

House Engrossed

FILED

State of Arizona
House of Representatives
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Fifth Special Session
2000

Betsey Bayless
Secretary of State

CHAPTER 2

HOUSE BILL 2003

AN ACT

AMENDING TITLE 36, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-503.02; AMENDING SECTION 36-3410, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO MENTAL HEALTH SERVICES.

(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 5, article 1, Arizona Revised Statutes,
3 is amended by adding section 36-503.02, to read:
4 36-503.02. Serious mental illness services fund; program
5 termination
6 A. THE SERIOUS MENTAL ILLNESS SERVICES FUND IS ESTABLISHED CONSISTING
7 OF MONIES APPROPRIATED TO THE DEPARTMENT FROM THE TOBACCO LITIGATION
8 SETTLEMENT ACCOUNT IN THE STATE GENERAL FUND, ANY OTHER LEGISLATIVE
9 APPROPRIATIONS AND INTEREST EARNED ON THESE MONIES. THE DEPARTMENT SHALL
10 ADMINISTER THE FUND.
11 B. MONIES IN THE FUND:
12 1. SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT EXISTING AND FUTURE
13 APPROPRIATIONS.
14 2. ARE INTENDED FOR THE DEVELOPMENT OF PROGRAMS AND SERVICES THAT ARE
15 OF A ONETIME NATURE BUT THAT THE DEPARTMENT MAY IMPLEMENT OVER SEVERAL YEARS.
16 3. DO NOT REVERT TO THE STATE GENERAL FUND.
17 4. ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO
18 LAPSING OF APPROPRIATIONS.
19 5. ARE CONTINUOUSLY APPROPRIATED.
20 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE DEPARTMENT
21 SHALL USE FUND MONIES TO PROVIDE COMMUNITY HOUSING, VOCATIONAL REHABILITATION
22 AND OTHER RECOVERY SUPPORT SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS.
23 THE DEPARTMENT SHALL DESIGN THESE SERVICES TO ASSIST PERSONS WITH SERIOUS
24 MENTAL ILLNESS ACHIEVE THE HIGHEST POSSIBLE LEVEL OF SELF-SUFFICIENCY. THE
25 DEPARTMENT SHALL ESTABLISH PERFORMANCE EVALUATION STANDARDS TO MEASURE THE
26 DEPARTMENT'S EFFECTIVE USE OF THE MONIES IN THE FUND.
27 D. ON OR BEFORE JANUARY 1, 2004, THE AUDITOR GENERAL SHALL COMPLETE
28 A PERFORMANCE AUDIT TO DETERMINE THE DEPARTMENT'S SUCCESS IN USING THESE
29 MONIES TO MEET THE PERFORMANCE EVALUATION STANDARDS PRESCRIBED IN SUBSECTION
30 C OF THIS SECTION. THE AUDITOR GENERAL MAY USE ANY EVALUATION TOOLS THE
31 AUDITOR GENERAL DETERMINES ARE USEFUL IN ADDITION TO THE PERFORMANCE
32 EVALUATION STANDARDS DEVELOPED BY THE DEPARTMENT.
33 E. BEFORE THE DEPARTMENT MAY SPEND FUND MONIES, THE DEPARTMENT SHALL
34 PRESENT A PLAN, INCLUDING PERFORMANCE EVALUATION STANDARDS, TO THE JOINT
35 LEGISLATIVE BUDGET COMMITTEE FOR ITS REVIEW.
36 F. THIS SECTION DOES NOT AFFECT OR EXPAND THE EXISTING RIGHTS OF
37 PERSONS WITH SERIOUS MENTAL ILLNESS PURSUANT TO THIS TITLE.
38 G. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2005
39 PURSUANT TO SECTION 41-3102.

1 Sec. 2. Section 36-3410, Arizona Revised Statutes, is amended to read:
2 36-3410. Regional behavioral health authorities; contracts;
3 monthly summaries; inspection; copying fee;
4 children's behavioral health services; transfers;
5 prohibition

6 A. If the department contracts with behavioral health contractors
7 which would act as regional behavioral health authorities or directly with
8 a service provider for behavioral health services, the department and each
9 behavioral health contractor or service provider shall prepare and make
10 available monthly summary statements, in a format prescribed by the
11 department, that separately detail by title XIX and nontitle XIX and by
12 service category and service type, as defined by contract with the
13 department, the number of clients served, the units of service provided and
14 the state and federal monies distributed through the department to each
15 regional behavioral health authority or direct contract service provider and
16 the amounts distributed by each regional behavioral health authority or
17 direct contract service provider to their subcontractors. The director may
18 require additional information in the monthly statement which the director
19 determines to be critical for proper regulation and oversight of the regional
20 behavioral health authority or the direct contract service provider.

21 B. In the contracts specified under subsection A of this section, the
22 department may include a provision to charge for services provided at the
23 state hospital. The charges are only for clients on whose behalf the
24 contractor has been paid by the department.

25 C. The summaries and the contracts on which they are based are open
26 to public inspection. The department and each regional behavioral health
27 authority or direct contract service provider shall make the summaries
28 available for inspection and copying at the office of each regional
29 behavioral health authority or direct contract service provider and at the
30 department.

31 D. The department and a regional behavioral health authority or direct
32 contract service provider shall charge a copying fee which is not in excess
33 of the actual cost of reproduction or the amount charged by the secretary of
34 state pursuant to section 41-126, whichever is less.

35 E. Copying fees received by the department, pursuant to subsection D
36 of this section, shall be placed in the state general fund.

37 F. MONIES APPROPRIATED FOR FISCAL YEAR 2001-2002 AND EACH FISCAL YEAR
38 THEREAFTER FOR CHILDREN'S BEHAVIORAL HEALTH SERVICES SHALL BE SPENT ON
39 SERVICES ONLY AS PRESCRIBED BY THE APPROPRIATION AND MAY NOT BE USED FOR ANY
40 OTHER PURPOSE.

41 Sec. 3. Exemption from the procurement code

42 The department of health services is exempt from the procurement code
43 requirements of title 41, chapter 23, Arizona Revised Statutes, for the
44 purposes of this act.

1 Sec. 4. Exemption from rule making; public hearings

2 A. The department of health services is exempt from the rule making
3 requirements of title 41, chapter 6, Arizona Revised Statutes, for the
4 purposes of this act.

5 B. The department shall hold a public hearing in an urban and a rural
6 location before it adopts a rule pursuant to this act.

7 Sec. 5. Appropriation; purpose; nonlapsing; transfer

8 A. The sum of \$50,000,000 is appropriated from the tobacco litigation
9 settlement account in the state general fund to the serious mental illness
10 services fund established pursuant to section 36-503.02, Arizona Revised
11 Statutes, administered by the department of health services in fiscal year
12 2000-2001 for the purposes prescribed in this act.

13 B. The sum of \$20,000,000 is appropriated from the tobacco litigation
14 settlement account in the state general fund to the department of health
15 services in fiscal year 2000-2001 for children's behavioral health services.
16 Monies appropriated pursuant to this subsection shall be spent on services
17 only as prescribed by the appropriation and may not be used for any other
18 purpose. The department of health services shall use monies appropriated
19 pursuant to this subsection to provide behavioral health services and
20 behavioral health-related services to families whose children receive
21 behavioral health services through the department of health services, the
22 department of economic security, the department of juvenile corrections or
23 the administrative office of the courts. The department of health services
24 may also use these monies to support telemedicine programs designed to
25 facilitate the provision of behavioral health services to persons living in
26 medically underserved areas as provided in section 36-2352, Arizona Revised
27 Statutes. The department of health services shall transfer \$150,000 to the
28 auditor general to conduct a performance audit on the services funded
29 pursuant to this subsection. The auditor general shall complete the
30 performance audit on or before January 1, 2003.

31 C. The appropriations made in subsections A and B of this section are
32 exempt from the provisions of section 35-190, Arizona Revised Statutes,
33 relating to lapsing of appropriations.

34 D. On or before January 1, 2003, the department of health services
35 shall transfer \$300,000 of the monies appropriated in subsection A of this
36 section to the auditor general for the purposes of conducting the performance
37 audit prescribed in section 36-503.02, subsection D, Arizona Revised
38 Statutes.

39 Sec. 6. Emergency

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

APPROVED BY THE GOVERNOR JUNE 30, 2000

FILED IN THE OFFICE OF THE ³ SECRETARY OF STATE JUNE 30, 2000