

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2560

(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. Annual report; group home incident reports; contracts

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 PILOT PROGRAM PURSUANT TO SECTION
12 36-595.03 AND SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF
13 STATE. THE 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 DIVISION
22 AFTER REVIEW OF THE INCIDENT REPORT.

23 (f) THAT INVOLVED LAW ENFORCEMENT.

1 (g) AGGREGATED BY SERVICE PROVIDER AND INDIVIDUAL GROUP HOME WITHOUT
2 IDENTIFYING THE SPECIFIC LOCATION OR NAME OF THE HOME.

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

4 (a) THE NUMBER OF GROUP HOME CONTRACTS BY SERVICE PROVIDER.

5 (b) FOR EACH GROUP HOME CONTRACT, THE ANNUAL AMOUNT THE DIVISION
6 PAID THE SERVICE PROVIDER FOR THE GROUP HOME SERVICES PROVIDED.

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

8 (d) THE NUMBER OF ANY TYPE OF CONTRACT SANCTION BROKEN DOWN BY
9 REASON FOR THE SANCTION.

10 (e) THE NUMBER OF SERVICE PROVIDERS FROM WHOM THE DIVISION RECOUPED
11 PAYMENTS FOR GROUP HOME SERVICES IN THE PRECEDING YEAR FOR MEDICAID FRAUD.

12 3. THE NUMBER OF MEDICAID FRAUD INVESTIGATIONS OF SERVICE PROVIDERS
13 OF GROUP HOME SERVICES.

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

16 36-595.03. Developmental disabilities group home monitoring
17 pilot program; clients with complex needs;
18 expedited referral system; reporting
19 requirements; definition

20 A. THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PILOT
21 PROGRAM IS ESTABLISHED IN THE DEPARTMENT. THE DEPARTMENT SHALL OVERSEE THE
22 PILOT PROGRAM FOR THREE YEARS AND CONTRACT WITH THE ENTITY THAT HAS BEEN
23 DESIGNATED BY THIS STATE TO OPERATE THE PROTECTION AND ADVOCACY SYSTEM FOR
24 PERSONS WITH DEVELOPMENTAL DISABILITIES IN THIS STATE PURSUANT TO THE
25 DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000 (42
26 UNITED STATES CODE SECTIONS 15041 THROUGH 15045) TO CONDUCT THE PILOT
27 PROGRAM.

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

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

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

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

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

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

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

16 3. COMPILE A COMPREHENSIVE REPORT OF ALL OBSERVATIONS AND OUTCOMES
17 DURING THE PRECEDING YEAR.

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

25 D. THE DEPARTMENT SHALL EDUCATE SERVICE PROVIDERS ON THE
26 REQUIREMENTS OF THE DEVELOPMENTAL DISABILITIES GROUP HOME MONITORING PILOT
27 PROGRAM AND THE ROLE OF THE DESIGNATED ENTITY.

28 E. ON OR BEFORE DECEMBER 31, 2025, THE DESIGNATED ENTITY SHALL
29 REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
30 HOUSE OF REPRESENTATIVES, AND PROVIDE A COPY OF THE REPORT TO THE SECRETARY
31 OF STATE, REGARDING THE OBSERVATIONS AND OUTCOMES OF THE PILOT PROGRAM,
32 INCLUDING SYSTEMIC ISSUES THAT WERE IDENTIFIED, THE QUALITY OF SERVICES

1 PROVIDED TO PERSONS WITH DEVELOPMENTAL DISABILITIES WHO HAVE COMPLEX NEEDS
2 IN THIS STATE AND ANY RECOMMENDATIONS FOR SERVICE IMPROVEMENTS.

3 F. FOR THE PURPOSES OF THIS SECTION, "CLIENT WITH COMPLEX NEEDS"
4 MEANS A CLIENT WITH DUAL DISORDERS, INCLUDING PSYCHIATRIC DISORDERS AND
5 DEVELOPMENTAL DISABILITIES, WHO ENGAGES IN BEHAVIORS THAT ARE DISRUPTIVE,
6 SOCIALLY INAPPROPRIATE OR HARMFUL OR DANGEROUS TO SELF OR OTHERS, THAT
7 INTERFERE WITH FUNCTIONING AND QUALITY OF LIFE OR THAT MAY CAUSE
8 DESTRUCTION OF PROPERTY.

9 Sec. 3. Delayed repeal

10 Section 36-595.03, Arizona Revised Statutes, as added by this act, is
11 repealed from and after December 31, 2026.

12 Sec. 4. Appropriation; department of economic security;
13 developmental disabilities group home monitoring
14 pilot program; exemption

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

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

22 Amend title to conform

REGINA E. COBB

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02/17/2022
12:19 PM
C: MH