

House Engrossed Senate Bill  
group homes; electronic monitoring

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

**CHAPTER 234**  
**SENATE BILL 1542**

AN ACT

AMENDING SECTION 36-568, ARIZONA REVISED STATUTES; RELATING TO  
DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-568, Arizona Revised Statutes, is amended to  
3 read:

4 36-568. Group homes; nursing-supported group homes;  
5 intermediate care facilities; electronic  
6 monitoring; rules; policies; definition

7 A. A service provider that operates a group home, a  
8 nursing-supported group home or an intermediate care facility for persons  
9 with intellectual disabilities may install, oversee and monitor electronic  
10 monitoring devices in common areas, including hallways, of the group home,  
11 nursing-supported group home or intermediate care facility, **UNLESS ANY**  
12 **CLIENT OR THE CLIENT'S RESPONSIBLE PERSON OBJECTS TO THE INSTALLATION OF**  
13 **THE ELECTRONIC MONITORING DEVICES.** The service provider may contract with  
14 a third party to install, oversee and monitor the electronic monitoring  
15 device. **THE SERVICE PROVIDER MAY REQUIRE COST SHARING FOR THE ELECTRONIC**  
16 **MONITORING DEVICES ONLY WITH THE CONSENT OF RESPONSIBLE PERSONS.**

17 B. **IF EACH CLIENT OR THE CLIENT'S RESPONSIBLE PERSON AGREES TO THE**  
18 **INSTALLATION OF ELECTRONIC MONITORING DEVICES, A SERVICE PROVIDER MAY NOT**  
19 **PREVENT THE RESPONSIBLE PERSONS FROM INSTALLING AND PAYING FOR THE COST OF**  
20 **ELECTRONIC MONITORING DEVICES. THE RESPONSIBLE PERSONS WHO INSTALL AND**  
21 **PAY FOR THE ELECTRONIC MONITORING DEVICES ARE RESPONSIBLE FOR THE**  
22 **MAINTENANCE AND REPAIRS OF THOSE ELECTRONIC MONITORING DEVICES. THE**  
23 **SERVICE PROVIDER MAY NOT ACCESS THE ELECTRONIC RECORD OF ELECTRONIC**  
24 **MONITORING DEVICES INSTALLED PURSUANT TO THIS SUBSECTION UNLESS THE**  
25 **RESPONSIBLE PERSONS PROVIDE ACCESS. THE RULES ADOPTED PURSUANT TO THIS**  
26 **SECTION REGARDING THE USE OF ELECTRONIC MONITORING DO NOT APPLY IF THE**  
27 **CLIENTS' RESPONSIBLE PERSONS INSTALL THE ELECTRONIC MONITORING DEVICES**  
28 **PURSUANT TO THIS SUBSECTION.**

29 ~~B.~~ C. The director shall adopt rules regarding the use of  
30 electronic monitoring in group homes, **NURSING-SUPPORTED GROUP HOMES** and  
31 intermediate care facilities that include, at a minimum:

32 1. Consent requirements consistent with section 13-3019.

33 2. Public disclosure that an electronic monitoring device is in use  
34 on the property.

35 3. The maintenance, storage and retention schedule of the  
36 electronic record.

37 4. Who may access the electronic record and under what  
38 circumstances.

39 5. How confidentiality and privacy are maintained.

40 6. How often the electronic monitoring device is monitored or  
41 reviewed by the service provider or the service provider's designee.

42 7. Ensuring that all staff who have access to the electronic record  
43 are properly trained in the facility policies and the protection of client  
44 rights.

1 8. Ensuring that adherence to the facility policies is monitored  
2 and the risks or breaches of the facility policies are promptly addressed.

3 9. ENSURING ACCESS TO THE ELECTRONIC RECORD, INCLUDING LIVE  
4 RECORDINGS AND VIDEO FEED, BY THE SERVICE PROVIDER, THE CLIENT OR THE  
5 CLIENT'S RESPONSIBLE PERSON, EXCEPT AS PROHIBITED BY SUBSECTION D,  
6 PARAGRAPH 1 OF THIS SECTION.

7 ~~C.~~ D. The rules adopted pursuant to subsection ~~B~~ C of this  
8 section may not:

9 1. Prohibit accessing the electronic record from the service  
10 provider, the ~~member~~ CLIENT or the ~~member's family or guardian~~ CLIENT'S  
11 RESPONSIBLE PERSON unless the electronic record contains evidence of a  
12 suspected criminal offense.

13 ~~2. Require a service provider to be financially responsible for~~  
14 ~~purchasing, installing, maintaining or monitoring an electronic monitoring~~  
15 ~~device that is not voluntarily installed by the service provider in the~~  
16 ~~group home or intermediate care facility.~~

17 2. PROHIBIT COST SHARING FOR THE ELECTRONIC MONITORING DEVICES  
18 BETWEEN THE SERVICE PROVIDER AND THE CLIENTS' RESPONSIBLE PERSONS.

19 ~~D.~~ E. If a service provider has installed and uses an electronic  
20 monitoring device before August 27, 2019, the service provider shall  
21 establish policies consistent with rules adopted pursuant to subsection  
22 ~~B~~ C of this section and submit the policies to the department within  
23 ninety days after the rules are adopted.

24 ~~E.~~ F. For the purposes of this section, "electronic monitoring  
25 device":

26 1. Means a video surveillance camera or audio device that is  
27 installed in a common area, including a hallway, of a group home,  
28 NURSING-SUPPORTED GROUP HOME or intermediate care facility.

29 2. Does not include an electronic, mechanical or other device that  
30 is specifically used for the nonconsensual interception of wire or  
31 electronic communications.

32 Sec. 2. Rulemaking exemption; department of economic security

33 Notwithstanding any other law, for the purposes of this act, the  
34 department of economic security is exempt from the rulemaking requirements  
35 of title 41, chapter 6, Arizona Revised Statutes, for one year after the  
36 effective date of this act.

APPROVED BY THE GOVERNOR MAY 20, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2022.