

REFERENCE TITLE: department of child safety

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2098

Introduced by
Representative Brophy McGee

AN ACT

AMENDING SECTION 1-602, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-132; AMENDING SECTIONS 8-272, 8-273 AND 8-462, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 8-463 AND 8-464; AMENDING SECTION 8-501, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-502; AMENDING SECTIONS 8-506, 8-512, 8-520, 8-521, 8-526, 8-528, 8-809, 8-811, 8-821, 12-2452, 15-1809, 28-907, 36-664, 36-2936, 41-198, 41-619.51, 41-1005, 41-1954.01, 41-1959, 41-1966, 41-1967, 41-2501 AND 46-134, ARIZONA REVISED STATUTES; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 1-602, Arizona Revised Statutes, is amended to
3 read:

4 1-602. Parents' bill of rights; definition

5 A. All parental rights are reserved to a parent of a minor child
6 without obstruction or interference from this state, any political
7 subdivision of this state, any other governmental entity or any other
8 institution, including, ~~but not limited to, the following rights:~~

9 1. The right to direct the education of the minor child.

10 2. All rights of parents identified in title 15, including the right
11 to access and review all records relating to the minor child.

12 3. The right to direct the upbringing of the minor child.

13 4. The right to direct the moral or religious training of the minor
14 child.

15 5. The right to make health care decisions for the minor child,
16 including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless
17 otherwise prohibited by law.

18 6. The right to access and review all medical records of the minor
19 child unless otherwise prohibited by law or the parent is the subject of an
20 investigation of a crime committed against the minor child and a law
21 enforcement official requests that the information not be released.

22 7. The right to consent in writing before a biometric scan of the
23 minor child is made pursuant to section 15-109.

24 8. The right to consent in writing before any record of the minor
25 child's blood or deoxyribonucleic acid is created, stored or shared, except
26 as required by section 36-694, or before any genetic testing is conducted on
27 the minor child pursuant to section 12-2803 unless authorized pursuant to
28 section 13-610 or a court order.

29 9. The right to consent in writing before the state or any of its
30 political subdivisions makes a video or voice recording of the minor child,
31 unless the video or voice recording is made during or as a part of a court
32 proceeding, by law enforcement officers during or as part of a law
33 enforcement investigation, during or as part of a forensic interview in a
34 criminal or child ~~protective~~ SAFETY services investigation or to be used
35 solely for any of the following:

36 (a) Safety demonstrations, including the maintenance of order and
37 discipline in the common areas of a school or on pupil transportation
38 vehicles.

39 (b) A purpose related to a legitimate academic or extracurricular
40 activity.

41 (c) A purpose related to regular classroom instruction.

42 (d) Security or surveillance of buildings or grounds.

43 (e) A photo identification card.

44 10. The right to be notified promptly if an employee of this state, any
45 political subdivision of this state, any other governmental entity or any

1 other institution suspects that a criminal offense has been committed against
2 the minor child by someone other than a parent, unless the incident has first
3 been reported to law enforcement and notification of the parent would impede
4 a law enforcement or child ~~protective~~ SAFETY services investigation. This
5 paragraph does not create any new obligation for school districts and charter
6 schools to report misconduct between students at school, such as fighting or
7 aggressive play, that is routinely addressed as a student disciplinary matter
8 by the school.

9 11. The right to obtain information about ~~a child protective services~~
10 AN investigation BY THE DEPARTMENT OF CHILD SAFETY involving the parent
11 pursuant to section 8-807.

12 B. This section does not authorize or allow a parent to engage in
13 conduct that is unlawful or to abuse or neglect a child in violation of the
14 laws of this state. This section does not prohibit courts, law enforcement
15 officers or employees of a government agency responsible for child welfare
16 from acting in their official capacity within the scope of their authority.
17 This section does not prohibit a court from issuing an order that is
18 otherwise permitted by law.

19 C. Any attempt to encourage or coerce a minor child to withhold
20 information from the child's parent shall be grounds for discipline of an
21 employee of this state, any political subdivision of this state or any other
22 governmental entity, except for law enforcement personnel.

23 D. Unless those rights have been legally waived or legally terminated,
24 parents have inalienable rights that are more comprehensive than those listed
25 in this section. This chapter does not prescribe all rights of parents.
26 Unless otherwise required by law, the rights of parents of minor children
27 shall not be limited or denied.

28 E. For the purposes of this section, "parent" means the natural or
29 adoptive parent or legal guardian of a minor child.

30 Sec. 2. Title 8, chapter 1, article 1, Arizona Revised Statutes, is
31 amended by adding section 8-132, to read:

32 8-132. Adoption agency information confidentiality; permissible
33 disclosure; use violation; classification; definitions

34 A. UNLESS OTHERWISE PROVIDED BY LAW AND EXCEPT AS PROVIDED IN
35 SUBSECTION C OR D OF THIS SECTION, ALL PERSONAL INFORMATION CONCERNING AN
36 INDIVIDUAL WHO APPLIES FOR OR WHO RECEIVES AN ADOPTION AGENCY LICENSE IS
37 CONFIDENTIAL AND MAY NOT BE RELEASED, UNLESS THE RELEASE IS ORDERED BY THE
38 SUPERIOR COURT OR PROVIDED FOR BY COURT RULE. DCS INFORMATION IS
39 CONFIDENTIAL AND MAY BE RELEASED ONLY AS PRESCRIBED IN SECTION 8-807.

40 B. ADOPTION AGENCY INFORMATION IS NOT CONFIDENTIAL, EXCEPT FOR BOTH OF
41 THE FOLLOWING:

42 1. ANY DCS INFORMATION IN THE LICENSING FILES.

43 2. THE ADDRESS OF ANY FACILITY WHERE A FOSTER CHILD IS PLACED, EVEN IF
44 THE ADDRESS IS ALSO THE CORPORATE ADDRESS OF THE ADOPTION AGENCY.

1 C. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF
2 LAW OR A COURT MAY OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION A OR B OF
3 THIS SECTION IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

4 D. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF
5 LAW OR A COURT MAY RELEASE INFORMATION THAT IS OTHERWISE CONFIDENTIAL UNDER
6 THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

7 1. TO AN APPLICANT OR LICENSEE IF A REQUEST IS MADE IN WRITING
8 SPECIFICALLY REQUESTING INFORMATION THAT DIRECTLY RELATES TO THE PERSON WHO
9 REQUESTS THE INFORMATION.

10 2. IN ORAL OR WRITTEN COMMUNICATIONS INVOLVING THE PROVISION OF
11 SERVICES OR THE REFERRAL TO SERVICES BETWEEN EMPLOYEES OF, PERSONS UNDER
12 CONTRACT WITH OR PERSONS HOLDING A GENERAL EMPLOYMENT RELATIONSHIP WITH THE
13 DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR THE JUVENILE COURT.

14 3. IF THE DISCLOSURE IS NECESSARY TO PROTECT AGAINST A CLEAR AND
15 SUBSTANTIAL RISK OF IMMINENT SERIOUS INJURY TO A CLIENT OF THE DEPARTMENT OF
16 CHILD SAFETY.

17 4. TO AN AGENCY OF THE FEDERAL GOVERNMENT, THIS STATE OR ANOTHER STATE
18 OR ANY POLITICAL SUBDIVISION OF THIS STATE FOR OFFICIAL PURPOSES.
19 INFORMATION RECEIVED BY A GOVERNMENTAL AGENCY PURSUANT TO THIS PARAGRAPH
20 SHALL BE MAINTAINED AS CONFIDENTIAL, UNLESS THE INFORMATION IS PERTINENT TO A
21 CRIMINAL PROSECUTION.

22 5. TO A FOSTER PARENT OR A PARENT CERTIFIED TO ADOPT, IF THE
23 INFORMATION IS NECESSARY TO ASSIST IN THE PLACEMENT WITH OR CARE OF A CHILD
24 BY THE FOSTER PARENT OR PERSON CERTIFIED TO ADOPT.

25 6. TO AN OFFICER OF THE SUPERIOR COURT, THE DEPARTMENT OR AN AGENCY
26 THAT IS REQUIRED TO PERFORM AN INVESTIGATION PURSUANT TO SECTION 8-105, IF
27 THE INFORMATION IS PERTINENT TO THE INVESTIGATION. INFORMATION RECEIVED
28 PURSUANT TO THIS PARAGRAPH MAY BE DISCLOSED TO THE COURT, BUT SHALL OTHERWISE
29 BE MAINTAINED AS CONFIDENTIAL.

30 E. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
31 MISDEMEANOR.

32 F. FOR THE PURPOSES OF THIS SECTION:

33 1. "ADOPTION AGENCY INFORMATION" MEANS ALL INFORMATION IN THE
34 LICENSING FILE OF THE DEPARTMENT, INCLUDING ALL INFORMATION ON CORPORATE OR
35 OTHER ENTITY APPLICANTS OR LICENSEES AND ANY LICENSING INVESTIGATIONS.
36 ADOPTION AGENCY INFORMATION DOES NOT INCLUDE PERSONAL INFORMATION ABOUT
37 INDIVIDUALS WHO APPLY FOR LICENSURE TO OR WHO ARE LICENSED BY THE DEPARTMENT
38 AS AN ADOPTION AGENCY.

39 2. "DCS INFORMATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-807.

40 3. "PERSONAL INFORMATION" MEANS INFORMATION ABOUT AN INDIVIDUAL THAT
41 IS DISCLOSED BY THE INDIVIDUAL OR BY A THIRD PARTY ON BEHALF OF THE
42 INDIVIDUAL TO OBTAIN OR MAINTAIN A LICENSE. PERSONAL INFORMATION INCLUDES
43 ALL OF THE FOLLOWING:

44 (a) THE INDIVIDUAL'S IDENTITY, SOCIAL SECURITY NUMBER, ADDRESS AND
45 PERSONAL HISTORY.

1 (b) FINANCIAL, HEALTH OR MEDICAL INFORMATION ABOUT THE INDIVIDUAL.

2 (c) REFERENCES FOR THE INDIVIDUAL.

3 Sec. 3. Section 8-272, Arizona Revised Statutes, is amended to read:

4 8-272. Psychiatric acute care services; outpatient and
5 inpatient assessments; definition

6 A. If a child exhibits behavior that indicates the child may suffer
7 from a mental disorder or is a danger to self or others, an entity may
8 request that the child receive an outpatient assessment or inpatient
9 assessment.

10 B. A psychologist, psychiatrist or physician shall conduct an
11 outpatient assessment at a time and place that is convenient for the
12 psychologist, psychiatrist or physician and the child. At the conclusion of
13 the outpatient assessment, the psychologist, psychiatrist or physician shall
14 recommend that the child be either:

15 1. Provided with outpatient treatment services.

16 2. Admitted to a psychiatric acute care facility for inpatient
17 assessment or inpatient psychiatric acute care services.

18 3. Provided with residential treatment services.

19 4. Discharged to the entity without further psychological or
20 psychiatric services because the child does not suffer from a mental
21 disorder, is not a danger to self or others or is not a child with a
22 persistent or acute disability or grave disability.

23 C. A psychologist, psychiatrist or physician shall conduct an
24 inpatient assessment within seventy-two hours after a child is admitted to an
25 inpatient assessment facility, excluding weekends and holidays. At the
26 conclusion of the inpatient assessment, the psychologist, psychiatrist or
27 physician shall recommend that the child be either:

28 1. Admitted to a psychiatric acute care facility for inpatient
29 psychiatric acute care services.

30 2. Discharged to an entity and provided with outpatient treatment
31 services.

32 3. Provided with residential treatment services.

33 4. Discharged to the entity without further psychological or
34 psychiatric services because the child does not suffer from a mental
35 disorder, is not a danger to self or others or is not a child with a
36 persistent or acute disability or grave disability.

37 D. Within twenty-four hours after a child is admitted for an inpatient
38 assessment, excluding weekends and holidays, the entity shall file a motion
39 for approval of admission for inpatient assessment with the juvenile court.
40 The motion shall include all of the following:

41 1. The name and address of the inpatient assessment facility.

42 2. The name of the psychologist, psychiatrist or physician who is
43 likely to perform the inpatient assessment.

44 3. The date and time the child was admitted to the inpatient
45 assessment facility.

1 4. A short statement explaining why the child needs an inpatient
2 assessment.

3 E. An entity that files a motion under subsection D of this section
4 shall provide a copy of the motion to all of the parties and their attorneys.
5 The court shall rule on the motion without response from any party, except
6 that any party may request a hearing to review the child's admission for an
7 inpatient assessment. If the court grants a hearing, the court shall set the
8 hearing on an accelerated basis.

9 F. If the psychologist, psychiatrist or physician who performed the
10 outpatient assessment or inpatient assessment of the child recommends that
11 the child receive inpatient acute care psychiatric services, the entity may
12 file a motion for inpatient psychiatric acute care services with the juvenile
13 court. If the psychologist, psychiatrist or physician makes this
14 recommendation after conducting an inpatient assessment, the entity shall
15 file the motion for inpatient psychiatric acute care services within
16 twenty-four hours after the completion of the inpatient assessment, excluding
17 weekends and holidays. The motion shall include all of the following:

18 1. A copy of the written report of the results of the inpatient
19 assessment or outpatient assessment, including:

20 (a) The reason why inpatient psychiatric acute care services are in
21 the child's best interests.

22 (b) The reason why inpatient psychiatric acute care services are the
23 least restrictive available treatment.

24 (c) A diagnosis of the child's condition that requires inpatient
25 psychiatric acute care services.

26 (d) The estimated length of time that the child will require inpatient
27 psychiatric acute care services.

28 2. A written statement from the medical director of the proposed
29 inpatient psychiatric acute care facility or the medical director's designee
30 that the facility's services are appropriate to meet the child's mental
31 health needs.

32 G. As soon as practicable after the filing of a motion under
33 subsection D or F of this section, the court shall appoint an attorney for
34 the child if an attorney has not been previously appointed. The court may
35 also appoint a guardian ad litem for the child.

36 H. If a motion is filed pursuant to subsection F of this section, the
37 court shall hold a hearing on the motion within seventy-two hours after the
38 motion is filed, excluding weekends and holidays. If the child has been
39 admitted for an inpatient assessment, the child may remain at the inpatient
40 assessment facility until the court rules on the motion.

41 I. If a child is admitted for an inpatient assessment and an entity
42 fails to file a motion pursuant to and within the time limit prescribed in
43 subsection F of this section, the child shall be discharged from the
44 inpatient assessment facility.

1 J. If the court approves the admission of the child for inpatient
2 psychiatric acute care services, the court shall find by clear and convincing
3 evidence that both:

4 1. The child is suffering from a mental disorder or is a danger to
5 self or others and requires inpatient psychiatric acute care services.

6 2. Available alternatives to inpatient psychiatric acute care services
7 were considered, but that inpatient psychiatric acute care services are the
8 least restrictive available alternative.

9 K. The court shall review the child's continuing need for inpatient
10 psychiatric acute care services at least every sixty days after the date of
11 the treatment order. The inpatient psychiatric acute care facility shall
12 submit a progress report to the court at least five days before the review
13 and shall provide copies of the progress report to all of the parties,
14 including the child's attorney and guardian ad litem. On its own motion or
15 on the motion of a party, the court may hold a hearing on the child's
16 continuing need for inpatient psychiatric acute care services. If requested
17 by the child, the court shall hold a hearing unless the court has held a
18 review hearing within sixty days before the child's request. If requested by
19 the child, the court may hold a hearing at any time for good cause shown.
20 The progress report shall make recommendations and shall include at least the
21 following:

22 1. The nature of the treatment provided, including any medications and
23 the child's current diagnosis.

24 2. The child's need for continued inpatient psychiatric acute care
25 services, including the estimated length of the services.

26 3. A projected discharge date.

27 4. The level of care required by the child and the potential placement
28 options that are available to the child on discharge.

29 5. A statement from the medical director of the inpatient psychiatric
30 acute care facility or the medical director's designee as to whether
31 inpatient psychiatric acute care services are necessary to meet the child's
32 mental health needs and whether the facility that is providing the inpatient
33 psychiatric acute care services to the child is the least restrictive
34 available alternative.

35 L. If a child is transferred from an inpatient psychiatric acute care
36 facility to another inpatient psychiatric acute care facility, no new
37 inpatient assessment or outpatient assessment is required. Unless the court
38 orders otherwise due to an emergency, an entity shall file a notice of
39 transfer with the juvenile court at least five days before the transfer of
40 the child. The notice shall include all of the following:

41 1. The name and address of the facility to which the child is being
42 transferred and the date of the transfer.

43 2. A statement from the medical director of the receiving inpatient
44 psychiatric acute care facility or the medical director's designee that the

1 receiving facility is an appropriate facility to meet the child's mental
2 health needs and that it is the least restrictive available alternative.

3 3. A statement that the entity has contacted the child's attorney or
4 guardian ad litem and whether the child or the child's attorney or guardian
5 ad litem opposes the transfer.

6 M. Any party may request a hearing to review the transfer of a child
7 to another inpatient psychiatric acute care facility pursuant to subsection L
8 of this section.

9 N. Within fifteen days after a child is discharged, the inpatient
10 psychiatric acute care facility shall prepare a discharge summary. Within
11 twenty days after a child is discharged, an entity shall file a notice of
12 discharge with the juvenile court. The notice shall include:

13 1. A statement of the child's current placement.

14 2. A statement of the mental health services that are being provided
15 to the child and the child's family.

16 3. A copy of the discharge summary that is prepared by a mental health
17 professional.

18 O. When possible, the child's attorney shall communicate with the
19 child within twenty-four hours after a motion is filed pursuant to subsection
20 D or F of this section, excluding weekends and holidays. The child's
21 attorney shall discuss treatment recommendations and shall advise the child
22 of the child's right to request a hearing. The child's attorney or designee
23 shall attend all court hearings related to the child's inpatient assessment
24 or inpatient psychiatric acute care services and shall be prepared to report
25 to the court the child's position on any recommended assessments or
26 treatment. The child may attend any hearing unless the court finds by a
27 preponderance of the evidence that allowing the child to attend would not be
28 in the child's best interests.

29 P. If the child is a dually adjudicated child, the entity that
30 requests an order for inpatient psychiatric acute care services shall notify
31 any other entity of all notices, motions, hearings or other proceedings
32 related to the provision of inpatient psychiatric acute care services. Any
33 entity may attend and participate in all hearings or other proceedings
34 relating to the provision of inpatient psychiatric acute care services to a
35 dually adjudicated child.

36 Q. Section 8-273 applies if residential treatment services are
37 recommended after an inpatient assessment or outpatient assessment or any
38 inpatient psychiatric acute care treatment. Section 8-341.01 applies if a
39 child who is adjudicated delinquent or incorrigible and who is subject to the
40 jurisdiction of the juvenile court requires residential treatment services.
41 Section 41-2815 applies if a child who is committed to the department of
42 juvenile corrections requires residential treatment services.

43 R. Information and records that are obtained or created in the course
44 of any assessment, examination or treatment are subject to the
45 confidentiality requirements of section 36-509, except that information and

1 records may be provided to the department of juvenile corrections pursuant to
2 section 8-341.

3 S. For the purposes of this section, "child" means a person who is
4 under eighteen years of age and who is either:

5 1. Found to be dependent or temporarily subject to court jurisdiction
6 pending an adjudication of a dependency petition.

7 2. In the temporary custody of ~~child protective services~~ THE
8 DEPARTMENT pursuant to section 8-821.

9 3. Detained in a juvenile court detention facility.

10 4. Committed to the department of juvenile corrections.

11 Sec. 4. Section 8-273, Arizona Revised Statutes, is amended to read:
12 8-273. Residential treatment services; definition

13 A. If a child exhibits behavior that indicates the child may suffer
14 from a mental disorder or if it is recommended as a result of an outpatient
15 assessment or inpatient assessment pursuant to section 8-272 that a child
16 receive residential treatment services, an entity may file a motion
17 requesting that the juvenile court order a child to receive residential
18 treatment services. If the motion states that all parties, including counsel
19 for the child, have been contacted and are in agreement, the court is not
20 required to set a hearing on the motion.

21 B. A motion for residential treatment services shall be supported by a
22 written psychological, psychiatric or medical assessment recommending
23 residential treatment services. The court may waive the written assessment
24 on a finding of good cause. The written assessment shall include at least
25 the following:

26 1. The reason why residential treatment services are in the child's
27 best interests.

28 2. The reason why residential treatment services are the least
29 restrictive treatment available.

30 3. The reason why the child's behavioral, psychological, social or
31 mental health needs require residential treatment services.

32 4. The estimated length of time that the child will require
33 residential treatment services.

34 C. A motion for residential treatment services shall be supported by a
35 written statement from the medical or clinical director of the residential
36 treatment facility or the director's designee that the facility's services
37 are appropriate to meet the child's needs.

38 D. As soon as practicable after an entity files a motion under
39 subsection A of this section, the court shall appoint an attorney for the
40 child if an attorney has not been previously appointed. The court may also
41 appoint a guardian ad litem for the child.

42 E. The child's attorney shall discuss the treatment recommendations
43 with the child. The child's attorney or designee shall attend all court
44 hearings related to the child's placement in a residential treatment facility
45 and shall be prepared to report to the court on the child's position

1 regarding any recommendations or requests related to the provision of
2 residential treatment services. The child may appear at any hearing, unless
3 the court finds by a preponderance of the evidence that allowing the child to
4 attend the hearing would not be in the child's best interests.

5 F. If the court orders a child to receive residential treatment
6 services, the court shall find by clear and convincing evidence that both:

7 1. The child requires residential treatment services to address the
8 child's behavioral, psychological, social or mental health needs.

9 2. Available alternatives to residential treatment services were
10 considered, but that residential treatment services are the least restrictive
11 available alternative.

12 G. The court shall review the child's continuing need for residential
13 treatment services at least every sixty days from the date of the treatment
14 order. The residential treatment facility shall submit a progress report to
15 the court at least five days before the review and shall provide copies of
16 its report to all of the parties, including the child's attorney and guardian
17 ad litem. The progress report shall include the recommendations of the
18 child's treatment facility and shall include at least the following:

19 1. The nature of the treatment provided, including any medications and
20 the child's current diagnosis.

21 2. The child's need for continued residential treatment services,
22 including the estimated length of the services.

23 3. A projected discharge date.

24 4. The level of care required by the child and the potential placement
25 options that are available to the child on discharge.

26 5. A statement from the medical or clinical director of the
27 residential treatment services facility or the director's designee as to
28 whether residential treatment services are necessary to meet the child's
29 needs and whether the facility that is providing the residential treatment
30 services to the child is the least restrictive available alternative.

31 H. On its own motion or on the motion of a party, the court may
32 schedule a hearing concerning the child's continuing need for residential
33 treatment services. If requested by the child, the court shall schedule a
34 hearing unless the court has held a review hearing within sixty days before
35 the child's request. If requested by the child, the court may hold a hearing
36 at any time for good cause shown.

37 I. If the child is a dually adjudicated child, the entity that
38 requests an order for residential treatment services shall notify any other
39 entity of all notices, motions, hearings or other proceedings related to the
40 provision of residential treatment services. Any entity may attend and
41 participate in all hearings or other proceedings relating to the provision of
42 residential treatment services to a dually adjudicated child.

43 J. Information or records that are obtained or created pursuant to any
44 assessment, examination or treatment are subject to the confidentiality

1 requirements of section 36-509, except that information and records may be
2 provided to the department of juvenile corrections pursuant to section 8-341.

3 K. This section does not apply to a child who is either:

4 1. Committed to the department of juvenile corrections. Section
5 41-2815 applies if a child who is committed to the department of juvenile
6 corrections requires residential treatment services.

7 2. Adjudicated delinquent or incorrigible and who is subject to the
8 jurisdiction of the juvenile court. Section 8-341.01 applies if a child who
9 is adjudicated delinquent or incorrigible and who is subject to the
10 jurisdiction of the juvenile court requires residential treatment services.

11 L. For the purposes of this section, "child" means a person who is
12 under eighteen years of age and who is either:

13 1. Found to be dependent or temporarily subject to court jurisdiction
14 pending an adjudication of a dependency petition.

15 2. In the temporary custody of ~~child-protective-services~~ THE
16 DEPARTMENT pursuant to section 8-821.

17 Sec. 5. Section 8-462, Arizona Revised Statutes, is amended to read:
18 8-462. Housing assistance

19 A. Notwithstanding any other provision in this title, the department
20 may provide special housing assistance in the form of vendor payments to
21 achieve permanency for children who are involved in open child ~~protective~~
22 SAFETY services cases. The child's family may qualify for this special
23 housing assistance only if the lack of adequate housing is a significant
24 barrier preventing the child from being reunited with or being able to remain
25 with the child's family or other caretakers who will provide permanency for
26 the child. The amount of housing assistance provided by the department for
27 each family for an incident shall not exceed one thousand eight hundred
28 dollars during a six month period. The housing assistance may only be used
29 for rent, utilities, deposits and arrears. The department may provide
30 housing assistance only if other resources are unavailable.

31 B. The case plan for the child and family shall contain a reference to
32 the lack of adequate housing.

33 C. The case notes shall reflect barriers that the family faces in
34 obtaining adequate housing, a specific, time oriented plan for phasing out
35 the need of the family for continued housing assistance, the actions that are
36 being taken by the family for economic self-sufficiency and a complete
37 financial picture of the family at the time of application to the program,
38 including housing related expenses and income, including entitlements.

39 D. For the period a family is receiving housing assistance, the
40 department shall provide case management services that include monitoring the
41 financial situation of the family.

42 E. The department shall make the following information regarding the
43 housing assistance program available to the public on request and on the
44 department's web site:

1 RECEIVE THE ELECTRONIC DOCUMENT FOR ANY OTHER REASON OUTSIDE THE CONTROL OF
2 THE RECIPIENT.

3 D. CONSENT MAY BE REVOKED IN WRITING TO THE DEPARTMENT OR BY FOLLOWING
4 AN AFFIRMATIVE REVOCATION PROCEDURE ESTABLISHED ON THE DEPARTMENT'S WEBSITE.

5 E. IF THE DEPARTMENT RECEIVES ELECTRONIC NOTICE THAT THE ELECTRONIC
6 ADDRESS TO WHICH A DOCUMENT IS BEING SENT IS NO LONGER VALID OR IS OTHERWISE
7 NOT FUNCTIONING, THE DEPARTMENT SHALL DEEM THE CONSENT TO ELECTRONIC NOTICE
8 TO HAVE BEEN REVOKED AND THE DOCUMENT SHALL BE SERVED BY MAIL.

9 F. THIS SECTION DOES NOT APPLY TO A NOTICE THAT IS REQUIRED IN
10 CONNECTION WITH LITIGATION BEFORE A COURT OF RECORD IN THIS STATE.

11 Sec. 7. Section 8-501, Arizona Revised Statutes, is amended to read:
12 8-501. Definitions

13 A. In this article, unless the context otherwise requires:

14 1. "Child welfare agency" or "agency":

15 (a) Means:

16 (i) Any agency or institution maintained by a person, firm,
17 corporation, association or organization to receive children for care and
18 maintenance or for twenty-four hour social, emotional or educational
19 supervised care or who have been adjudicated as a delinquent or dependent
20 child.

21 (ii) Any institution that provides care for unmarried mothers and
22 their children.

23 (iii) Any agency maintained by this state, a political subdivision of
24 this state or a person, firm, corporation, association or organization to
25 place children or unmarried mothers in a foster home.

26 (b) Does not include state operated institutions or facilities,
27 detention facilities for children established by law, health care
28 institutions that are licensed by the department of health services pursuant
29 to title 36, chapter 4 or private agencies that exclusively provide children
30 with social enrichment or recreational opportunities and that do not use
31 restrictive behavior management techniques.

32 2. "Division" or "department" means the department of child safety.

33 3. "Former dependent child" means a person who was previously
34 adjudicated a dependent child in a dependency proceeding that has been
35 dismissed by order of the juvenile court.

36 4. "Foster child" means a child placed in a foster home or child
37 welfare agency.

38 5. "Foster home" means a home maintained by any individual or
39 individuals having the care or control of minor children, other than those
40 related to each other by blood or marriage, or related to such individuals,
41 or who are legal wards of such individuals.

42 6. "Foster parent" means any individual or individuals maintaining a
43 foster home.

1 7. "Group foster home" means a licensed regular or special foster home
2 suitable for placement of more than five minor children but not more than ten
3 minor children.

4 8. "Out-of-home placement" means the placing of a child in the custody
5 of an individual or agency other than with the child's parent or legal
6 guardian and includes placement in temporary custody pursuant to section
7 8-821, subsection A or B, voluntary placement pursuant to section 8-806 or
8 placement due to dependency actions.

9 9. "Parent" means the natural or adoptive mother or father of a child.

10 10. "Reason for leaving care" means one of the following:

11 (a) Reunification with a parent or primary caretaker.

12 (b) Living with another relative.

13 (c) Adoption by a relative.

14 (d) Adoption by a foster parent.

15 (e) Adoption by another person.

16 (f) Age of majority.

17 (g) Guardianship by a relative.

18 (h) Guardianship by another person.

19 (i) Transfer to another agency.

20 (j) Runaway.

21 (k) Death.

22 11. "Receiving foster home" means a licensed foster home suitable for
23 immediate placement of children when taken into custody or pending medical
24 examination and court disposition.

25 12. "Regular foster home" means a licensed foster home suitable for
26 placement of not more than five minor children.

27 13. "Relative" means a grandparent, great-grandparent, brother or
28 sister of whole or half blood, aunt, uncle or first cousin.

29 14. "Restrictive behavior management" means an intervention or
30 procedure that attempts to guide, redirect, modify or manage behavior through
31 the use of any of the following:

32 (a) Physical force to cause a child to comply with a directive.
33 Physical force does not include physical escort. For the purposes of this
34 subdivision, "physical escort" means temporarily touching or holding a
35 child's hand, wrist, arm, shoulder or back to induce the child to walk to a
36 safe location.

37 (b) A device, action or medication to restrict the movement or normal
38 function of a child in order to control or change the child's behavior and
39 that includes:

40 (i) Chemical restraint. For the purposes of this item, "chemical
41 restraint" means the use of any psychoactive medication as a restraint to
42 control the child's behavior or to restrict the child's freedom of movement
43 and that is not a standard treatment for the child's medical or psychiatric
44 condition.

1 (ii) Mechanical restraint. For the purposes of this item, "mechanical
2 restraint" means the use of any physical device to limit a child's movement
3 and to prevent the child from causing harm to self or to others. Mechanical
4 restraint does not include devices such as orthopedically prescribed devices,
5 surgical dressings or bandages, protective helmets or any other method that
6 involves the physical holding of a child to conduct a routine physical
7 examination or test or to protect the child from falling out of bed or to
8 permit the child to participate in activities in order to reduce the risk of
9 physical harm to the child.

10 (iii) Physical restraint. For the purposes of this item, "physical
11 restraint" means applying physical force to reduce or restrict a child's
12 ability to freely move the child's arms, legs or head. Physical restraint
13 does not include temporarily holding a child to permit the child to
14 participate in activities of daily living if this holding does not involve
15 the risk of physical harm to the child.

16 (iv) Seclusion. For the purposes of this item, "seclusion" means
17 placing a child against the child's will in a room in which the child is
18 unable to open the door in order to prevent the child from doing harm to self
19 or others.

20 15. "Special foster home" means a licensed foster home capable of
21 handling not more than five minor children who require special care for
22 physical, mental or emotional reasons or who have been adjudicated
23 delinquent. Special foster home includes any home handling foster children
24 aged twelve through seventeen.

25 B. A foster home or any classification of foster home defined in
26 subsection A of this section includes a home having the care of persons who
27 are under twenty-one years of age and the cost of whose care is provided
28 pursuant to section ~~46-134, paragraph 12~~ 8-521.01.

29 Sec. 8. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
30 amended by adding section 8-502, to read:

31 8-502. Foster parent and child welfare agency information;
32 confidentiality; permissible disclosure; use;
33 violation; classification; definitions

34 A. UNLESS OTHERWISE PROVIDED BY LAW AND EXCEPT AS PROVIDED IN
35 SUBSECTION E, F OR G OF THIS SECTION, ALL PERSONAL INFORMATION CONCERNING A
36 FOSTER PARENT APPLICANT OR LICENSEE OR AN INDIVIDUAL WHO APPLIES FOR OR
37 RECEIVES A CHILD WELFARE AGENCY LICENSE IS CONFIDENTIAL AND MAY NOT BE
38 RELEASED, UNLESS THE RELEASE IS ORDERED BY THE SUPERIOR COURT OR PROVIDED FOR
39 BY COURT RULE. DCS INFORMATION IS CONFIDENTIAL AND MAY BE RELEASED ONLY AS
40 PRESCRIBED IN SECTION 8-807.

41 B. FOSTER PARENT INFORMATION IS CONFIDENTIAL, EXCEPT THE DEPARTMENT
42 MAY RELEASE THE INFORMATION PRESCRIBED IN SUBSECTION C OF THIS SECTION IF THE
43 FOSTER PARENT'S LICENSE HAS BEEN REVOKED OR ALL OF THE FOLLOWING APPLY:

- 44 1. NO FOSTER CHILDREN ARE RESIDING IN THE HOME.
- 45 2. THE DEPARTMENT HAS BEGUN A LICENSING INVESTIGATION.

- 1 3. THE FOSTER PARENT'S IDENTITY HAS BEEN MADE PUBLIC BY SOURCES
2 OUTSIDE THE DEPARTMENT.
- 3 C. IF REQUESTED, THE DEPARTMENT MAY RELEASE THE FOLLOWING FOSTER CARE
4 PARENT INFORMATION IF PERMISSIBLE UNDER SUBSECTION B OF THIS SECTION:
- 5 1. THE NAME OF THE LICENSEE.
6 2. THE DATES OF CURRENT AND PAST LICENSURE.
7 3. ANY TRAINING IN WHICH THE LICENSEE PARTICIPATED.
8 4. THE NUMBER, AGES AND GENDER OF CHILDREN FOR WHICH THE FOSTER CARE
9 PROVIDER IS LICENSED.
- 10 5. ANY COMPLAINTS ABOUT THE LICENSEE THAT DID NOT INVOLVE AN
11 INVESTIGATION BY THE DEPARTMENT.
- 12 6. ANY RESTRICTIONS ON THE LICENSE OF THE LICENSEE.
- 13 D. CHILD WELFARE AGENCY INFORMATION IS NOT CONFIDENTIAL, EXCEPT FOR
14 BOTH OF THE FOLLOWING:
- 15 1. ANY DCS INFORMATION IN THE LICENSING FILES OF THE DEPARTMENT.
16 2. THE ADDRESS OF ANY FACILITY WHERE A FOSTER CHILD IS PLACED, EVEN IF
17 THE ADDRESS IS ALSO THE CORPORATE ADDRESS OF THE CHILD WELFARE AGENCY.
- 18 E. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF
19 LAW OR A COURT MAY OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION A, B, C OR
20 D OF THIS SECTION IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.
- 21 F. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF
22 LAW OR A COURT MAY RELEASE INFORMATION THAT IS OTHERWISE CONFIDENTIAL UNDER
23 THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:
- 24 1. TO AN APPLICANT OR LICENSEE IF A REQUEST IS MADE IN WRITING
25 SPECIFICALLY REQUESTING INFORMATION THAT DIRECTLY RELATES TO THE PERSON WHO
26 REQUESTS THE INFORMATION.
- 27 2. IN ORAL OR WRITTEN COMMUNICATIONS INVOLVING THE PROVISION OF
28 SERVICES OR THE REFERRAL TO SERVICES BETWEEN EMPLOYEES OF, PERSONS UNDER
29 CONTRACT WITH OR PERSONS HOLDING A GENERAL EMPLOYMENT RELATIONSHIP WITH THE
30 DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR THE JUVENILE COURT.
- 31 3. IF THE DISCLOSURE IS NECESSARY TO PROTECT AGAINST A CLEAR AND
32 SUBSTANTIAL RISK OF IMMINENT SERIOUS INJURY TO A CLIENT OF THE DEPARTMENT OF
33 CHILD SAFETY.
- 34 4. TO AN AGENCY OF THE FEDERAL GOVERNMENT, THIS STATE OR ANOTHER STATE
35 OR ANY POLITICAL SUBDIVISION OF THIS STATE FOR OFFICIAL PURPOSES.
36 INFORMATION RECEIVED BY A GOVERNMENTAL AGENCY PURSUANT TO THIS PARAGRAPH
37 SHALL BE MAINTAINED AS CONFIDENTIAL UNLESS THE INFORMATION IS PERTINENT TO A
38 CRIMINAL PROSECUTION.
- 39 5. TO A FOSTER PARENT OR A PARENT CERTIFIED TO ADOPT IF THE
40 INFORMATION IS NECESSARY TO ASSIST IN THE PLACEMENT WITH OR CARE OF A CHILD
41 BY THE FOSTER PARENT OR PERSON CERTIFIED TO ADOPT.
- 42 6. TO AN OFFICER OF THE SUPERIOR COURT, THE DEPARTMENT OR AN AGENCY
43 THAT IS REQUIRED TO PERFORM AN INVESTIGATION PURSUANT TO SECTION 8-105, IF
44 THE INFORMATION IS PERTINENT TO THE INVESTIGATION. INFORMATION RECEIVED

1 PURSUANT TO THIS PARAGRAPH MAY BE DISCLOSED TO THE COURT, BUT SHALL OTHERWISE
2 BE MAINTAINED AS CONFIDENTIAL.

3 G. NOTWITHSTANDING SECTIONS 8-519, 8-541 AND 8-542, A STANDING
4 COMMITTEE OF THE LEGISLATURE OR A COMMITTEE APPOINTED BY THE PRESIDENT OF THE
5 SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY OBTAIN INFORMATION
6 DESCRIBED IN SUBSECTION A, B, C OR D OF THIS SECTION ON WRITTEN REQUEST TO
7 THE DIRECTOR. INFORMATION OBTAINED PURSUANT TO THIS SUBSECTION MAY BE USED
8 ONLY TO CONDUCT INVESTIGATIONS RELATED TO LEGISLATIVE OVERSIGHT OF THE
9 DEPARTMENT. PERSONALLY IDENTIFIABLE INFORMATION MAY NOT BE FURTHER
10 DISCLOSED.

11 H. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
12 MISDEMEANOR.

13 I. FOR THE PURPOSES OF THIS SECTION:

14 1. "CHILD WELFARE AGENCY INFORMATION" MEANS ALL INFORMATION IN THE
15 LICENSING FILE OF THE DEPARTMENT, INCLUDING ALL INFORMATION ON CORPORATE OR
16 OTHER ENTITY APPLICANTS OR LICENSEES AND ANY LICENSING INVESTIGATIONS. CHILD
17 WELFARE AGENCY INFORMATION DOES NOT INCLUDE PERSONAL INFORMATION ABOUT
18 INDIVIDUALS WHO APPLY FOR LICENSURE TO OR ARE LICENSED BY THE DEPARTMENT AS A
19 CHILD WELFARE AGENCY.

20 2. "DCS INFORMATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-807.

21 3. "FOSTER PARENT INFORMATION" MEANS ALL INFORMATION IN THE LICENSING
22 FILE OF THE DEPARTMENT THAT IS NOT CONFIDENTIAL UNDER ANY OTHER LAW. FOSTER
23 PARENT INFORMATION DOES NOT INCLUDE:

24 (a) PERSONAL INFORMATION.

25 (b) ANY LICENSING INVESTIGATION.

26 4. "PERSONAL INFORMATION" MEANS INFORMATION ABOUT AN INDIVIDUAL THAT
27 IS DISCLOSED BY THE INDIVIDUAL OR BY A THIRD PARTY ON BEHALF OF THE
28 INDIVIDUAL TO OBTAIN OR MAINTAIN A LICENSE. PERSONAL INFORMATION INCLUDES
29 ALL OF THE FOLLOWING:

30 (a) THE INDIVIDUAL'S IDENTITY, SOCIAL SECURITY NUMBER, ADDRESS AND
31 PERSONAL HISTORY.

32 (b) FINANCIAL, HEALTH OR MEDICAL INFORMATION ABOUT THE INDIVIDUAL.

33 (c) REFERENCES FOR THE INDIVIDUAL.

34 Sec. 9. Section 8-506, Arizona Revised Statutes, is amended to read:

35 8-506. Denial, suspension or revocation of license; foster
36 home; hearing

37 The division may deny the application or suspend or revoke the license
38 of any foster home for wilful violation of any provision of this article or
39 failure to maintain the standards of the care prescribed by the division.
40 Written notice of the grounds of the suspension or the proposed denial or
41 revocation shall be given to the applicant or holder of the license. A copy
42 of the written notice of the suspension or the proposed denial or revocation
43 shall be forwarded to the agency that recommended the foster home for
44 licensing. Within ~~twenty~~ TWENTY-FIVE days after ~~receipt~~ THE MAILING DATE of
45 THE written notice of proposed denial, revocation or suspension, the

1 applicant or holder may request a hearing in accordance with the rules of the
2 division. If the hearing is requested it shall be held within ten days of
3 the request, at which time the applicant or holder shall have the right to
4 present testimony and confront witnesses.

5 Sec. 10. Section 8-512, Arizona Revised Statutes, is amended to read:
6 8-512. Comprehensive medical and dental care; guidelines

7 A. The department shall provide comprehensive medical and dental care,
8 as prescribed by rules of the department, for each child who is:

- 9 ~~1. Placed in a foster home.~~
10 ~~2. In the custody of the department and placed with a relative.~~
11 ~~3. In the custody of the department and placed in a certified adoptive~~
12 ~~home before the entry of the final order of adoption.~~
13 ~~4. In the custody of the department and in an independent living~~
14 ~~program as provided in section 8-521.~~

15 1. IN AN OUT-OF-HOME PLACEMENT.

16 ~~5-~~ 2. In the custody of a probation department and placed in foster
17 care. The department shall not provide this care if the cost exceeds funds
18 currently appropriated and available for that purpose.

19 B. On or before October 1, 2015, the department of child safety, in
20 collaboration with the department of health services and the Arizona health
21 care cost containment system administration, shall:

22 1. Determine the most efficient and effective way to provide
23 comprehensive medical, dental and behavioral health services, including
24 behavioral health diagnostic, evaluation and treatment services for children
25 who are provided care pursuant to subsection A of this section.

26 2. Determine the number of disruptions of placements in foster care by
27 age of child due to behavioral health management issues and the extent each
28 child is receiving behavioral health services.

29 3. Determine the number of adopted children who have entered foster
30 care due to the adoptive parents' inability to receive behavioral health
31 services to adequately meet the needs of the child and parents.

32 4. Submit a report of its recommendations for providing services
33 pursuant to this subsection to the governor, the speaker of the house of
34 representatives and the president of the senate and shall provide a copy of
35 its report to the secretary of state. The collaborative determination shall
36 consider an administratively integrated system.

37 ~~C. The care may include:~~

38 ~~1. A program of regular health examinations and immunizations~~
39 ~~including as minimums:~~

40 ~~(a) Vaccinations to prevent mumps, rubella, smallpox and polio.~~

41 ~~(b) Tests for anemia, coccidioidomycosis and tuberculosis.~~

42 ~~(c) Urinalysis, blood count and hemoglobin tests.~~

43 ~~(d) Regular examinations for general physical health, hearing and~~
44 ~~vision, including providing corrective devices when needed.~~

45 ~~2. Inpatient and outpatient hospital care.~~

1 ~~3. Necessary services of physicians, surgeons, psychologists and~~
2 ~~psychiatrists.~~

3 ~~4. Dental care consisting of at least oral examinations including~~
4 ~~diagnostic radiographs, oral prophylaxis and topical fluoride applications,~~
5 ~~restoration of permanent and primary teeth, pulp therapy, extraction when~~
6 ~~necessary, fixed space maintainers where needed and other services for relief~~
7 ~~of pain and infection.~~

8 ~~5. Drug prescription service.~~

9 C. THE COMPREHENSIVE MEDICAL AND DENTAL CARE CONSISTS OF THOSE
10 BENEFITS PROVIDED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM BENEFIT
11 AS PRESCRIBED IN TITLE 36, CHAPTER 29, ARTICLE 1 AND AS SET FORTH IN THE
12 APPROVED MEDICAID STATE PLAN.

13 D. ~~The facilities of~~ Any ~~hospital or other institution within the~~
14 ~~state, public or private,~~ PROVIDER THAT HAS A PROVIDER AGREEMENT REGISTRATION
15 may be employed THROUGH THE COMPREHENSIVE MEDICAL AND DENTAL PROGRAM by the
16 foster parent, relative, certified adoptive parent, agency or ~~division~~
17 DEPARTMENT having responsibility for the care of the child.

18 E. ~~For inpatient hospital admissions and outpatient hospital services~~
19 ~~on or after March 1, 1993,~~ The department shall reimburse a ~~hospital~~ PROVIDER
20 according to the rates established by the Arizona health care cost
21 containment system administration pursuant to ~~section 36-2903.01,~~
22 ~~subsection G~~ TITLE 36, CHAPTER 29, ARTICLE 1.

23 F. The department shall use the Arizona health care cost containment
24 system administration rates as identified in subsection E of this section for
25 any child eligible for services under this section.

26 G. ~~A hospital bill is considered received for purposes of subsection I~~
27 ~~of this section on initial receipt of the legible, error free claim form by~~
28 ~~the department if the claim includes the following error free documentation~~
29 ~~in legible form:~~

- 30 ~~1. An admission face sheet.~~
- 31 ~~2. An itemized statement.~~
- 32 ~~3. An admission history and physical.~~
- 33 ~~4. A discharge summary or an interim summary if the claim is split.~~
- 34 ~~5. An emergency record, if admission was through the emergency room.~~
- 35 ~~6. Operative reports, if applicable.~~
- 36 ~~7. A labor and delivery room report, if applicable.~~

37 G. THE DEPARTMENT SHALL REQUIRE PROVIDERS TO SUBMIT CLAIMS FOR MEDICAL
38 AND DENTAL SERVICES PURSUANT TO SECTION 36-2903.01.

39 H. The department shall require that the ~~hospital~~ PROVIDER pursue
40 other third party payors before submitting a claim to the department.
41 Payment received by a ~~hospital~~ PROVIDER from the department is considered
42 payment by the department of the department's liability for the ~~hospital~~
43 bill. A ~~hospital~~ PROVIDER may collect any unpaid portion of its bill from
44 other third party payors or in situations covered by title 33, chapter 7,
45 article 3.

1 ~~I. For inpatient hospital admissions and outpatient hospital services~~
2 ~~rendered on and after October 1, 1997, the department shall pay a hospital's~~
3 ~~rate established according to this section subject to the following:~~

4 ~~1. If the hospital's bill is paid within thirty days of the date the~~
5 ~~bill was received, the department shall pay ninety nine per cent of the rate.~~

6 ~~2. If the hospital's bill is paid after thirty days but within sixty~~
7 ~~days of the date the bill was received, the department shall pay one hundred~~
8 ~~per cent of the rate.~~

9 ~~3. If the hospital's bill is paid any time after sixty days of the~~
10 ~~date the bill was received, the department shall pay one hundred per cent of~~
11 ~~the rate plus a fee of one per cent per month for each month or portion of a~~
12 ~~month following the sixtieth day of receipt of the bill until the date of~~
13 ~~payment.~~

14 ~~J. For medical services other than those for which a rate has been~~
15 ~~established pursuant to section 36-2903.01, subsection G, the department~~
16 ~~shall pay according to the Arizona health care cost containment system capped~~
17 ~~fee-for-service schedule adopted pursuant to section 36-2904, subsection K.~~

18 ~~K. For any hospital or medical claims not covered under subsection E~~
19 ~~or J of this section, the department shall establish and adopt a schedule~~
20 ~~setting out maximum allowable fees that the department deems reasonable for~~
21 ~~such services after appropriate study and analysis of usual and customary~~
22 ~~fees charged by providers. The department shall not pay to any plan or~~
23 ~~intermediary that portion of the cost of any service provided that exceeds~~
24 ~~allowable charges prescribed by the department pursuant to this subsection.~~

25 ~~L. I. The department shall not pay claims for services pursuant to~~
26 ~~this section that are submitted more than one hundred eighty days after the~~
27 ~~date of the service for which the payment is claimed.~~

28 ~~M. J. The department may provide for payment through an insurance~~
29 ~~plan, hospital service plan, medical service plan, or any other health~~
30 ~~service plan authorized to do business in this state, fiscal intermediary or~~
31 ~~a combination of such plans or methods. The state shall not be liable for~~
32 ~~and the department shall not pay to any plan or intermediary any portion of~~
33 ~~the cost of comprehensive medical and dental care in excess of funds~~
34 ~~appropriated and available for such purpose at the time the plan or~~
35 ~~intermediary incurs the expense for such care.~~

36 ~~N. K. The total amount of state monies that may be spent in any~~
37 ~~fiscal year by the department for comprehensive medical and dental care shall~~
38 ~~not exceed the amount appropriated or authorized by section 35-173 for that~~
39 ~~purpose. This section shall not be construed to impose a duty on an officer,~~
40 ~~agent or employee of this state to discharge a responsibility or to create~~
41 ~~any right in a person or group if the discharge or right would require an~~
42 ~~expenditure of state monies in excess of the expenditure authorized by~~
43 ~~legislative appropriation for that specific purpose.~~

1 Sec. 11. Section 8-520, Arizona Revised Statutes, is amended to read:
2 8-520. Violations; classification

3 Any agency, society, association, institution or person, whether
4 incorporated or unincorporated, and any individual acting for or in its name,
5 which engages in caring for children or children and adults or of placing
6 children for care pursuant to this article, without having first procured a
7 license as a child welfare agency as provided in this article, or which
8 knowingly fails or refuses to report as required by the provisions of this
9 article, or which knowingly obstructs or hinders the division, **THE DEPARTMENT**
10 **OF ECONOMIC SECURITY** or ~~its~~ **THE** agents **OF EITHER AGENCY** in **THE** inspection or
11 investigation of the agency, societies, associations, institutions or persons
12 under ~~its~~ the **RESPECTIVE AGENCY'S** control or charge, or any person knowingly
13 violating any of the other provisions of this article is guilty of a class 2
14 misdemeanor unless another classification is specifically prescribed in this
15 article.

16 Sec. 12. Section 8-521, Arizona Revised Statutes, is amended to read:
17 8-521. Independent living program; conditions; eligibility;
18 rules; case management unit; reports

19 A. The department or a licensed child welfare agency may establish an
20 independent living program for youths who are the subject of a dependency
21 petition or who are adjudicated dependent and are all of the following:

- 22 1. In the custody of the department, a licensed child welfare agency
23 or a tribal child welfare agency.
24 2. At least seventeen years of age.
25 3. Employed or full-time students.

26 B. The independent living program may consist of a residential program
27 of less than twenty-four hours' a day supervision for youths under the
28 supervision of the department through a licensed child welfare agency or a
29 foster home under contract with the department. Under the independent living
30 program the youth is not required to reside at a licensed child welfare
31 agency or foster home.

32 C. The director or the director's designee shall review and approve
33 any recommendation to the court that a youth in the custody of the department
34 be ordered to an independent living program.

35 D. For a youth to participate in an independent living program, the
36 court must order such a disposition pursuant to section 8-845.

37 E. The department of child safety, a licensed child welfare agency or
38 a tribal child welfare agency having custody of the youth shall provide the
39 cost of care as required by section ~~46-134~~ **8-453, SUBSECTION A, PARAGRAPH 9,**
40 **SUBDIVISION (b), ITEM (iii)** for each child placed in an independent living
41 program pursuant to this section, except that the monthly amount provided
42 shall not exceed the average monthly cost of purchased services for the child
43 in the three months immediately preceding placement in an independent living
44 program.

1 F. The department shall adopt rules pursuant to title 41, chapter 6 to
2 carry out this section.

3 G. The department shall provide quarterly progress reports to the
4 court and to local foster care review boards for each youth participating in
5 the independent living program.

6 H. The local foster care review boards shall review at least once
7 every six months the case of each youth participating in the independent
8 living program.

9 I. The department shall establish an educational case management unit
10 within the division consisting of two case managers to develop and coordinate
11 educational case management plans for youths participating in the independent
12 living program and to assist youths in the program to do the following:

- 13 1. Graduate from high school.
- 14 2. Pass the Arizona instrument to measure standards test.
- 15 3. Apply for postsecondary financial assistance.
- 16 4. Apply for postsecondary education.

17 J. The department shall prepare a report on or before March 1 of each
18 year that contains the following information for the previous calendar year:

- 19 1. The number of children in the program.
- 20 2. The number of children in the program by age and grade.
- 21 3. The number of children in the program by county of residence.
- 22 4. The number of children in the program who graduated from high
23 school.
- 24 5. The number of children in the program who received a general
25 equivalency diploma.
- 26 6. The number of children in the program enrolled in postsecondary
27 education.

28 K. The department shall submit a copy of the report prescribed in
29 subsection J of this section to the governor, the president of the senate,
30 the speaker of the house of representatives and the secretary of state.

31 Sec. 13. Section 8-526, Arizona Revised Statutes, is amended to read:
32 8-526. Child welfare; reporting requirements

33 A. The department shall compile the following information on a
34 semiannual basis ending March 31 and September 30 of each year:

- 35 1. The total number of reports received, by major category and by
36 priority. The report shall include a description of some of those incoming
37 communications determined not to meet the criteria of a report as chosen by a
38 random sample.
- 39 2. The number of reports not responded to, by priority, by county and
40 statewide. The report shall include a description of some of these cases as
41 chosen by random sample.
- 42 3. The number of reports assigned for investigation by priority and by
43 major category, by county and statewide for the current and previous
44 reporting periods.

- 1 4. The number of investigations completed by priority and by major
2 category, by county and statewide for the current and previous reporting
3 periods and as categorized by investigations that resulted in:
- 4 (a) A substantiated report.
 - 5 (b) A report currently proposed for substantiation.
 - 6 (c) An unsubstantiated report.
- 7 5. The number of reports assigned for investigation that remain open
8 for investigation by priority and by major category, by county and statewide
9 for the current and previous reporting periods.
- 10 6. Of the number of reports assigned for investigation, the percentage
11 of reports that resulted in a child being placed in out-of-home care by
12 county and statewide.
- 13 7. The number of newborn infants delivered to safe haven providers
14 pursuant to section 13-3623.01.
- 15 8. The number of children entering out-of-home care by county during
16 the reporting period, and the number and percentage of the children entering
17 out-of-home care by county during the reporting period who are voluntary
18 placements for children under eighteen years of age.
- 19 9. The number and percentage of children removed during the reporting
20 period, by county and statewide, who had been in out-of-home care:
- 21 (a) Within the previous twelve months.
 - 22 (b) Within the previous twenty-four months, excluding the children
23 included in subdivision (a) of this paragraph.
- 24 10. The number and percentage of children who have remained in a
25 shelter or receiving home for more than twenty-one consecutive days, by the
26 child's age group.
- 27 11. The number and type of licensed foster homes and the number of
28 licensed and available spaces in those homes.
- 29 12. The number and type of licensed foster homes that leave the foster
30 care system and the reason for the exit.
- 31 13. The number of licensed foster homes that receive the required
32 visitation by case managers pursuant to section 8-516.
- 33 14. The number of children placed in the care, custody and control of
34 the department at the end of the reporting period and the number of these
35 children who receive the required visitation by case managers pursuant to
36 section 8-516.
- 37 15. The number and percentage of children who are in the care, custody
38 and control of the department at the end of the reporting period and who are
39 in out-of-home placement and as categorized by:
- 40 (a) Age.
 - 41 (b) Ethnicity.
 - 42 (c) Case plan goal.
 - 43 (d) Type of out-of-home placement, categorized by age.
 - 44 (e) Length of time in out-of-home placement of less than thirty days,
45 thirty-one days to twelve consecutive months, twelve to twenty-four

1 consecutive months and more than twenty-four consecutive months, including
2 the median, average and range of the number of out-of-home placements.

3 (f) Primary legal status including voluntary placement for a child
4 under eighteen years of age, temporary custody, adjudicated dependent, free
5 for adoption, voluntary placement for a child over eighteen years of age,
6 dually adjudicated or any other legal status.

7 16. If the case plan is to return the child to the parent, the
8 percentage of parents who receive the required contact by case managers.

9 17. The number and percentage of children who left the custody of the
10 department during the reporting period by reason for leaving care and as
11 categorized by:

- 12 (a) Age.
- 13 (b) Ethnicity.
- 14 (c) Number of placements.
- 15 (d) Average length of time in care.

16 18. The number of children with a petition for termination of parental
17 rights granted and not granted during the reporting period by county and
18 statewide.

19 19. The number and percentage of children with a case plan goal of
20 adoption and who are not placed in an adoptive home at the end of the
21 reporting period and as categorized by:

- 22 (a) Age.
- 23 (b) Ethnicity.
- 24 (c) Average length of time in care.
- 25 (d) Legal status.

26 20. The number and percentage of children with a case plan goal of
27 adoption and who are placed in an adoptive home at the end of the reporting
28 period and as categorized by:

- 29 (a) Age.
- 30 (b) Ethnicity.
- 31 (c) Average length of time in out-of-home placement.
- 32 (d) Length of time from change of case plan goal to adoptive
33 placement.

- 34 (e) Legal status.
- 35 (f) Marital status and relationship of the adoptive parent or parents
36 to the child.

37 21. The number of children whose adoptive placement was disrupted
38 during the reporting period and as categorized by:

- 39 (a) Age.
- 40 (b) Ethnicity.
- 41 (c) Cause of the disruption.
- 42 (d) Marital status and relationship of the adoptive parent or parents
43 to the child.

1 22. The number of children whose adoptions were finalized during the
2 reporting period and as categorized by:

3 (a) Average length of time in out-of-home placement before adoptive
4 placement.

5 (b) Average length of time in adoptive placement before the final
6 order of adoption.

7 (c) Marital status and relationship of the adoptive parent or parents
8 to the child.

9 23. The number of children who died while in the custody of the
10 department by the county where the death occurred and as categorized by:

11 (a) The cause of death.

12 (b) The type of out-of-home placement at the time of death.

13 24. The number of children with an open or active child **protective**
14 **SAFETY** services case who died due to abuse, categorized by the person or
15 persons who had care or custody of the child at the time of the child's death
16 as follows:

17 (a) Biological parent or parents.

18 (b) Other family member.

19 (c) Adoptive parent or parents.

20 (d) Foster care parent or parents.

21 (e) Other out-of-home care provider.

22 25. The number of children with an open or active child **protective**
23 **SAFETY** services case who died due to abuse allegedly caused by an adult
24 household member who is not listed pursuant to paragraph 24 of this
25 subsection.

26 B. Based on the data presented in each reporting period, the
27 department, in as brief a format as possible, shall describe three to five
28 major challenges the department faces in achieving the goal of safe,
29 permanent homes for abused and neglected children.

30 C. Within three months after the end of each reporting period the
31 department shall submit a written report in as brief a format as possible to
32 the governor, the president of the senate, the speaker of the house of
33 representatives, the chairperson of the house human services committee, the
34 chairperson of the senate family services committee, or their successor
35 committees, and the cochairpersons of the joint legislative committee on
36 children and family services. The department shall submit a copy of the
37 report to the secretary of state and the director of the Arizona state
38 library, archives and public records.

39 Sec. 14. Section 8-528, Arizona Revised Statutes, is amended to read:

40 8-528. Newborn infants left with safe haven providers;
41 placement protocol; definitions

42 A. The placement of newborn infants who are left with safe haven
43 providers pursuant to section 13-3623.01 shall follow the protocols
44 prescribed in this section.

1 B. If a newborn infant is left with a private child welfare agency
2 that is licensed pursuant to this article or with a private adoption agency
3 that is licensed pursuant to section 8-126 and the agency has the ability and
4 desire to take custody of the infant and to place the infant for adoption,
5 the safe haven provider shall do the following:

6 1. Immediately transport the newborn infant or arrange for the newborn
7 infant to be transported to a hospital for a physical examination.

8 2. Immediately call ~~child protective services~~ THE DEPARTMENT to inform
9 it that a newborn infant has been left with the safe haven provider, OF the
10 location of the hospital where the agency transported the infant or arranged
11 for the infant to be transported and that the agency will take custody of the
12 infant after the hospital completes the physical examination.

13 3. Take custody of the infant from the hospital within twenty-four
14 hours after the hospital completes the physical examination.

15 C. If the private child welfare agency or private adoption agency does
16 not have the ability or desire to take custody of the infant and place the
17 infant for adoption, the agency shall do the following:

18 1. Immediately transport the newborn infant or arrange for the newborn
19 infant to be transported to a hospital for a physical examination.

20 2. Immediately call ~~child protective services~~ THE DEPARTMENT to inform
21 it that a newborn infant has been left with the safe haven provider, OF the
22 location of the hospital where the agency transported the infant or arranged
23 for the infant to be transported and that the agency will not take custody of
24 the infant after the hospital completes the physical examination.

25 D. If a newborn infant is left with a church, the safe haven provider
26 must do the following:

27 1. Immediately transport the infant or arrange for the newborn infant
28 to be transported to a hospital for a physical examination.

29 2. If the church is affiliated with a private adoption agency, contact
30 the private adoption agency and inform the agency that a newborn infant has
31 been left with the safe haven provider.

32 3. Immediately call ~~child protective services~~ THE DEPARTMENT to inform
33 it that an infant has been left at the church, OF the location of the
34 hospital where the church transported the infant or arranged for the infant
35 to be transported and whether a private adoption agency will take custody of
36 the infant.

37 E. If the agency contacted pursuant to subsection D of this section
38 has the ability and desire to take custody of the infant and place the infant
39 for adoption, the agency must take custody of the infant within twenty-four
40 hours after the hospital completes the physical examination.

41 F. If the church is not affiliated with a private adoption agency or
42 the private adoption agency does not have the ability or desire to take
43 custody of the infant and place the infant for adoption, ~~child protective~~
44 ~~services~~ THE DEPARTMENT shall contact the next private adoption agency on a
45 rotating list of agencies maintained by ~~child protective services~~ THE

1 DEPARTMENT until it contacts an agency that agrees to take custody of the
2 infant. The adoption agency must take custody of the infant from the
3 hospital within twenty-four hours after the hospital completes the physical
4 examination.

5 G. If a newborn infant is left with a firefighter who is on duty, an
6 emergency medical technician who is on duty or a staff member at a health
7 care institution that is classified by the department of health services
8 pursuant to section 36-405 as a general hospital or a rural general hospital,
9 the safe haven provider shall do the following:

10 1. Immediately transport the newborn infant to a hospital for a
11 physical examination.

12 2. Immediately contact ~~child protective services~~ THE DEPARTMENT OF
13 CHILD SAFETY to inform it that a newborn infant has been left at a fire
14 station or health care institution and of the location of the hospital where
15 the safe haven provider transported the infant.

16 H. Within eight hours after ~~child protective services~~ THE DEPARTMENT
17 is contacted pursuant to subsection C or G of this section, ~~child protective~~
18 ~~services~~ THE DEPARTMENT shall contact the next private adoption agency on a
19 rotating list maintained by ~~child protective services~~ THE DEPARTMENT until
20 ~~child protective services~~ THE DEPARTMENT contacts an agency that agrees to
21 take custody of the infant. The adoption agency must take custody of the
22 infant from the hospital within twenty-four hours after the hospital
23 completes the physical examination.

24 I. If an agency does not take custody of the newborn infant within
25 twenty-four hours after the hospital completes the physical examination, the
26 hospital shall contact ~~child protective services~~ THE DEPARTMENT, and ~~child~~
27 ~~protective services~~ THE DEPARTMENT shall contact the next private adoption
28 agency on its rotating list until an agency agrees to take custody of the
29 infant.

30 J. If no agency takes custody of the infant pursuant to this section
31 within forty-eight hours after the hospital completes the physical
32 examination, ~~child protective services~~ THE DEPARTMENT shall take custody of
33 the infant.

34 K. Notwithstanding any other law, before a private adoption agency or
35 ~~child protective services~~ THE DEPARTMENT takes custody of an infant pursuant
36 to this section, a health care provider, as defined in section 36-3201, may
37 make health care treatment decisions for the infant. A health care provider
38 who makes a good faith medical decision pursuant to this subsection is immune
39 from liability.

40 L. The safe haven provider that takes custody of the infant shall act
41 as the responsible adult and complete the Arizona health care cost
42 containment system application process on behalf of the infant. If the child
43 is determined ineligible for the Arizona health care cost containment system
44 or if the Arizona health care cost containment system ADMINISTRATION does not
45 reimburse the hospital for the medical examination and treatment provided to

1 the infant, the entity or individual that ultimately takes custody of the
2 infant must compensate the hospital for the medical examination and treatment
3 provided to the infant.

4 M. An agency that takes custody of the newborn infant must comply with
5 all state and federal laws regarding adoption and placement of children.

6 N. ~~Child protective services~~ THE DEPARTMENT shall inform an agency
7 when it has rotated to the top of the contact list and inform it that ~~child~~
8 ~~protective services~~ THE DEPARTMENT will notify it the next time a newborn
9 infant is left with a safe haven provider.

10 O. A private adoption agency may contact ~~child protective services~~ THE
11 DEPARTMENT to be placed on the rotating list maintained by ~~child protective~~
12 ~~services~~ THE DEPARTMENT pursuant to this section if it:

- 13 1. Is a nonprofit agency.
- 14 2. Does not specialize in international adoptions.
- 15 3. Has a twenty-four hour emergency contact number.

16 P. The protocols prescribed in this section apply only to an infant
17 who is seventy-two hours of age or younger and who is not abused. If an
18 infant who is transported to a hospital is older than seventy-two hours or
19 has been abused, the hospital shall contact ~~child protective services~~ THE
20 DEPARTMENT, and ~~child protective services~~ THE DEPARTMENT shall take custody
21 of the infant.

22 Q. For the purposes of this section:

23 1. "Church" has the same meaning prescribed in section 13-3623.01,
24 subsection H, paragraph 2, subdivision (d), item (iii).

25 2. "Custody" means legal authority to act on behalf of a child
26 including the following:

27 (a) The duty and authority to make decisions that affect the child,
28 including medical decisions.

29 (b) The authority to file a petition for termination of parental
30 rights.

31 Sec. 15. Section 8-809, Arizona Revised Statutes, is amended to read:

32 8-809. Child welfare mediation program

33 A. A child welfare mediation program is established in the office of
34 the attorney general. The mediation shall include, but not be limited to,
35 disputes between families and ~~child protective services~~ THE DEPARTMENT. Any
36 information disclosed during a mediation session held pursuant to this
37 section shall be deemed confidential pursuant to section 8-807.

38 B. ~~Child protective services~~ DEPARTMENT personnel and families THAT
39 ARE located in areas of the state outside the initial project sites of
40 Flagstaff, Phoenix and Tucson may participate in the mediation services
41 provided by this section by scheduling appointments with the mediation
42 coordinator at the project sites.

43 C. If a person requests mediation under subsection A of this section,
44 at least one mediation session shall be held. ~~Thereafter~~ AFTER THE INITIAL

1 MEDIATION SESSION, the mediator shall determine if additional sessions are
2 appropriate.

3 Sec. 16. Section 8-811, Arizona Revised Statutes, is amended to read:
4 ~~8-811.~~ Hearing process; definitions

5 A. The department shall notify a person who is alleged to have abused
6 or neglected a child that the department intends to substantiate the
7 allegation in the central registry pursuant to section 8-804 and of that
8 person's right:

9 1. To receive a copy of the report containing the allegation.

10 2. To a hearing before the entry into the central registry ~~pursuant to~~
11 ~~section 8-456, subsection D, paragraph 3, subdivision (a).~~

12 B. The department shall send the notice prescribed in subsection A of
13 this section by first class mail no more than fourteen days after completion
14 of the investigation.

15 C. A request for a hearing on the proposed finding must be received by
16 the department within ~~fourteen~~ TWENTY days after ~~receipt~~ THE MAILING of the
17 notice BY THE DEPARTMENT.

18 D. The department shall not disclose any information related to the
19 investigation of the allegation except as provided in sections 8-456, 8-807
20 and 13-3620.

21 E. If a request for a hearing is made pursuant to subsection C of this
22 section, the department shall conduct a review before the hearing. The
23 department shall provide an opportunity for the accused person to provide
24 written or verbal information to support the position that the department
25 should not substantiate the allegation. If the department determines that
26 there is no probable cause that the accused person engaged in the alleged
27 conduct, the department shall amend the information or finding in the report
28 and shall notify the person and a hearing shall not be held.

29 F. Notwithstanding section 41-1092.03, the notification prescribed in
30 subsection A of this section shall also state that if the department does not
31 amend the information or finding in the report as prescribed in subsection E
32 of this section within sixty days after it receives the request for a hearing
33 the person has a right to a hearing unless:

34 1. The person is a party in a PENDING civil, criminal or
35 administrative proceeding in which the allegations of abuse or neglect are at
36 issue.

37 2. THE PERSON IS A PARTY IN A PENDING JUVENILE PROCEEDING IN WHICH THE
38 ALLEGATIONS OF ABUSE OR NEGLECT ARE AT ISSUE.

39 ~~2-~~ 3. A court or administrative law judge has made findings as to the
40 alleged abuse or neglect.

41 ~~3-~~ 4. A ~~finding has been made by a~~ court ~~pursuant to section 8-844,~~
42 ~~subsection C~~ HAS FOUND that a child is dependent OR HAS TERMINATED A PARENT'S
43 RIGHTS based ~~upon~~ ON an allegation of abuse or neglect.

1 G. IF THE COURT OR ADMINISTRATIVE LAW JUDGE IN A PENDING PROCEEDING
2 DESCRIBED IN SUBSECTION F, PARAGRAPH 1 OR 2 OF THIS SECTION DOES NOT MAKE A
3 FINDING OF ABUSE OR NEGLECT AND THE MATTER IS NO LONGER PENDING IN THAT
4 FORUM, THE PERSON HAS A RIGHT TO A HEARING PURSUANT TO SUBSECTION F OF THIS
5 SECTION.

6 H. IF THE COURT OR ADMINISTRATIVE LAW JUDGE IN A PROCEEDING DESCRIBED
7 IN SUBSECTION F OF THIS SECTION HAS MADE A FINDING OF ABUSE OR NEGLECT, THE
8 FINDING SHALL BE ENTERED INTO THE CENTRAL REGISTRY AS A SUBSTANTIATED REPORT.

9 ~~G.~~ I. If the department does not amend the information or finding in
10 the report as prescribed in subsection E of this section, the department
11 shall notify the office of administrative hearings of the request for a
12 hearing no later than five days after completion of the review. The
13 department shall forward all records, reports and other relevant information
14 with the request for hearing within ten days. The department shall redact
15 the identity of the reporting source before transmitting the information to
16 the office of administrative hearings.

17 ~~H.~~ J. The office of administrative hearings shall hold a hearing
18 pursuant to title 41, chapter 6, article 10, with the following exceptions:

19 1. A child who is the victim of or a witness to abuse or neglect is
20 not required to testify at the hearing.

21 2. A child's hearsay statement is admissible if the time, content and
22 circumstances of that statement are sufficiently indicative of its
23 reliability.

24 3. The identity of the reporting source of the abuse or neglect shall
25 not be disclosed without the permission of the reporting source.

26 4. The reporting source is not required to testify.

27 5. A written statement from the reporting source may be admitted if
28 the time, content and circumstances of that statement are sufficiently
29 indicative of its reliability.

30 6. If the person requesting the hearing fails to appear, the hearing
31 shall be vacated and a substantiated finding of abuse or neglect shall be
32 entered. On good cause shown, the hearing may be rescheduled if the request
33 is made within fifteen calendar days after the date of the notice vacating
34 the hearing for failure to appear.

35 ~~I.~~ K. On completion of the presentation of evidence, the
36 administrative law judge shall determine if probable cause exists to sustain
37 the department's finding that the parent, guardian or custodian abused or
38 neglected the child. IF THE ADMINISTRATIVE LAW JUDGE DETERMINES THAT
39 PROBABLE CAUSE EXISTS TO SUSTAIN THE DEPARTMENT'S FINDING OF ABUSE OR
40 NEGLECT, THE SUSTAINED FINDING SHALL BE ENTERED INTO THE CENTRAL REGISTRY AS
41 A SUBSTANTIATED REPORT. If the administrative law judge determines that
42 probable cause does not exist to sustain the department's finding, the
43 administrative law judge shall order the department to amend the information
44 or finding in the report.

1 ~~J~~ L. When the department is requested to verify pursuant to section
2 8-807, if the central registry contains a substantiated report about a
3 specific person, the department shall determine if the report was taken after
4 January 1, 1998. If the report was taken after January 1, 1998, the
5 department shall notify the requestor of the substantiated finding. If the
6 report was taken before January 1, 1998, the department shall notify the
7 person of the person's right to request an administrative hearing. The
8 department shall not send this notification if the person was a party in a
9 civil, criminal or administrative proceeding in which the allegations of
10 abuse or neglect were at issue. The provisions of this section shall apply
11 to the person's appeal.

12 ~~K~~ M. The department shall provide the parent, guardian or custodian
13 who is the subject of the investigation and the person who reported the
14 suspected child abuse or neglect if that person is the child's parent,
15 guardian or custodian with a copy of the outcome of the investigation at one
16 of the following times:

- 17 1. If the report is unsubstantiated.
- 18 2. If probable cause exists that abuse or neglect has occurred but a
19 specific person is not identified as having abused or neglected the child.
- 20 3. After the time to request a hearing has lapsed pursuant to
21 subsection C of this section without the department receiving a request for a
22 hearing.
- 23 4. After a final administrative decision has been made pursuant to
24 section 41-1092.08.

25 ~~L~~ N. For the purposes of this section:

- 26 1. "Amend the finding" means to change the finding from substantiated
27 to unsubstantiated.
- 28 2. "Amend the information" means to change information identifying the
29 accused of having abused or neglected a child.

30 Sec. 17. Section 8-821, Arizona Revised Statutes, is amended to read:

31 8-821. Taking into temporary custody; medical examination;
32 placement; interference; violation; classification

33 A. A child shall be taken into temporary custody in proceedings to
34 declare a child a temporary ward of the court to protect the child, pursuant
35 to an order of the juvenile court on a petition by an interested person, a
36 peace officer or a child safety worker under oath that reasonable grounds
37 exist to believe that temporary custody is clearly necessary to protect the
38 child from suffering abuse or neglect. If a child is taken into temporary
39 custody pursuant to this section, the child's sibling shall also be taken
40 into temporary custody only if reasonable grounds independently exist to
41 believe that temporary custody is clearly necessary to protect the child from
42 suffering abuse or neglect.

43 B. A child may be taken into temporary custody by a peace officer, A
44 CHILD WELFARE INVESTIGATOR or a child safety worker if temporary custody is

1 clearly necessary to protect the child because probable cause exists to
2 believe that the child is either:

- 3 1. A victim or will imminently become a victim of abuse or neglect.
- 4 2. Suffering serious physical or emotional injury that can only be
5 diagnosed by a medical doctor or psychologist.
- 6 3. Physically injured as a result of living on premises where
7 dangerous drugs or narcotic drugs are being manufactured. For the purposes
8 of this paragraph, "dangerous drugs" and "narcotic drugs" have the same
9 meanings prescribed in section 13-3401.

10 4. Reported by the department to be a missing child at risk of serious
11 harm.

12 C. In determining if a child should be taken into temporary custody,
13 the interested person, peace officer, **CHILD WELFARE INVESTIGATOR** or child
14 safety worker shall take into consideration:

- 15 1. As a paramount concern the child's health and safety.
- 16 2. Whether the parent is willing to participate in any services that
17 are offered to the parent.

18 D. A person who takes a child into custody pursuant to subsection B,
19 paragraph 2 of this section shall immediately have the child examined by a
20 medical doctor or psychologist. After the examination the person shall
21 release the child to the custody of the parent or guardian of the child
22 unless the examination reveals abuse or neglect. Temporary custody of a
23 child taken into custody pursuant to subsection B, paragraph 2 of this
24 section shall not exceed twelve hours.

25 E. A child who is taken into temporary custody pursuant to this
26 article shall not be detained in a police station, jail or lockup where
27 adults charged with or convicted of a crime are detained.

28 F. A child shall not remain in temporary custody for more than
29 seventy-two hours excluding Saturdays, Sundays and holidays unless a
30 dependency petition is filed.

31 G. A person who knowingly interferes with the taking of a child into
32 temporary custody under this section is guilty of a class 2 misdemeanor.

33 Sec. 18. Section 12-2452, Arizona Revised Statutes, is amended to
34 read:

35 12-2452. Additional court orders

36 A. Before an emancipation case proceeds, the court may stay the
37 proceedings and:

- 38 1. Refer the parties to mediation.
- 39 2. If the court reasonably believes that the petition contains an
40 allegation of child abuse or neglect, require ~~child protective services~~ **THE**
41 **DEPARTMENT OF CHILD SAFETY** to investigate the allegation and make a written
42 report of the investigation to the court.

43 B. If the minor's parent or legal guardian objects to the petition for
44 emancipation, the court shall stay the proceeding and refer the parties to
45 mediation or alternative dispute resolution unless the court reasonably

1 believes that mediation would not be in the best interest of the minor. The
2 court may consider any of the following:

3 1. The minor's parent or legal guardian has been convicted of abuse,
4 neglect or abandonment.

5 2. The minor's parent or legal guardian is named as a perpetrator of
6 abuse, neglect or abandonment in the protective services central registry
7 pursuant to section 8-804.

8 3. Any other information the court deems relevant.

9 C. If agreement is reached through mediation, the parties shall submit
10 the signed mediation agreement to the court.

11 Sec. 19. Section 15-1809, Arizona Revised Statutes, is amended to
12 read:

13 15-1809. Tuition waiver for persons formerly in foster care;
14 pilot program; report; definition

15 A. The Arizona board of regents shall develop a five-year pilot
16 program to provide a tuition waiver scholarship at any university under the
17 jurisdiction of the Arizona board of regents and each community college
18 district shall develop a five-year pilot program to provide a tuition waiver
19 scholarship at any community college in that community college district to
20 any person who meets each of the following conditions:

21 1. Resides in this state.

22 2. Either:

23 (a) Is currently in foster care and is at least sixteen years of age.

24 (b) Was in foster care when the person was at least sixteen years of
25 age.

26 (c) Was adopted from foster care and the adoption was finalized after
27 the person was sixteen years of age.

28 3. Is a United States citizen or is a noncitizen who is lawfully
29 present in this country.

30 4. Has total personal assets, not including scholarships or grants
31 received by the person, that are worth less than ten thousand dollars.

32 5. Is under twenty-one years of age when the first tuition waiver
33 scholarship is awarded to that person pursuant to this section. If the
34 person has been previously awarded a tuition waiver scholarship pursuant to
35 this section and the person is making satisfactory progress toward a
36 baccalaureate degree, an associate's degree or a certificate at the time the
37 person reaches twenty-one years of age, the person may continue to be awarded
38 a tuition waiver scholarship until the person reaches twenty-three years of
39 age.

40 6. Is accepted into or enrolled in a degree, certificate or other
41 accredited program at a university under the jurisdiction of the Arizona
42 board of regents or a community college under the jurisdiction of a community
43 college district. The person must demonstrate continuous progress toward a
44 degree or certificate in order to remain eligible for a tuition waiver
45 scholarship issued.

1 7. Has completed and submitted to the United States department of
2 education a free application for federal student aid before each year in
3 which the person receives a tuition waiver scholarship pursuant to this
4 section.

5 8. After the first academic year in which the person receives a
6 tuition waiver scholarship pursuant to this section, annually completes at
7 least thirty hours of volunteer service during the previous academic year.

8 9. Remains in good standing with the policies established by the
9 university or community college at which the person is enrolled.

10 B. A tuition waiver scholarship provided pursuant to this section
11 shall be reduced by the amount of any other federal aid scholarships or
12 public grants and any other public aid received by that person from or
13 through the university or community college at which the person is enrolled,
14 except that a tuition waiver scholarship shall not be reduced by the amount
15 of federal grants received by the person from the department of ~~economic~~
16 ~~security~~ CHILD SAFETY under the Arizona education and training voucher
17 program.

18 C. The auditor general shall review the pilot programs and on or
19 before June 30, 2017 shall submit a report to the governor, the president of
20 the senate and the speaker of the house of representatives that evaluates the
21 effectiveness of the pilot programs. The auditor general shall provide a
22 copy of this report to the secretary of state.

23 D. If the pilot program is terminated before a tuition waiver
24 scholarship recipient obtains an associate's degree, a baccalaureate degree
25 or a certificate and before the recipient reaches twenty-three years of age,
26 that person shall continue to be awarded a tuition waiver scholarship until
27 the person reaches twenty-three years of age or obtains a baccalaureate
28 degree, an associate's degree or a certificate, whichever occurs first, if
29 the person continues to meet the scholarship criteria prescribed by this
30 section.

31 E. For the purposes of this section, "tuition" means tuition and
32 mandatory fees charged by the university or community college.

33 Sec. 20. Section 28-907, Arizona Revised Statutes, is amended to read:
34 28-907. Child restraint system; civil penalty; exemptions;
35 notice; child restraint fund; definitions

36 A. Except as provided in subsection H of this section, a person shall
37 not operate a motor vehicle on the highways in this state when transporting a
38 child who is under five years of age unless that child is properly secured in
39 a child restraint system.

40 B. The operator of a motor vehicle that is designed for carrying ten
41 or fewer passengers, that is manufactured for the model year 1972 and
42 thereafter and that is required to be equipped with an integrated lap and
43 shoulder belt or a lap belt pursuant to the federal motor vehicle safety
44 standards prescribed in 49 Code of Federal Regulations section 571.208 shall
45 require each passenger who is at least five years of age, who is under eight

1 years of age and who is not more than four feet nine inches tall to be
2 restrained in a child restraint system.

3 C. The department shall adopt standards in accordance with 49 Code of
4 Federal Regulations section 571.213 for the performance, design and
5 installation of child restraint systems for use in motor vehicles as
6 prescribed in this section.

7 D. A person who violates this section is subject to a civil penalty of
8 fifty dollars, except that a civil penalty shall not be imposed if the person
9 makes a sufficient showing that the motor vehicle has been subsequently
10 equipped with a child restraint system that meets the standards adopted
11 pursuant to subsection C of this section. A sufficient showing may include a
12 receipt mailed to the appropriate court officer that evidences purchase or
13 acquisition of a child restraint system. The court imposing and collecting
14 the civil penalty shall deposit, pursuant to sections 35-146 and 35-147, the
15 monies, exclusive of any surcharges imposed pursuant to sections 12-116.01
16 and 12-116.02, in the child restraint fund.

17 E. If a law enforcement officer stops a vehicle for an apparent
18 violation of this section, the officer shall determine from the driver the
19 age and height of the child or children in the vehicle to assess whether the
20 child or children in the vehicle should be in child restraint systems.

21 F. If the information given to the officer indicates that a violation
22 of this section has not been committed, the officer shall not detain the
23 vehicle any further unless some additional violation is involved. The
24 stopping of a vehicle for an apparent or actual violation of this section is
25 not probable cause for the search or seizure of the vehicle unless there is
26 probable cause for another violation of law.

27 G. The requirements of this section or evidence of a violation of this
28 section are not admissible as evidence in a judicial proceeding except in a
29 judicial proceeding for a violation of this section.

30 H. This section does not apply to any of the following:

31 1. A person who operates a motor vehicle that was originally
32 manufactured without passenger restraint devices.

33 2. A person who operates a motor vehicle that is also a recreational
34 vehicle as defined in section 41-2142.

35 3. A person who operates a commercial motor vehicle and who holds a
36 current commercial driver license issued pursuant to chapter 8 of this title.

37 4. A person who must transport a child in an emergency to obtain
38 necessary medical care.

39 5. A person who operates an authorized emergency vehicle that is
40 transporting a child for medical care.

41 6. A person who transports more than one child under eight years of
42 age in a motor vehicle that because of the restricted size of the passenger
43 area does not provide sufficient area for the required number of child
44 restraint systems, if both of the following conditions are met:

1 (a) At least one child is restrained or seated as required by this
2 section.

3 (b) The person has secured as many of the other children in child
4 restraint systems pursuant to this section as is reasonable given the
5 restricted size of the passenger area and the number of passengers being
6 transported in the motor vehicle.

7 I. Before the release of any newly born child from a hospital, the
8 hospital in conjunction with the attending physician shall provide the
9 parents of the child with a copy of this section and information with regard
10 to the availability of loaner or rental programs for child restraint systems
11 that may be available in the community where the child is born.

12 J. A child restraint fund is established. The fund consists of all
13 civil penalties deposited pursuant to this section and any monies donated by
14 the public. The department of ~~economic security~~ CHILD SAFETY shall
15 administer the fund.

16 K. The department of ~~economic security~~ CHILD SAFETY shall purchase
17 child restraint systems that meet the requirements of this section from
18 monies deposited in the fund. If a responsible agency requests child
19 restraint systems and if they are available, the department of ~~economic~~
20 ~~security~~ CHILD SAFETY shall distribute child restraint systems to the
21 requesting responsible agency.

22 L. On the application of a person to a responsible agency on a finding
23 by the responsible agency to which the application was made that the
24 applicant is unable to acquire a child restraint system because the person is
25 indigent and subject to availability, the responsible agency shall ~~loan~~ LEND
26 the applicant a child restraint system at no charge for as long as the
27 applicant has a need to transport a child who is subject to this section.

28 M. Monies in the child restraint fund shall not exceed twenty thousand
29 dollars. All monies collected over the twenty thousand dollar limit shall be
30 deposited in the Arizona highway user revenue fund established by section
31 28-6533.

32 N. For the purposes of this section:

33 1. "Child restraint system" means an add-on child restraint system, a
34 built-in child restraint system, a factory-installed built-in child restraint
35 system, a rear-facing child restraint system or a booster seat as defined in
36 49 Code of Federal Regulations section 571.213.

37 2. "Indigent" means a person who is defined as an eligible person
38 pursuant to section 36-2901.01.

39 3. "Responsible agency" means a licensed hospital, a public or private
40 agency providing shelter services to victims of domestic violence, a public
41 or private agency providing shelter services to homeless families or a health
42 clinic.

1 Sec. 21. Section 36-664, Arizona Revised Statutes, is amended to read:
2 36-664. Confidentiality: exceptions

3 A. A person who obtains communicable disease related information in
4 the course of providing a health service or obtains that information from a
5 health care provider pursuant to an authorization shall not disclose or be
6 compelled to disclose that information except to the following:

7 1. The protected person or, if the protected person lacks capacity to
8 consent, the protected person's health care decision maker.

9 2. A health care provider or first responder who has had an
10 occupational significant exposure risk to the protected person's blood or
11 bodily fluid if the health care provider or first responder provides a
12 written request that documents the occurrence and information regarding the
13 nature of the occupational significant exposure risk and the report is
14 reviewed and confirmed by a health care provider who is both licensed
15 pursuant to title 32, chapter 13, 15 or 17 and competent to determine a
16 significant exposure risk. A health care provider who releases communicable
17 disease information pursuant to this paragraph shall provide education and
18 counseling to the person who has had the occupational significant exposure
19 risk.

20 3. The department or a local health department for purposes of
21 notifying a good samaritan pursuant to subsection E of this section.

22 4. An agent or employee of a health facility or health care provider
23 to provide health services to the protected person or the protected person's
24 child or for billing or reimbursement for health services.

25 5. A health facility or health care provider, in relation to the
26 procurement, processing, distributing or use of a human body or a human body
27 part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or
28 other body fluids, for use in medical education, research or therapy or for
29 transplantation to another person.

30 6. A health facility or health care provider, or an organization,
31 committee or individual designated by the health facility or health care
32 provider, that is engaged in the review of professional practices, including
33 the review of the quality, utilization or necessity of medical care, or an
34 accreditation or oversight review organization responsible for the review of
35 professional practices at a health facility or by a health care provider.

36 7. A private entity that accredits the health facility or health care
37 provider and with whom the health facility or health care provider has an
38 agreement requiring the agency to protect the confidentiality of patient
39 information.

40 8. A federal, state, county or local health officer if disclosure is
41 mandated by federal or state law.

42 9. A federal, state or local government agency authorized by law to
43 receive the information. The agency is authorized to redisclose the
44 information only pursuant to this article or as otherwise permitted by law.

1 10. An authorized employee or agent of a federal, state or local
2 government agency that supervises or monitors the health care provider or
3 health facility or administers the program under which the health service is
4 provided. An authorized employee or agent includes only an employee or agent
5 who, in the ordinary course of business of the government agency, has access
6 to records relating to the care or treatment of the protected person.

7 11. A person, health care provider or health facility to which
8 disclosure is ordered by a court or administrative body pursuant to section
9 36-665.

10 12. The industrial commission or parties to an industrial commission of
11 Arizona claim pursuant to section 23-908, subsection D and section
12 23-1043.02.

13 13. Insurance entities pursuant to section 20-448.01 and third-party
14 payors or the payors' contractors.

15 14. Any person or entity as authorized by the patient or the patient's
16 health care decision maker.

17 15. A person or entity as required by federal law.

18 16. The legal representative of the entity holding the information in
19 order to secure legal advice.

20 17. A person or entity for research only if the research is conducted
21 pursuant to applicable federal or state laws and regulations governing
22 research.

23 18. A person or entity that provides services to the patient's health
24 care provider, as defined in section 12-2291, and with whom the health care
25 provider has a business associate agreement that requires the person or
26 entity to protect the confidentiality of patient information as required by
27 the health insurance portability and accountability act privacy standards,
28 45 Code of Federal Regulations part 164, subpart E.

29 B. At the request of the department of child safety **OR THE DEPARTMENT**
30 **OF ECONOMIC SECURITY** and in conjunction with the placement of children in
31 foster care or for adoption or court-ordered placement, a health care
32 provider shall disclose communicable disease information, including
33 HIV-related information, to the department of child safety **OR THE DEPARTMENT**
34 **OF ECONOMIC SECURITY**.

35 C. A state, county or local health department or officer may disclose
36 communicable disease related information if the disclosure is any of the
37 following:

38 1. Specifically authorized or required by federal or state law.

39 2. Made pursuant to an authorization signed by the protected person or
40 the protected person's health care decision maker.

41 3. Made to a contact of the protected person. The disclosure shall be
42 made without identifying the protected person.

43 4. For the purposes of research as authorized by state and federal
44 law.

1 D. The director may authorize the release of information that
2 identifies the protected person to the national center for health statistics
3 of the United States public health service for the purposes of conducting a
4 search of the national death index.

5 E. The department or a local health department shall disclose
6 communicable disease related information to a good samaritan who submits a
7 request to the department or the local health department. The request shall
8 document the occurrence of the accident, fire or other life-threatening
9 emergency and shall include information regarding the nature of the
10 significant exposure risk. The department shall adopt rules that prescribe
11 standards of significant exposure risk based on the best available medical
12 evidence. The department shall adopt rules that establish procedures for
13 processing requests from good samaritans pursuant to this subsection. The
14 rules shall provide that the disclosure to the good samaritan shall not
15 reveal the protected person's name and shall be accompanied by a written
16 statement that warns the good samaritan that the confidentiality of the
17 information is protected by state law.

18 F. An authorization to release communicable disease related
19 information shall be signed by the protected person or, if the protected
20 person lacks capacity to consent, the protected person's health care decision
21 maker. An authorization shall be dated and shall specify to whom disclosure
22 is authorized, the purpose for disclosure and the time period during which
23 the release is effective. A general authorization for the release of medical
24 or other information, including communicable disease related information, is
25 not an authorization for the release of HIV-related information unless the
26 authorization specifically indicates its purpose as an authorization for the
27 release of confidential HIV-related information and complies with the
28 requirements of this section.

29 G. A person to whom communicable disease related information is
30 disclosed pursuant to this section shall not disclose the information to
31 another person except as authorized by this section. This subsection does
32 not apply to the protected person or a protected person's health care
33 decision maker.

34 H. This section does not prohibit the listing of communicable disease
35 related information, including acquired immune deficiency syndrome,
36 HIV-related illness or HIV infection, in a certificate of death, autopsy
37 report or other related document that is prepared pursuant to law to document
38 the cause of death or that is prepared to release a body to a funeral
39 director. This section does not modify a law or rule relating to access to
40 death certificates, autopsy reports or other related documents.

41 I. If a person in possession of HIV-related information reasonably
42 believes that an identifiable third party is at risk of HIV infection, that
43 person may report that risk to the department. The report shall be in
44 writing and include the name and address of the identifiable third party and
45 the name and address of the person making the report. The department shall

1 contact the person at risk pursuant to rules adopted by the department. The
2 department employee making the initial contact shall have expertise in
3 counseling persons who have been exposed to or tested positive for HIV or
4 acquired immune deficiency syndrome.

5 J. Except as otherwise provided pursuant to this article or subject to
6 an order or search warrant issued pursuant to section 36-665, a person who
7 receives HIV-related information in the course of providing a health service
8 or pursuant to a release of HIV-related information shall not disclose that
9 information to another person or legal entity or be compelled by subpoena,
10 order, search warrant or other judicial process to disclose that information
11 to another person or legal entity.

12 K. This section and sections 36-663, 36-666, 36-667 and 36-668 do not
13 apply to persons or entities subject to regulation under title 20.

14 Sec. 22. Section 36-2936, Arizona Revised Statutes, is amended to
15 read:

16 36-2936. Preadmission screening programs; functional tests;
17 screening review

18 A. The director shall adopt rules establishing a uniform statewide
19 preadmission screening program to determine if a person who has met the
20 eligibility criteria prescribed in section 36-2934 is eligible for
21 institutional services pursuant to this article. To be eligible for
22 institutional services or home and community based services as defined in
23 section 36-2931, a person shall have a nonpsychiatric medical condition or
24 have a developmental disability as defined in section 36-551 that, by itself
25 or in combination with other medical conditions, necessitates the level of
26 care that is provided in a nursing facility or intermediate care facility.
27 These rules shall establish a uniform preadmission screening instrument that
28 assesses the functional, medical, nursing, social and developmental needs of
29 the applicant.

30 B. A person is not eligible to receive home and community based
31 services unless that person has been determined to need institutional
32 services as determined by the preadmission screening instrument pursuant to
33 subsection C of this section. The administration shall establish guidelines
34 for the periodic reassessment of each member.

35 C. Preadmission screening conducted pursuant to subsection B of this
36 section shall be conducted by a registered nurse licensed pursuant to title
37 32, chapter 15 or a social worker. The nurse or social worker shall have a
38 physician licensed pursuant to title 32, chapter 13 or 17 available for
39 consultation and may use the applicant's attending physician's physical
40 assessment form, if appropriate, in assessing needs for long-term care
41 services under this article. A physician who receives a referral from the
42 nurse or social worker may use the physician's medical judgment to determine
43 the medical eligibility of an applicant for the system or the continued
44 medical eligibility of a member or eligible person. In the medical referral,
45 the physician shall use the established combined thresholds for functional

1 ability and medical condition as a guide to determine the risk of
 2 institutionalization.

3 D. If a person who is eligible for services pursuant to this article,
 4 who is enrolled with a program contractor pursuant to this article and who is
 5 enrolled with a program contractor pursuant to section 36-2940 fails the
 6 preadmission screening for institutional services pursuant to subsection A of
 7 this section at the time of a reassessment, the administration may administer
 8 a second preadmission screening designed to measure the functioning level of
 9 the person based on rules adopted by the director. If the person meets the
 10 established thresholds of the functional preadmission screening, the person
 11 is eligible for home and community based services pursuant to section
 12 36-2939, subsection A, paragraphs 2, 3 and 4, subsection B, paragraph 2 and
 13 subsection C. If a person who is determined eligible pursuant to this
 14 subsection is institutionalized pursuant to section 36-2939, including
 15 residence in an intermediate care facility, institution for mental disease,
 16 inpatient psychiatric facility or nursing facility, the person has a maximum
 17 of ninety days to vacate the institutional setting and relocate to a home and
 18 community based setting approved pursuant to section 36-2939.

19 E. If the person is determined not to need services pursuant to this
 20 section, the administration shall provide the person with information on
 21 other available community services.

22 F. The administration or its designee shall complete the preadmission
 23 screening under subsection A of this section within eight days, excluding
 24 Saturdays and holidays, and excluding the time period allowed to determine
 25 eligibility pursuant to section 36-2934.

26 G. If a provider who contracts with the administration pursuant to
 27 section 36-2904, subsection A is dissatisfied with any action or decision of
 28 the administration regarding the eligibility of a person for the system as
 29 prescribed in this article, that provider may file a grievance in accordance
 30 with the provider grievance procedure prescribed in section 36-2932,
 31 subsection I, paragraph 1. If the director determines pursuant to the
 32 grievance process that the person should have been determined eligible
 33 pursuant to section 36-2933, the director may reimburse the provider for the
 34 net cost of services provided pursuant to this article after the cumulative
 35 time periods allowed pursuant to section 36-2934 and this section.

36 H. In addition to those persons seeking services pursuant to this
 37 article, the preadmission screening conducted pursuant to this section shall
 38 be made available to all other persons applying for admission to a nursing
 39 care institution. The cost of preadmission screenings conducted by the
 40 administration pursuant to this subsection shall be borne by the state. The
 41 administration shall provide nursing care institutions and the general public
 42 on request with detailed information about the preadmission screening program
 43 and booklets that describe in clear and simple language the availability of
 44 services and benefits from the system. The booklet shall:

1 1. Explain the availability of preadmission screening that will assess
2 the functional, medical, nursing and social needs of the patient and make
3 recommendations on services that meet the patient's needs as identified by
4 the preadmission screening assessment.

5 2. Describe the availability of public and private services
6 appropriate to meet the patient's needs in institutions and alternatives to
7 institutions.

8 3. Explain financial eligibility standards for the Arizona long-term
9 care system and its effect on separate and community property.

10 I. In addition to the preadmission screening program established in
11 this section, the administration shall implement the preadmission screening
12 program as set forth in section 1919 of the social security act. For persons
13 applying for admission to a title XIX certified nursing care institution, an
14 initial level I preadmission screening shall be conducted by the
15 administration on all nursing care institution applicants who are applying
16 for eligibility pursuant to section 36-2933 and by the nursing care
17 institution on all other nursing care institution applicants. The
18 administration shall develop a uniform identification screening instrument,
19 which shall be used by the nursing care institution and the administration in
20 conducting the initial level I screens. If the identification screen
21 indicates the applicant may be mentally ill, the applicant shall be referred
22 to the department of health services, which shall conduct the level II
23 preadmission screening review using a level II screening instrument developed
24 by the department of health services. If the identification screen indicates
25 the applicant may have an intellectual disability, the applicant shall be
26 referred to the department, which shall conduct the level II preadmission
27 screening review using a level II screening instrument developed by the
28 department.

29 J. Within ten working days a nursing care institution shall notify the
30 department of health services for a person who is mentally ill or the
31 department of economic security for a person with developmental disabilities
32 **AND THE DEPARTMENT OF CHILD SAFETY IF THE PERSON IS A MINOR DEPENDENT OF THIS**
33 **STATE** about any significant change that occurs in the physical or mental
34 condition of a member who is residing in the nursing care institution. The
35 department of health services or the department of economic security shall
36 conduct a subsequent level II screening review of the member within the time
37 frame required by the administration after the notification by the nursing
38 care institution.

39 Sec. 23. Section 41-198, Arizona Revised Statutes, is amended to read:

40 41-198. Fatal or near fatal domestic violence review teams;
41 duties; membership; report; confidentiality;
42 violation; classification; definitions

43 A. A political subdivision of this state or a combination of political
44 subdivisions may establish a fatal or near fatal domestic violence review
45 team to:

1 1. Examine fatal or near fatal incidents of domestic violence to
2 better understand the dynamics of these fatalities or near fatalities.

3 2. Report to the office of the attorney general its findings and
4 recommendations as to how fatal or near fatal incidents of domestic violence
5 may be prevented and how the system can be improved. The report shall not
6 contain any information that identifies individuals in specific incidents of
7 domestic violence related fatalities or near fatalities.

8 3. Determine the number and type of incidents it wishes to review.

9 B. A review team shall not review a fatal or near fatal incident of
10 domestic violence until a criminal investigation or proceeding connected with
11 the fatality or near fatality is completed.

12 C. A review team shall designate one of its members to serve as
13 chairperson. The chairperson shall call meetings as necessary and is
14 responsible for submitting the report prescribed in subsection A, paragraph 2
15 of this section.

16 D. All information and records acquired by a review team are
17 confidential and are not subject to subpoena, discovery or introduction into
18 evidence in any civil or criminal proceeding or disciplinary action.
19 Information that is otherwise available from other sources is not immune from
20 subpoena, discovery or introduction into evidence through those sources
21 solely because they were presented to or reviewed by a review team.

22 E. A member of a review team or any person who presents information to
23 a review team shall not be questioned in any civil or criminal proceeding or
24 disciplinary action regarding the information presented. This subsection
25 does not prevent a person from testifying regarding information obtained
26 independently of the review team or as to public information.

27 F. Review team meetings are closed to the public and are not subject
28 to title 38, chapter 3, article 3.1 if the review team is reviewing a fatal
29 or near fatal incident of domestic violence case. All other review team
30 meetings are open to the public.

31 G. The political subdivision shall establish the membership of a
32 review team. Each review team may be comprised of the following:

33 1. A representative from a county or municipal law enforcement agency.

34 2. A representative of a county or municipal court.

35 3. A representative of a county or municipal prosecutor's office.

36 4. A representative of a local domestic violence prevention program.

37 5. A victim of domestic violence.

38 6. A representative of a county or state public health agency.

39 7. A representative of the office of the county medical examiner.

40 8. If ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY
41 received a report on any person residing with the victim before the fatal or
42 near fatal incident of domestic violence, a representative of ~~child~~
43 ~~protective services~~ THE DEPARTMENT OF CHILD SAFETY who serves the area
44 covered by the review team for the duration of the review of that fatality or
45 near fatality.

1 9. A representative of a statewide domestic violence coalition.

2 H. The office of the attorney general shall receive the reports of the
3 review teams and distribute copies of them to the president of the senate,
4 the speaker of the house of representatives, the governor, the peace officer
5 standards and training board, the state domestic violence coalition and the
6 chief justice of the supreme court, on or before January 31 of each year.
7 Copies shall also be provided to the secretary of state.

8 I. When a review team concludes a fatal or near fatal incident of
9 domestic violence review, the review team shall return all information and
10 records concerning the victim and the family to the agency that provided the
11 information or, if directed by that agency, shall destroy that information.

12 J. A person who violates the confidentiality requirements of this
13 section is guilty of a class 2 misdemeanor.

14 K. For the purposes of this section:

15 1. "Domestic violence" has the same meaning prescribed in section
16 13-3601.

17 2. "Fatal incident of domestic violence" means a homicide or suicide
18 that is committed by a party to the domestic violence and not committed by an
19 on-duty police officer acting within the scope of employment.

20 3. "Near fatal incident of domestic violence" means an assault that is
21 committed by a party to the domestic violence where the victim suffered life
22 threatening injuries.

23 4. "Political subdivision" means a county, city or town.

24 Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to
25 read:

26 41-619.51. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Agency" means the supreme court, the department of economic
29 security, the department of child safety, the department of education, the
30 department of health services, the department of juvenile corrections, the
31 department of emergency and military affairs, the department of
32 transportation, the state real estate department, the state board of
33 appraisal or the board of examiners of nursing care institution
34 administrators and assisted living facility managers.

35 2. "Board" means the board of fingerprinting.

36 3. "Central registry exception" means notification to the department
37 of economic security, **THE DEPARTMENT OF CHILD SAFETY** or the department of
38 health services, as appropriate, pursuant to section 41-619.57 that the
39 person is not disqualified because of a central registry check conducted
40 pursuant to section 8-804.

41 4. "Expedited review" means an examination, in accordance with board
42 rule, of the documents an applicant submits by the board or its hearing
43 officer without the applicant being present.

44 5. "Good cause exception" means the issuance of a fingerprint
45 clearance card to an employee pursuant to section 41-619.55.

- 1 6. "Person" means a person who is required to be fingerprinted
2 pursuant to this article or who is subject to a central registry check and
3 any of the following:
- 4 (a) Section 8-105.
 - 5 (b) Section 8-322.
 - 6 (c) Section 8-509.
 - 7 (d) Section 8-802.
 - 8 (e) Section 8-804.
 - 9 (f) Section 8-804.01.
 - 10 (g) Section 15-183.
 - 11 (h) Section 15-534.
 - 12 (i) Section 15-782.02.
 - 13 (j) Section 15-1330.
 - 14 (k) Section 15-1881.
 - 15 (l) Section 17-215.
 - 16 (m) Section 26-103.
 - 17 (n) Section 28-3413.
 - 18 (o) Section 32-2108.01.
 - 19 (p) Section 32-2123.
 - 20 (q) Section 32-2371.
 - 21 (r) Section 32-2372.
 - 22 (s) Section 32-3620.
 - 23 (t) Section 32-3668.
 - 24 (u) Section 32-3669.
 - 25 (v) Section 36-207.
 - 26 (w) Section 36-411.
 - 27 (x) Section 36-425.03.
 - 28 (y) Section 36-446.04.
 - 29 (z) Section 36-594.01.
 - 30 (aa) Section 36-594.02.
 - 31 (bb) Section 36-882.
 - 32 (cc) Section 36-883.02.
 - 33 (dd) Section 36-897.01.
 - 34 (ee) Section 36-897.03.
 - 35 (ff) Section 36-3008.
 - 36 (gg) Section 41-619.53.
 - 37 (hh) Section 41-1964.
 - 38 (ii) Section 41-1967.01.
 - 39 (jj) Section 41-1968.
 - 40 (kk) Section 41-1969.
 - 41 (ll) Section 41-2814.
 - 42 (mm) Section 46-141, subsection A.
 - 43 (nn) Section 46-321.

1 Sec. 25. Section 41-1005, Arizona Revised Statutes, is amended to
2 read:

3 41-1005. Exemptions

4 A. This chapter does not apply to any:

5 1. Rule that relates to the use of public works, including streets and
6 highways, under the jurisdiction of an agency if the effect of the order is
7 indicated to the public by means of signs or signals.

8 2. Order or rule of the Arizona game and fish commission that does the
9 following:

10 (a) Opens, closes or alters seasons or establishes bag or possession
11 limits for wildlife.

12 (b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.

13 (c) Establishes a license classification, fee or application fee
14 pursuant to title 17, chapter 3, article 2.

15 3. Rule relating to section 28-641 or to any rule regulating motor
16 vehicle operation that relates to speed, parking, standing, stopping or
17 passing enacted pursuant to title 28, chapter 3.

18 4. Rule concerning only the internal management of an agency that does
19 not directly and substantially affect the procedural or substantive rights or
20 duties of any segment of the public.

21 5. Rule that only establishes specific prices to be charged for
22 particular goods or services sold by an agency.

23 6. Rule concerning only the physical servicing, maintenance or care of
24 agency owned or operated facilities or property.

25 7. Rule or substantive policy statement concerning inmates or
26 committed youths of a correctional or detention facility in secure custody or
27 patients admitted to a hospital, if made by the state department of
28 corrections, the department of juvenile corrections, the board of executive
29 clemency or the department of health services or a facility or hospital under
30 the jurisdiction of the state department of corrections, the department of
31 juvenile corrections or the department of health services.

32 8. Form whose contents or substantive requirements are prescribed by
33 rule or statute, and instructions for the execution or use of the form.

34 9. Capped fee-for-service schedule adopted by the Arizona health care
35 cost containment system administration pursuant to title 36, chapter 29.

36 10. Fees prescribed by section 6-125.

37 11. Order of the director of water resources adopting or modifying a
38 management plan pursuant to title 45, chapter 2, article 9.

39 12. Fees established under section 3-1086.

40 ~~13. Fee for service schedule adopted by the department of child safety~~
41 ~~pursuant to section 8-512.~~

42 ~~14.~~ 13. Fees established under sections 41-2144 and 41-2189.

43 ~~15.~~ 14. Rule or other matter relating to agency contracts.

44 ~~16.~~ 15. Fees established under section 32-2067 or 32-2132.

45 ~~17.~~ 16. Rules made pursuant to section 5-111, subsection A.

- 1 ~~18.~~ 17. Rules made by the Arizona state parks board concerning the
2 operation of the Tonto natural bridge state park, the facilities located in
3 the Tonto natural bridge state park and the entrance fees to the Tonto
4 natural bridge state park.
- 5 ~~19.~~ 18. Fees or charges established under section 41-511.05.
- 6 ~~20.~~ 19. Emergency medical services protocols except as provided in
7 section 36-2205, subsection B.
- 8 ~~21.~~ 20. Fee schedules established pursuant to section 36-3409.
- 9 ~~22.~~ 21. Procedures of the state transportation board as prescribed in
10 section 28-7048.
- 11 ~~23.~~ 22. Rules made by the state department of corrections.
- 12 ~~24.~~ 23. Fees prescribed pursuant to section 32-1527.
- 13 ~~25.~~ 24. Rules made by the department of economic security pursuant to
14 section 46-805.
- 15 ~~26.~~ 25. Schedule of fees prescribed by section 23-908.
- 16 ~~27.~~ 26. Procedure that is established pursuant to title 23, chapter 6,
17 article 6.
- 18 ~~28.~~ 27. Rules, administrative policies, procedures and guidelines
19 adopted for any purpose by the Arizona commerce authority pursuant to chapter
20 10 of this title if the authority provides, as appropriate under the
21 circumstances, for notice of an opportunity for comment on the proposed
22 rules, administrative policies, procedures and guidelines.
- 23 ~~29.~~ 28. Rules made by a marketing commission or marketing committee
24 pursuant to section 3-414.
- 25 ~~30.~~ 29. Administration of public assistance program monies authorized
26 for liabilities that are incurred for disasters declared pursuant to sections
27 26-303 and 35-192.
- 28 ~~31.~~ 30. User charges, tolls, fares, rents, advertising and sponsorship
29 charges, services charges or similar charges established pursuant to section
30 28-7705.
- 31 ~~32.~~ 31. Administration and implementation of the hospital assessment
32 pursuant to section 36-2901.08, except that the Arizona health care cost
33 containment system administration must provide notice and an opportunity for
34 public comment at least thirty days before establishing or implementing the
35 administration of the assessment.
- 36 ~~33.~~ 32. Rules made by the Arizona department of agriculture to adopt
37 and implement the provisions of the federal milk ordinance as prescribed by
38 section 3-605.
- 39 B. Notwithstanding subsection A, paragraph ~~22~~ 21 of this section, at
40 such time as the federal highway administration authorizes the privatization
41 of rest areas, the state transportation board shall make rules governing the
42 lease or license by the department of transportation to a private entity for
43 the purposes of privatization of a rest area.

1 C. Coincident with the making of a final rule pursuant to an exemption
2 from the applicability of this chapter under this section, another statute or
3 session law, the agency shall file a copy of the rule with the secretary of
4 state for publication pursuant to section 41-1012 and provide a copy to the
5 council.

6 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
7 chapter do not apply to the Arizona board of regents and the institutions
8 under its jurisdiction, except that the Arizona board of regents shall make
9 policies or rules for the board and the institutions under its jurisdiction
10 that provide, as appropriate under the circumstances, for notice of and
11 opportunity for comment on the policies or rules proposed.

12 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
13 chapter do not apply to the Arizona state schools for the deaf and the blind,
14 except that the board of directors of all the state schools for the deaf and
15 the blind shall adopt policies for the board and the schools under its
16 jurisdiction that provide, as appropriate under the circumstances, for notice
17 of and opportunity for comment on the policies proposed for adoption.

18 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
19 chapter do not apply to the state board of education, except that the state
20 board of education shall adopt policies or rules for the board and the
21 institutions under its jurisdiction that provide, as appropriate under the
22 circumstances, for notice of and opportunity for comment on the policies or
23 rules proposed for adoption. In order to implement or change any rule, the
24 state board of education shall provide at least two opportunities for public
25 comment.

26 Sec. 26. Section 41-1954.01, Arizona Revised Statutes, is amended to
27 read:

28 41-1954.01. Electronic communication by department:
29 applicability

30 A. Notwithstanding any law to the contrary, any agency, division,
31 program or part of the department or its agents that are required to provide
32 administrative orders, notices, decisions or letters to an applicant,
33 claimant, recipient, employer or client may send administrative orders,
34 notices, decisions or letters by electronic means if the party being served
35 or notified consents.

36 B. Consent may be obtained in writing on a form approved by the
37 department, verbally on the record in a hearing or electronically through the
38 department's website by the applicant, claimant, recipient, employer or
39 client following an affirmative consent procedure. At the time of consent,
40 the party must be advised of the nature of the notices to be delivered or
41 served, the legal consequence of the choice and the right to revoke the
42 consent. Consent may be provided for a proceeding or for notices provided on
43 an ongoing basis.

1 C. Delivery or service by electronic means is complete on transmission
2 unless it is established that delivery or transmission of the electronic
3 document failed due to department error or failure of the recipient to
4 receive the electronic document for any other reason outside the control of
5 the recipient.

6 D. Consent may be revoked in writing to the department or by following
7 an affirmative revocation procedure established on the department's website.

8 E. If the department receives electronic notice that the electronic
9 address to which the administrative order, notice, decision or letter is
10 being sent is no longer valid or is otherwise not functioning, the department
11 shall deem the consent to electronic notice to have been revoked and the
12 order, notice, decision or letter shall be served by mail.

13 F. This section is limited to notices, decisions and orders required
14 for services and programs in the division of benefits and medical
15 eligibility, ~~the division of children, youth and families related to child~~
16 ~~protective services and foster care,~~ the division of child support
17 enforcement and the division of employment and rehabilitation services, or
18 their successor divisions, in the department. This section does not apply to
19 a notice that is required in connection with litigation before a court of
20 record in this state.

21 Sec. 27. Section 41-1959, Arizona Revised Statutes, is amended to
22 read:

23 41-1959. Confidential information; permissible disclosure;
24 rules; violation; classification

25 A. Unless otherwise provided by law, all personally identifiable
26 information concerning any applicant, claimant, recipient, employer or client
27 or concerning any person involved in an adult protective services action,
28 other than a perpetrator against whom an allegation of abuse, neglect or
29 exploitation has been substantiated pursuant to section 46-458, is
30 confidential and shall not be released unless ordered by a superior court
31 judge or provided for by rule of court except as provided in subsections B, C
32 and D of this section. ~~Records and files that relate to investigations~~
33 ~~conducted by child protective services in the department are confidential.~~
34 ~~The department shall release this information only as prescribed by section~~
35 ~~8-807.~~

36 B. Employees of the department of economic security, the department of
37 law and the court may obtain the information described in subsection A of
38 this section in the performance of their duties as authorized by rules
39 adopted by the director.

40 C. Employees of the department of economic security, the department of
41 law and the court may release any information ~~which~~ THAT is otherwise held
42 confidential under this section under any of the following circumstances:

43 1. To the applicant, claimant, recipient, employer or client if a
44 request is made in writing by any of such persons specifically requesting

1 information ~~which~~ THAT directly relates to the person requesting such
2 information.

3 2. To the extent necessary to make claims on behalf of a client for
4 public or private assistance, insurance or health or medical assistance
5 pursuant to title 11, chapter 2, article 7 or title 36, chapter 29 to which
6 the client may be entitled.

7 3. In oral and written communications involving the provision of
8 services or the referral to services between employees of, persons under
9 contract with, or persons holding a general employment relationship with the
10 department of economic security, the department of law or the juvenile court.

11 4. If the disclosure of otherwise confidential information is
12 necessary to protect against a clear and substantial risk of imminent serious
13 injury to a client.

14 5. To agencies of the federal government, this state or any political
15 subdivision of this state for official purposes. All information received by
16 a governmental agency pursuant to this paragraph shall be maintained as
17 confidential, except where pertinent to a criminal prosecution.

18 6. To foster parents and persons certified to adopt if necessary to
19 assist in the placement with or care of a child by such persons.

20 ~~7. To an officer of the superior court, the department or any agency~~
21 ~~required to perform an investigation pursuant to section 8-105 if the~~
22 ~~information is pertinent to the investigation. All information received by~~
23 ~~the officer, department or agency pursuant to this paragraph may be disclosed~~
24 ~~to the court but shall otherwise be maintained as confidential.~~

25 ~~8-~~ 7. In any judicial or administrative proceeding involving an adult
26 protective services client if the director of the department considers the
27 information pertinent to the proceeding.

28 D. Notwithstanding ~~the provisions of sections 8-519, 8-541, 8-542 and~~
29 SECTION 46-135, a standing committee of the legislature or a committee
30 appointed by the president of the senate or the speaker of the house of
31 representatives may obtain the information described in subsection A of this
32 section on written notification to the director. Information obtained
33 pursuant to this subsection may be used only for purposes of conducting
34 investigations related to legislative oversight of the department.
35 Information ~~which~~ THAT is personally identifiable shall not be further
36 disclosed.

37 E. Any violation of this section is a class 2 misdemeanor.

38 F. The department shall establish safeguards against the unauthorized
39 use or disclosure of confidential information in title IV-D cases.

40 Sec. 28. Section 41-1966, Arizona Revised Statutes, is amended to
41 read:

42 41-1966. Department of economic security; audit team; duties

43 A. The auditor general shall establish an audit team to be located in
44 the department of economic security to provide ongoing performance review and
45 analyses.

1 B. Pursuant to an audit plan adopted after review by the joint
2 legislative audit committee, the audit team may ~~:-~~

3 ~~1. determine the validity and accuracy of information reported by the~~
4 ~~division to the legislature.~~

5 ~~2. Perform other reviews and analyses relating to child protective~~
6 ~~services as set forth in the audit plan.~~

7 ~~3. Review a specific division function or process relating to child~~
8 ~~protective services as requested by the joint legislative audit committee.~~

9 C. Pursuant to section 41-1279.04, the department shall provide the
10 auditor general access to any data from the department, including electronic
11 data, the auditor general deems necessary to perform the duties outlined in
12 this section. This data shall be provided in the manner and format
13 prescribed by the auditor general.

14 Sec. 29. Section 41-1967, Arizona Revised Statutes, is amended to
15 read:

16 41-1967. Child care resource and referral system; immunity

17 A. The department shall establish and maintain a statewide child care
18 resource and referral system, including a child care home provider registry,
19 through community-based organizations to:

20 1. Provide families with:

21 (a) Information on all types of child care.

22 (b) Referrals to child care providers and programs.

23 (c) Information about child care resources and services.

24 (d) Information about choosing child care.

25 (e) Information about registered child care home providers.

26 2. Assist child care providers and programs with:

27 (a) Information on training related to child care issues.

28 (b) Technical assistance that relates to initiating or providing child
29 care services.

30 (c) Parent referrals.

31 (d) Becoming registered as a child care home provider.

32 3. Coordinate with the community to:

33 (a) Develop statistics of the demand for and supply of child care.

34 (b) Maintain ongoing relationships with all local groups interested in
35 child care.

36 B. The child care resource and referral system shall:

37 1. Identify all available child care providers and programs through
38 coordination with public and private agencies.

39 2. Collect in a uniform method provider information for the referral
40 database that includes:

41 (a) The type of program.

42 (b) The hours of service.

43 (c) The ages of children served.

44 (d) Fees for service.

- 1 (e) The licensure, certification and registration status of providers.
- 2 (f) Other significant provider and program information.
- 3 3. Establish and maintain a referral process that responds to parental
- 4 need for information. The child care resource and referral system shall make
- 5 referrals to child care providers and programs that:
- 6 (a) Promote parental choice and meet the needs of families.
- 7 (b) Are included in the resource and referral database.
- 8 4. Collect in a uniform method family information for the referral
- 9 database that includes the:
- 10 (a) Number of calls and contacts.
- 11 (b) Ages of children in need of care.
- 12 (c) Days and times of care requested.
- 13 (d) Type of care requested.
- 14 (e) Special needs and requests made by the family.
- 15 (f) Reason that the care is needed.
- 16 5. Provide outreach services that include:
- 17 (a) Efforts to reach parents and providers in local communities.
- 18 (b) Involvement in the local communities.
- 19 (c) Publication of services through all available media sources,
- 20 agencies and other appropriate channels.
- 21 (d) Public awareness information to parents and providers about the
- 22 child care home provider registry and the benefits of using the registry or
- 23 becoming registered.
- 24 6. Provide technical assistance to existing and prospective child care
- 25 providers and programs that include:
- 26 (a) Information on all aspects of initiating new child care services
- 27 including child care regulations, zoning, program and budget development and
- 28 assistance in finding information from other sources.
- 29 (b) Educational information and resources that assist existing child
- 30 care providers and programs to better serve the children and parents in their
- 31 community.
- 32 (c) Local coordination of existing child care and child related
- 33 services.
- 34 7. Establish and maintain a child care home provider registry that
- 35 includes:
- 36 (a) Child care home providers that are registered pursuant to section
- 37 41-1967.01.
- 38 (b) A complaint tracking system that contains written complaints
- 39 concerning providers and written provider responses. The complaints and
- 40 responses are available to the public.
- 41 (c) A system for notifying a provider that is excluded or removed from
- 42 the registry that the provider may appeal directly to the entity making the
- 43 determination resulting in the exclusion or removal.
- 44 (d) Information provided by registered providers relating to the
- 45 services provided and child care environment.

1 C. The following child care providers are eligible to be considered
2 for inclusion in the child care resource and referral database, unless barred
3 by other provisions of law:

4 1. Child care providers licensed or certified by a government agency
5 that is authorized by law to license, certify or approve child care
6 providers.

7 2. Child care home providers that are registered pursuant to section
8 41-1967.01. These providers shall submit and amend when necessary sworn,
9 written statements to the department or its designees, on forms approved by
10 the department, attesting that the provider is not subject to exclusion or
11 removal from the child care resource and referral database under any of the
12 grounds specified in subsection E of this section.

13 D. Child care providers identified in subsection C, paragraph 1 of
14 this section may be excluded or removed from the child care resource and
15 referral database whenever the provider's license or certification is
16 revoked, terminated or suspended, or when a child care facility is closed for
17 cause.

18 E. Child care home providers identified in subsection C, paragraph 2
19 of this section may be excluded or removed from the child care home provider
20 registry and the child care resource and referral database if:

21 1. The provider fails to obtain a fingerprint clearance card or the
22 provider's fingerprint clearance card is revoked or suspended.

23 2. The provider has been denied a license to operate a facility for
24 the care of children or had a license or certificate to operate a facility
25 revoked or has been removed for cause from participation in the child and
26 adult food program in this state or in any other state or jurisdiction.

27 3. The provider, the provider's employees or any person eighteen years
28 of age or older who resides in the provider's child care facility has been
29 convicted of or is awaiting trial on any of the criminal offenses listed in
30 section 41-1758.07, subsections B and C in this state or similar criminal
31 offenses in any other state or jurisdiction.

32 4. The provider, the provider's employees or any person who resides in
33 the provider's child care facility has been the subject of an investigation
34 where a report of child abuse or neglect has been substantiated by THE
35 DEPARTMENT OF CHILD SAFETY OR a child protective SAFETY services agency or a
36 law enforcement agency in this state or in any other state or jurisdiction.

37 5. The provider fails to maintain current training and certification
38 in first aid and infant and child cardiopulmonary resuscitation.

39 6. The provider fails to enclose a pool pursuant to section 36-1681,
40 subsections A, B and C.

41 7. The provider fails to separately store firearms and ammunition
42 under lock and key or combination lock.

43 F. This section and section 41-1967.01 do not create an affirmative
44 obligation on the part of any state agency or any child care resource and

1 referral agency to review, monitor or investigate child care providers and
2 programs.

3 G. Neither this state nor its officers or employees, acting within the
4 scope of their employment, are liable for any damage or injury caused by
5 their conduct pursuant to this section or section 41-1967.01, except for
6 gross negligence or conduct intended to cause injury.

7 H. Neither a child care resource and referral agency nor its officers
8 and employees, acting within the scope of their employment, are liable for
9 any damage or injury caused by their conduct pursuant to this section or
10 section 41-1967.01, except for gross negligence or conduct intended to cause
11 injury.

12 I. The department shall adopt rules that are consistent with the terms
13 of this section.

14 Sec. 30. Section 41-2501, Arizona Revised Statutes, is amended to
15 read:

16 41-2501. Applicability

17 A. This chapter applies only to procurements initiated after
18 January 1, 1985 unless the parties agree to its application to procurements
19 initiated before that date.

20 B. This chapter applies to every expenditure of public monies,
21 including federal assistance monies except as otherwise specified in section
22 41-2637, by this state, acting through a state governmental unit as defined
23 in this chapter, under any contract, except that this chapter does not apply
24 to either grants as defined in this chapter, or contracts between this state
25 and its political subdivisions or other governments, except as provided in
26 chapter 24 of this title and in article 10 of this chapter. This chapter
27 also applies to the disposal of state materials. This chapter and rules
28 adopted under this chapter do not prevent any state governmental unit or
29 political subdivision from complying with the terms of any grant, gift,
30 bequest or cooperative agreement.

31 C. All political subdivisions and other local public agencies of this
32 state may adopt all or any part of this chapter and the rules adopted
33 pursuant to this chapter.

34 D. Notwithstanding any other law, sections 41-2517 and 41-2546 apply
35 to any agency as defined in section 41-1001, including the office of the
36 governor.

37 E. The Arizona board of regents and the legislative and judicial
38 branches of state government are not subject to this chapter except as
39 prescribed in subsection F of this section.

40 F. The Arizona board of regents and the judicial branch shall adopt
41 rules prescribing procurement policies and procedures for themselves and
42 institutions under their jurisdiction. The rules must be substantially
43 equivalent to the policies and procedures prescribed in this chapter.

1 G. The Arizona state lottery commission is exempt from this chapter
2 for procurement relating to the design and operation of the lottery or
3 purchase of lottery equipment, tickets and related materials. The executive
4 director of the Arizona state lottery commission shall adopt rules
5 substantially equivalent to the policies and procedures in this chapter for
6 procurement relating to the design and operation of the lottery or purchase
7 of lottery equipment, tickets or related materials. All other procurement
8 shall be as prescribed by this chapter.

9 H. The Arizona health care cost containment system administration is
10 exempt from this chapter for provider contracts pursuant to section 36-2904,
11 subsection A and contracts for goods and services, including program
12 contractor contracts pursuant to title 36, chapter 29, articles 2 and 3. All
13 other procurement, including contracts for the statewide administrator of the
14 program pursuant to section 36-2903, subsection B, shall be as prescribed by
15 this chapter.

16 I. Arizona industries for the blind is exempt from this chapter for
17 purchases of finished goods from members of national industries for the blind
18 and for purchases of raw materials for use in the manufacture of products for
19 sale pursuant to section 41-1972. All other procurement shall be as
20 prescribed by this chapter.

21 J. Arizona correctional industries is exempt from this chapter for
22 purchases of raw materials, components and supplies that are used in the
23 manufacture or production of goods or services for sale entered into pursuant
24 to section 41-1622. All other procurement shall be as prescribed by this
25 chapter.

26 K. The state transportation board and the director of the department
27 of transportation are exempt from this chapter other than section 41-2586 for
28 the procurement of construction or reconstruction, including engineering
29 services, of transportation facilities or highway facilities and any other
30 services that are directly related to land titles, appraisals, real property
31 acquisition, relocation, property management or building facility design and
32 construction for highway development and that are required pursuant to title
33 28, chapter 20.

34 L. The Arizona highways magazine is exempt from this chapter for
35 contracts for the production, promotion, distribution and sale of the
36 magazine and related products and for contracts for sole source creative
37 works entered into pursuant to section 28-7314, subsection A, paragraph 5.
38 All other procurement shall be as prescribed by this chapter.

39 M. The secretary of state is exempt from this chapter for contracts
40 entered into pursuant to section 41-1012 to publish and sell the
41 administrative code. All other procurement shall be as prescribed by this
42 chapter.

43 N. This chapter is not applicable to contracts for professional
44 witnesses if the purpose of such contracts is to provide for professional
45 services or testimony relating to an existing or probable judicial proceeding

1 in which this state is or may become a party or to contract for special
2 investigative services for law enforcement purposes.

3 O. The head of any state governmental unit, in relation to any
4 contract exempted by this section from this chapter, has the same authority
5 to adopt rules, procedures or policies as is delegated to the director
6 pursuant to this chapter.

7 P. Agreements negotiated by legal counsel representing this state in
8 settlement of litigation or threatened litigation are exempt from this
9 chapter.

10 Q. This chapter is not applicable to contracts entered into by the
11 department of economic security:

12 1. With a provider licensed or certified by an agency of this state to
13 provide child day care services **OR WITH A PROVIDER OF FAMILY FOSTER CARE**
14 **PURSUANT TO SECTION 8-503 OR 36-554.**

15 2. With area agencies on aging created pursuant to the older Americans
16 act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001
17 through 3058ff).

18 3. For services pursuant to title 36, chapter 29, article 2.

19 4. With an eligible entity as defined by Public Law 105-285, section
20 ~~673(1)(a)(i)~~ 673(1)(A)(i), as amended, for designated community services
21 block grant program monies and any other monies given to the eligible entity
22 that accomplishes the purpose of Public Law 105-285, section 672.

23 R. The department of health services may not require that persons with
24 whom it contracts follow this chapter for the purposes of subcontracts
25 entered into for the provision of the following:

26 1. Mental health services pursuant to section 36-189, subsection B.

27 2. Services for the seriously mentally ill pursuant to title 36,
28 chapter 5, article 10.

29 3. Drug and alcohol services pursuant to section 36-141.

30 4. Domestic violence services pursuant to title 36, chapter 30,
31 article 1.

32 S. The department of health services is exempt from this chapter for
33 contracts for services of physicians at the Arizona state hospital.

34 T. Contracts for goods and services approved by the board of trustees
35 of the public safety personnel retirement system are exempt from this
36 chapter.

37 U. The Arizona department of agriculture is exempt from this chapter
38 with respect to contracts for private labor and equipment to effect cotton or
39 cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2,
40 article 1.

41 V. The Arizona state parks board is exempt from this chapter for
42 purchases of guest supplies and items for resale such as food, linens, gift
43 items, sundries, furniture, china, glassware and utensils for the facilities
44 located in the Tonto natural bridge state park.

1 W. The Arizona state parks board is exempt from this chapter for the
2 purchase, production, promotion, distribution and sale of publications,
3 souvenirs and sundry items obtained and produced for resale.

4 X. The Arizona state schools for the deaf and the blind are exempt
5 from this chapter for the purchase of textbooks and when purchasing products
6 through a cooperative that is organized and operates in accordance with state
7 law if such products are not available on a statewide contract and are
8 related to the operation of the schools or are products for which special
9 discounts are offered for educational institutions.

10 Y. Expenditures of monies in the morale, welfare and recreational fund
11 established by section 26-153 are exempt from this chapter.

12 Z. Notwithstanding section 41-2534, the director of the state
13 department of corrections may contract with local medical providers in
14 counties with a population of less than four hundred thousand persons for the
15 following purposes:

16 1. To acquire hospital and professional medical services for inmates
17 who are incarcerated in state department of corrections facilities that are
18 located in those counties.

19 2. To ensure the availability of emergency medical services to inmates
20 in all counties by contracting with the closest medical facility that offers
21 emergency treatment and stabilization.

22 AA. The department of environmental quality is exempt from this
23 chapter for contracting for procurements relating to the water quality
24 assurance revolving fund program established pursuant to title 49, chapter 2,
25 article 5. The department shall engage in a source selection process that is
26 similar to the procedures prescribed by this chapter. The department may
27 contract for remedial actions with a single selection process. The exclusive
28 remedy for disputes or claims relating to contracting pursuant to this
29 subsection is as prescribed by article 9 of this chapter and the rules
30 adopted pursuant to that article. All other procurement by the department
31 shall be as prescribed by this chapter.

32 BB. The motor vehicle division of the department of transportation is
33 exempt from this chapter for third-party authorizations pursuant to title 28,
34 chapter 13, only if all of the following conditions exist:

35 1. The division does not pay any public monies to an authorized third
36 party.

37 2. Exclusivity is not granted to an authorized third party.

38 3. The director has complied with the requirements prescribed in title
39 28, chapter 13 in selecting an authorized third party.

40 CC. This section does not exempt third-party authorizations pursuant
41 to title 28, chapter 13 from any other applicable law.

42 DD. The state forester is exempt from this chapter for purchases and
43 contracts relating to wildland fire suppression and pre-positioning equipment
44 resources and for other activities related to combating wildland fires and
45 other unplanned risk activities, including fire, flood, earthquake, wind and

1 hazardous material responses. All other procurement by the state forester
2 shall be as prescribed by this chapter.

3 EE. The cotton research and protection council is exempt from this
4 chapter for procurements.

5 FF. Expenditures of monies in the Arizona agricultural protection fund
6 established by section 3-3304 are exempt from this chapter.

7 GG. The Arizona commerce authority is exempt from this chapter, except
8 article 10 for the purpose of cooperative purchases. The authority shall
9 adopt policies, procedures and practices, in consultation with the department
10 of administration, that are similar to and based on the policies and
11 procedures prescribed by this chapter for the purpose of increased public
12 confidence, fair and equitable treatment of all persons engaged in the
13 process and fostering broad competition while accomplishing flexibility to
14 achieve the authority's statutory requirements. The authority shall make its
15 policies, procedures and practices available to the public. The authority
16 may exempt specific expenditures from the policies, procedures and practices.

17 HH. The Arizona exposition and state fair board is exempt from this
18 chapter for contracts for professional entertainment.

19 II. This chapter does not apply to the purchase of water, gas or
20 electric utilities.

21 JJ. This chapter does not apply to professional certifications,
22 professional memberships and conference registrations.

23 KK. The department of gaming is exempt from this chapter for problem
24 gambling treatment services contracts with licensed behavioral health
25 professionals.

26 LL. This chapter does not apply to contracts for credit reporting
27 services.

28 MM. This chapter does not apply to contracts entered into by the
29 department of child safety:

30 1. With a provider of family foster care pursuant to section 8-503 or
31 36-554.

32 2. With an eligible entity as defined by Public Law 105-285, section
33 673(1)(A)(i), as amended, for designated community services block grant
34 program monies and any other monies given to the eligible entity that
35 accomplishes the purpose of Public Law 105-285, section 672.

36 Sec. 31. Section 46-134, Arizona Revised Statutes, is amended to read:
37 46-134. Powers and duties; expenditure; limitation

38 The state department shall:

39 1. Administer all forms of public relief and assistance except those
40 that by law are administered by other departments, agencies or boards.

41 2. Develop a section of rehabilitation for the visually impaired that
42 shall include a sight conservation section, a vocational rehabilitation
43 section in accordance with the federal vocational rehabilitation act, a
44 vending stand section in accordance with the federal Randolph-Sheppard act
45 and an adjustment service section that shall include rehabilitation teaching

1 and other social services deemed necessary, and shall cooperate with similar
2 agencies already established. The administrative officer and staff of the
3 section for the blind and visually impaired shall be employed only in the
4 work of that section.

5 3. Assist other departments, agencies and institutions of the state
6 and federal governments, when requested, by performing services in conformity
7 with the purposes of this title.

8 4. Act as agent of the federal government in furtherance of any
9 functions of the state department.

10 5. Carry on research and compile statistics relating to the entire
11 public welfare program throughout this state, including all phases of
12 dependency and defectiveness.

13 6. Cooperate with the superior court in cases of delinquency and
14 related problems.

15 7. Develop plans in cooperation with other public and private agencies
16 for the prevention and treatment of conditions giving rise to public welfare
17 and social security problems.

18 8. Make necessary expenditures in connection with the duties specified
19 in paragraphs 5, 6, 7, 13 and 14 of this subsection.

20 9. Have the power to apply for, accept, receive and expend public and
21 private gifts or grants of money or property on the terms and conditions as
22 may be imposed by the donor and for any purpose provided for by this chapter.

23 10. Make rules, and take action necessary or desirable to carry out the
24 provisions of this title, that are not inconsistent with this title.

25 11. Administer any additional welfare functions required by law.

26 ~~12. Provide the cost of care and transitional independent living~~
27 ~~services for a person under twenty one years of age pursuant to section~~
28 ~~8-521.01.~~

29 ~~13.~~ 12. If a tribal government elects to operate a cash assistance
30 program in compliance with the requirements of the United States department
31 of health and human services, with the review of the joint legislative budget
32 committee, provide matching monies at a rate that is consistent with the
33 applicable fiscal year budget and that is not more than the state matching
34 rate for the aid to families with dependent children program as it existed on
35 July 1, 1994.

36 ~~14.~~ 13. Furnish a federal, state or local law enforcement officer, at
37 the request of the officer, with the current address of any recipient if the
38 officer furnishes the agency with the name of the recipient and notifies the
39 agency that the recipient is a fugitive felon or a probation, parole or
40 community supervision violator or has information that is necessary for the
41 officer to conduct the official duties of the officer and the location or
42 apprehension of the recipient is within these official duties.

1 ~~15.~~ 14. In conjunction with Indian tribal governments, request a
2 federal waiver from the United States department of agriculture that will
3 allow tribal governments that perform eligibility determinations for
4 temporary assistance for needy families programs to perform the food stamp
5 eligibility determinations for persons who apply for services pursuant to
6 section 36-2901, paragraph 6, subdivision (a). If the waiver is approved,
7 the state shall provide the state matching monies for the administrative
8 costs associated with the food stamp eligibility based on federal guidelines.
9 As part of the waiver, the department shall recoup from a tribal government
10 all federal fiscal sanctions that result from inaccurate eligibility
11 determinations.