

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 216
SENATE BILL 1112

AN ACT

AMENDING SECTION 36-1201, ARIZONA REVISED STATUTES; RELATING TO JUVENILE
GROUP HOMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-1201, Arizona Revised Statutes, is amended to
3 read:

4 36-1201. Juvenile group homes; service contracts; registry;
5 definitions

6 A. State agencies that contract directly with group homes or
7 regional behavioral health authorities that, as part of their contracts
8 with the department of health services, subcontract with group homes shall
9 require in each contract awarded, renewed or amended the following minimum
10 provisions:

11 1. The group home shall provide a safe, clean and humane
12 environment for the residents.

13 2. The group home is responsible for the supervision of the
14 residents while in the group home environment or while residents are
15 engaged in any off-site activities organized or sponsored by and under the
16 direct supervision and control of the group home or affiliated with the
17 group home.

18 3. All group home contractors shall be licensed by either the
19 department of health services, **THE DEPARTMENT OF CHILD SAFETY** or the
20 department of economic security.

21 4. The award of a group home contract from an appropriate
22 contracting authority is not a guarantee that children will be placed at
23 the group home.

24 5. A license violation by the group home that is not corrected
25 pursuant to this section may also be considered a contract violation.

26 6. State agencies and regional behavioral health authorities may
27 share information regarding group home contractors. The shared
28 information shall not include information that personally identifies
29 residents of group homes.

30 7. The following contract remedies:

31 (a) A schedule of financial sanctions in an amount of up to ~~five~~
32 ~~hundred dollars~~ \$500 per violation that the contracting authority, after
33 completing an investigation, may assess against the group home contractor
34 for a substantiated contract violation relating to the health, care or
35 safety of a resident or the safety of a neighbor. A financial sanction
36 may be imposed for a contract violation related to the safety of a
37 neighbor only if the conduct that constitutes the violation would be
38 sufficient to form the basis for a civil cause of action for damages on
39 the part of the neighbor whether or not such a civil action has been
40 filed. These sanctions may be imposed by either deducting the amount of
41 the sanction from any payment due or withholding future payments. The
42 deduction or withholding may occur after any hearing available to the
43 contractor.

1 (b) The contracting authority's right to remove residents from the
2 group home or suspend new placements to the group home until the
3 contracting violation is corrected.

4 (c) The contracting authority's right to cancel the contract.

5 8. Within ten business days after the contracting authority
6 receives a complaint relating to a group home the contracting authority
7 shall notify the group home provider and either initiate an investigation
8 or refer the investigation to the licensing authority. If any complaint
9 concerns an immediate threat to the health and safety of a child, the
10 complaint shall be immediately referred to the licensing authority. If
11 the contracting authority determines that a violation has occurred, it
12 shall:

13 (a) Notify all other contracting authorities of the violation.

14 (b) Coordinate a corrective action plan consistent with the
15 severity of the violation.

16 (c) Require the corrective action plan to be implemented within
17 ninety days.

18 9. If a licensing deficiency is not corrected in a timely manner to
19 the satisfaction of the licensing authority, the contracting authority may
20 cancel the contract immediately on notice to the group home and may remove
21 the residents.

22 10. A person may bring a complaint against any state agency that
23 violates this section pursuant to title 41, chapter 6, article 6 or 10, as
24 applicable. In addition to any costs or fees awarded to a person
25 resulting from a complaint of a violation of this section, the agency
26 shall revert the sum of ~~five thousand dollars~~ \$5,000 from its general fund
27 operating appropriation to the state treasurer for deposit in the state
28 general fund for each violation that is upheld by an administrative law
29 judge or hearing officer. The legislature shall appropriate monies that
30 revert under this section to a similar program that provides direct
31 services to children.

32 B. When a licensing authority has determined that a license
33 violation has occurred or is occurring, the licensing authority shall
34 notify the appropriate contracting authority of the licensing violation.

35 C. A group home's record of contract violations and licensing
36 violations may be considered by any contracting authority when it
37 evaluates any request for proposals.

38 D. The department of health services shall establish a central
39 registry of juvenile group homes licensed by this state. Each agency that
40 is subject to the requirements of this section shall provide updated
41 information for the registry to the department of health services every
42 six months. The registry shall include the following information
43 regarding each group home:

44 1. The location of the group home, including satellite facilities.

- 1 2. The number of residents at the group home and its satellite
2 facilities.
- 3 3. The current, updated emergency contacts for the group home and
4 its satellite facilities.
- 5 4. The current, updated contacts for the group home's licensing
6 authority.
- 7 E. If the municipality in which a group home is located requests
8 the department of health services to provide information from the
9 registry, the department shall provide the information every six months to
10 the municipality.
- 11 F. For the purposes of this article:
- 12 1. "Contract violation" means a licensing violation or a failure of
13 the group home to comply with those provisions of its contract relating to
14 subsection A, paragraphs 1, 2 and 3 of this section.
- 15 2. "Contracting authority" means a regional behavioral health
16 authority or the state agency or its division, office, section, bureau or
17 program that is responsible for the administration and monitoring of
18 contracts with group homes.
- 19 3. "Group home" means a residential facility that is licensed to
20 serve more than four minors at any one time, that is licensed by the
21 department of health services pursuant to chapter 4 of this title or
22 section 36-591, subsection B or by the department of child safety pursuant
23 to title 8, chapter 4, article 4 and that provides services pursuant to a
24 contract for minors determined to be dependent as defined in section 8-201
25 or delinquent or incorrigible pursuant to section 8-341, or for minors
26 with developmental disabilities, mental health or substance abuse needs.
27 Group home does not include hospitals, nursing homes, child crisis and
28 domestic violence shelters, adult homes, foster homes, facilities subject
29 to any transient occupancy tax or behavioral health service agencies that
30 provide twenty-four hour or continuous physician availability.
- 31 4. "Licensing authority" means the state agency or its division,
32 office, section, bureau or program that is responsible for licensing group
33 homes.
- 34 5. "Licensing violation" means a determination by the licensing
35 authority that the group home is not in compliance with licensing
36 requirements as prescribed in statute or rule.
- 37 6. "Neighbor" means a person residing within a one-quarter mile
38 radius of the group home.
- 39 7. "Resident" means any person who is placed in a group home
40 pursuant to a contract with a contracting authority.

APPROVED BY THE GOVERNOR MAY 13, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2019.