NUMBER OF ANY TYPE OF CONTRACT SANCTION.

5 (e) THE NUMBER OF SERVICE PROVIDERS FROM WHOM THE DIVISION RECOUPED
6 PAYMENTS FOR GROUP HOME SERVICES IN THE PRECEDING YEAR.

7 3. THE NUMBER OF MEDICAID FRAUD INVESTIGATIONS OF SERVICE PROVIDERS
8 OF GROUP HOME SERVICES.

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

11 36-595.03. Developmental disabilities group home monitoring
12 program; complex needs; at-risk members;
13 expedited referral system; annual report;
14 definition

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

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

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

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

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

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

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

7 2. INVESTIGATE QUALITY OF CARE COMPLAINTS CONCERNING ANY GROUP HOME
8 FUNDED BY THE DEPARTMENT.

9 3. COMPILE A COMPREHENSIVE REPORT OF ALL OBSERVATIONS AND OUTCOMES
10 DURING THE PRECEDING YEAR.

11 C. ON OR BEFORE JANUARY 1, 2023, THE DEPARTMENT SHALL ESTABLISH AN
12 EXPEDITED REFERRAL SYSTEM TO ENSURE THAT QUALITY OF CARE COMPLAINTS ARE
13 TRANSFERRED TO THE DESIGNATED ENTITY FOR INVESTIGATION PURSUANT TO THIS
14 SECTION. IF THE DESIGNATED ENTITY SUBSTANTIATES AN ALLEGATION IN A QUALITY
15 OF CARE COMPLAINT, THE INFORMATION SHALL BE PROVIDED TO THE DEPARTMENT AND
16 THE INDEPENDENT OVERSIGHT COMMITTEE ON PERSONS WITH DEVELOPMENTAL
17 DISABILITIES ESTABLISHED BY SECTION 41-3801.

18 D. ON OR BEFORE DECEMBER 31, 2023, AND EACH YEAR THEREAFTER, THE
19 DESIGNATED ENTITY SHALL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE
20 AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A COPY OF THE
21 REPORT TO THE SECRETARY OF STATE REGARDING THE OBSERVATIONS AND OUTCOMES OF
22 THE PROGRAM, INCLUDING SYSTEMIC ISSUES THAT WERE IDENTIFIED, THE QUALITY OF
23 SERVICES BEING PROVIDED TO PERSONS WITH DEVELOPMENTAL DISABILITIES WHO HAVE
24 COMPLEX NEEDS IN THIS STATE AND ANY RECOMMENDATIONS FOR SERVICE
25 IMPROVEMENTS.

26 E. FOR THE PURPOSES OF THIS SECTION, "CLIENT WITH COMPLEX NEEDS"
27 MEANS A CLIENT WITH DUAL DISORDERS, INCLUDING PSYCHIATRIC DISORDERS AND
28 DEVELOPMENTAL DISABILITIES, WHO ENGAGES IN BEHAVIORS THAT ARE DISRUPTIVE,
29 SOCIALLY INAPPROPRIATE OR HARMFUL OR DANGEROUS TO SELF OR OTHERS, THAT
30 INTERFERE WITH FUNCTIONING AND QUALITY OF LIFE OR THAT MAY CAUSE
31 DESTRUCTION OF PROPERTY.

1 Sec. 3. Appropriation; department of economic security;
2 developmental disabilities group home monitoring
3 program; exemption

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

8 B. The monies appropriated pursuant to subsection A of this section
9 are exempt from the provisions of section 35-190, Arizona Revised Statutes,
10 relating to lapsing of appropriations."

11 Amend title to conform

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02/09/2022
09:08 AM
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