

REFERENCE TITLE: developmental disabilities; intermediate care facilities

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1190

Introduced by
Senators Gray: Barto, Klein, Murphy

AN ACT

AMENDING SECTION 36-554, ARIZONA REVISED STATUTES; RELATING TO DEVELOPMENTAL
DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-554, Arizona Revised Statutes, is amended to read:

36-554. Powers and duties of director

A. The director shall:

1. Be responsible for developing and annually revising a statewide plan and initiating statewide programs and ~~service~~ SERVICES for the developmentally disabled in locations where the programs and services are necessary, which shall include:

(a) Child services, which may include infant stimulation, developmental training for ~~pre-school~~ PRESCHOOL children and special education at Arizona training program facilities for school-age, developmentally disabled children residing at Arizona training program facilities who do not attend public school.

(b) Adult services, in coordination with the vocational rehabilitation services of the department, which may include, ~~but not be limited to~~ FOR EXAMPLE, job training and training and adjustment services, job development and placement, sheltered employment and other nonvocational day activity services for adults.

(c) Residential services, including various community residential settings, Arizona training program facilities and state operated service centers ~~which~~ THAT provide varying levels of supervision in accordance with the developmental disability levels of the persons placed at such settings, facilities or centers. The department shall contract with private profit or nonprofit agencies to provide appropriate residential settings for developmentally disabled persons ~~which~~ THAT provide for regular assistance and supervision of such persons and ~~which~~ THAT provide varied developmental disability programs and services on or near the community residential setting.

(d) Resource services, which may include comprehensive evaluation services, information and referral services and outpatient rehabilitation and social development services. The department, in providing developmental disability programs and services ~~shall~~ AND whenever practicable, ~~utilize~~ SHALL USE qualified private contractors. In selecting private contractors, the department shall ~~utilize~~ USE those contractors ~~which~~ THAT can clearly demonstrate an ability to perform ~~such~~ THE contract in accordance with standards and specifications adopted by the department.

2. Establish standards, provide technical assistance, ~~and~~ and supervise all developmental disability programs and services operated by or supported by the department.

3. Coordinate the planning and implementation of developmental disability programs and activities, institutional and community, of all state agencies. ~~, provided this shall not be construed as depriving~~ THIS DOES NOT DEPRIVE other state agencies of jurisdiction over, or the right to plan for, control, ~~and~~ and operate programs that pertain to developmental disability

1 programs but that fall within the primary jurisdiction of ~~such~~ THE other
2 state agencies.

3 4. Periodically assess the effectiveness of the quality assurance
4 system as required by 42 Code of Federal Regulations section 434.34 as it
5 pertains to developmental disabilities programs.

6 5. License community residential settings pursuant to this chapter.

7 6. Develop rules establishing a procedure for handling complaints
8 about community residential settings.

9 7. Inform in writing every parent or guardian of a developmentally
10 disabled client residing at or transferring to a community residential
11 setting of the complaint handling procedure.

12 8. As new community residential settings are developed over a period
13 of time, reduce the clientele at Arizona training program facilities to those
14 developmentally disabled persons who are required to be in Arizona training
15 program facilities because the community lacks an appropriate community
16 residential setting that meets their individual needs or whose parents or
17 legal guardians want them in an Arizona training program facility.

18 9. In conjunction with the division, individuals with developmental
19 disabilities and their families, advocates, community members and service
20 providers, develop, enhance and support environments that enable individuals
21 with developmental disabilities to achieve and maintain physical well-being,
22 personal and professional satisfaction, participation as family and community
23 members and safety from abuse and exploitation.

24 10. Do all other things reasonably necessary and proper to carry out
25 the duties ~~and the provisions~~ of this chapter.

26 11. Adopt rules regarding procurement procedures similar to those found
27 in title 41, chapter 23.

28 12. PLACE PERSONS WITH DEVELOPMENTAL DISABILITIES WHO RESIDE IN ONE OF
29 THE FOUR PHOENIX-BASED INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED
30 THAT ARE OPERATED BY THIS STATE INTO EXISTING GROUP HOMES AND PRIVATE,
31 NONPROFIT INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED IN THIS
32 STATE. IN MAKING PLACEMENT DECISIONS, THE DIRECTOR SHALL REQUEST AND USE
33 INPUT FROM PARENTS, FAMILY MEMBERS AND GUARDIANS OF THE DEVELOPMENTALLY
34 DISABLED PERSONS.

35 B. Programs and services offered pursuant to subsection A, paragraph 1
36 ~~of this section~~ shall be provided in cooperation with public and private
37 resources that can best meet the needs of developmentally disabled persons
38 and that are located in the community and in proximity to the persons being
39 served.

40 C. The director may:

41 1. Establish nonresidential outpatient programs for placement,
42 evaluation, care, treatment and training of developmentally disabled persons
43 residing in the community who are not eligible for public school programs,
44 and who do not have access to other state supported programs providing
45 equivalent services.

1 2. Develop cooperative programs with other state departments and
2 agencies, political subdivisions of the state, and private agencies
3 concerned with and providing services for the developmentally disabled.

4 3. Contract for the purchase of services with other state and local
5 governmental or private agencies. Such agencies are authorized to accept and
6 expend funds received pursuant to such contracts.

7 4. Stimulate research by public and private agencies, institutions of
8 higher learning, and hospitals in the interest of the prevention of
9 developmental disabilities and improved methods of care and training for the
10 developmentally disabled.

11 5. Apply for, accept, receive, hold in trust or use in accordance with
12 the terms of the grant or agreement any public or private funds or
13 properties, real or personal, granted or transferred to it for any purpose
14 authorized by this chapter.

15 6. Make and amend rules from time to time as deemed necessary for the
16 proper administration of programs and services for the treatment of
17 developmentally disabled persons, for the admission of developmentally
18 disabled persons to the programs and services and to carry out the purposes
19 of this chapter.

20 Sec. 2. Closure of state intermediate care facilities for
21 persons with developmental disabilities; client
22 transfer; report

23 A. The department of economic security shall close the four
24 state-operated intermediate care facilities for the mentally retarded in
25 Phoenix within three months after the effective date of this act.

26 B. Within thirty days after the effective date of this act, the
27 director of the department of economic security shall prepare an action plan
28 for the related closure of the four Phoenix-based intermediate care
29 facilities. The director shall provide a copy of this action plan to the
30 governor, the president of the senate, the speaker of the house of
31 representatives, the chairpersons of the senate and house of representatives
32 appropriations committees and the director of the joint legislative budget
33 committee. The action plan must identify all of the tasks to be completed,
34 the title of the person responsible for each task and the required task
35 completion date.

36 C. The department shall transfer the developmentally disabled
37 individuals who reside in the four facilities to existing group home
38 vacancies and private nonprofit intermediate care facilities for the mentally
39 retarded.

40 D. The department shall base its decision to transfer a client to an
41 existing group home vacancy or a private nonprofit facility on the wishes of
42 the client's parent or guardian.

43 E. After all clients have been transferred, the department shall sell
44 the facilities and deposit the proceeds of the sale in the state general
45 fund.

1 F. The department shall make all reasonable efforts to protect the
2 clients' health and safety during the transition process.

3 G. Not later than nine months after the facilities are closed and all
4 clients have been transferred, the director of the department of economic
5 security shall submit to the governor, the president of the senate, the
6 speaker of the house of representatives, the chairpersons of the senate and
7 house of representatives appropriations committees and the director of the
8 joint legislative budget committee a written report relating to the financial
9 and programmatic success of the closure of the facilities.