

REFERENCE TITLE: health care institutions; education; abuse

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2229

Introduced by
Representatives Longdon: Austin, Contreras P, Hernandez C, Hernandez M

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; RELATING TO VULNERABLE ADULTS.

(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 4, Arizona Revised Statutes, is
3 amended by adding article 12, to read:

4 ARTICLE 12. EDUCATION TO IDENTIFY ABUSE AND
5 NEGLECT OF VULNERABLE ADULTS

6 36-450.21. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "ABUSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

9 2. "GROUP HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-551.

10 3. "NEGLECT" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

11 4. "RETALIATORY ACTION" MEANS TERMINATING OR TAKING ANY OTHER
12 ADVERSE ACTION AGAINST A PERSON'S EMPLOYMENT BY A HEALTH CARE INSTITUTION,
13 A GROUP HOME OR AN INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH
14 INTELLECTUAL DISABILITIES BECAUSE THE PERSON REPORTED SUSPECTED NEGLECT OR
15 ABUSE PURSUANT TO SECTION 46-454.

16 5. "VULNERABLE ADULT" HAS THE SAME MEANING PRESCRIBED IN SECTION
17 46-451.

18 36-450.22. Education and training curriculum; identifying
19 neglect and abuse; consultation

20 A. THE DEPARTMENT OF HEALTH SERVICES AND THE DEPARTMENT OF ECONOMIC
21 SECURITY SHALL JOINTLY DEVELOP A CURRICULUM TO EDUCATE AND TRAIN ALL
22 PERSONS WHO ARE EMPLOYED IN A CAPACITY OF CARING FOR VULNERABLE ADULTS.
23 THE EDUCATION AND TRAINING SHALL INCLUDE ALL OF THE FOLLOWING:

24 1. THE SIGNS OF NEGLECT AND ABUSE, INCLUDING SEXUAL ABUSE.

25 2. THE RESPONSIBILITIES OF PERSONS TO REPORT SUSPECTED NEGLECT OR
26 ABUSE, INCLUDING SEXUAL ABUSE, PURSUANT TO SECTION 46-454.

27 3. WHOM TO CONTACT TO REPORT THE SUSPECTED NEGLECT OR ABUSE.

28 4. A COMPONENT THAT CAN BE PROVIDED TO FAMILIES OF VULNERABLE
29 ADULTS.

30 B. WHEN DEVELOPING THE CURRICULUM REQUIRED BY SUBSECTION A OF THIS
31 SECTION, THE DEPARTMENTS SHALL CONSULT WITH ALL OF THE FOLLOWING:

32 1. THE DEVELOPMENTAL DISABILITIES PLANNING COUNCIL.

33 2. A STATEWIDE COALITION THAT ADVOCATES TO INCREASE PUBLIC
34 AWARENESS ABOUT ISSUES OF SEXUAL AND DOMESTIC VIOLENCE AND TO END SEXUAL
35 AND DOMESTIC VIOLENCE IN THIS STATE.

36 3. A STATEWIDE NONPROFIT ORGANIZATION THAT REPRESENTS PERSONS WHO
37 ARE AT LEAST FIFTY YEARS OF AGE AND WHOSE MISSION IS TO ENHANCE THE
38 QUALITY OF LIFE FOR PERSONS AS THEY AGE.

39 4. A STATEWIDE ASSOCIATION OF DEVELOPMENTAL DISABILITIES PROVIDERS.

40 5. A STATEWIDE ASSOCIATION OF ENTITIES THAT PROVIDE DIRECT SERVICES
41 TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

42 36-450.23. Mandatory education and training; nonretaliation
43 policies; posting; presumption

44 A. BEGINNING JANUARY 1, 2025, EACH HEALTH CARE INSTITUTION LICENSED
45 PURSUANT TO THIS CHAPTER, EACH GROUP HOME AND EACH INTERMEDIATE CARE

1 FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES SHALL PROVIDE
2 MANDATORY EDUCATION AND TRAINING USING THE CURRICULUM DEVELOPED PURSUANT
3 TO SECTION 36-450.22 TO EACH PERSON WHO WORKS IN THE HEALTH CARE
4 INSTITUTION, GROUP HOME OR INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH
5 INTELLECTUAL DISABILITIES AND WHO PROVIDES CARE TO VULNERABLE ADULTS. THE
6 PERSON SHALL COMPLETE THE EDUCATION AND TRAINING BEFORE BEGINNING
7 EMPLOYMENT AND SHALL UPDATE THE EDUCATION AND TRAINING ANNUALLY. THE
8 EDUCATION AND TRAINING SHALL INCLUDE INFORMATION REGARDING THE
9 NONRETALIATION POLICY OF EACH HEALTH CARE INSTITUTION, GROUP HOME OR
10 INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES
11 AND THE LOCATION WHERE THE REPORTING PROCESS AND CONTACT INFORMATION IS
12 POSTED.

13 B. EACH HEALTH CARE INSTITUTION, GROUP HOME AND INTERMEDIATE CARE
14 FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES SHALL:

15 1. POST IN A CONSPICUOUS PLACE THAT IS ACCESSIBLE TO ALL EMPLOYEES
16 INFORMATION REGARDING HOW TO REPORT SUSPECTED NEGLECT OR ABUSE, INCLUDING
17 SEXUAL ABUSE, OF A VULNERABLE ADULT.

18 2. ADOPT A POLICY THAT PROHIBITS RETALIATORY ACTION AGAINST PERSONS
19 WHO IN GOOD FAITH REPORT SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION
20 46-454.

21 C. THERE IS A REBUTTABLE PRESUMPTION THAT ANY TERMINATION OR OTHER
22 ADVERSE ACTION THAT OCCURS MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE
23 DATE A PERSON REPORTS SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION
24 46-454 IS NOT A RETALIATORY ACTION.

25 Sec. 2. Emergency

26 This act is an emergency measure that is necessary to preserve the
27 public peace, health or safety and is operative immediately as provided by
28 law.