

House Engrossed

developmental disabilities; Prader-Willi syndrome

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2455

AN ACT

AMENDING SECTION 36-551, ARIZONA REVISED STATUTES; 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. Section 36-551, Arizona Revised Statutes, is amended to  
3 read:

4 36-551. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Adaptive behavior" means the effectiveness or degree to which a  
7 person meets the standards of personal independence and social  
8 responsibility expected of the person's age and cultural group.

9 2. "Adult developmental home" means a residential setting in a  
10 family home in which the care, physical custody and supervision of the  
11 adult client are the responsibility, under a twenty-four-hour care model,  
12 of the licensee who, in that capacity, is not an employee of the division  
13 or of a service provider and the home provides the following services for  
14 a group of siblings or up to three adults with developmental disabilities:

15 (a) Room and board.

16 (b) Habilitation.

17 (c) Appropriate personal care.

18 (d) Appropriate supervision.

19 3. "Adult household member":

20 (a) Means a person who is at least eighteen years of age and who  
21 resides in an adult developmental home, child developmental home or other  
22 home and community based service setting for at least thirty days or who  
23 resides in the household throughout the year for more than a cumulative  
24 total of thirty days.

25 (b) Does not include a person who is receiving developmental  
26 disabilities services from the department.

27 4. "Advisory council" means the developmental disabilities advisory  
28 council.

29 5. "Arizona training program facility" means a state-operated  
30 institution for clients of the department with developmental disabilities.

31 6. "Attributable to cognitive disability, epilepsy, cerebral palsy  
32 or autism" means that there is a causal relationship between the presence  
33 of an impairing condition and the developmental disability.

34 7. "Autism" means a condition characterized by severe disorders in  
35 communication and behavior resulting in limited ability to communicate,  
36 understand, learn and participate in social relationships.

37 8. "Case management" means coordinating the assistance needed by  
38 persons with developmental disabilities and their families in order to  
39 ensure that persons with developmental disabilities attain their maximum  
40 potential for independence, productivity and integration into the  
41 community.

42 9. "Case manager" means a person who coordinates the implementation  
43 of the individual program plan of goals, objectives and appropriate  
44 services for persons with developmental disabilities.

1           10. "Cerebral palsy" means a permanently disabling condition  
2 resulting from damage to the developing brain that may occur before, after  
3 or during birth and that results in loss or impairment of control over  
4 voluntary muscles.

5           11. "Child developmental certified home" means a regular foster  
6 home as defined in section 8-501 that is licensed pursuant to section  
7 8-509 and that is certified by the department pursuant to section  
8 36-593.01.

9           12. "Child developmental home" means a residential setting in a  
10 family home in which the care and supervision of the child are the  
11 responsibility, under a twenty-four-hour care model, of the licensee who  
12 serves as the developmental home provider of the child in the home setting  
13 and who, in that capacity, is not an employee of the division or of a  
14 service provider and the home provides the following services for a group  
15 of siblings or up to three children with developmental disabilities:

- 16           (a) Room and board.
- 17           (b) Habilitation.
- 18           (c) Appropriate personal care.
- 19           (d) Appropriate supervision.

20           13. "Client" means a person receiving developmental disabilities  
21 services from the department.

22           14. "Cognitive disability" means a condition that involves  
23 subaverage general intellectual functioning, that exists concurrently with  
24 deficits in adaptive behavior manifested before the age of eighteen and  
25 that is sometimes referred to as intellectual disability.

26           15. "Community residential setting":

27           (a) Means a residential setting in which persons with developmental  
28 disabilities live and are provided with appropriate supervision by the  
29 service provider responsible for operating the residential setting.

30           (b) Includes a child developmental home or an adult developmental  
31 home operated or contracted by the department or the department's  
32 contracted vendor, a group home operated or contracted by the department  
33 or a nursing-supported group home contracted by the department.

34           16. "Consent" means voluntary informed consent. Consent is  
35 voluntary if not given as the result of coercion or undue influence.  
36 Consent is informed if the person giving the consent has been informed of  
37 and comprehends the nature, purpose, consequences, risks and benefits of  
38 the alternatives to the procedure, and has been informed and comprehends  
39 that withholding or withdrawing consent will not prejudice the future  
40 provision of care and services to the client. In cases of unusual or  
41 hazardous treatment procedures performed pursuant to section 36-561,  
42 subsection A, experimental research, organ transplantation and  
43 nontherapeutic surgery, consent is informed if, in addition to the  
44 foregoing, the person giving the consent has been informed of and  
45 comprehends the method to be used in the proposed procedure.

1           17. "Daily habilitation" means habilitation as defined in this  
2 section, except that the method of payment is for one unit per residential  
3 day.

4           18. "Department" means the department of economic security.

5           19. "Developmental disability" means either a strongly demonstrated  
6 potential that a child who is under six years of age has a developmental  
7 disability or will develop a developmental disability, as determined by a  
8 test performed pursuant to section 36-694 or by other appropriate tests,  
9 or a severe, chronic disability that:

10           (a) Is attributable to a cognitive disability, cerebral palsy,  
11 epilepsy, Down syndrome, PRADER-WILLI SYNDROME or autism.

12           (b) Is manifested before the age of eighteen.

13           (c) Is likely to continue indefinitely.

14           (d) Results in substantial functional limitations in three or more  
15 of the following areas of major life activity:

16           (i) Self-care.

17           (ii) Receptive and expressive language.

18           (iii) Learning.

19           (iv) Mobility.

20           (v) Self-direction.

21           (vi) Capacity for independent living.

22           (vii) Economic self-sufficiency.

23           (e) Reflects the need for a combination and sequence of  
24 individually planned or coordinated special, interdisciplinary or generic  
25 care, treatment or other services that are of lifelong or extended  
26 duration.

27           20. "Director" means the director of the department of economic  
28 security.

29           21. "Division" means the division of developmental disabilities in  
30 the department of economic security.

31           22. "Down syndrome" means a genetic disorder caused when abnormal  
32 cell division results in extra genetic material from chromosome 21,  
33 affecting a person's cognitive and physical abilities and causing  
34 developmental issues.

35           23. "Epilepsy" means a neurological condition characterized by  
36 abnormal electrical-chemical discharge in the brain. This discharge is  
37 manifested in various forms of physical activities called seizures.

38           24. "Group home":

39           (a) Means a community residential setting for not more than six  
40 persons with developmental disabilities that is operated by a service  
41 provider under contract with the department and that provides room and  
42 board and daily habilitation and other assessed medically necessary  
43 services and supports to meet the needs of each person.

1 (b) Does not include an adult developmental home, a child  
2 developmental home, a nursing-supported group home or an intermediate care  
3 facility for individuals with intellectual disabilities.

4 25. "Guardian" means the person who, under court order, is  
5 appointed to fulfill the powers and duties prescribed in section 14-5312.  
6 Guardian does not include a guardian pursuant to section 14-5312.01.

7 26. "Habilitation" means the process by which a person is assisted  
8 to acquire and maintain those life skills that enable the person to cope  
9 more effectively with personal and environmental demands and to raise the  
10 level of the person's physical, mental and social efficiency.

11 27. "Indigent" means a person with a developmental disability whose  
12 estate or parent is unable to bear the full cost of maintaining or  
13 providing services for that person in a developmental disabilities  
14 program.

15 28. "Individual program plan" means a written statement of services  
16 to be provided to a person with developmental disabilities, including  
17 habilitation goals and objectives, that is developed following initial  
18 placement evaluation and revised after periodic evaluations.

19 29. "Intermediate care facility for individuals with intellectual  
20 disabilities" means a facility that primarily provides health and  
21 rehabilitative services to persons with developmental disabilities that  
22 are above the service level of room and board or supervisory care services  
23 or personal care services as defined in section 36-401.

24 30. "Large group setting" means a setting that in addition to  
25 residential care provides support services such as therapy, recreation and  
26 transportation to seven or more persons with developmental disabilities  
27 who require intensive supervision.

28 31. "Least restrictive alternative" means an available program or  
29 facility that fosters independent living, that is the least confining for  
30 the client's condition and that provides service and treatment in the  
31 least intrusive manner reasonably and humanely appropriate to the  
32 individual's needs.

33 32. "Likely to continue indefinitely" means that the developmental  
34 disability has a reasonable likelihood of continuing for a protracted  
35 period of time or for life.

36 33. "Manifested before the age of eighteen" means that the  
37 disability must be apparent and have a substantially limiting effect on a  
38 person's functioning before the age of eighteen.

39 34. "Nursing-supported group home" has the same meaning prescribed  
40 in section 36-401.

41 35. "Physician" means a person who is licensed to practice pursuant  
42 to title 32, chapter 13 or 17.

1           36. "Placement evaluation" means an interview and evaluation of a  
2 person with a developmental disability and a review of the person's prior  
3 medical and program histories to determine the appropriate developmental  
4 disability programs and services for the person and recommendations for  
5 specific program placements for the person.

6           37. "PRADER-WILLI SYNDROME" MEANS A GENETIC DISORDER THAT IS  
7 CHARACTERIZED BY SHORT STATURE, INTELLECTUAL DISABILITY, HYPOTONIA,  
8 ABNORMALLY SMALL HANDS AND FEET, HYPOGONADISM AND UNCONTROLLED APPETITE  
9 LEADING TO EXTREME OBESITY.

10          ~~37.~~ 38. "Psychologist" means a person who is licensed pursuant to  
11 title 32, chapter 19.1.

12          ~~38.~~ 39. "Respite services" means services that provide a  
13 short-term or long-term interval of rest or relief to the care provider of  
14 a person with a developmental disability.

15          ~~39.~~ 40. "Responsible person" means the parent or guardian of a  
16 minor with a developmental disability, the guardian of an adult with a  
17 developmental disability or an adult with a developmental disability who  
18 is a client or an applicant for whom no guardian has been appointed.

19          ~~40.~~ 41. "Service provider" means a person or agency that provides  
20 services to clients pursuant to a contract, service agreement or qualified  
21 vendor agreement with the division.

22          ~~41.~~ 42. "State operated service center" means a state owned or  
23 leased facility that is operated by the department and that provides  
24 temporary residential care and space for child and adult services that  
25 include respite care, crisis intervention and diagnostic evaluation.

26          ~~42.~~ 43. "Subaverage general intellectual functioning" means  
27 measured intelligence on standardized psychometric instruments of two or  
28 more standard deviations below the mean for the tests used.

29          ~~43.~~ 44. "Substantial functional limitation" means a limitation so  
30 severe that extraordinary assistance from other people, programs, services  
31 or mechanical devices is required to assist the person in performing  
32 appropriate major life activities.

33          ~~44.~~ 45. "Supervision" means the process by which the activities of  
34 an individual with developmental disabilities are directed, influenced or  
35 monitored.