

House Engrossed Senate Bill

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 215

SENATE BILL 1235

AN ACT

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

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

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

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

16 3. All group home contractors shall be licensed by either the
17 department of health services or the department of economic security.

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

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

22 6. State agencies and regional behavioral health authorities may share
23 information regarding group home contractors. The shared information shall
24 not include information that personally identifies residents of group homes.

25 7. The following contract remedies:

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

39 (b) The contracting authority ~~may~~ AUTHORITY'S RIGHT TO remove
40 residents from the group home or ~~may~~ suspend new placements to the group home
41 until the contracting violation is corrected.

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

43 8. Within ten business days after the contracting authority receives
44 a complaint relating to a group home the contracting authority shall notify
45 the group home provider and either initiate an investigation or refer the

1 investigation to the licensing authority. If any complaint concerns an
2 immediate threat to the health and safety of a child, the complaint shall be
3 immediately referred to the licensing authority. If the contracting
4 authority determines that a violation has occurred, it shall:

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

6 (b) Coordinate a corrective action plan consistent with the severity
7 of the violation.

8 (c) Require the corrective action plan to be implemented within ninety
9 days.

10 9. If a licensing deficiency is not corrected in a timely manner to
11 the satisfaction of the licensing authority, the contracting authority may
12 cancel the contract immediately on notice to the group home and may remove
13 the residents.

14 10. A person may bring a complaint against any state agency that
15 violates this section pursuant to ~~section 41-1001.01~~ TITLE 41, CHAPTER 6,
16 ARTICLE 6 OR 10, AS APPLICABLE. In addition to any costs or fees awarded to
17 a person resulting from a complaint of a violation of this section, the
18 agency shall revert the sum of five thousand dollars from its general fund
19 operating appropriation to the state treasurer for deposit in the state
20 general fund for each violation that is upheld by an administrative law judge
21 or hearing officer. The legislature shall appropriate monies that revert
22 under this section for TO a similar program that provides direct services to
23 children.

24 B. When a licensing authority has determined that a license violation
25 has occurred or is occurring, the licensing authority shall notify the
26 appropriate contracting authority of the licensing violation.

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

30 D. By January 1, 2002, the department of health services shall
31 establish a central registry of juvenile group homes licensed by this state.
32 Each agency THAT IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION shall provide
33 updated information FOR THE REGISTRY to the department of health services
34 EVERY SIX MONTHS ~~on a regular basis and as requested by the department of~~
35 ~~health services.~~ The registry shall include THE FOLLOWING information
36 regarding the ~~location and contacts of~~ EACH group homes HOME. :

37 1. THE LOCATION OF THE GROUP HOME, INCLUDING SATELLITE FACILITIES.

38 2. THE NUMBER OF RESIDENTS AT THE GROUP HOME AND ITS SATELLITE
39 FACILITIES.

40 3. THE CURRENT, UPDATED EMERGENCY CONTACTS FOR THE GROUP HOME AND ITS
41 SATELLITE FACILITIES.

42 4. THE CURRENT, UPDATED CONTACTS FOR THE GROUP HOME'S LICENSING
43 AUTHORITY.

44 E. IF THE MUNICIPALITY IN WHICH A GROUP HOME IS LOCATED REQUESTS THE
45 DEPARTMENT OF HEALTH SERVICES TO PROVIDE INFORMATION FROM THE REGISTRY, THE

1 DEPARTMENT SHALL PROVIDE THE INFORMATION EVERY SIX MONTHS TO THE
2 MUNICIPALITY.

3 F. For the purposes of this article:

4 1. "Contract violation" means a licensing violation or a failure of
5 the group home to comply with those provisions of its contract relating to
6 subsection A, paragraphs 1, 2 and 3 of this section.

7 2. "Contracting authority" means a regional behavioral health
8 authority or the state agency or its division, office, section, bureau or
9 program that is responsible for the administration and monitoring of
10 contracts with group homes.

11 3. "Group home" means a residential facility that is licensed to serve
12 more than four minors at any one time, and that is licensed by the department
13 of health services pursuant to chapter 4 of this title or section 36-591,
14 subsection B or by the department of economic security pursuant to title 8,
15 chapter 5, article 1 and that provides services pursuant to a contract for
16 minors determined to be dependent as defined in section 8-201 or delinquent
17 or incorrigible pursuant to section 8-341, or for minors with developmental
18 disabilities, mental health or substance abuse needs. Group home does not
19 include hospitals, nursing homes, child crisis and domestic violence
20 shelters, adult homes, foster homes, facilities subject to any transient
21 occupancy tax or behavioral health service agencies that provide twenty-four
22 hour or continuous physician availability.

23 4. "Licensing authority" means the state agency or its division,
24 office, section, bureau or program that is responsible for licensing group
25 homes.

26 5. "Licensing violation" means a determination by the licensing
27 authority that the group home is not in compliance with licensing
28 requirements as prescribed in statute or rule.

29 6. "Neighbor" means a person residing within a ONE-quarter of a mile
30 radius of the group home.

31 7. "Resident" means any person who is placed in a group home pursuant
32 to a contract with a contracting authority.

APPROVED BY THE GOVERNOR APRIL 24, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2001.

Passed the House April 09, 2001,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 21, 2001,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1235

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE
ON RECONSIDERATION

Passed the Senate April 19, 2001,

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

Randall Auer
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 2001,

at 4:00 o'clock P M.

Jandra Ramirez
Secretary to the Governor

Approved this 24 day of

April, 2001,

at 11:26 o'clock A M.

Jane Dee Hull
Governor of Arizona

S.B. 1235

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 24 day of April, 2001,

at 4:50 o'clock P M.

Debra Bayless
Secretary of State