

REFERENCE TITLE: developmental disabilities; spina bifida

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SB 1024

Introduced by  
Senator Kavanagh

## 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. "Behavioral-supported group home" means a community residential  
38 setting that meets all of the following:

39 (a) Is for not more than six persons with developmental  
40 disabilities.

41 (b) Is operated by a service provider under contract with the  
42 department.

43 (c) Provides room and board, daily habilitation, assistance in  
44 self-administering medication and medication administration and behavioral  
45 health services for clients with dual disorders, including psychiatric  
46 disorders and developmental disabilities, who engage in behaviors that are

1 disruptive, socially inappropriate or harmful or dangerous to self or  
2 others, that interfere with functioning and quality of life or that may  
3 cause destruction of property.

4 9. "Case management" means coordinating the assistance needed by  
5 persons with developmental disabilities and their families in order to  
6 ensure that persons with developmental disabilities attain their maximum  
7 potential for independence, productivity and integration into the  
8 community.

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

12 11. "Cerebral palsy" means a permanently disabling condition  
13 resulting from damage to the developing brain that may occur before, after  
14 or during birth and that results in loss or impairment of control over  
15 voluntary muscles.

16 12. "Child developmental certified home" means a regular foster  
17 home as defined in section 8-501 that is licensed pursuant to section  
18 8-509 and that is certified by the department pursuant to section  
19 36-593.01.

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

- 27 (a) Room and board.
- 28 (b) Habilitation.
- 29 (c) Appropriate personal care.
- 30 (d) Appropriate supervision.

31 14. "Client" means a person receiving developmental disabilities  
32 services from the department.

33 15. "Cognitive disability" means a condition that involves  
34 subaverage general intellectual functioning, that exists concurrently with  
35 deficits in adaptive behavior manifested before the age of eighteen and  
36 that is sometimes referred to as intellectual disability.

37 16. "Community residential setting":

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

41 (b) Includes a child developmental home or an adult developmental  
42 home operated or contracted by the department or the department's  
43 contracted vendor, a group home operated or contracted by the department  
44 or a behavioral-supported group home or nursing-supported group home  
45 contracted by the department.

1           17. "Consent" means voluntary informed consent. Consent is  
2 voluntary if not given as the result of coercion or undue influence.  
3 Consent is informed if the person giving the consent has been informed of  
4 and comprehends the nature, purpose, consequences, risks and benefits of  
5 the alternatives to the procedure, and has been informed and comprehends  
6 that withholding or withdrawing consent will not prejudice the future  
7 provision of care and services to the client. In cases of unusual or  
8 hazardous treatment procedures performed pursuant to section 36-561,  
9 subsection A, experimental research, organ transplantation and  
10 nontherapeutic surgery, consent is informed if, in addition to the  
11 foregoing, the person giving the consent has been informed of and  
12 comprehends the method to be used in the proposed procedure.

13           18. "Daily habilitation" means habilitation as defined in this  
14 section, except that the method of payment is for one unit per residential  
15 day.

16           19. "Department" means the department of economic security.

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

22           (a) Is attributable to a cognitive disability, cerebral palsy,  
23 epilepsy, down syndrome, [SPINA BIFIDA](#) or autism.

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

25           (c) Is likely to continue indefinitely.

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

28           (i) Self-care.

29           (ii) Receptive and expressive language.

30           (iii) Learning.

31           (iv) Mobility.

32           (v) Self-direction.

33           (vi) Capacity for independent living.

34           (vii) Economic self-sufficiency.

35           (e) Reflects the need for a combination and sequence of  
36 individually planned or coordinated special, interdisciplinary or generic  
37 care, treatment or other services that are of lifelong or extended  
38 duration.

39           21. "Director" means the director of the department of economic  
40 security.

41           22. "Division" means the division of developmental disabilities in  
42 the department of economic security.

43           23. "Down syndrome" means a genetic disorder caused when abnormal  
44 cell division results in extra genetic material from chromosome 21,  
45 affecting a person's cognitive and physical abilities and causing  
46 developmental issues.

1           24. "Epilepsy" means a neurological condition characterized by  
2 abnormal electrical-chemical discharge in the brain. This discharge is  
3 manifested in various forms of physical activities called seizures.

4           25. "Group home":

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

10          (b) Does not include an adult developmental home, a child  
11 developmental home, a behavioral-supported group home, a nursing-supported  
12 group home or an intermediate care facility for individuals with  
13 intellectual disabilities.

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

17          27. "Habilitation" means the process by which a person is assisted  
18 to acquire and maintain those life skills that enable the person to cope  
19 more effectively with personal and environmental demands and to raise the  
20 level of the person's physical, mental and social efficiency.

21          28. "Indigent" means a person with a developmental disability whose  
22 estate or parent is unable to bear the full cost of maintaining or  
23 providing services for that person in a developmental disabilities  
24 program.

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

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

34          31. "Large group setting" means a setting that in addition to  
35 residential care provides support services such as therapy, recreation and  
36 transportation to seven or more persons with developmental disabilities  
37 who require intensive supervision.

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

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

1           34. "Manifested before the age of eighteen" means that the  
2 disability must be apparent and have a substantially limiting effect on a  
3 person's functioning before the age of eighteen.

4           35. "Nursing-supported group home" has the same meaning prescribed  
5 in section 36-401.

6           36. "Physician" means a person who is licensed to practice pursuant  
7 to title 32, chapter 13 or 17.

8           37. "Placement evaluation" means an interview and evaluation of a  
9 person with a developmental disability and a review of the person's prior  
10 medical and program histories to determine the appropriate developmental  
11 disability programs and services for the person and recommendations for  
12 specific program placements for the person.

13           38. "Psychologist" means a person who is licensed pursuant to  
14 title 32, chapter 19.1.

15           39. "Respite services" means services that provide a short-term or  
16 long-term interval of rest or relief to the care provider of a person with  
17 a developmental disability.

18           40. "Responsible person" means the parent or guardian of a minor  
19 with a developmental disability, the guardian of an adult with a  
20 developmental disability or an adult with a developmental disability who  
21 is a client or an applicant for whom no guardian has been appointed.

22           41. "Service provider" means a person or agency that provides  
23 services to clients pursuant to a contract, service agreement or qualified  
24 vendor agreement with the division.

25           42. "SPINA BIFIDA" MEANS A TYPE OF NEURAL TUBE DEFECT THAT OCCURS  
26 WHEN A PERSON'S NEURAL TUBE FAILS TO DEVELOP OR CLOSE PROPERLY BEFORE  
27 BIRTH AND OF WHICH THE SEVERITY DEPENDS ON MANY FACTORS, INCLUDING THE  
28 SIZE OF THE SPINAL OPENING AND THE LOCATION ON THE SPINE.

29           ~~42.~~ 43. "State operated service center" means a state owned or  
30 leased facility that is operated by the department and that provides  
31 temporary residential care and space for child and adult services that  
32 include respite care, crisis intervention and diagnostic evaluation.

33           ~~43.~~ 44. "Subaverage general intellectual functioning" means  
34 measured intelligence on standardized psychometric instruments of two or  
35 more standard deviations below the mean for the tests used.

36           ~~44.~~ 45. "Substantial functional limitation" means a limitation so  
37 severe that extraordinary assistance from other people, programs, services  
38 or mechanical devices is required to assist the person in performing  
39 appropriate major life activities.

40           ~~45.~~ 46. "Supervision" means the process by which the activities of  
41 an individual with developmental disabilities are directed, influenced or  
42 monitored.