

House Engrossed Senate Bill

~~technical correction; home health agencies~~
(now: developmental disabilities advisory council)

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 208
SENATE BILL 1244

AN ACT

AMENDING SECTION 36-553, ARIZONA REVISED STATUTES; RELATING TO THE
DEVELOPMENTAL DISABILITIES ADVISORY COUNCIL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-553, Arizona Revised Statutes, is amended to
3 read:

4 36-553. Developmental disabilities advisory council;
5 membership; duties; reporting requirements

6 A. The developmental disabilities advisory council is established
7 consisting of the following members:

8 1. One parent or guardian of a child who is under eighteen years of
9 age and who has a developmental disability.

10 2. One parent or guardian of a child who is eighteen years of age
11 or older and who has a developmental disability.

12 3. One parent of a child who is served through the Arizona early
13 intervention program.

14 4. One member of the private sector who represents an agency that
15 is certified to provide in-home services to persons with developmental
16 disabilities.

17 5. Two members of the private sector who are contracted with the
18 division to deliver services to persons with developmental disabilities,
19 one who represents a provider of residential services and one who
20 represents a provider of adult day services including employment services.

21 6. Two members with a developmental disability who receive services
22 from the division.

23 7. Two members who each represent a different developmental
24 disability advocacy organization.

25 8. One member who is from the designated protection and advocacy
26 organization.

27 9. One member who represents a nonprofit organization providing
28 direct advocacy to families with children with developmental disabilities.

29 10. The director of the Arizona health care cost containment system
30 administration or the director's designee. This person is a nonvoting
31 member.

32 11. The assistant director of the division of developmental
33 disabilities. This person is a nonvoting member.

34 12. One member who is from the developmental disabilities planning
35 council.

36 13. One member who represents foster parents of children with
37 developmental disabilities.

38 14. One member from the independent oversight committee on persons
39 with developmental disabilities established by section 41-3801.

40 B. The governor shall appoint all voting members. Voting members
41 and their families shall not be employees of the department of economic
42 security. In making these appointments, the governor shall select at
43 least five members who are clients or guardians, parents or other family
44 members of persons with developmental disabilities. One of these five
45 voting members shall represent a person who is eligible for long-term care

1 services pursuant to chapter 29, article 2 of this title. The governor
2 shall also consider geographic representation in making these
3 appointments.

4 C. Council members WHO ARE appointed pursuant to subsection A,
5 paragraphs 1 through 9 and 13 and 14 of this section shall serve staggered
6 ~~three year~~ THREE-YEAR terms. No Members may NOT serve more than two full
7 terms. A vacancy occurring on the council shall be filled by the governor
8 appointing another qualified person to serve the remainder of the term.

9 D. The council chairman shall be chosen annually by a majority vote
10 of the council. A majority of voting council members constitutes a
11 quorum.

12 E. The council shall meet in each district at least once a year.
13 THE COUNCIL'S ANNUAL IN-DISTRICT MEETINGS SHALL BE SEPARATE FROM ANY OTHER
14 DIVISION MEETING.

15 F. The division must allow the council UP TO THIRTY DAYS to review
16 new policies and major policy changes before the division submits the
17 policies or changes for public comment. THE DIVISION MAY SUBMIT POLICIES
18 OR CHANGES FOR PUBLIC COMMENT BEFORE THIRTY DAYS IF THE COUNCIL CONFIRMS
19 IT HAS HAD ADEQUATE TIME TO REVIEW THE POLICIES OR CHANGES. DIVISION
20 STAFF SHALL BE AVAILABLE TO THE COUNCIL TO ANSWER QUESTIONS AND REVIEW THE
21 PROPOSED CHANGES BEFORE THE CHANGES ARE SUBMITTED FOR PUBLIC COMMENT.

22 G. The council shall review auditor general reports regarding the
23 division and services provided by the department of health services.

24 H. Council members are not eligible to receive compensation, but
25 council members appointed pursuant to subsection A, paragraphs 1 through 9
26 and 13 and 14 of this section are eligible to receive reimbursement of
27 expenses pursuant to title 38, chapter 4, article 2. THE DEPARTMENT SHALL
28 PROVIDE THE SAME ACCOMMODATIONS FOR ALL MEMBERS OF THE COUNCIL WHEN TRAVEL
29 IS NECESSARY FOR COUNCIL BUSINESS.

30 I. The council shall review and make recommendations to the
31 division regarding:

32 1. Coordinating and integrating services provided by state agencies
33 and providers that have contracted with state agencies to provide
34 developmental disability programs.

35 2. The health, safety, welfare and legal rights of persons with
36 developmental disabilities.

37 3. The division's plan for service delivery and improvement.

38 4. Establishing and reviewing division policies and programs.

39 5. The cost-effectiveness of division services.

40 6. Assessing the division's annual needs.

41 7. Selecting the assistant director of the division.

42 8. Monitoring the division's annual budget.

43 9. The sale or lease of the real property and improvements on the
44 real property formerly used by the department of economic security for the
45 Arizona training program in Phoenix.

1 J. AT THE BEGINNING OF EACH FISCAL YEAR, THE COUNCIL SHALL ADOPT A
2 MASTER AGENDA THAT SCHEDULES EACH ITEM PRESCRIBED IN SUBSECTION I OF THIS
3 SECTION AND SHALL NOTIFY THE APPROPRIATE AGENCIES IN ORDER FOR THE
4 AGENCIES TO PROVIDE AND PRESENT INFORMATION TO THE COUNCIL. DIVISION
5 STAFF SHALL ASSIST THE COUNCIL IN PREPARING THE ANNUAL REPORT THAT
6 INCLUDES THE COUNCIL'S FINDINGS AND RECOMMENDATIONS RELATING TO THE
7 INFORMATION THE COUNCIL RECEIVED REGARDING THE ITEMS PRESCRIBED IN
8 SUBSECTION I OF THIS SECTION.

9 K. THE DEPARTMENT OF ADMINISTRATION SHALL ANNUALLY EDUCATE THE
10 COUNCIL MEMBERS AND DIVISION STAFF ON THE PURPOSE OF THE COUNCIL, COUNCIL
11 STATUTES AND OPEN MEETINGS LAWS.

12 ~~J.~~ L. The council shall oversee and approve expenditures of monies
13 from the client developmental disability services trust fund established
14 by section 36-572 following expenditure guidelines established by the
15 council.

16 ~~K.~~ M. The council shall provide the public with an opportunity to
17 address the council at regularly publicized meetings.

18 ~~L.~~ N. The council shall submit an annual report of activities to
19 the director, the governor, the president of the senate and the speaker of
20 the house of representatives by December 31 of each year and SHALL provide
21 a copy of this report to the secretary of state.

22 ~~M.~~ O. The department shall make meeting space available to the
23 developmental disabilities advisory council at locations and times
24 convenient to the council and shall provide secretarial and other staff
25 support.

26 P. THE DIVISION SHALL POST IN A PROMINENT AND ACCESSIBLE MANNER ON
27 ITS PUBLIC WEBSITE ALL OF THE FOLLOWING:

28 1. SCHEDULED MEETINGS OF THE COUNCIL, INCLUDING IN-DISTRICT
29 MEETINGS.

30 2. THE COUNCIL'S MEETING MINUTES.

31 3. THE COUNCIL'S ANNUAL REPORTS.

32 Q. THE DEPARTMENT SHALL DELINEATE IN ITS ANNUAL BUDGET REQUEST A
33 SEPARATE LINE ITEM FOR THE COUNCIL. THE COUNCIL SHALL BE DELINEATED AS A
34 SEPARATE LINE ITEM IN THE GENERAL APPROPRIATIONS ACT.

APPROVED BY THE GOVERNOR APRIL 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2021.