



Bill Number: S.B. 1356

Dunn Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Continues the Developmental Disabilities Group Home Monitoring Program (Program) and related requirements, contingent on available appropriations.
2. Requires the Program's designated entity to determine whether each group home it monitors is meeting outlined requirements related to the service of clients with complex needs.
3. Requires the designated entity to complete follow-up reviews on group homes identified as having significant compliance or quality of care concerns and to compile monthly reports for the Department of Economic Security (DES) detailing monitoring results of the previous month.
4. Requires DES to provide the designated entity with written responses to all monthly and quarterly reports and to publish the reports and DES responses on its website.
5. Includes incident reports, investigation records and client service requests in the expedited referral system established by DES.
6. Replaces the requirement that the designated entity provide substantiated allegations in a quality-of-care complaint to DES with a requirement that it provides any concerns identified during a group home follow-up review.
7. Requires, by January 1, 2030, the Health and Human Services Committees of the Senate and House of Representatives to:
 - a) review all reports submitted to DES, as well as the DES responses, including observations and outcomes of the program, systemic issues identified, quality of services and any recommendations for DES; and
 - b) determine whether the Program should be continued, modified or discontinued.

DUNN FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1356
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 36-573, Arizona Revised Statutes, is amended to
3 read:

4 36-573. Annual report; group home incident reports; contracts

5 On or before January 1, ~~2024~~ 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
22 division after review of the incident report.

23 (f) That involved law enforcement.

24 (g) Aggregated by service provider and individual group home
25 without identifying the specific location or name of the home.

26 2. With respect to group home contracts and expenditures:

27 (a) The number of group home contracts by service provider.

28 (b) For each group home contract, the annual amount the division
29 paid the service provider for the group home services provided.

1 (c) The cost per client by service provider.

2 (d) The number of any type of contract sanction broken down by
3 reason for the sanction.

4 (e) The number of service providers from whom the division recouped
5 payments for group home services in the preceding year for medicaid fraud.

6 3. The number of medicaid fraud investigations of service providers
7 of group home services.

8 Sec. 2. Section 36-595.03, Arizona Revised Statutes, is amended to
9 read:

10 36-595.03. Developmental disabilities group home monitoring
11 program; clients with complex needs; designated
12 entity duties; expedited referral system;
13 reporting requirements; program review;
14 definition

15 A. The developmental disabilities group home monitoring ~~pilot~~
16 program is established in the department. [SUBJECT TO AVAILABLE
17 APPROPRIATIONS.] the department shall ~~oversee the pilot program for three~~
18 ~~years and~~ contract ~~[AND COLLABORATE]~~ with the entity that has been
19 designated by this state to operate the protection and advocacy system for
20 persons with developmental disabilities in this state pursuant to the
21 developmental disabilities assistance and bill of rights act of 2000 (42
22 United States Code sections 15041 through 15045) to conduct the ~~pilot~~
23 program.

24 B. The ~~scope of the pilot program shall require the~~ designated
25 entity, at a minimum, ~~to~~ SHALL do all of the following beginning January
26 1, ~~2023~~ 2026:

27 1. Monitor in person the group homes that provide services to
28 clients with complex needs to determine, at a minimum, whether:

29 (a) The client with complex needs receives the services identified
30 in the ~~client's~~ person-centered service plan OF THE CLIENT WITH COMPLEX
31 NEEDS, including medication monitoring and habilitation treatment, as
32 applicable.

33 (b) The provision of services identified in the person-centered
34 service plan of the client with complex needs has been effective in
35 addressing the ~~client's~~ complex needs.

36 (c) ~~The services have~~ [EACH] [A] BEHAVIOR TREATMENT PLAN [THAT] IS
37 IN PLACE[.] IS COMPLIANT WITH DEPARTMENT RULES AND HAS resulted in a
38 reduction in behaviors that interfered with the ability of the client with
39 complex needs to live safely in the community.

40 ~~(d) All physical interventions used by the group home staff have~~
41 ~~complied with the behavioral treatment plan of the client with complex~~
42 ~~needs and applicable state laws.~~

43 ~~2. Investigate quality of care complaints received by the~~
44 ~~designated entity pursuant to subsection C of this section concerning any~~
45 ~~group home funded by the department.~~

46 [(d) THE CLIENT WITH COMPLEX NEEDS RECEIVED THE PHYSICAL HEALTH AND
47 BEHAVIORAL HEALTH SERVICES THAT THE CLIENT REQUIRES AS OUTLINED BY THE

1 CLIENT'S HEALTH CARE PROVIDERS AND PERSON-CENTERED SERVICE PLAN, INCLUDING
2 REGULAR PHYSICAL ACTIVITY WITH MODIFICATION FOR THE CLIENT'S PHYSICAL
3 DISABILITY, IF ANY.

4 (e) THE CLIENT WITH COMPLEX NEEDS HAD THE CLIENT'S DIETARY
5 REQUIREMENTS MET, INCLUDING COMPLIANCE WITH ALL DIETARY ORDERS FROM THE
6 CLIENT'S HEALTH CARE PROVIDERS.

7 (f) THE FOOD PROVIDED IN THE GROUP HOME MET GENERALLY ACCEPTED
8 DIETARY STANDARDS AND GUIDELINES FOR HEALTHY AMERICANS IN ACCORDANCE WITH
9 THE UNITED STATES DEPARTMENT OF AGRICULTURE DIETARY GUIDELINES.

10 (g) THE GUARDIAN OF THE CLIENT WITH COMPLEX NEEDS AND THE CLIENT, AS
11 APPLICABLE, WERE INCLUDED IN ALL DECISIONS MADE REGARDING THE CLIENT AND
12 INFORMED OF ANY CHANGES TO THE CLIENT'S REGULAR ACTIVITIES OR DAILY
13 ROUTINE.

14 (h) GROUP HOME DIRECT CARE STAFF DEMONSTRATE THE KNOWLEDGE AND
15 SKILLS REQUIRED TO MEET THE MEDICAL AND BEHAVIORAL HEALTH CARE NEEDS OF
16 THE CLIENT WITH COMPLEX NEEDS AS OUTLINED IN THE CLIENT'S PERSON-CENTERED
17 SERVICE PLAN AND BEHAVIOR TREATMENT PLAN, IF APPLICABLE.

18 (i) THE CLIENT WITH COMPLEX NEEDS HAD ACCESS TO AND USED ALL
19 PRESCRIBED ADAPTIVE EQUIPMENT.

20 (j) GROUP HOME DIRECT CARE STAFF WORKED WITH THE BEHAVIORAL HEALTH
21 PROVIDERS SERVING THE CLIENT WITH COMPLEX NEEDS AS ALLOWED BY THE CLIENT
22 OR CLIENT'S GUARDIAN AND AS OUTLINED IN THE CLIENT'S PERSON-CENTERED
23 SERVICE PLAN AND BEHAVIOR TREATMENT PLAN, IF APPLICABLE.]

24 ~~[(d)] [(k)] [EACH] [THE] GROUP HOME [OF THE CLIENT WITH COMPLEX~~
25 ~~NEEDS] IS COMPLIANT WITH APPLICABLE INCIDENT REPORTING POLICIES, INCLUDING~~
26 ~~DOCUMENTING AND REPORTING PHYSICAL INTERVENTIONS AND ANY OTHER EMERGENCY~~
27 ~~MEASURES TAKEN.~~

28 ~~2. COMPLETE [GROUP HOME INVESTIGATIONS FOR] [FOLLOW-UP] MONITORING~~
29 ~~REVIEWS [FOR GROUP HOMES THAT WERE MONITORED PURSUANT TO PARAGRAPH 1 OF~~
30 ~~THIS SUBSECTION AND] THAT [THE ENTITY HAS] IDENTIFIED [AS HAVING]~~
31 ~~SIGNIFICANT COMPLIANCE OR QUALITY OF CARE CONCERNS. [INVESTIGATIONS] [THE~~
32 ~~FOLLOW-UP MONITORING REVIEWS] SHALL INCLUDE NOTIFYING [AND COLLABORATING~~
33 ~~WITH THE DIVISION] [THE DEPARTMENT] ON ADDITIONAL FOLLOW-UP TO ENSURE THAT~~
34 ~~COMPLIANCE STANDARDS ARE MET AND SUSTAINED.~~

35 ~~3. Compile [AND COMPLETE BOTH OF THE FOLLOWING:~~

36 ~~(a) MONTHLY REPORTS TO THE DEPARTMENT DETAILING THE RESULTS OF ALL~~
37 ~~MONITORING FROM THE PREVIOUS MONTH, INCLUDING IDENTIFIED SYSTEMIC ISSUES~~
38 ~~AND RECOMMENDATIONS FOR IMPROVEMENT.~~

39 ~~(b)] A comprehensive [ANNUAL] report of all observations and~~
40 ~~outcomes during the preceding year.~~

41 ~~C. On or before January 1, 2023 2026, the department shall~~
42 ~~establish an expedited referral system to ensure that copies of all~~
43 ~~[INCIDENT REPORTS.] quality of care complaints[. INVESTIGATION RECORDS AND~~
44 ~~CLIENT SERVICE REQUESTS FOR EACH GROUP HOME MONITORED PURSUANT TO~~
45 ~~SUBSECTION B, PARAGRAPH 1 OF THIS SECTION] are forwarded to the designated~~
46 ~~entity for investigation REVIEW AND ANALYSIS pursuant to this~~
47 ~~section. The department shall identify quality of care complaints related~~

1 ~~to abuse, neglect and client safety as priorities for investigation.~~ If
2 the designated entity ~~[substantiates an allegation in a quality of care~~
3 ~~complaint]~~ ~~[IDENTIFIES CONCERNS DURING ITS FOLLOW-UP MONITORING REVIEWS]~~,
4 the information shall be provided to the department, which shall share the
5 allegation with the service provider, and the independent oversight
6 committee on persons with developmental disabilities established by
7 section 41-3801.

8 D. The department shall:

9 1. Educate service providers on the requirements of the
10 developmental disabilities group home monitoring ~~pilot~~ program and the
11 role of the designated entity.

12 2. ~~PROVIDE THE DESIGNATED ENTITY WITH ACCESS TO ALL NECESSARY~~
13 ~~INFORMATION TO [VERIFY SERVICE PROVIDER COMPLIANCE] [COMPLETE THE~~
14 ~~MONITORING REQUIREMENTS PURSUANT TO SUBSECTION B OF THIS SECTION].~~

15 ~~[3. PROVIDE THE DESIGNATED ENTITY WITH A WRITTEN RESPONSE TO ALL~~
16 ~~MONTHLY REPORTS COMPLETED BY THE DESIGNATED ENTITY PURSUANT TO SUBSECTION~~
17 ~~B, PARAGRAPH 3 OF THIS SECTION.]~~

18 4. ~~PROVIDE THE DESIGNATED ENTITY WITH QUARTERLY REPORTS IDENTIFYING~~
19 ~~THE ACTIONS TAKEN IN RESPONSE TO THE IDENTIFIED SYSTEMIC ISSUES AND~~
20 ~~RECOMMENDATIONS RECEIVED FROM THE DESIGNATED ENTITY.]~~

21 5. PUBLISH ON THE DEPARTMENT'S PUBLIC WEBSITE ALL OF THE FOLLOWING:

22 (a) ~~ALL OF THE DESIGNATED ENTITY'S MONTHLY AND ANNUAL REPORTS~~
23 ~~PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.]~~

24 (b) ~~ALL RESPONSES TO THE DESIGNATED ENTITY'S MONTHLY REPORTS FROM~~
25 ~~THE DEPARTMENT PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.]~~

26 (c) ~~ALL QUARTERLY REPORTS FROM THE DEPARTMENT PURSUANT TO PARAGRAPH~~
27 ~~4 OF THIS SUBSECTION.]~~

28 (d) ~~THE MONITORING TOOL AND RELATED INSTRUCTIONS USED BY THE~~
29 ~~DESIGNATED ENTITY TO MONITOR GROUP HOMES PURSUANT TO THIS SECTION.]~~

30 E. On or before December 31, 2025 ~~AND EACH DECEMBER 31 THEREAFTER~~,
31 the designated entity shall report to the governor, the president of the
32 senate and the speaker of the house of representatives, and provide a copy
33 of the report to the secretary of state ~~AND THE INDEPENDENT OVERSIGHT~~
34 ~~COMMITTEE ON PERSONS WITH DEVELOPMENTAL DISABILITIES ESTABLISHED BY~~
35 ~~SECTION 41-3801~~, regarding the observations and outcomes of the ~~pilot~~
36 program, including systemic issues that were identified, the quality of
37 services provided to persons with developmental disabilities who have
38 complex needs in this state and any recommendations for service
39 improvements. ~~[ON A QUARTERLY BASIS, THE DEPARTMENT SHALL REPORT TO THE~~
40 ~~DESIGNATED ENTITY THE ACTIONS TAKEN IN RESPONSE TO THE IDENTIFIED ISSUES~~
41 ~~AND RECOMMENDATIONS RECEIVED FROM THE DESIGNATED ENTITY AND THE RESULTS OF~~
42 ~~THOSE ACTIONS. THE DEPARTMENT SHALL POST THIS REPORT ON THE DEPARTMENT'S~~
43 ~~PUBLIC WEBSITE.]~~

44 ~~[F. ON OR BEFORE JANUARY 1, 2030, THE HEALTH AND HUMAN SERVICES~~
45 ~~COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, IN THE SENATE AND THE HOUSE OF~~
46 ~~REPRESENTATIVES SHALL:]~~

1 1. REVIEW THE REPORTS SUBMITTED PURSUANT TO SUBSECTION E OF THIS
2 SECTION AND THE DEPARTMENT'S RESPONSES PURSUANT TO SUBSECTION D, PARAGRAPH
3 3 OF THIS SECTION TO THE DESIGNATED ENTITY'S MONTHLY REPORTS, INCLUDING
4 OBSERVATIONS AND OUTCOMES OF THE PROGRAM, SYSTEMIC ISSUES THAT WERE
5 IDENTIFIED, THE QUALITY OF SERVICES PROVIDED TO PERSONS WITH DEVELOPMENTAL
6 DISABILITIES WHO HAVE COMPLEX NEEDS IN THIS STATE, ANY RECOMMENDATIONS FOR
7 SERVICE IMPROVEMENTS AND ACTIONS TAKEN BY THE DEPARTMENT.
8 2. DETERMINE WHETHER THE PROGRAM SHOULD BE CONTINUED, MODIFIED OR
9 DISCONTINUED.]
10 ~~[F.]~~ [G.] For the purposes of this section, "client with complex
11 needs" [OR "CLIENT"] means a client with dual disorders, including
12 psychiatric disorders and developmental disabilities, who engages in
13 behaviors that are disruptive, socially inappropriate or harmful or
14 dangerous to self or others, that interfere with functioning and quality
15 of life or that may cause destruction of property.
16 ~~<<Sec. 3. Repeat~~
17 ~~laws 2022, chapter 316, section 4 is repealed.>>~~
18 ~~<<Sec. 3. Laws 2022, chapter 316, section 4 is amended to read:~~
19 Sec. 4. Delayed repeal
20 Section 36-595.03, Arizona Revised Statutes, as ~~[added]~~ [AMENDED] by
21 this act, is repealed from and after December 31, ~~[2026]~~ [2030].>>

22 Enroll and engross to conform
23 Amend title to conform

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C: MH