

REFERENCE TITLE: health care institutions; education; abuse

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HB 2665**

Introduced by

Representatives Longdon: Andrade, Blanc, Bowers, Butler, Cano, Chávez,  
Dunn, Engel, Epstein, Espinoza, Fernandez, Hernandez A, Hernandez D,  
Jermaine, Lieberman, Meza, Osborne, Pawlik, Rivero, Rodriguez, Salman,  
Shah, Sierra, Teller, Terán, Toma, Tsosie, Udall, Senators Alston, Carter,  
Gonzales

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE  
12; RELATING TO VULNERABLE ADULTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 4, Arizona Revised Statutes, is  
3 amended by adding article 12, to read:

4 ARTICLE 12. EDUCATION TO IDENTIFY ABUSE AND NEGLECT

5 36-450.11. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ABUSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

8 2. "GROUP HOME" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-551.

9 3. "NEGLECT" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

10 4. "RETALIATORY ACTION" MEANS THE TERMINATION OF OR ANY OTHER  
11 ADVERSE ACTION AGAINST A PERSON'S EMPLOYMENT TAKEN BY A HEALTH CARE  
12 INSTITUTION, GROUP HOME OR INTERMEDIATE CARE FACILITY BECAUSE THE PERSON  
13 HAS REPORTED SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION 46-454.

14 5. "VULNERABLE ADULT" HAS THE SAME MEANING PRESCRIBED IN SECTION  
15 46-451.

16 36-450.12. Education and training curriculum; identification  
17 of neglect and abuse; reporting requirements

18 A. THE DEPARTMENT OF HEALTH SERVICES AND THE DEPARTMENT OF ECONOMIC  
19 SECURITY SHALL JOINTLY DEVELOP A CURRICULUM TO EDUCATE AND TRAIN ALL  
20 PERSONS WHO ARE EMPLOYED IN A CAPACITY OF CARING FOR VULNERABLE ADULTS ON  
21 THE SIGNS OF NEGLECT AND ABUSE, INCLUDING SEXUAL ABUSE, THE  
22 RESPONSIBILITIES OF PERSONS TO REPORT SUSPECTED NEGLECT OR ABUSE PURSUANT  
23 TO SECTION 46-454, INCLUDING SEXUAL ABUSE, AND WHO TO CONTACT TO REPORT  
24 THE SUSPECTED NEGLECT OR ABUSE. THE EDUCATION AND TRAINING SHALL INCLUDE  
25 A COMPONENT THAT CAN BE PROVIDED TO FAMILIES OF VULNERABLE ADULTS.

26 B. WHEN DEVELOPING THE CURRICULUM REQUIRED BY SUBSECTION A OF THIS  
27 SECTION, THE DEPARTMENTS SHALL CONSULT WITH ALL OF THE FOLLOWING:

28 1. THE DEVELOPMENTAL DISABILITIES PLANNING COUNCIL.

29 2. A STATEWIDE COALITION THAT ADVOCATES TO INCREASE PUBLIC  
30 AWARENESS ABOUT ISSUES OF SEXUAL AND DOMESTIC VIOLENCE AND TO END SEXUAL  
31 AND DOMESTIC VIOLENCE IN THIS STATE'S COMMUNITIES.

32 3. A STATEWIDE NONPROFIT ORGANIZATION THAT REPRESENTS PERSONS WHO  
33 ARE FIFTY YEARS OF AGE OR OLDER AND WHOSE MISSION IS TO ENHANCE THE  
34 QUALITY OF LIFE FOR PERSONS AS THEY AGE.

35 4. A STATEWIDE ASSOCIATION OF DEVELOPMENTAL DISABILITIES PROVIDERS.

36 5. A STATEWIDE ASSOCIATION OF ENTITIES THAT PROVIDE DIRECT SERVICES  
37 TO PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

38 36-450.13. Mandatory education and training; requirements;  
39 nonretaliation policies; presumption

40 A. BEGINNING JANUARY 1, 2020, EACH HEALTH CARE INSTITUTION LICENSED  
41 PURSUANT TO THIS CHAPTER, EACH GROUP HOME AND EACH INTERMEDIATE CARE  
42 FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES SHALL PROVIDE  
43 MANDATORY EDUCATION AND TRAINING USING THE CURRICULUM DEVELOPED PURSUANT  
44 TO SECTION 36-450.12 TO EACH PERSON WORKING IN THE HEALTH CARE  
45 INSTITUTION, GROUP HOME OR INTERMEDIATE CARE FACILITY THAT PROVIDES CARE

1 TO VULNERABLE ADULTS. THE PERSON SHALL COMPLETE THE EDUCATION AND  
2 TRAINING BEFORE BEGINNING EMPLOYMENT AND SHALL UPDATE THE EDUCATION AND  
3 TRAINING ANNUALLY. THE EDUCATION AND TRAINING SHALL INCLUDE INFORMATION  
4 REGARDING EACH INSTITUTION'S, GROUP HOME'S OR FACILITY'S NONRETALIATION  
5 POLICY AND THE LOCATION WHERE THE REPORTING PROCESS AND CONTACT  
6 INFORMATION IS POSTED.

7 B. EACH HEALTH CARE INSTITUTION, GROUP HOME AND INTERMEDIATE CARE  
8 FACILITY SHALL:

9 1. POST IN A CONSPICUOUS PLACE ACCESSIBLE TO ALL EMPLOYEES  
10 INFORMATION REGARDING HOW TO REPORT SUSPECTED NEGLECT OR ABUSE, INCLUDING  
11 SEXUAL ABUSE, OF A VULNERABLE ADULT.

12 2. ADOPT A POLICY THAT PROHIBITS RETALIATORY ACTION AGAINST A  
13 PERSON WHO IN GOOD FAITH REPORTS SUSPECTED NEGLECT OR ABUSE PURSUANT TO  
14 SECTION 46-454.

15 C. THERE IS A REBUTTABLE PRESUMPTION THAT ANY TERMINATION OR OTHER  
16 ADVERSE ACTION THAT OCCURS MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE  
17 DATE A PERSON REPORTS SUSPECTED NEGLECT OR ABUSE PURSUANT TO SECTION  
18 46-454 IS NOT A RETALIATORY ACTION.

19 Sec. 2. Emergency

20 This act is an emergency measure that is necessary to preserve the  
21 public peace, health or safety and is operative immediately as provided by  
22 law.