Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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CHAPTER 257

HOUSE BILL 2098

AN ACT

AMENDING SECTION 1-602, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-132; AMENDING SECTIONS 8-272, 8-273 AND 8-462, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 8-463 AND 8-464; AMENDING SECTION 8-501, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-502; AMENDING SECTIONS 8-506, 8-512, 8-520, 8-521, 8-526 AND 8-528, ARIZONA REVISED STATUTES; REPEALING SECTION 8-809, ARIZONA REVISED STATUTES; AMENDING SECTIONS 8-811, 8-821, 12-2452, 15-1809, 28-907, 36-664, 36-2936, 41-198, 41-619.51, 41-1005, 41-1954.01, 41-1959, 41-1966, 41-1967, 41-2501, 41-3802 AND 46-134, ARIZONA REVISED STATUTES; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 1-602, Arizona Revised Statutes, is amended to read:

1-602. Parents' bill of rights; definition

A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including~~, but not limited to, the following rights~~:

1. The right to direct the education of the minor child.

2. All rights of parents identified in title 15, including the right to access and review all records relating to the minor child.

3. The right to direct the upbringing of the minor child.

4. The right to direct the moral or religious training of the minor child.

5. The right to make health care decisions for the minor child, including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless otherwise prohibited by law.

6. The right to access and review all medical records of the minor child unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released.

7. The right to consent in writing before a biometric scan of the minor child is made pursuant to section 15-109.

8. The right to consent in writing before any record of the minor child's blood or deoxyribonucleic acid is created, stored or shared, except as required by section 36-694, or before any genetic testing is conducted on the minor child pursuant to section 12-2803 unless authorized pursuant to section 13-610 or a court order.

9. The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of the minor child, unless the video or voice recording is made during or as a part of a court proceeding, by law enforcement officers during or as part of a law enforcement investigation, during or as part of ~~a forensic~~ AN interview in a criminal or child ~~protective~~ SAFETY services investigation or to be used solely for any of the following:

(a) Safety demonstrations, including the maintenance of order and discipline in the common areas of a school or on pupil transportation vehicles.

(b) A purpose related to a legitimate academic or extracurricular activity.

(c) A purpose related to regular classroom instruction.

(d) Security or surveillance of buildings or grounds.

(e) A photo identification card.

10. The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or child ~~protective~~ SAFETY services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

11. The right to obtain information about a child SAFETY ~~protective~~ services investigation involving the parent pursuant to section 8-807.

B. This section does not authorize or allow a parent to engage in conduct that is unlawful or to abuse or neglect a child in violation of the laws of this state. This section does not prohibit courts, law enforcement officers or employees of a government agency responsible for child welfare from acting in their official capacity within the scope of their authority. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

C. Any attempt to encourage or coerce a minor child to withhold information from the child's parent shall be grounds for discipline of an employee of this state, any political subdivision of this state or any other governmental entity, except for law enforcement personnel.

D. Unless those rights have been legally waived or legally terminated, parents have inalienable rights that are more comprehensive than those listed in this section. This chapter does not prescribe all rights of parents. Unless otherwise required by law, the rights of parents of minor children shall not be limited or denied.

E. For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of a minor child.

Sec. 2. Title 8, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 8-132, to read:

8-132. <u>Adoption agency information confidentiality; permissible disclosure; use violation; classification; definitions</u>

A. UNLESS OTHERWISE PROVIDED BY LAW AND EXCEPT AS PROVIDED IN SUBSECTION C OR D OF THIS SECTION, ALL PERSONAL INFORMATION CONCERNING AN INDIVIDUAL WHO APPLIES FOR OR WHO RECEIVES AN ADOPTION AGENCY LICENSE IS CONFIDENTIAL AND MAY NOT BE RELEASED, UNLESS THE RELEASE IS ORDERED BY THE SUPERIOR COURT OR PROVIDED FOR BY COURT RULE. DCS INFORMATION IS CONFIDENTIAL AND MAY BE RELEASED ONLY AS PRESCRIBED IN SECTION 8-807.

B. ADOPTION AGENCY INFORMATION IS NOT CONFIDENTIAL, EXCEPT FOR BOTH OF THE FOLLOWING:

1. ANY DCS INFORMATION IN THE LICENSING FILES.

2. THE ADDRESS OF ANY FACILITY WHERE A FOSTER CHILD IS PLACED, EVEN IF THE ADDRESS IS ALSO THE CORPORATE ADDRESS OF THE ADOPTION AGENCY.

C. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR A COURT MAY OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION A OR B OF THIS SECTION IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

D. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR A COURT MAY RELEASE INFORMATION THAT IS OTHERWISE CONFIDENTIAL UNDER THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

1. TO AN APPLICANT OR LICENSEE IF A REQUEST IS MADE IN WRITING SPECIFICALLY REQUESTING INFORMATION THAT DIRECTLY RELATES TO THE PERSON WHO REQUESTS THE INFORMATION.

2. IN ORAL OR WRITTEN COMMUNICATIONS INVOLVING THE PROVISION OF SERVICES OR THE REFERRAL TO SERVICES BETWEEN EMPLOYEES OF, PERSONS UNDER CONTRACT WITH OR PERSONS HOLDING A GENERAL EMPLOYMENT RELATIONSHIP WITH THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR THE JUVENILE COURT.

3. IF THE DISCLOSURE IS NECESSARY TO PROTECT AGAINST A CLEAR AND SUBSTANTIAL RISK OF IMMINENT SERIOUS INJURY TO A CLIENT OF THE DEPARTMENT OF CHILD SAFETY.

4. TO AN AGENCY OF THE FEDERAL GOVERNMENT, THIS STATE OR ANOTHER STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE FOR OFFICIAL PURPOSES. INFORMATION RECEIVED BY A GOVERNMENTAL AGENCY PURSUANT TO THIS PARAGRAPH SHALL BE MAINTAINED AS CONFIDENTIAL, UNLESS THE INFORMATION IS PERTINENT TO A CRIMINAL PROSECUTION.

5. TO A FOSTER PARENT OR A PARENT CERTIFIED TO ADOPT, IF THE INFORMATION IS NECESSARY TO ASSIST IN THE PLACEMENT WITH OR CARE OF A CHILD BY THE FOSTER PARENT OR PERSON CERTIFIED TO ADOPT.

6. TO AN OFFICER OF THE SUPERIOR COURT, THE DEPARTMENT OR AN AGENCY THAT IS REQUIRED TO PERFORM AN INVESTIGATION PURSUANT TO SECTION 8-105, IF THE INFORMATION IS PERTINENT TO THE INVESTIGATION. INFORMATION RECEIVED PURSUANT TO THIS PARAGRAPH MAY BE DISCLOSED TO THE COURT, BUT SHALL OTHERWISE BE MAINTAINED AS CONFIDENTIAL.

E. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

F. FOR THE PURPOSES OF THIS SECTION:

1. "ADOPTION AGENCY INFORMATION" MEANS ALL INFORMATION IN THE LICENSING FILE OF THE DEPARTMENT, INCLUDING ALL INFORMATION ON CORPORATE OR OTHER ENTITY APPLICANTS OR LICENSEES AND ANY LICENSING INVESTIGATIONS. ADOPTION AGENCY INFORMATION DOES NOT INCLUDE PERSONAL INFORMATION ABOUT INDIVIDUALS WHO APPLY FOR LICENSURE TO OR WHO ARE LICENSED BY THE DEPARTMENT AS AN ADOPTION AGENCY OR OTHER SIMILAR PERSONAL INFORMATION CONTAINED IN THE LICENSING FILE OF THE DEPARTMENT.

2. "DCS INFORMATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-807.

3. "PERSONAL INFORMATION" MEANS INFORMATION ABOUT AN INDIVIDUAL THAT IS DISCLOSED BY THE INDIVIDUAL OR BY A THIRD PARTY ON BEHALF OF THE INDIVIDUAL TO OBTAIN OR MAINTAIN A LICENSE. PERSONAL INFORMATION INCLUDES ALL OF THE FOLLOWING:

(a) THE INDIVIDUAL'S IDENTITY, SOCIAL SECURITY NUMBER, ADDRESS AND PERSONAL HISTORY.

(b) FINANCIAL, HEALTH OR MEDICAL INFORMATION ABOUT THE INDIVIDUAL.

(c) REFERENCES FOR THE INDIVIDUAL.

Sec. 3. Section 8-272, Arizona Revised Statutes, is amended to read:

8-272. Psychiatric acute care services; outpatient and inpatient assessments; definition

A. If a child exhibits behavior that indicates the child may suffer from a mental disorder or is a danger to self or others, an entity may request that the child receive an outpatient assessment or inpatient assessment.

B. A psychologist, psychiatrist or physician shall conduct an outpatient assessment at a time and place that is convenient for the psychologist, psychiatrist or physician and the child. At the conclusion of the outpatient assessment, the psychologist, psychiatrist or physician shall recommend that the child be either:

1. Provided with outpatient treatment services.

2. Admitted to a psychiatric acute care facility for inpatient assessment or inpatient psychiatric acute care services.

3. Provided with residential treatment services.

4. Discharged to the entity without further psychological or psychiatric services because the child does not suffer from a mental disorder, is not a danger to self or others or is not a child with a persistent or acute disability or grave disability.

C. A psychologist, psychiatrist or physician shall conduct an inpatient assessment within seventy-two hours after a child is admitted to an inpatient assessment facility, excluding weekends and holidays. At the conclusion of the inpatient assessment, the psychologist, psychiatrist or physician shall recommend that the child be either:

1. Admitted to a psychiatric acute care facility for inpatient psychiatric acute care services.

2. Discharged to an entity and provided with outpatient treatment services.

3. Provided with residential treatment services.

4. Discharged to the entity without further psychological or psychiatric services because the child does not suffer from a mental disorder, is not a danger to self or others or is not a child with a persistent or acute disability or grave disability.

D. Within twenty-four hours after a child is admitted for an inpatient assessment, excluding weekends and holidays, the entity shall file a motion for approval of admission for inpatient assessment with the juvenile court. The motion shall include all of the following:

1. The name and address of the inpatient assessment facility.

2. The name of the psychologist, psychiatrist or physician who is likely to perform the inpatient assessment.

3. The date and time the child was admitted to the inpatient assessment facility.

4. A short statement explaining why the child needs an inpatient assessment.

E. An entity that files a motion under subsection D of this section shall provide a copy of the motion to all of the parties and their attorneys. The court shall rule on the motion without response from any party, except that any party may request a hearing to review the child's admission for an inpatient assessment. If the court grants a hearing, the court shall set the hearing on an accelerated basis.

F. If the psychologist, psychiatrist or physician who performed the outpatient assessment or inpatient assessment of the child recommends that the child receive inpatient acute care psychiatric services, the entity may file a motion for inpatient psychiatric acute care services with the juvenile court. If the psychologist, psychiatrist or physician makes this recommendation after conducting an inpatient assessment, the entity shall file the motion for inpatient psychiatric acute care services within twenty-four hours after the completion of the inpatient assessment, excluding weekends and holidays. The motion shall include all of the following:

1. A copy of the written report of the results of the inpatient assessment or outpatient assessment, including:

(a) The reason why inpatient psychiatric acute care services are in the child's best interests.

(b) The reason why inpatient psychiatric acute care services are the least restrictive available treatment.

(c) A diagnosis of the child's condition that requires inpatient psychiatric acute care services.

(d) The estimated length of time that the child will require inpatient psychiatric acute care services.

2. A written statement from the medical director of the proposed inpatient psychiatric acute care facility or the medical director's designee that the facility's services are appropriate to meet the child's mental health needs.

G. As soon as practicable after the filing of a motion under subsection D or F of this section, the court shall appoint an attorney for the child if an attorney has not been previously appointed. The court may also appoint a guardian ad litem for the child.

H. If a motion is filed pursuant to subsection F of this section, the court shall hold a hearing on the motion within seventy-two hours after the motion is filed, excluding weekends and holidays. If the child has been admitted for an inpatient assessment, the child may remain at the inpatient assessment facility until the court rules on the motion.

I. If a child is admitted for an inpatient assessment and an entity fails to file a motion pursuant to and within the time limit prescribed in

subsection F of this section, the child shall be discharged from the inpatient assessment facility.

J. If the court approves the admission of the child for inpatient psychiatric acute care services, the court shall find by clear and convincing evidence that both:

1. The child is suffering from a mental disorder or is a danger to self or others and requires inpatient psychiatric acute care services.

2. Available alternatives to inpatient psychiatric acute care services were considered, but that inpatient psychiatric acute care services are the least restrictive available alternative.

K. The court shall review the child's continuing need for inpatient psychiatric acute care services at least every sixty days after the date of the treatment order. The inpatient psychiatric acute care facility shall submit a progress report to the court at least five days before the review and shall provide copies of the progress report to all of the parties, including the child's attorney and guardian ad litem. On its own motion or on the motion of a party, the court may hold a hearing on the child's continuing need for inpatient psychiatric acute care services. If requested by the child, the court shall hold a hearing unless the court has held a review hearing within sixty days before the child's request. If requested by the child, the court may hold a hearing at any time for good cause shown. The progress report shall make recommendations and shall include at least the following:

1. The nature of the treatment provided, including any medications and the child's current diagnosis.

2. The child's need for continued inpatient psychiatric acute care services, including the estimated length of the services.

3. A projected discharge date.

4. The level of care required by the child and the potential placement options that are available to the child on discharge.

5. A statement from the medical director of the inpatient psychiatric acute care facility or the medical director's designee as to whether inpatient psychiatric acute care services are necessary to meet the child's mental health needs and whether the facility that is providing the inpatient psychiatric acute care services to the child is the least restrictive available alternative.

L. If a child is transferred from an inpatient psychiatric acute care facility to another inpatient psychiatric acute care facility, no new inpatient assessment or outpatient assessment is required. Unless the court orders otherwise due to an emergency, an entity shall file a notice of transfer with the juvenile court at least five days before the transfer of the child. The notice shall include all of the following:

1. The name and address of the facility to which the child is being transferred and the date of the transfer.

2. A statement from the medical director of the receiving inpatient psychiatric acute care facility or the medical director's designee that the receiving facility is an appropriate facility to meet the child's mental health needs and that it is the least restrictive available alternative.

3. A statement that the entity has contacted the child's attorney or guardian ad litem and whether the child or the child's attorney or guardian ad litem opposes the transfer.

M. Any party may request a hearing to review the transfer of a child to another inpatient psychiatric acute care facility pursuant to subsection L of this section.

N. Within fifteen days after a child is discharged, the inpatient psychiatric acute care facility shall prepare a discharge summary. Within twenty days after a child is discharged, an entity shall file a notice of discharge with the juvenile court. The notice shall include:

1. A statement of the child's current placement.

2. A statement of the mental health services that are being provided to the child and the child's family.

3. A copy of the discharge summary that is prepared by a mental health professional.

O. When possible, the child's attorney shall communicate with the child within twenty-four hours after a motion is filed pursuant to subsection D or F of this section, excluding weekends and holidays. The child's attorney shall discuss treatment recommendations and shall advise the child of the child's right to request a hearing. The child's attorney or designee shall attend all court hearings related to the child's inpatient assessment or inpatient psychiatric acute care services and shall be prepared to report to the court the child's position on any recommended assessments or treatment. The child may attend any hearing unless the court finds by a preponderance of the evidence that allowing the child to attend would not be in the child's best interests.

P. If the child is a dually adjudicated child, the entity that requests an order for inpatient psychiatric acute care services shall notify any other entity of all notices, motions, hearings or other proceedings related to the provision of inpatient psychiatric acute care services. Any entity may attend and participate in all hearings or other proceedings relating to the provision of inpatient psychiatric acute care services to a dually adjudicated child.

Q. Section 8-273 applies if residential treatment services are recommended after an inpatient assessment or outpatient assessment or any inpatient psychiatric acute care treatment. Section 8-341.01 applies if a child who is adjudicated delinquent or incorrigible and who is subject to the jurisdiction of the juvenile court requires residential treatment services. Section 41-2815 applies if a child who is committed to the department of juvenile corrections requires residential treatment services.

R. Information and records that are obtained or created in the course of any assessment, examination or treatment are subject to the confidentiality requirements of section 36-509, except that information and records may be provided to the department of juvenile corrections pursuant to section 8-341.

S. For the purposes of this section, "child" means a person who is under eighteen years of age and who is either:

1. Found to be dependent or temporarily subject to court jurisdiction pending an adjudication of a dependency petition.

2. In the temporary custody of ~~child protective services~~ THE DEPARTMENT pursuant to section 8-821.

3. Detained in a juvenile court detention facility.

4. Committed to the department of juvenile corrections.

Sec. 4. Section 8-273, Arizona Revised Statutes, is amended to read:

8-273. Residential treatment services; definition

A. If a child exhibits behavior that indicates the child may suffer from a mental disorder or if it is recommended as a result of an outpatient assessment or inpatient assessment pursuant to section 8-272 that a child receive residential treatment services, an entity may file a motion requesting that the juvenile court order a child to receive residential treatment services. If the motion states that all parties, including counsel for the child, have been contacted and are in agreement, the court is not required to set a hearing on the motion.

B. A motion for residential treatment services shall be supported by a written psychological, psychiatric or medical assessment recommending residential treatment services. The court may waive the written assessment on a finding of good cause. The written assessment shall include at least the following:

1. The reason why residential treatment services are in the child's best interests.

2. The reason why residential treatment services are the least restrictive treatment available.

3. The reason why the child's behavioral, psychological, social or mental health needs require residential treatment services.

4. The estimated length of time that the child will require residential treatment services.

C. A motion for residential treatment services shall be supported by a written statement from the medical or clinical director of the residential treatment facility or the director's designee that the facility's services are appropriate to meet the child's needs.

D. As soon as practicable after an entity files a motion under subsection A of this section, the court shall appoint an attorney for the child if an attorney has not been previously appointed. The court may also appoint a guardian ad litem for the child.

E. The child's attorney shall discuss the treatment recommendations with the child. The child's attorney or designee shall attend all court hearings related to the child's placement in a residential treatment facility and shall be prepared to report to the court on the child's position regarding any recommendations or requests related to the provision of residential treatment services. The child may appear at any hearing, unless the court finds by a preponderance of the evidence that allowing the child to attend the hearing would not be in the child's best interests.

F. If the court orders a child to receive residential treatment services, the court shall find by clear and convincing evidence that both:

1. The child requires residential treatment services to address the child's behavioral, psychological, social or mental health needs.

2. Available alternatives to residential treatment services were considered, but that residential treatment services are the least restrictive available alternative.

G. The court shall review the child's continuing need for residential treatment services at least every sixty days from the date of the treatment order. The residential treatment facility shall submit a progress report to the court at least five days before the review and shall provide copies of its report to all of the parties, including the child's attorney and guardian ad litem. The progress report shall include the recommendations of the child's treatment facility and shall include at least the following:

1. The nature of the treatment provided, including any medications and the child's current diagnosis.

2. The child's need for continued residential treatment services, including the estimated length of the services.

3. A projected discharge date.

4. The level of care required by the child and the potential placement options that are available to the child on discharge.

5. A statement from the medical or clinical director of the residential treatment services facility or the director's designee as to whether residential treatment services are necessary to meet the child's needs and whether the facility that is providing the residential treatment services to the child is the least restrictive available alternative.

H. On its own motion or on the motion of a party, the court may schedule a hearing concerning the child's continuing need for residential treatment services. If requested by the child, the court shall schedule a hearing unless the court has held a review hearing within sixty days before the child's request. If requested by the child, the court may hold a hearing at any time for good cause shown.

I. If the child is a dually adjudicated child, the entity that requests an order for residential treatment services shall notify any other entity of all notices, motions, hearings or other proceedings related to the provision of residential treatment services. Any entity may attend and

participate in all hearings or other proceedings relating to the provision of residential treatment services to a dually adjudicated child.

J. Information or records that are obtained or created pursuant to any assessment, examination or treatment are subject to the confidentiality requirements of section 36-509, except that information and records may be provided to the department of juvenile corrections pursuant to section 8-341.

K. This section does not apply to a child who is either:

1. Committed to the department of juvenile corrections. Section 41-2815 applies if a child who is committed to the department of juvenile corrections requires residential treatment services.

2. Adjudicated delinquent or incorrigible and who is subject to the jurisdiction of the juvenile court. Section 8-341.01 applies if a child who is adjudicated delinquent or incorrigible and who is subject to the jurisdiction of the juvenile court requires residential treatment services.

L. For the purposes of this section, "child" means a person who is under eighteen years of age and who is either:

1. Found to be dependent or temporarily subject to court jurisdiction pending an adjudication of a dependency petition.

2. In the temporary custody of ~~child protective services~~ THE DEPARTMENT pursuant to section 8-821.

Sec. 5. Section 8-462, Arizona Revised Statutes, is amended to read:

8-462. Housing assistance

A. Notwithstanding any other provision in this title, the department may provide special housing assistance in the form of vendor payments to achieve permanency for children who are involved in open child ~~protective~~ SAFETY services cases. The child's family may qualify for this special housing assistance only if the lack of adequate housing is a significant barrier preventing the child from being reunited with or being able to remain with the child's family or other caretakers who will provide permanency for the child. The amount of housing assistance provided by the department for each family for an incident shall not exceed one thousand eight hundred dollars during a six month period. The housing assistance may only be used for rent, utilities, deposits and arrears. The department may provide housing assistance only if other resources are unavailable.

B. The case plan for the child and family shall contain a reference to the lack of adequate housing.

C. The case notes shall reflect barriers that the family faces in obtaining adequate housing, a specific, time oriented plan for phasing out the need of the family for continued housing assistance, the actions that are being taken by the family for economic self-sufficiency and a complete financial picture of the family at the time of application to the program, including housing related expenses and income, including entitlements.

D. For the period a family is receiving housing assistance, the department shall provide case management services that include monitoring the financial situation of the family.

E. The department shall make the following information regarding the housing assistance program available to the public on request and on the department's web site:

1. The number of children and families, by district, receiving services through this program during the previous fiscal year.

2. The total amount of monies spent on the program by district.

3. A programmatic and fiscal evaluation of the effectiveness of this program which includes the amount of monies saved by reducing foster care expenditures.

F. The department may adopt rules to carry out this section.

Sec. 6. Title 8, chapter 4, article 1, Arizona Revised Statutes, is amended by adding sections 8-463 and 8-464, to read:

8-463. Electronic communication by department

A. NOTWITHSTANDING ANY OTHER LAW, IF THE DEPARTMENT IS REQUIRED TO PROVIDE AN ADMINISTRATIVE ORDER, A NOTICE OR A LETTER TO AN APPLICANT, A RECIPIENT OR A CLIENT, THE DEPARTMENT MAY SEND THE ADMINISTRATIVE ORDER, NOTICE OR LETTER BY ELECTRONIC MEANS IF THE PARTY BEING SERVED OR NOTIFIED CONSENTS.

B. CONSENT MAY BE OBTAINED IN WRITING ON A FORM APPROVED BY THE DEPARTMENT, VERBALLY ON THE RECORD IN A HEARING OR ELECTRONICALLY THROUGH THE DEPARTMENT'S WEBSITE BY THE PARTY BEING SERVED FOLLOWING AN AFFIRMATIVE CONSENT PROCEDURE. AT THE TIME OF CONSENT, THE PARTY MUST BE ADVISED OF THE NATURE OF THE NOTICES TO BE DELIVERED OR SERVED, THE LEGAL CONSEQUENCE OF THE CHOICE AND THE RIGHT TO REVOKE THE CONSENT. CONSENT MAY BE PROVIDED FOR A PROCEEDING OR FOR NOTICES PROVIDED ON AN ONGOING BASIS.

C. DELIVERY OR SERVICE BY ELECTRONIC MEANS IS COMPLETE ON TRANSMISSION UNLESS IT IS ESTABLISHED THAT DELIVERY OR TRANSMISSION OF THE ELECTRONIC DOCUMENT FAILED DUE TO DEPARTMENT ERROR OR FAILURE OF THE RECIPIENT TO RECEIVE THE ELECTRONIC DOCUMENT FOR ANY OTHER REASON OUTSIDE THE CONTROL OF THE RECIPIENT.

D. CONSENT MAY BE REVOKED IN WRITING TO THE DEPARTMENT OR BY FOLLOWING AN AFFIRMATIVE REVOCATION PROCEDURE ESTABLISHED ON THE DEPARTMENT'S WEBSITE.

E. IF THE DEPARTMENT RECEIVES ELECTRONIC NOTICE THAT THE ELECTRONIC ADDRESS TO WHICH A DOCUMENT IS BEING SENT IS NO LONGER VALID OR IS OTHERWISE NOT FUNCTIONING, THE DEPARTMENT SHALL DEEM THE CONSENT TO ELECTRONIC NOTICE TO HAVE BEEN REVOKED AND THE DOCUMENT SHALL BE SERVED BY MAIL.

F. THIS SECTION ONLY APPLIES TO NOTICES, DECISIONS AND ORDERS REQUIRED FOR SERVICES AND PROGRAMS OF THE DEPARTMENT. THIS SECTION DOES NOT APPLY TO A NOTICE THAT IS REQUIRED IN CONNECTION WITH LITIGATION BEFORE A COURT OF RECORD IN THIS STATE.

8-464. Auditor general; department audit team; duties

A. THE AUDITOR GENERAL SHALL ESTABLISH AN AUDIT TEAM TO BE LOCATED IN THE DEPARTMENT OF CHILD SAFETY TO PROVIDE ONGOING PERFORMANCE REVIEWS AND ANALYSES.

B. PURSUANT TO AN AUDIT PLAN ADOPTED AFTER REVIEW BY THE JOINT LEGISLATIVE AUDIT COMMITTEE, THE AUDIT TEAM MAY:

1. DETERMINE THE VALIDITY AND ACCURACY OF INFORMATION REPORTED BY THE DEPARTMENT TO THE LEGISLATURE.

2. PERFORM OTHER REVIEWS AND ANALYSES RELATING TO THE DEPARTMENT.

3. REVIEW A SPECIFIC DEPARTMENT FUNCTION OR PROCESS.

C. PURSUANT TO SECTION 41-1279.04, THE DEPARTMENT SHALL PROVIDE THE AUDITOR GENERAL ACCESS TO ANY DATA FROM THE DEPARTMENT, INCLUDING ELECTRONIC DATA, THAT THE AUDITOR GENERAL DEEMS NECESSARY TO PERFORM THE DUTIES PRESCRIBED IN THIS SECTION. THIS DATA SHALL BE PROVIDED IN THE MANNER AND FORMAT PRESCRIBED BY THE AUDITOR GENERAL.

Sec. 7. Section 8-501, Arizona Revised Statutes, is amended to read:

8-501. Definitions

A. In this article, unless the context otherwise requires:

1. "Child welfare agency" or "agency":

(a) Means:

(i) Any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for twenty-four hour social, emotional or educational supervised care or who have been adjudicated as a delinquent or dependent child.

(ii) Any institution that provides care for unmarried mothers and their children.

(iii) Any agency maintained by this state, a political subdivision of this state or a person, firm, corporation, association or organization to place children or unmarried mothers in a foster home.

(b) Does not include state operated institutions or facilities, detention facilities for children established by law, health care institutions that are licensed by the department of health services pursuant to title 36, chapter 4 or private agencies that exclusively provide children with social enrichment or recreational opportunities and that do not use restrictive behavior management techniques.

2. "Division" or "department" means the department of child safety.

3. "Former dependent child" means a person who was previously adjudicated a dependent child in a dependency proceeding that has been dismissed by order of the juvenile court.

4. "Foster child" means a child placed in a foster home or child welfare agency.

5. "Foster home" means a home maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

6. "Foster parent" means any individual or individuals maintaining a foster home.

7. "Group foster home" means a licensed regular or special foster home suitable for placement of more than five minor children but not more than ten minor children.

8. "Out-of-home placement" means the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to section 8-821, subsection A or B, voluntary placement pursuant to section 8-806 or placement due to dependency actions.

9. "Parent" means the natural or adoptive mother or father of a child.

10. "Reason for leaving care" means one of the following:

(a) Reunification with a parent or primary caretaker.

(b) Living with another relative.

(c) Adoption by a relative.

(d) Adoption by a foster parent.

(e) Adoption by another person.

(f) Age of majority.

(g) Guardianship by a relative.

(h) Guardianship by another person.

(i) Transfer to another agency.

(j) Runaway.

(k) Death.

11. "Receiving foster home" means a licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition.

12. "Regular foster home" means a licensed foster home suitable for placement of not more than five minor children.

13. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half blood, aunt, uncle or first cousin.

14. "Restrictive behavior management" means an intervention or procedure that attempts to guide, redirect, modify or manage behavior through the use of any of the following:

(a) Physical force to cause a child to comply with a directive. Physical force does not include physical escort. For the purposes of this subdivision, "physical escort" means temporarily touching or holding a child's hand, wrist, arm, shoulder or back to induce the child to walk to a safe location.

(b) A device, action or medication to restrict the movement or normal function of a child in order to control or change the child's behavior and that includes:

(i) Chemical restraint. For the purposes of this item, "chemical restraint" means the use of any psychoactive medication as a restraint to control the child's behavior or to restrict the child's freedom of movement and that is not a standard treatment for the child's medical or psychiatric condition.

(ii) Mechanical restraint. For the purposes of this item, "mechanical restraint" means the use of any physical device to limit a child's movement and to prevent the child from causing harm to self or to others. Mechanical restraint does not include devices such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets or any other method that involves the physical holding of a child to conduct a routine physical examination or test or to protect the child from falling out of bed or to permit the child to participate in activities in order to reduce the risk of physical harm to the child.

(iii) Physical restraint. For the purposes of this item, "physical restraint" means applying physical force to reduce or restrict a child's ability to freely move the child's arms, legs or head. Physical restraint does not include temporarily holding a child to permit the child to participate in activities of daily living if this holding does not involve the risk of physical harm to the child.

(iv) Seclusion. For the purposes of this item, "seclusion" means placing a child against the child's will in a room in which the child is unable to open the door in order to prevent the child from doing harm to self or others.

15. "Special foster home" means a licensed foster home capable of handling not more than five minor children who require special care for physical, mental or emotional reasons or who have been adjudicated delinquent. Special foster home includes any home handling foster children aged twelve through seventeen.

B. A foster home or any classification of foster home defined in subsection A of this section includes a home having the care of persons who are under twenty-one years of age and the cost of whose care is provided pursuant to section ~~46-134, paragraph 12~~ 8-521.01.

Sec. 8. Title 8, chapter 4, article 4, Arizona Revised Statutes, is amended by adding section 8-502, to read:

8-502. <u>Foster parent and child welfare agency information; confidentiality; permissible disclosure; use; violation; classification; definitions</u>

A. UNLESS OTHERWISE PROVIDED BY LAW AND EXCEPT AS PROVIDED IN SUBSECTION E, F OR G OF THIS SECTION, ALL PERSONAL INFORMATION CONCERNING A FOSTER PARENT APPLICANT OR LICENSEE OR AN INDIVIDUAL WHO APPLIES FOR OR RECEIVES A CHILD WELFARE AGENCY LICENSE IS CONFIDENTIAL AND MAY NOT BE RELEASED, UNLESS THE RELEASE IS ORDERED BY THE SUPERIOR COURT OR PROVIDED FOR BY COURT RULE. DCS INFORMATION IS CONFIDENTIAL AND MAY BE RELEASED ONLY AS PRESCRIBED IN SECTION 8-807.

B. FOSTER PARENT INFORMATION IS CONFIDENTIAL, EXCEPT THE DEPARTMENT MAY RELEASE THE INFORMATION PRESCRIBED IN SUBSECTION C OF THIS SECTION IF THE FOSTER PARENT'S LICENSE HAS BEEN REVOKED OR ALL OF THE FOLLOWING APPLY:

1. NO FOSTER CHILDREN ARE RESIDING IN THE HOME.

2. THE DEPARTMENT HAS BEGUN A LICENSING DENIAL, SUSPENSION OR REVOCATION ACTION.

3. THE FOSTER PARENT'S IDENTITY HAS BEEN MADE PUBLIC BY SOURCES OUTSIDE THE DEPARTMENT.

C. IF REQUESTED, THE DEPARTMENT MAY RELEASE THE FOLLOWING FOSTER CARE PARENT INFORMATION IF PERMISSIBLE UNDER SUBSECTION B OF THIS SECTION:

1. THE NAME OF THE LICENSEE.

2. THE DATES OF CURRENT AND PAST LICENSURE.

3. ANY TRAINING IN WHICH THE LICENSEE PARTICIPATED.

4. THE NUMBER, AGES AND GENDER OF CHILDREN FOR WHICH THE FOSTER CARE PROVIDER IS LICENSED.

5. ANY COMPLAINTS THAT DO NOT INVOLVE A CHILD SAFETY OR AN OFFICE OF CHILD WELFARE INVESTIGATIONS INVESTIGATION.

6. ANY RESTRICTIONS ON THE LICENSE OF THE LICENSEE.

D. CHILD WELFARE AGENCY INFORMATION IS NOT CONFIDENTIAL, EXCEPT FOR BOTH OF THE FOLLOWING:

1. ANY DCS INFORMATION IN THE LICENSING FILES OF THE DEPARTMENT.

2. THE ADDRESS OF ANY FACILITY WHERE A FOSTER CHILD IS PLACED, EVEN IF THE ADDRESS IS ALSO THE CORPORATE ADDRESS OF THE CHILD WELFARE AGENCY.

E. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR A COURT MAY OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION A, B, C OR D OF THIS SECTION IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

F. AN EMPLOYEE OF THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR A COURT MAY RELEASE INFORMATION THAT IS OTHERWISE CONFIDENTIAL UNDER THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

1. TO AN APPLICANT OR LICENSEE IF A REQUEST IS MADE IN WRITING SPECIFICALLY REQUESTING INFORMATION THAT DIRECTLY RELATES TO THE PERSON WHO REQUESTS THE INFORMATION.

2. IN ORAL OR WRITTEN COMMUNICATIONS INVOLVING THE PROVISION OF SERVICES OR THE REFERRAL TO SERVICES BETWEEN EMPLOYEES OF, PERSONS UNDER CONTRACT WITH OR PERSONS HOLDING A GENERAL EMPLOYMENT RELATIONSHIP WITH THE DEPARTMENT OF CHILD SAFETY, THE DEPARTMENT OF LAW OR THE JUVENILE COURT.

3. IF THE DISCLOSURE IS NECESSARY TO PROTECT AGAINST A CLEAR AND SUBSTANTIAL RISK OF IMMINENT SERIOUS INJURY TO A CLIENT OF THE DEPARTMENT OF CHILD SAFETY.

4. TO AN AGENCY OF THE FEDERAL GOVERNMENT, THIS STATE OR ANOTHER STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE FOR OFFICIAL PURPOSES. INFORMATION RECEIVED BY A GOVERNMENTAL AGENCY PURSUANT TO THIS PARAGRAPH SHALL BE MAINTAINED AS CONFIDENTIAL UNLESS THE INFORMATION IS PERTINENT TO A CRIMINAL PROSECUTION.

5. TO A FOSTER PARENT OR A PARENT CERTIFIED TO ADOPT IF THE INFORMATION IS NECESSARY TO ASSIST IN THE PLACEMENT WITH OR CARE OF A CHILD BY THE FOSTER PARENT OR PERSON CERTIFIED TO ADOPT.

6. TO AN OFFICER OF THE SUPERIOR COURT, THE DEPARTMENT OR AN AGENCY THAT IS REQUIRED TO PERFORM AN INVESTIGATION PURSUANT TO SECTION 8-105, IF

THE INFORMATION IS PERTINENT TO THE INVESTIGATION. INFORMATION RECEIVED PURSUANT TO THIS PARAGRAPH MAY BE DISCLOSED TO THE COURT, BUT SHALL OTHERWISE BE MAINTAINED AS CONFIDENTIAL.

G. NOTWITHSTANDING SECTIONS 8-519, 8-541 AND 8-542, A STANDING COMMITTEE OF THE LEGISLATURE OR A COMMITTEE APPOINTED BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY OBTAIN INFORMATION DESCRIBED IN SUBSECTION A, B, C OR D OF THIS SECTION ON WRITTEN REQUEST TO THE DIRECTOR. INFORMATION OBTAINED PURSUANT TO THIS SUBSECTION MAY BE USED ONLY TO CONDUCT INVESTIGATIONS RELATED TO LEGISLATIVE OVERSIGHT OF THE DEPARTMENT. PERSONALLY IDENTIFIABLE INFORMATION MAY NOT BE FURTHER DISCLOSED.

H. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

I. FOR THE PURPOSES OF THIS SECTION:

1. "CHILD WELFARE AGENCY INFORMATION" MEANS ALL INFORMATION IN THE LICENSING FILE OF THE DEPARTMENT, INCLUDING ALL INFORMATION ON CORPORATE OR OTHER ENTITY APPLICANTS OR LICENSEES AND ANY LICENSING INVESTIGATIONS. CHILD WELFARE AGENCY INFORMATION DOES NOT INCLUDE PERSONAL INFORMATION ABOUT INDIVIDUALS WHO APPLY FOR LICENSURE TO OR ARE LICENSED BY THE DEPARTMENT AS A CHILD WELFARE AGENCY.

2. "DCS INFORMATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-807.

3. "FOSTER PARENT INFORMATION" MEANS ALL INFORMATION IN THE LICENSING FILE OF THE DEPARTMENT THAT IS NOT CONFIDENTIAL UNDER ANY OTHER LAW. FOSTER PARENT INFORMATION DOES NOT INCLUDE PERSONAL INFORMATION, INFORMATION THAT IS CONFIDENTIAL UNDER ANOTHER STATUTE OR INFORMATION OF A SIMILAR NATURE.

4. "PERSONAL INFORMATION" MEANS INFORMATION ABOUT AN INDIVIDUAL THAT IS DISCLOSED BY THE INDIVIDUAL OR BY A THIRD PARTY ON BEHALF OF THE INDIVIDUAL TO OBTAIN OR MAINTAIN A LICENSE. PERSONAL INFORMATION INCLUDES ALL OF THE FOLLOWING:

(a) THE INDIVIDUAL'S IDENTITY, SOCIAL SECURITY NUMBER, ADDRESS AND PERSONAL HISTORY.

(b) FINANCIAL, HEALTH OR MEDICAL INFORMATION ABOUT THE INDIVIDUAL.

(c) REFERENCES FOR THE INDIVIDUAL.

Sec. 9. Section 8-506, Arizona Revised Statutes, is amended to read:

8-506. <u>Denial, suspension or revocation of license; foster home; hearing</u>

The division may deny the application or suspend or revoke the license of any foster home for wilful violation of any provision of this article or failure to maintain the standards of the care prescribed by the division. Written notice of the grounds of the suspension or the proposed denial or revocation shall be given to the applicant or holder of the license. A copy of the written notice of the suspension or the proposed denial or revocation shall be forwarded to the agency that recommended the foster home for licensing. Within ~~twenty~~ TWENTY-FIVE days after ~~receipt~~ THE MAILING DATE of THE written notice of proposed denial, revocation or suspension, the

applicant or holder may request a hearing in accordance with the rules of the division. If the hearing is requested it shall be held within ten days of the request, at which time the applicant or holder shall have the right to present testimony and confront witnesses.

Sec. 10. Section 8-512, Arizona Revised Statutes, is amended to read:

8-512. Comprehensive medical and dental care; guidelines

A. The department shall provide comprehensive medical and dental care, as prescribed by rules of the department, for each child who is:

~~1. Placed in a foster home.~~

1. IN A VOLUNTARY PLACEMENT PURSUANT TO SECTION 8-806.

2. In the custody of the department ~~and placed with a relative~~ IN AN OUT-OF-HOME PLACEMENT.

~~3. In the custody of the department and placed in a certified adoptive home before the entry of the final order of adoption.~~

~~4. In the custody of the department and in an independent living program as provided in section 8-521.~~

~~5.~~ 3. In the custody of a probation department and placed in foster care. The department shall not provide this care if the cost exceeds funds currently appropriated and available for that purpose.

B. On or before October 1, 2015, the department of child safety, in collaboration with the department of health services and the Arizona health care cost containment system administration, shall:

1. Determine the most efficient and effective way to provide comprehensive medical, dental and behavioral health services, including behavioral health diagnostic, evaluation and treatment services for children who are provided care pursuant to subsection A of this section.

2. Determine the number of disruptions of placements in foster care by age of child due to behavioral health management issues and the extent each child is receiving behavioral health services.

3. Determine the number of adopted children who have entered foster care due to the adoptive parents' inability to receive behavioral health services to adequately meet the needs of the child and parents.

4. Submit a report of its recommendations for providing services pursuant to this subsection to the governor, the speaker of the house of representatives and the president of the senate and shall provide a copy of its report to the secretary of state. The collaborative determination shall consider an administratively integrated system.

~~C. The care may include:~~

~~1. A program of regular health examinations and immunizations including as minimums:~~

~~(a) Vaccinations to prevent mumps, rubella, smallpox and polio.~~

~~(b) Tests for anemia, coccidioidomycosis and tuberculosis.~~

~~(c) Urinalysis, blood count and hemoglobin tests.~~

~~(d) Regular examinations for general physical health, hearing and vision, including providing corrective devices when needed.~~

~~2. Inpatient and outpatient hospital care.~~

~~3. Necessary services of physicians, surgeons, psychologists and psychiatrists.~~

~~4. Dental care consisting of at least oral examinations including diagnostic radiographs, oral prophylaxis and topical fluoride applications, restoration of permanent and primary teeth, pulp therapy, extraction when necessary, fixed space maintainers where needed and other services for relief of pain and infection.~~

~~5. Drug prescription service.~~

C. THE COMPREHENSIVE MEDICAL AND DENTAL CARE CONSISTS OF THOSE BENEFITS PROVIDED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM BENEFIT AS PRESCRIBED IN TITLE 36, CHAPTER 29, ARTICLE 1 AND AS SET FORTH IN THE APPROVED MEDICAID STATE PLAN.

D. ~~The facilities of~~ Any ~~hospital or other institution within the state, public or private,~~ PROVIDER THAT HAS A PROVIDER AGREEMENT REGISTRATION may be employed THROUGH THE COMPREHENSIVE MEDICAL AND DENTAL PROGRAM by the foster parent, relative, certified adoptive parent, agency or ~~division~~ DEPARTMENT having responsibility for the care of the child.

E. ~~For inpatient hospital admissions and outpatient hospital services on or after March 1, 1993,~~ The department shall reimburse a ~~hospital~~ PROVIDER according to the rates established by the Arizona health care cost containment system administration pursuant to ~~section 36-2903.01, subsection G~~ TITLE 36, CHAPTER 29, ARTICLE 1.

F. The department shall use the Arizona health care cost containment system administration rates as identified in subsection E of this section for any child eligible for services under this section.

~~G. A hospital bill is considered received for purposes of subsection I of this section on initial receipt of the legible, error-free claim form by the department if the claim includes the following error-free documentation in legible form:~~

~~1. An admission face sheet.~~

~~2. An itemized statement.~~

~~3. An admission history and physical.~~

~~4. A discharge summary or an interim summary if the claim is split.~~

~~5. An emergency record, if admission was through the emergency room.~~

~~6. Operative reports, if applicable.~~

~~7. A labor and delivery room report, if applicable.~~

G. THE DEPARTMENT SHALL REQUIRE PROVIDERS TO SUBMIT CLAIMS FOR MEDICAL AND DENTAL SERVICES PURSUANT TO SECTION 36-2903.01.

H. The department shall require that the ~~hospital~~ PROVIDER pursue other third party payors before submitting a claim to the department. Payment received by a ~~hospital~~ PROVIDER from the department is considered payment by the department of the department's liability for the ~~hospital~~ bill. A ~~hospital~~ PROVIDER may collect any unpaid portion of its bill from

other third party payors or in situations covered by title 33, chapter 7, article 3.

~~I. For inpatient hospital admissions and outpatient hospital services rendered on and after October 1, 1997, the department shall pay a hospital's rate established according to this section subject to the following:~~

~~1. If the hospital's bill is paid within thirty days of the date the bill was received, the department shall pay ninety-nine per cent of the rate.~~

~~2. If the hospital's bill is paid after thirty days but within sixty days of the date the bill was received, the department shall pay one hundred per cent of the rate.~~

~~3. If the hospital's bill is paid any time after sixty days of the date the bill was received, the department shall pay one hundred per cent of the rate plus a fee of one per cent per month for each month or portion of a month following the sixtieth day of receipt of the bill until the date of payment.~~

~~J. For medical services other than those for which a rate has been established pursuant to section 36-2903.01, subsection G, the department shall pay according to the Arizona health care cost containment system capped fee-for-service schedule adopted pursuant to section 36-2904, subsection K.~~

~~K. For any hospital or medical claims not covered under subsection E or J of this section, the department shall establish and adopt a schedule setting out maximum allowable fees that the department deems reasonable for such services after appropriate study and analysis of usual and customary fees charged by providers. The department shall not pay to any plan or intermediary that portion of the cost of any service provided that exceeds allowable charges prescribed by the department pursuant to this subsection.~~

~~L.~~ I. The department shall not pay claims for services pursuant to this section that are submitted more than one hundred eighty days after the date of the service for which the payment is claimed.

~~M.~~ J. The department may provide for payment through an insurance plan, hospital service plan, medical service plan, or any other health service plan authorized to do business in this state, fiscal intermediary or a combination of such plans or methods. The state shall not be liable for and the department shall not pay to any plan or intermediary any portion of the cost of comprehensive medical and dental care in excess of funds appropriated and available for such purpose at the time the plan or intermediary incurs the expense for such care.

~~N.~~ K. The total amount of state monies that may be spent in any fiscal year by the department for comprehensive medical and dental care shall not exceed the amount appropriated or authorized by section 35-173 for that purpose. This section shall not be construed to impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.

Sec. 11. Section 8-520, Arizona Revised Statutes, is amended to read:

8-520. Violations; classification

Any agency, society, association, institution or person, whether incorporated or unincorporated, and any individual acting for or in its name, which engages in caring for children or children and adults or of placing children for care pursuant to this article, without having first procured a license as a child welfare agency as provided in this article, or which knowingly fails or refuses to report as required by the provisions of this article, or which knowingly obstructs or hinders the division, THE DEPARTMENT OF ECONOMIC SECURITY or ~~its~~ THE agents OF EITHER AGENCY in THE inspection or investigation of the agency, societies, associations, institutions or persons under ~~it's~~ the RESPECTIVE AGENCY'S control or charge, or any person knowingly violating any of the other provisions of this article is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this article.

Sec. 12. Section 8-521, Arizona Revised Statutes, is amended to read:

8-521. Independent living program; conditions; eligibility; rules; case management unit; reports

A. The department or a licensed child welfare agency may establish an independent living program for youths who are the subject of a dependency petition or who are adjudicated dependent and are all of the following:

1. In the custody of the department, a licensed child welfare agency or a tribal child welfare agency.

2. At least seventeen years of age.

3. Employed or full-time students.

B. The independent living program may consist of a residential program of less than twenty-four hours' a day supervision for youths under the supervision of the department through a licensed child welfare agency or a foster home under contract with the department. Under the independent living program the youth is not required to reside at a licensed child welfare agency or foster home.

C. The director or the director's designee shall review and approve any recommendation to the court that a youth in the custody of the department be ordered to an independent living program.

D. For a youth to participate in an independent living program, the court must order such a disposition pursuant to section 8-845.

E. The department of child safety, a licensed child welfare agency or a tribal child welfare agency having custody of the youth shall provide the cost of care as required by section ~~46-134~~ 8-453, SUBSECTION A, PARAGRAPH 9, SUBDIVISION (b), ITEM (iii) for each child placed in an independent living program pursuant to this section, except that the monthly amount provided shall not exceed the average monthly cost of purchased services for the child in the three months immediately preceding placement in an independent living program.

F. The department shall adopt rules pursuant to title 41, chapter 6 to carry out this section.

G. The department shall provide quarterly progress reports to the court and to local foster care review boards for each youth participating in the independent living program.

H. The local foster care review boards shall review at least once every six months the case of each youth participating in the independent living program.

I. The department shall establish an educational case management unit within the division consisting of two case managers to develop and coordinate educational case management plans for youths participating in the independent living program and to assist youths in the program to do the following:

1. Graduate from high school.

2. Pass the Arizona instrument to measure standards test.

3. Apply for postsecondary financial assistance.

4. Apply for postsecondary education.

J. The department shall prepare a report on or before March 1 of each year that contains the following information for the previous calendar year:

1. The number of children in the program.

2. The number of children in the program by age and grade.

3. The number of children in the program by county of residence.

4. The number of children in the program who graduated from high school.

5. The number of children in the program who received a general equivalency diploma.

6. The number of children in the program enrolled in postsecondary education.

K. The department shall submit a copy of the report prescribed in subsection J of this section to the governor, the president of the senate, the speaker of the house of representatives and the secretary of state.

Sec. 13. Section 8-526, Arizona Revised Statutes, is amended to read:

8-526. Child welfare; reporting requirements

A. The department shall compile the following information on a semiannual basis ending March 31 and September 30 of each year:

1. The total number of reports received, by major category and by priority. The report shall include a description of some of those incoming communications determined not to meet the criteria of a report as chosen by a random sample.

2. The number of reports not responded to, by priority, by county and statewide. The report shall include a description of some of these cases as chosen by random sample.

3. The number of reports assigned for investigation by priority and by major category, by county and statewide for the current and previous reporting periods.

4. The number of investigations completed by priority and by major category, by county and statewide for the current and previous reporting periods and as categorized by investigations that resulted in:

(a) A substantiated report.

(b) A report currently proposed for substantiation.

(c) An unsubstantiated report.

5. The number of reports assigned for investigation that remain open for investigation by priority and by major category, by county and statewide for the current and previous reporting periods.

6. Of the number of reports assigned for investigation, the percentage of reports that resulted in a child being placed in out-of-home care by county and statewide.

7. The number of newborn infants delivered to safe haven providers pursuant to section 13-3623.01.

8. The number of children entering out-of-home care by county during the reporting period, and the number and percentage of the children entering out-of-home care by county during the reporting period who are voluntary placements for children under eighteen years of age.

9. The number and percentage of children removed during the reporting period, by county and statewide, who had been in out-of-home care:

(a) Within the previous twelve months.

(b) Within the previous twenty-four months, excluding the children included in subdivision (a) of this paragraph.

10. The number and percentage of children who have remained in a shelter or receiving home for more than twenty-one consecutive days, by the child's age group.

11. The number and type of licensed foster homes and the number of licensed and available spaces in those homes.

12. The number and type of licensed foster homes that leave the foster care system and the reason for the exit.

13. The number of licensed foster homes that receive the required visitation by case managers pursuant to section 8-516.

14. The number of children placed in the care, custody and control of the department at the end of the reporting period and the number of these children who receive the required visitation by case managers pursuant to section 8-516.

15. The number and percentage of children who are in the care, custody and control of the department at the end of the reporting period and who are in out-of-home placement and as categorized by:

(a) Age.

(b) Ethnicity.

(c) Case plan goal.

(d) Type of out-of-home placement, categorized by age.

(e) Length of time in out-of-home placement of less than thirty days, thirty-one days to twelve consecutive months, twelve to twenty-four consecutive months and more than twenty-four consecutive months, including the median, average and range of the number of out-of-home placements.

(f) Primary legal status including voluntary placement for a child under eighteen years of age, temporary custody, adjudicated dependent, free for adoption, voluntary placement for a child over eighteen years of age, dually adjudicated or any other legal status.

16. If the case plan is to return the child to the parent, the percentage of parents who receive the required contact by case managers.

17. The number and percentage of children who left the custody of the department during the reporting period by reason for leaving care and as categorized by:

(a) Age.

(b) Ethnicity.

(c) Number of placements.

(d) Average length of time in care.

18. The number of children with a petition for termination of parental rights granted and not granted during the reporting period by county and statewide.

19. The number and percentage of children with a case plan goal of adoption and who are not placed in an adoptive home at the end of the reporting period and as categorized by:

(a) Age.

(b) Ethnicity.

(c) Average length of time in care.

(d) Legal status.

20. The number and percentage of children with a case plan goal of adoption and who are placed in an adoptive home at the end of the reporting period and as categorized by:

(a) Age.

(b) Ethnicity.

(c) Average length of time in out-of-home placement.

(d) Length of time from change of case plan goal to adoptive placement.

(e) Legal status.

(f) Marital status and relationship of the adoptive parent or parents to the child.

21. The number of children whose adoptive placement was disrupted during the reporting period and as categorized by:

(a) Age.

(b) Ethnicity.

(c) Cause of the disruption.

(d) Marital status and relationship of the adoptive parent or parents to the child.

22. The number of children whose adoptions were finalized during the reporting period and as categorized by:

(a) Average length of time in out-of-home placement before adoptive placement.

(b) Average length of time in adoptive placement before the final order of adoption.

(c) Marital status and relationship of the adoptive parent or parents to the child.

23. The number of children who died while in the custody of the department by the county where the death occurred and as categorized by:

(a) The cause of death.

(b) The type of out-of-home placement at the time of death.

24. The number of children with an open or active child ~~protective~~ SAFETY services case who died due to abuse, categorized by the person or persons who had care or custody of the child at the time of the child's death as follows:

(a) Biological parent or parents.

(b) Other family member.

(c) Adoptive parent or parents.

(d) Foster care parent or parents.

(e) Other out-of-home care provider.

25. The number of children with an open or active child ~~protective~~ SAFETY services case who died due to abuse allegedly caused by an adult household member who is not listed pursuant to paragraph 24 of this subsection.

B. Based on the data presented in each reporting period, the department, in as brief a format as possible, shall describe three to five major challenges the department faces in achieving the goal of safe, permanent homes for abused and neglected children.

C. Within three months after the end of each reporting period the department shall submit a written report in as brief a format as possible to the governor, the president of the senate, the speaker of the house of representatives, the chairperson of the house human services committee, the chairperson of the senate family services committee, or their successor committees, and the cochairpersons of the joint legislative committee on children and family services. The department shall submit a copy of the report to the secretary of state and the director of the Arizona state library, archives and public records.

Sec. 14. Section 8-528, Arizona Revised Statutes, is amended to read:

8-528. <u>Newborn infants left with safe haven providers; placement protocol; definitions</u>

A. The placement of newborn infants who are left with safe haven providers pursuant to section 13-3623.01 shall follow the protocols prescribed in this section.

B. If a newborn infant is left with a private child welfare agency that is licensed pursuant to this article or with a private adoption agency that is licensed pursuant to section 8-126 and the agency has the ability and desire to take custody of the infant and to place the infant for adoption, the safe haven provider shall do the following:

1. Immediately transport the newborn infant or arrange for the newborn infant to be transported to a hospital for a physical examination.

2. Immediately call ~~child protective services~~ THE DEPARTMENT to inform it that a newborn infant has been left with the safe haven provider, OF the location of the hospital where the agency transported the infant or arranged for the infant to be transported and that the agency will take custody of the infant after the hospital completes the physical examination.

3. Take custody of the infant from the hospital within twenty-four hours after the hospital completes the physical examination.

C. If the private child welfare agency or private adoption agency does not have the ability or desire to take custody of the infant and place the infant for adoption, the agency shall do the following:

1. Immediately transport the newborn infant or arrange for the newborn infant to be transported to a hospital for a physical examination.

2. Immediately call ~~child protective services~~ THE DEPARTMENT to inform it that a newborn infant has been left with the safe haven provider, OF the location of the hospital where the agency transported the infant or arranged for the infant to be transported and that the agency will not take custody of the infant after the hospital completes the physical examination.

D. If a newborn infant is left with a church, the safe haven provider must do the following:

1. Immediately transport the infant or arrange for the newborn infant to be transported to a hospital for a physical examination.

2. If the church is affiliated with a private adoption agency, contact the private adoption agency and inform the agency that a newborn infant has been left with the safe haven provider.

3. Immediately call ~~child protective services~~ THE DEPARTMENT to inform it that an infant has been left at the church, OF the location of the hospital where the church transported the infant or arranged for the infant to be transported and whether a private adoption agency will take custody of the infant.

E. If the agency contacted pursuant to subsection D of this section has the ability and desire to take custody of the infant and place the infant for adoption, the agency must take custody of the infant within twenty-four hours after the hospital completes the physical examination.

F. If the church is not affiliated with a private adoption agency or the private adoption agency does not have the ability or desire to take custody of the infant and place the infant for adoption, ~~child protective services~~ THE DEPARTMENT shall contact the next private adoption agency on a rotating list of agencies maintained by ~~child protective services~~ THE

DEPARTMENT until it contacts an agency that agrees to take custody of the infant. The adoption agency must take custody of the infant from the hospital within twenty-four hours after the hospital completes the physical examination.

G. If a newborn infant is left with a firefighter who is on duty, an emergency medical technician who is on duty or a staff member at a health care institution that is classified by the department of health services pursuant to section 36-405 as a general hospital or a rural general hospital, the safe haven provider shall do the following:

1. Immediately transport the newborn infant to a hospital for a physical examination.

2. Immediately contact ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY to inform it that a newborn infant has been left at a fire station or health care institution and of the location of the hospital where the safe haven provider transported the infant.

H. Within eight hours after ~~child protective services~~ THE DEPARTMENT is contacted pursuant to subsection C or G of this section, ~~child protective services~~ THE DEPARTMENT shall contact the next private adoption agency on a rotating list maintained by ~~child protective services~~ THE DEPARTMENT until ~~child protective services~~ THE DEPARTMENT contacts an agency that agrees to take custody of the infant. The adoption agency must take custody of the infant from the hospital within twenty-four hours after the hospital completes the physical examination.

I. If an agency does not take custody of the newborn infant within twenty-four hours after the hospital completes the physical examination, the hospital shall contact ~~child protective services~~ THE DEPARTMENT, and ~~child protective services~~ THE DEPARTMENT shall contact the next private adoption agency on its rotating list until an agency agrees to take custody of the infant.

J. If no agency takes custody of the infant pursuant to this section within forty-eight hours after the hospital completes the physical examination, ~~child protective services~~ THE DEPARTMENT shall take custody of the infant.

K. Notwithstanding any other law, before a private adoption agency or ~~child protective services~~ THE DEPARTMENT takes custody of an infant pursuant to this section, a health care provider, as defined in section 36-3201, may make health care treatment decisions for the infant. A health care provider who makes a good faith medical decision pursuant to this subsection is immune from liability.

L. The safe haven provider that takes custody of the infant shall act as the responsible adult and complete the Arizona health care cost containment system application process on behalf of the infant. If the child is determined ineligible for the Arizona health care cost containment system or if the Arizona health care cost containment system ADMINISTRATION does not reimburse the hospital for the medical examination and treatment provided to

the infant, the entity or individual that ultimately takes custody of the infant must compensate the hospital for the medical examination and treatment provided to the infant.

M. An agency that takes custody of the newborn infant must comply with all state and federal laws regarding adoption and placement of children.

N. ~~Child protective services~~ THE DEPARTMENT shall inform an agency when it has rotated to the top of the contact list and inform it that ~~child protective services~~ THE DEPARTMENT will notify it the next time a newborn infant is left with a safe haven provider.

O. A private adoption agency may contact ~~child protective services~~ THE DEPARTMENT to be placed on the rotating list maintained by ~~child protective services~~ THE DEPARTMENT pursuant to this section if it:

1. Is a nonprofit agency.

2. Does not specialize in international adoptions.

3. Has a twenty-four hour emergency contact number.

P. The protocols prescribed in this section apply only to an infant who is seventy-two hours of age or younger and who is not abused. If an infant who is transported to a hospital is older than seventy-two hours or has been abused, the hospital shall contact ~~child protective services~~ THE DEPARTMENT, and ~~child protective services~~ THE DEPARTMENT shall take custody of the infant.

Q. For the purposes of this section:

1. "Church" has the same meaning prescribed in section 13-3623.01, subsection H, paragraph 2, subdivision (d), item (iii).

2. "Custody" means legal authority to act on behalf of a child including the following:

(a) The duty and authority to make decisions that affect the child, including medical decisions.

(b) The authority to file a petition for termination of parental rights.

Sec. 15. Repeal

Section 8-809, Arizona Revised Statutes, is repealed.

Sec. 16. Section 8-811, Arizona Revised Statutes, is amended to read:

8-811. Hearing process; definitions

A. The department shall notify a person who is alleged to have abused or neglected a child that the department intends to substantiate the allegation in the central registry pursuant to section 8-804 and of that person's right:

1. To receive a copy of the report containing the allegation.

2. To a hearing before the entry into the central registry ~~pursuant to section 8-456, subsection D, paragraph 3, subdivision (a)~~.

B. The department shall send the notice prescribed in subsection A of this section by first class mail no more than fourteen days after completion of the investigation.

C. A request for a hearing on the proposed finding must be received by the department within ~~fourteen~~ TWENTY days after ~~receipt~~ THE MAILING of the notice BY THE DEPARTMENT.

D. The department shall not disclose any information related to the investigation of the allegation except as provided in sections 8-456, 8-807 and 13-3620.

E. If a request for a hearing is made pursuant to subsection C of this section, the department shall conduct a review before the hearing. The department shall provide an opportunity for the accused person to provide written or verbal information to support the position that the department should not substantiate the allegation. If the department determines that there is no probable cause that the accused person engaged in the alleged conduct, the department shall amend the information or finding in the report and shall notify the person and a hearing shall not be held.

F. Notwithstanding section 41-1092.03, the notification prescribed in subsection A of this section shall also state that if the department does not amend the information or finding in the report as prescribed in subsection E of this section within sixty days after it receives the request for a hearing the person has a right to a hearing unless:

1. The person is a party in a PENDING civil, criminal or administrative proceeding in which the allegations of abuse or neglect are at issue.

2. THE PERSON IS A PARTY IN A PENDING JUVENILE PROCEEDING IN WHICH THE ALLEGATIONS OF ABUSE OR NEGLECT ARE AT ISSUE.

~~2.~~ 3. A court or administrative law judge has made findings as to the alleged abuse or neglect.

~~3.~~ 4. A ~~finding has been made by a~~ court ~~pursuant to section 8-844, subsection C~~ HAS FOUND that a child is dependent OR HAS TERMINATED A PARENT'S RIGHTS based ~~upon~~ ON an allegation of abuse or neglect.

G. IF THE COURT OR ADMINISTRATIVE LAW JUDGE IN A PENDING PROCEEDING DESCRIBED IN SUBSECTION F, PARAGRAPH 1 OR 2 OF THIS SECTION DOES NOT MAKE A FINDING OF ABUSE OR NEGLECT AND THE MATTER IS NO LONGER PENDING IN THAT FORUM, THE PERSON HAS A RIGHT TO A HEARING PURSUANT TO SUBSECTION F OF THIS SECTION.

H. IF THE COURT OR ADMINISTRATIVE LAW JUDGE IN A PROCEEDING DESCRIBED IN SUBSECTION F OF THIS SECTION HAS MADE A FINDING OF ABUSE OR NEGLECT, THE FINDING SHALL BE ENTERED INTO THE CENTRAL REGISTRY AS A SUBSTANTIATED REPORT.

~~G.~~ I. If the department does not amend the information or finding in the report as prescribed in subsection E of this section, the department shall notify the office of administrative hearings of the request for a hearing no later than five days after completion of the review. The department shall forward all records, reports and other relevant information with the request for hearing within ten days. The department shall redact the identity of the reporting source before transmitting the information to the office of administrative hearings.

~~H.~~ J. The office of administrative hearings shall hold a hearing pursuant to title 41, chapter 6, article 10, with the following exceptions:

1. A child who is the victim of or a witness to abuse or neglect is not required to testify at the hearing.

2. A child's hearsay statement is admissible if the time, content and circumstances of that statement are sufficiently indicative of its reliability.

3. The identity of the reporting source of the abuse or neglect shall not be disclosed without the permission of the reporting source.

4. The reporting source is not required to testify.

5. A written statement from the reporting source may be admitted if the time, content and circumstances of that statement are sufficiently indicative of its reliability.

6. If the person requesting the hearing fails to appear, the hearing shall be vacated and a substantiated finding of abuse or neglect shall be entered. On good cause shown, the hearing may be rescheduled if the request is made within fifteen calendar days after the date of the notice vacating the hearing for failure to appear.

~~I.~~ K. On completion of the presentation of evidence, the administrative law judge shall determine if probable cause exists to sustain the department's finding that the parent, guardian or custodian abused or neglected the child. IF THE ADMINISTRATIVE LAW JUDGE DETERMINES THAT PROBABLE CAUSE EXISTS TO SUSTAIN THE DEPARTMENT'S FINDING OF ABUSE OR NEGLECT, THE SUSTAINED FINDING SHALL BE ENTERED INTO THE CENTRAL REGISTRY AS A SUBSTANTIATED REPORT. If the administrative law judge determines that probable cause does not exist to sustain the department's finding, the administrative law judge shall order the department to amend the information or finding in the report.

~~J.~~ L. When the department is requested to verify pursuant to section 8-807, if the central registry contains a substantiated report about a specific person, the department shall determine if the report was taken after January 1, 1998. If the report was taken after January 1, 1998, the department shall notify the requestor of the substantiated finding. If the report was taken before January 1, 1998, the department shall notify the person of the person's right to request an administrative hearing. The department shall not send this notification if the person was a party in a civil, criminal or administrative proceeding in which the allegations of abuse or neglect were at issue. The provisions of this section shall apply to the person's appeal.

~~K.~~ M. The department shall provide the parent, guardian or custodian who is the subject of the investigation and the person who reported the suspected child abuse or neglect if that person is the child's parent, guardian or custodian with a copy of the outcome of the investigation at one of the following times:

1. If the report is unsubstantiated.
2. If probable cause exists that abuse or neglect has occurred but a specific person is not identified as having abused or neglected the child.
3. After the time to request a hearing has lapsed pursuant to subsection C of this section without the department receiving a request for a hearing.
4. After a final administrative decision has been made pursuant to section 41-1092.08.

~~L.~~ N. For the purposes of this section:

1. "Amend the finding" means to change the finding from substantiated to unsubstantiated.
2. "Amend the information" means to change information identifying the accused of having abused or neglected a child.

Sec. 17. Section 8-821, Arizona Revised Statutes, is amended to read:

8-821. Taking into temporary custody; medical examination; placement; interference; violation; classification

A. A child shall be taken into temporary custody in proceedings to declare a child a temporary ward of the court to protect the child, pursuant to an order of the juvenile court on a petition by an interested person, a peace officer or a child safety worker under oath that reasonable grounds exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if reasonable grounds independently exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

B. A child may be taken into temporary custody by a peace officer, A CHILD WELFARE INVESTIGATOR or a child safety worker if temporary custody is clearly necessary to protect the child because probable cause exists to believe that the child is either:

1. A victim or will imminently become a victim of abuse or neglect.
2. Suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.
3. Physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. For the purposes of this paragraph, "dangerous drugs" and "narcotic drugs" have the same meanings prescribed in section 13-3401.
4. Reported by the department to be a missing child at risk of serious harm.

C. In determining if a child should be taken into temporary custody, the interested person, peace officer, CHILD WELFARE INVESTIGATOR or child safety worker shall take into consideration:

1. As a paramount concern the child's health and safety.
2. Whether the parent is willing to participate in any services that are offered to the parent.

D. A person who takes a child into custody pursuant to subsection B, paragraph 2 of this section shall immediately have the child examined by a medical doctor or psychologist. After the examination the person shall release the child to the custody of the parent or guardian of the child unless the examination reveals abuse or neglect. Temporary custody of a child taken into custody pursuant to subsection B, paragraph 2 of this section shall not exceed twelve hours.

E. A child who is taken into temporary custody pursuant to this article shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained.

F. A child shall not remain in temporary custody for more than seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed.

G. A person who knowingly interferes with the taking of a child into temporary custody under this section is guilty of a class 2 misdemeanor.

Sec. 18. Section 12-2452, Arizona Revised Statutes, is amended to read:

12-2452. Additional court orders

A. Before an emancipation case proceeds, the court may stay the proceedings and:

1. Refer the parties to mediation.

2. If the court reasonably believes that the petition contains an allegation of child abuse or neglect, require ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY to investigate the allegation and make a written report of the investigation to the court.

B. If the minor's parent or legal guardian objects to the petition for emancipation, the court shall stay the proceeding and refer the parties to mediation or alternative dispute resolution unless the court reasonably believes that mediation would not be in the best interest of the minor. The court may consider any of the following:

1. The minor's parent or legal guardian has been convicted of abuse, neglect or abandonment.

2. The minor's parent or legal guardian is named as a perpetrator of abuse, neglect or abandonment in the protective services central registry pursuant to section 8-804.

3. Any other information the court deems relevant.

C. If agreement is reached through mediation, the parties shall submit the signed mediation agreement to the court.

Sec. 19. Section 15-1809, Arizona Revised Statutes, is amended to read:

15-1809. Tuition waiver for persons formerly in foster care; pilot program; report; definition

A. The Arizona board of regents shall develop a five-year pilot program to provide a tuition waiver scholarship at any university under the jurisdiction of the Arizona board of regents and each community college

district shall develop a five-year pilot program to provide a tuition waiver scholarship at any community college in that community college district to any person who meets each of the following conditions:

1. Resides in this state.

2. Either:

(a) Is currently in foster care and is at least sixteen years of age.

(b) Was in foster care when the person was at least sixteen years of age.

(c) Was adopted from foster care and the adoption was finalized after the person was sixteen years of age.

3. Is a United States citizen or is a noncitizen who is lawfully present in this country.

4. Has total personal assets, not including scholarships or grants received by the person, that are worth less than ten thousand dollars.

5. Is under twenty-one years of age when the first tuition waiver scholarship is awarded to that person pursuant to this section. If the person has been previously awarded a tuition waiver scholarship pursuant to this section and the person is making satisfactory progress toward a baccalaureate degree, an associate's degree or a certificate at the time the person reaches twenty-one years of age, the person may continue to be awarded a tuition waiver scholarship until the person reaches twenty-three years of age.

6. Is accepted into or enrolled in a degree, certificate or other accredited program at a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of a community college district. The person must demonstrate continuous progress toward a degree or certificate in order to remain eligible for a tuition waiver scholarship issued.

7. Has completed and submitted to the United States department of education a free application for federal student aid before each year in which the person receives a tuition waiver scholarship pursuant to this section.

8. After the first academic year in which the person receives a tuition waiver scholarship pursuant to this section, annually completes at least thirty hours of volunteer service during the previous academic year.

9. Remains in good standing with the policies established by the university or community college at which the person is enrolled.

B. A tuition waiver scholarship provided pursuant to this section shall be reduced by the amount of any other federal aid scholarships or public grants and any other public aid received by that person from or through the university or community college at which the person is enrolled, except that a tuition waiver scholarship shall not be reduced by the amount of federal grants received by the person from the department of ~~economic security~~ CHILD SAFETY under the Arizona education and training voucher program.

C. The auditor general shall review the pilot programs and on or before June 30, 2017 shall submit a report to the governor, the president of the senate and the speaker of the house of representatives that evaluates the effectiveness of the pilot programs. The auditor general shall provide a copy of this report to the secretary of state.

D. If the pilot program is terminated before a tuition waiver scholarship recipient obtains an associate's degree, a baccalaureate degree or a certificate and before the recipient reaches twenty-three years of age, that person shall continue to be awarded a tuition waiver scholarship until the person reaches twenty-three years of age or obtains a baccalaureate degree, an associate's degree or a certificate, whichever occurs first, if the person continues to meet the scholarship criteria prescribed by this section.

E. For the purposes of this section, "tuition" means tuition and mandatory fees charged by the university or community college.

Sec. 20. Section 28-907, Arizona Revised Statutes, is amended to read:

28-907. <u>Child restraint system; civil penalty; exemptions; notice; child restraint fund; definitions</u>

A. Except as provided in subsection H of this section, a person shall not operate a motor vehicle on the highways in this state when transporting a child who is under five years of age unless that child is properly secured in a child restraint system.

B. The operator of a motor vehicle that is designed for carrying ten or fewer passengers, that is manufactured for the model year 1972 and thereafter and that is required to be equipped with an integrated lap and shoulder belt or a lap belt pursuant to the federal motor vehicle safety standards prescribed in 49 Code of Federal Regulations section 571.208 shall require each passenger who is at least five years of age, who is under eight years of age and who is not more than four feet nine inches tall to be restrained in a child restraint system.

C. The department shall adopt standards in accordance with 49 Code of Federal Regulations section 571.213 for the performance, design and installation of child restraint systems for use in motor vehicles as prescribed in this section.

D. A person who violates this section is subject to a civil penalty of fifty dollars, except that a civil penalty shall not be imposed if the person makes a sufficient showing that the motor vehicle has been subsequently equipped with a child restraint system that meets the standards adopted pursuant to subsection C of this section. A sufficient showing may include a receipt mailed to the appropriate court officer that evidences purchase or acquisition of a child restraint system. The court imposing and collecting the civil penalty shall deposit, pursuant to sections 35-146 and 35-147, the monies, exclusive of any surcharges imposed pursuant to sections 12-116.01 and 12-116.02, in the child restraint fund.

E. If a law enforcement officer stops a vehicle for an apparent violation of this section, the officer shall determine from the driver the age and height of the child or children in the vehicle to assess whether the child or children in the vehicle should be in child restraint systems.

F. If the information given to the officer indicates that a violation of this section has not been committed, the officer shall not detain the vehicle any further unless some additional violation is involved. The stopping of a vehicle for an apparent or actual violation of this section is not probable cause for the search or seizure of the vehicle unless there is probable cause for another violation of law.

G. The requirements of this section or evidence of a violation of this section are not admissible as evidence in a judicial proceeding except in a judicial proceeding for a violation of this section.

H. This section does not apply to any of the following:

1. A person who operates a motor vehicle that was originally manufactured without passenger restraint devices.

2. A person who operates a motor vehicle that is also a recreational vehicle as defined in section 41-2142.

3. A person who operates a commercial motor vehicle and who holds a current commercial driver license issued pursuant to chapter 8 of this title.

4. A person who must transport a child in an emergency to obtain necessary medical care.

5. A person who operates an authorized emergency vehicle that is transporting a child for medical care.

6. A person who transports more than one child under eight years of age in a motor vehicle that because of the restricted size of the passenger area does not provide sufficient area for the required number of child restraint systems, if both of the following conditions are met:

(a) At least one child is restrained or seated as required by this section.

(b) The person has secured as many of the other children in child restraint systems pursuant to this section as is reasonable given the restricted size of the passenger area and the number of passengers being transported in the motor vehicle.

I. Before the release of any newly born child from a hospital, the hospital in conjunction with the attending physician shall provide the parents of the child with a copy of this section and information with regard to the availability of loaner or rental programs for child restraint systems that may be available in the community where the child is born.

J. A child restraint fund is established. The fund consists of all civil penalties deposited pursuant to this section and any monies donated by the public. The department of ~~economic security~~ CHILD SAFETY shall administer the fund.

K. The department of ~~economic security~~ CHILD SAFETY shall purchase child restraint systems that meet the requirements of this section from monies deposited in the fund. If a responsible agency requests child restraint systems and if they are available, the department of ~~economic security~~ CHILD SAFETY shall distribute child restraint systems to the requesting responsible agency.

L. On the application of a person to a responsible agency on a finding by the responsible agency to which the application was made that the applicant is unable to acquire a child restraint system because the person is indigent and subject to availability, the responsible agency shall ~~loan~~ LEND the applicant a child restraint system at no charge for as long as the applicant has a need to transport a child who is subject to this section.

M. Monies in the child restraint fund shall not exceed twenty thousand dollars. All monies collected over the twenty thousand dollar limit shall be deposited in the Arizona highway user revenue fund established by section 28-6533.

N. For the purposes of this section:

1. "Child restraint system" means an add-on child restraint system, a built-in child restraint system, a factory-installed built-in child restraint system, a rear-facing child restraint system or a booster seat as defined in 49 Code of Federal Regulations section 571.213.

2. "Indigent" means a person who is defined as an eligible person pursuant to section 36-2901.01.

3. "Responsible agency" means a licensed hospital, a public or private agency providing shelter services to victims of domestic violence, a public or private agency providing shelter services to homeless families or a health clinic.

Sec. 21. Section 36-664, Arizona Revised Statutes, is amended to read:

36-664. Confidentiality; exceptions

A. A person who obtains communicable disease related information in the course of providing a health service or obtains that information from a health care provider pursuant to an authorization shall not disclose or be compelled to disclose that information except to the following:

1. The protected person or, if the protected person lacks capacity to consent, the protected person's health care decision maker.

2. A health care provider or first responder who has had an occupational significant exposure risk to the protected person's blood or bodily fluid if the health care provider or first responder provides a written request that documents the occurrence and information regarding the nature of the occupational significant exposure risk and the report is reviewed and confirmed by a health care provider who is both licensed pursuant to title 32, chapter 13, 15 or 17 and competent to determine a significant exposure risk. A health care provider who releases communicable disease information pursuant to this paragraph shall provide education and

1 counseling to the person who has had the occupational significant exposure
2 risk.
3 3. The department or a local health department for purposes of
4 notifying a good samaritan pursuant to subsection E of this section.
5 4. An agent or employee of a health facility or health care provider
6 to provide health services to the protected person or the protected person's
7 child or for billing or reimbursement for health services.
8 5. A health facility or health care provider, in relation to the
9 procurement, processing, distributing or use of a human body or a human body
10 part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or
11 other body fluids, for use in medical education, research or therapy or for
12 transplantation to another person.
13 6. A health facility or health care provider, or an organization,
14 committee or individual designated by the health facility or health care
15 provider, that is engaged in the review of professional practices, including
16 the review of the quality, utilization or necessity of medical care, or an
17 accreditation or oversight review organization responsible for the review of
18 professional practices at a health facility or by a health care provider.
19 7. A private entity that accredits the health facility or health care
20 provider and with whom the health facility or health care provider has an
21 agreement requiring the agency to protect the confidentiality of patient
22 information.
23 8. A federal, state, county or local health officer if disclosure is
24 mandated by federal or state law.
25 9. A federal, state or local government agency authorized by law to
26 receive the information. The agency is authorized to redisclose the
27 information only pursuant to this article or as otherwise permitted by law.
28 10. An authorized employee or agent of a federal, state or local
29 government agency that supervises or monitors the health care provider or
30 health facility or administers the program under which the health service is
31 provided. An authorized employee or agent includes only an employee or agent
32 who, in the ordinary course of business of the government agency, has access
33 to records relating to the care or treatment of the protected person.
34 11. A person, health care provider or health facility to which
35 disclosure is ordered by a court or administrative body pursuant to section
36 36-665.
37 12. The industrial commission or parties to an industrial commission of
38 Arizona claim pursuant to section 23-908, subsection D and section
39 23-1043.02.
40 13. Insurance entities pursuant to section 20-448.01 and third-party
41 payors or the payors' contractors.
42 14. Any person or entity as authorized by the patient or the patient's
43 health care decision maker.
44 15. A person or entity as required by federal law.

16. The legal representative of the entity holding the information in order to secure legal advice.

17. A person or entity for research only if the research is conducted pursuant to applicable federal or state laws and regulations governing research.

18. A person or entity that provides services to the patient's health care provider, as defined in section 12-2291, and with whom the health care provider has a business associate agreement that requires the person or entity to protect the confidentiality of patient information as required by the health insurance portability and accountability act privacy standards, 45 Code of Federal Regulations part 164, subpart E.

B. At the request of the department of child safety OR THE DEPARTMENT OF ECONOMIC SECURITY and in conjunction with the placement of children in foster care or for adoption or court-ordered placement, a health care provider shall disclose communicable disease information, including HIV-related information, to the department of child safety OR THE DEPARTMENT OF ECONOMIC SECURITY.

C. A state, county or local health department or officer may disclose communicable disease related information if the disclosure is any of the following:

1. Specifically authorized or required by federal or state law.

2. Made pursuant to an authorization signed by the protected person or the protected person's health care decision maker.

3. Made to a contact of the protected person. The disclosure shall be made without identifying the protected person.

4. For the purposes of research as authorized by state and federal law.

D. The director may authorize the release of information that identifies the protected person to the national center for health statistics of the United States public health service for the purposes of conducting a search of the national death index.

E. The department or a local health department shall disclose communicable disease related information to a good samaritan who submits a request to the department or the local health department. The request shall document the occurrence of the accident, fire or other life-threatening emergency and shall include information regarding the nature of the significant exposure risk. The department shall adopt rules that prescribe standards of significant exposure risk based on the best available medical evidence. The department shall adopt rules that establish procedures for processing requests from good samaritans pursuant to this subsection. The rules shall provide that the disclosure to the good samaritan shall not reveal the protected person's name and shall be accompanied by a written statement that warns the good samaritan that the confidentiality of the information is protected by state law.

F. An authorization to release communicable disease related information shall be signed by the protected person or, if the protected person lacks capacity to consent, the protected person's health care decision maker. An authorization shall be dated and shall specify to whom disclosure is authorized, the purpose for disclosure and the time period during which the release is effective. A general authorization for the release of medical or other information, including communicable disease related information, is not an authorization for the release of HIV-related information unless the authorization specifically indicates its purpose as an authorization for the release of confidential HIV-related information and complies with the requirements of this section.

G. A person to whom communicable disease related information is disclosed pursuant to this section shall not disclose the information to another person except as authorized by this section. This subsection does not apply to the protected person or a protected person's health care decision maker.

H. This section does not prohibit the listing of communicable disease related information, including acquired immune deficiency syndrome, HIV-related illness or HIV infection, in a certificate of death, autopsy report or other related document that is prepared pursuant to law to document the cause of death or that is prepared to release a body to a funeral director. This section does not modify a law or rule relating to access to death certificates, autopsy reports or other related documents.

I. If a person in possession of HIV-related information reasonably believes that an identifiable third party is at risk of HIV infection, that person may report that risk to the department. The report shall be in writing and include the name and address of the identifiable third party and the name and address of the person making the report. The department shall contact the person at risk pursuant to rules adopted by the department. The department employee making the initial contact shall have expertise in counseling persons who have been exposed to or tested positive for HIV or acquired immune deficiency syndrome.

J. Except as otherwise provided pursuant to this article or subject to an order or search warrant issued pursuant to section 36-665, a person who receives HIV-related information in the course of providing a health service or pursuant to a release of HIV-related information shall not disclose that information to another person or legal entity or be compelled by subpoena, order, search warrant or other judicial process to disclose that information to another person or legal entity.

K. This section and sections 36-663, 36-666, 36-667 and 36-668 do not apply to persons or entities subject to regulation under title 20.

1 Sec. 22. Section 36-2936, Arizona Revised Statutes, is amended to
2 read:
3 36-2936. Preadmission screening programs; functional tests;
4 screening review
5 A. The director shall adopt rules establishing a uniform statewide
6 preadmission screening program to determine if a person who has met the
7 eligibility criteria prescribed in section 36-2934 is eligible for
8 institutional services pursuant to this article. To be eligible for
9 institutional services or home and community based services as defined in
10 section 36-2931, a person shall have a nonpsychiatric medical condition or
11 have a developmental disability as defined in section 36-551 that, by itself
12 or in combination with other medical conditions, necessitates the level of
13 care that is provided in a nursing facility or intermediate care facility.
14 These rules shall establish a uniform preadmission screening instrument that
15 assesses the functional, medical, nursing, social and developmental needs of
16 the applicant.
17 B. A person is not eligible to receive home and community based
18 services unless that person has been determined to need institutional
19 services as determined by the preadmission screening instrument pursuant to
20 subsection C of this section. The administration shall establish guidelines
21 for the periodic reassessment of each member.
22 C. Preadmission screening conducted pursuant to subsection B of this
23 section shall be conducted by a registered nurse licensed pursuant to title
24 32, chapter 15 or a social worker. The nurse or social worker shall have a
25 physician licensed pursuant to title 32, chapter 13 or 17 available for
26 consultation and may use the applicant's attending physician's physical
27 assessment form, if appropriate, in assessing needs for long-term care
28 services under this article. A physician who receives a referral from the
29 nurse or social worker may use the physician's medical judgment to determine
30 the medical eligibility of an applicant for the system or the continued
31 medical eligibility of a member or eligible person. In the medical referral,
32 the physician shall use the established combined thresholds for functional
33 ability and medical condition as a guide to determine the risk of
34 institutionalization.
35 D. If a person who is eligible for services pursuant to this article,
36 who is enrolled with a program contractor pursuant to this article and who is
37 enrolled with a program contractor pursuant to section 36-2940 fails the
38 preadmission screening for institutional services pursuant to subsection A of
39 this section at the time of a reassessment, the administration may administer
40 a second preadmission screening designed to measure the functioning level of
41 the person based on rules adopted by the director. If the person meets the
42 established thresholds of the functional preadmission screening, the person
43 is eligible for home and community based services pursuant to section
44 36-2939, subsection A, paragraphs 2, 3 and 4, subsection B, paragraph 2 and
45 subsection C. If a person who is determined eligible pursuant to this

subsection is institutionalized pursuant to section 36-2939, including residence in an intermediate care facility, institution for mental disease, inpatient psychiatric facility or nursing facility, the person has a maximum of ninety days to vacate the institutional setting and relocate to a home and community based setting approved pursuant to section 36-2939.

E. If the person is determined not to need services pursuant to this section, the administration shall provide the person with information on other available community services.

F. The administration or its designee shall complete the preadmission screening under subsection A of this section within eight days, excluding Saturdays and holidays, and excluding the time period allowed to determine eligibility pursuant to section 36-2934.

G. If a provider who contracts with the administration pursuant to section 36-2904, subsection A is dissatisfied with any action or decision of the administration regarding the eligibility of a person for the system as prescribed in this article, that provider may file a grievance in accordance with the provider grievance procedure prescribed in section 36-2932, subsection I, paragraph 1. If the director determines pursuant to the grievance process that the person should have been determined eligible pursuant to section 36-2933, the director may reimburse the provider for the net cost of services provided pursuant to this article after the cumulative time periods allowed pursuant to section 36-2934 and this section.

H. In addition to those persons seeking services pursuant to this article, the preadmission screening conducted pursuant to this section shall be made available to all other persons applying for admission to a nursing care institution. The cost of preadmission screenings conducted by the administration pursuant to this subsection shall be borne by the state. The administration shall provide nursing care institutions and the general public on request with detailed information about the preadmission screening program and booklets that describe in clear and simple language the availability of services and benefits from the system. The booklet shall:

1. Explain the availability of preadmission screening that will assess the functional, medical, nursing and social needs of the patient and make recommendations on services that meet the patient's needs as identified by the preadmission screening assessment.

2. Describe the availability of public and private services appropriate to meet the patient's needs in institutions and alternatives to institutions.

3. Explain financial eligibility standards for the Arizona long-term care system and its effect on separate and community property.

I. In addition to the preadmission screening program established in this section, the administration shall implement the preadmission screening program as set forth in section 1919 of the social security act. For persons applying for admission to a title XIX certified nursing care institution, an initial level I preadmission screening shall be conducted by the

administration on all nursing care institution applicants who are applying for eligibility pursuant to section 36-2933 and by the nursing care institution on all other nursing care institution applicants. The administration shall develop a uniform identification screening instrument, which shall be used by the nursing care institution and the administration in conducting the initial level I screens. If the identification screen indicates the applicant may be mentally ill, the applicant shall be referred to the department of health services, which shall conduct the level II preadmission screening review using a level II screening instrument developed by the department of health services. If the identification screen indicates the applicant may have an intellectual disability, the applicant shall be referred to the department, which shall conduct the level II preadmission screening review using a level II screening instrument developed by the department.

J. Within ten working days a nursing care institution shall notify the department of health services for a person who is mentally ill or the department of economic security for a person with developmental disabilities AND THE DEPARTMENT OF CHILD SAFETY IF THE PERSON IS A MINOR DEPENDENT OF THIS STATE about any significant change that occurs in the physical or mental condition of a member who is residing in the nursing care institution. The department of health services or the department of economic security shall conduct a subsequent level II screening review of the member within the time frame required by the administration after the notification by the nursing care institution.

Sec. 23. Section 41-198, Arizona Revised Statutes, is amended to read:

41-198. <u>Fatal or near fatal domestic violence review teams; duties; membership; report; confidentiality; violation; classification; definitions</u>

A. A political subdivision of this state or a combination of political subdivisions may establish a fatal or near fatal domestic violence review team to:

1. Examine fatal or near fatal incidents of domestic violence to better understand the dynamics of these fatalities or near fatalities.

2. Report to the office of the attorney general its findings and recommendations as to how fatal or near fatal incidents of domestic violence may be prevented and how the system can be improved. The report shall not contain any information that identifies individuals in specific incidents of domestic violence related fatalities or near fatalities.

3. Determine the number and type of incidents it wishes to review.

B. A review team shall not review a fatal or near fatal incident of domestic violence until a criminal investigation or proceeding connected with the fatality or near fatality is completed.

C. A review team shall designate one of its members to serve as chairperson. The chairperson shall call meetings as necessary and is

responsible for submitting the report prescribed in subsection A, paragraph 2 of this section.

D. All information and records acquired by a review team are confidential and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding or disciplinary action. Information that is otherwise available from other sources is not immune from subpoena, discovery or introduction into evidence through those sources solely because they were presented to or reviewed by a review team.

E. A member of a review team or any person who presents information to a review team shall not be questioned in any civil or criminal proceeding or disciplinary action regarding the information presented. This subsection does not prevent a person from testifying regarding information obtained independently of the review team or as to public information.

F. Review team meetings are closed to the public and are not subject to title 38, chapter 3, article 3.1 if the review team is reviewing a fatal or near fatal incident of domestic violence case. All other review team meetings are open to the public.

G. The political subdivision shall establish the membership of a review team. Each review team may be comprised of the following:

1. A representative from a county or municipal law enforcement agency.
2. A representative of a county or municipal court.
3. A representative of a county or municipal prosecutor's office.
4. A representative of a local domestic violence prevention program.
5. A victim of domestic violence.
6. A representative of a county or state public health agency.
7. A representative of the office of the county medical examiner.
8. If ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY received a report on any person residing with the victim before the fatal or near fatal incident of domestic violence, a representative of ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY who serves the area covered by the review team for the duration of the review of that fatality or near fatality.
9. A representative of a statewide domestic violence coalition.

H. The office of the attorney general shall receive the reports of the review teams and distribute copies of them to the president of the senate, the speaker of the house of representatives, the governor, the peace officer standards and training board, the state domestic violence coalition and the chief justice of the supreme court, on or before January 31 of each year. Copies shall also be provided to the secretary of state.

I. When a review team concludes a fatal or near fatal incident of domestic violence review, the review team shall return all information and records concerning the victim and the family to the agency that provided the information or, if directed by that agency, shall destroy that information.

J. A person who violates the confidentiality requirements of this section is guilty of a class 2 misdemeanor.

K. For the purposes of this section:

1. "Domestic violence" has the same meaning prescribed in section 13-3601.

2. "Fatal incident of domestic violence" means a homicide or suicide that is committed by a party to the domestic violence and not committed by an on-duty police officer acting within the scope of employment.

3. "Near fatal incident of domestic violence" means an assault that is committed by a party to the domestic violence where the victim suffered life threatening injuries.

4. "Political subdivision" means a county, city or town.

Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to read:

41-619.51. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, the department of child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of transportation, the state real estate department, the state board of appraisal or the board of examiners of nursing care institution administrators and assisted living facility managers.

2. "Board" means the board of fingerprinting.

3. "Central registry exception" means notification to the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.

4. "Expedited review" means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.

5. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

6. "Person" means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:

(a) Section 8-105.

(b) Section 8-322.

(c) Section 8-509.

(d) Section 8-802.

(e) Section 8-804.

(f) Section 8-804.01.

(g) Section 15-183.

(h) Section 15-534.

(i) Section 15-782.02.

(j) Section 15-1330.

(k) Section 15-1881.
(l) Section 17-215.
(m) Section 26-103.
(n) Section 28-3413.
(o) Section 32-2108.01.
(p) Section 32-2123.
(q) Section 32-2371.
(r) Section 32-2372.
(s) Section 32-3620.
(t) Section 32-3668.
(u) Section 32-3669.
(v) Section 36-207.
(w) Section 36-411.
(x) Section 36-425.03.
(y) Section 36-446.04.
(z) Section 36-594.01.
(aa) Section 36-594.02.
(bb) Section 36-882.
(cc) Section 36-883.02.
(dd) Section 36-897.01.
(ee) Section 36-897.03.
(ff) Section 36-3008.
(gg) Section 41-619.53.
(hh) Section 41-1964.
(ii) Section 41-1967.01.
(jj) Section 41-1968.
(kk) Section 41-1969.
(ll) Section 41-2814.
(mm) Section 46-141, subsection A.
(nn) Section 46-321.

Sec. 25. Section 41-1005, Arizona Revised Statutes, is amended to read:

41-1005. Exemptions

A. This chapter does not apply to any:

1. Rule that relates to the use of public works, including streets and highways, under the jurisdiction of an agency if the effect of the order is indicated to the public by means of signs or signals.

2. Order or rule of the Arizona game and fish commission that does the following:

(a) Opens, closes or alters seasons or establishes bag or possession limits for wildlife.

(b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.

(c) Establishes a license classification, fee or application fee pursuant to title 17, chapter 3, article 2.

3. Rule relating to section 28-641 or to any rule regulating motor vehicle operation that relates to speed, parking, standing, stopping or passing enacted pursuant to title 28, chapter 3.

4. Rule concerning only the internal management of an agency that does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public.

5. Rule that only establishes specific prices to be charged for particular goods or services sold by an agency.

6. Rule concerning only the physical servicing, maintenance or care of agency owned or operated facilities or property.

7. Rule or substantive policy statement concerning inmates or committed youths of a correctional or detention facility in secure custody or patients admitted to a hospital, if made by the state department of corrections, the department of juvenile corrections, the board of executive clemency or the department of health services or a facility or hospital under the jurisdiction of the state department of corrections, the department of juvenile corrections or the department of health services.

8. Form whose contents or substantive requirements are prescribed by rule or statute, and instructions for the execution or use of the form.

9. Capped fee-for-service schedule adopted by the Arizona health care cost containment system administration pursuant to title 36, chapter 29.

10. Fees prescribed by section 6-125.

11. Order of the director of water resources adopting or modifying a management plan pursuant to title 45, chapter 2, article 9.

12. Fees established under section 3-1086.

~~13. Fee-for-service schedule adopted by the department of child safety pursuant to section 8-512.~~

~~14.~~ 13. Fees established under sections 41-2144 and 41-2189.

~~15.~~ 14. Rule or other matter relating to agency contracts.

~~16.~~ 15. Fees established under section 32-2067 or 32-2132.

~~17.~~ 16. Rules made pursuant to section 5-111, subsection A.

~~18.~~ 17. Rules made by the Arizona state parks board concerning the operation of the Tonto natural bridge state park, the facilities located in the Tonto natural bridge state park and the entrance fees to the Tonto natural bridge state park.

~~19.~~ 18. Fees or charges established under section 41-511.05.

~~20.~~ 19. Emergency medical services protocols except as provided in section 36-2205, subsection B.

~~21.~~ 20. Fee schedules established pursuant to section 36-3409.

~~22.~~ 21. Procedures of the state transportation board as prescribed in section 28-7048.

~~23.~~ 22. Rules made by the state department of corrections.

~~24.~~ 23. Fees prescribed pursuant to section 32-1527.

~~25.~~ 24. Rules made by the department of economic security pursuant to section 46-805.

1 ~~26.~~ 25. Schedule of fees prescribed by section 23-908.
2 ~~27.~~ 26. Procedure that is established pursuant to title 23, chapter 6,
3 article 6.
4 ~~28.~~ 27. Rules, administrative policies, procedures and guidelines
5 adopted for any purpose by the Arizona commerce authority pursuant to chapter
6 10 of this title if the authority provides, as appropriate under the
7 circumstances, for notice of an opportunity for comment on the proposed
8 rules, administrative policies, procedures and guidelines.
9 ~~29.~~ 28. Rules made by a marketing commission or marketing committee
10 pursuant to section 3-414.
11 ~~30.~~ 29. Administration of public assistance program monies authorized
12 for liabilities that are incurred for disasters declared pursuant to sections
13 26-303 and 35-192.
14 ~~31.~~ 30. User charges, tolls, fares, rents, advertising and sponsorship
15 charges, services charges or similar charges established pursuant to section
16 28-7705.
17 ~~32.~~ 31. Administration and implementation of the hospital assessment
18 pursuant to section 36-2901.08, except that the Arizona health care cost
19 containment system administration must provide notice and an opportunity for
20 public comment at least thirty days before establishing or implementing the
21 administration of the assessment.
22 ~~33.~~ 32. Rules made by the Arizona department of agriculture to adopt
23 and implement the provisions of the federal milk ordinance as prescribed by
24 section 3-605.
25 B. Notwithstanding subsection A, paragraph ~~22~~ 21 of this section, at
26 such time as the federal highway administration authorizes the privatization
27 of rest areas, the state transportation board shall make rules governing the
28 lease or license by the department of transportation to a private entity for
29 the purposes of privatization of a rest area.
30 C. Coincident with the making of a final rule pursuant to an exemption
31 from the applicability of this chapter under this section, another statute or
32 session law, the agency shall file a copy of the rule with the secretary of
33 state for publication pursuant to section 41-1012 and provide a copy to the
34 council.
35 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
36 chapter do not apply to the Arizona board of regents and the institutions
37 under its jurisdiction, except that the Arizona board of regents shall make
38 policies or rules for the board and the institutions under its jurisdiction
39 that provide, as appropriate under the circumstances, for notice of and
40 opportunity for comment on the policies or rules proposed.
41 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
42 chapter do not apply to the Arizona state schools for the deaf and the blind,
43 except that the board of directors of all the state schools for the deaf and
44 the blind shall adopt policies for the board and the schools under its

jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies proposed for adoption.

F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board of education, except that the state board of education shall adopt policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any rule, the state board of education shall provide at least two opportunities for public comment.

Sec. 26. Section 41-1954.01, Arizona Revised Statutes, is amended to read:

41-1954.01. Electronic communication by department; applicability

A. Notwithstanding any law to the contrary, any agency, division, program or part of the department or its agents that are required to provide administrative orders, notices, decisions or letters to an applicant, claimant, recipient, employer or client may send administrative orders, notices, decisions or letters by electronic means if the party being served or notified consents.

B. Consent may be obtained in writing on a form approved by the department, verbally on the record in a hearing or electronically through the department's website by the applicant, claimant, recipient, employer or client following an affirmative consent procedure. At the time of consent, the party must be advised of the nature of the notices to be delivered or served, the legal consequence of the choice and the right to revoke the consent. Consent may be provided for a proceeding or for notices provided on an ongoing basis.

C. Delivery or service by electronic means is complete on transmission unless it is established that delivery or transmission of the electronic document failed due to department error or failure of the recipient to receive the electronic document for any other reason outside the control of the recipient.

D. Consent may be revoked in writing to the department or by following an affirmative revocation procedure established on the department's website.

E. If the department receives electronic notice that the electronic address to which the administrative order, notice, decision or letter is being sent is no longer valid or is otherwise not functioning, the department shall deem the consent to electronic notice to have been revoked and the order, notice, decision or letter shall be served by mail.

F. This section is limited to notices, decisions and orders required for services and programs in the division of benefits and medical eligibility, ~~the division of children, youth and families related to child protective services and foster care,~~ the division of child support enforcement and the division of employment and rehabilitation services, or

their successor divisions, in the department. This section does not apply to a notice that is required in connection with litigation before a court of record in this state.

Sec. 27. Section 41-1959, Arizona Revised Statutes, is amended to read:

41-1959. Confidential information; permissible disclosure; rules; violation; classification

A. Unless otherwise provided by law, all personally identifiable information concerning any applicant, claimant, recipient, employer or client or concerning any person involved in an adult protective services action, other than a perpetrator against whom an allegation of abuse, neglect or exploitation has been substantiated pursuant to section 46-458, is confidential and shall not be released unless ordered by a superior court judge or provided for by rule of court except as provided in subsections B, C and D of this section. DEPARTMENT records and files that ~~relate~~ CONTAIN INFORMATION RELATED to investigations conducted by child protective services ~~in~~ OR the department OF CHILD SAFETY are confidential. The department shall release this information only as prescribed by section 8-807.

B. Employees of the department of economic security, the department of law and the court may obtain the information described in subsection A of this section in the performance of their duties as authorized by rules adopted by the director.

C. Employees of the department of economic security, the department of law and the court may release any information ~~which~~ THAT is otherwise held confidential under this section under any of the following circumstances:

1. To the applicant, claimant, recipient, employer or client if a request is made in writing by any of such persons specifically requesting information ~~which~~ THAT directly relates to the person requesting such information.

2. To the extent necessary to make claims on behalf of a client for public or private assistance, insurance or health or medical assistance pursuant to title 11, chapter 2, article 7 or title 36, chapter 29 to which the client may be entitled.

3. In oral and written communications involving the provision of services or the referral to services between employees of, persons under contract with, or persons holding a general employment relationship with the department of economic security, the department of law or the juvenile court.

4. If the disclosure of otherwise confidential information is necessary to protect against a clear and substantial risk of imminent serious injury to a client.

5. To agencies of the federal government, this state or any political subdivision of this state for official purposes. All information received by a governmental agency pursuant to this paragraph shall be maintained as confidential, except where pertinent to a criminal prosecution.

6. To foster parents and persons certified to adopt if necessary to assist in the placement with or care of a child by such persons.

~~7. To an officer of the superior court, the department or any agency required to perform an investigation pursuant to section 8-105 if the information is pertinent to the investigation. All information received by the officer, department or agency pursuant to this paragraph may be disclosed to the court but shall otherwise be maintained as confidential.~~

~~8.~~ 7. In any judicial or administrative proceeding involving an adult protective services client if the director of the department considers the information pertinent to the proceeding.

D. Notwithstanding ~~the provisions of sections 8-519, 8-541, 8-542 and~~ SECTION 46-135, a standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives may obtain the information described in subsection A of this section on written notification to the director. Information obtained pursuant to this subsection may be used only for purposes of conducting investigations related to legislative oversight of the department. Information ~~which~~ THAT is personally identifiable shall not be further disclosed.

E. Any violation of this section is a class 2 misdemeanor.

F. The department shall establish safeguards against the unauthorized use or disclosure of confidential information in title IV-D cases.

Sec. 28. Section 41-1966, Arizona Revised Statutes, is amended to read:

41-1966. Auditor general; duties

A. The auditor general ~~shall establish an audit team to be located in the department of economic security to provide ongoing performance review and analyses.~~

~~B. Pursuant to an audit plan adopted after review by the joint legislative audit committee, the audit team~~ may:

1. Determine the validity and accuracy of information reported by the ~~division~~ DEPARTMENT to the legislature.

2. Perform other reviews and analyses relating to ~~child protective services as set forth in~~ the ~~audit plan~~ DEPARTMENT.

3. Review a specific ~~division~~ DEPARTMENT function or process ~~relating to child protective services as requested by the joint legislative audit committee~~.

~~C.~~ B. Pursuant to section 41-1279.04, the department shall provide the auditor general access to any data from the department, including electronic data, the auditor general deems necessary to perform the duties outlined in this section. This data shall be provided in the manner and format prescribed by the auditor general.

1 Sec. 29. Section 41-1967, Arizona Revised Statutes, is amended to
2 read:
3 41-1967. Child care resource and referral system; immunity
4 A. The department shall establish and maintain a statewide child care
5 resource and referral system, including a child care home provider registry,
6 through community-based organizations to:
7 1. Provide families with:
8 (a) Information on all types of child care.
9 (b) Referrals to child care providers and programs.
10 (c) Information about child care resources and services.
11 (d) Information about choosing child care.
12 (e) Information about registered child care home providers.
13 2. Assist child care providers and programs with:
14 (a) Information on training related to child care issues.
15 (b) Technical assistance that relates to initiating or providing child
16 care services.
17 (c) Parent referrals.
18 (d) Becoming registered as a child care home provider.
19 3. Coordinate with the community to:
20 (a) Develop statistics of the demand for and supply of child care.
21 (b) Maintain ongoing relationships with all local groups interested in
22 child care.
23 B. The child care resource and referral system shall:
24 1. Identify all available child care providers and programs through
25 coordination with public and private agencies.
26 2. Collect in a uniform method provider information for the referral
27 database that includes:
28 (a) The type of program.
29 (b) The hours of service.
30 (c) The ages of children served.
31 (d) Fees for service.
32 (e) The licensure, certification and registration status of providers.
33 (f) Other significant provider and program information.
34 3. Establish and maintain a referral process that responds to parental
35 need for information. The child care resource and referral system shall make
36 referrals to child care providers and programs that:
37 (a) Promote parental choice and meet the needs of families.
38 (b) Are included in the resource and referral database.
39 4. Collect in a uniform method family information for the referral
40 database that includes the:
41 (a) Number of calls and contacts.
42 (b) Ages of children in need of care.
43 (c) Days and times of care requested.
44 (d) Type of care requested.
45 (e) Special needs and requests made by the family.

(f) Reason that the care is needed.

5. Provide outreach services that include:

(a) Efforts to reach parents and providers in local communities.

(b) Involvement in the local communities.

(c) Publication of services through all available media sources, agencies and other appropriate channels.

(d) Public awareness information to parents and providers about the child care home provider registry and the benefits of using the registry or becoming registered.

6. Provide technical assistance to existing and prospective child care providers and programs that include:

(a) Information on all aspects of initiating new child care services including child care regulations, zoning, program and budget development and assistance in finding information from other sources.

(b) Educational information and resources that assist existing child care providers and programs to better serve the children and parents in their community.

(c) Local coordination of existing child care and child related services.

7. Establish and maintain a child care home provider registry that includes:

(a) Child care home providers that are registered pursuant to section 41-1967.01.

(b) A complaint tracking system that contains written complaints concerning providers and written provider responses. The complaints and responses are available to the public.

(c) A system for notifying a provider that is excluded or removed from the registry that the provider may appeal directly to the entity making the determination resulting in the exclusion or removal.

(d) Information provided by registered providers relating to the services provided and child care environment.

C. The following child care providers are eligible to be considered for inclusion in the child care resource and referral database, unless barred by other provisions of law:

1. Child care providers licensed or certified by a government agency that is authorized by law to license, certify or approve child care providers.

2. Child care home providers that are registered pursuant to section 41-1967.01. These providers shall submit and amend when necessary sworn, written statements to the department or its designees, on forms approved by the department, attesting that the provider is not subject to exclusion or removal from the child care resource and referral database under any of the grounds specified in subsection E of this section.

D. Child care providers identified in subsection C, paragraph 1 of this section may be excluded or removed from the child care resource and

1 referral database whenever the provider's license or certification is
2 revoked, terminated or suspended, or when a child care facility is closed for
3 cause.
4 E. Child care home providers identified in subsection C, paragraph 2
5 of this section may be excluded or removed from the child care home provider
6 registry and the child care resource and referral database if:
7 1. The provider fails to obtain a fingerprint clearance card or the
8 provider's fingerprint clearance card is revoked or suspended.
9 2. The provider has been denied a license to operate a facility for
10 the care of children or had a license or certificate to operate a facility
11 revoked or has been removed for cause from participation in the child and
12 adult food program in this state or in any other state or jurisdiction.
13 3. The provider, the provider's employees or any person eighteen years
14 of age or older who resides in the provider's child care facility has been
15 convicted of or is awaiting trial on any of the criminal offenses listed in
16 section 41-1758.07, subsections B and C in this state or similar criminal
17 offenses in any other state or jurisdiction.
18 4. The provider, the provider's employees or any person who resides in
19 the provider's child care facility has been the subject of an investigation
20 where a report of child abuse or neglect has been substantiated by THE
21 DEPARTMENT OF CHILD SAFETY OR a child ~~protective~~ SAFETY services agency or a
22 law enforcement agency in this state or in any other state or jurisdiction.
23 5. The provider fails to maintain current training and certification
24 in first aid and infant and child cardiopulmonary resuscitation.
25 6. The provider fails to enclose a pool pursuant to section 36-1681,
26 subsections A, B and C.
27 7. The provider fails to separately store firearms and ammunition
28 under lock and key or combination lock.
29 F. This section and section 41-1967.01 do not create an affirmative
30 obligation on the part of any state agency or any child care resource and
31 referral agency to review, monitor or investigate child care providers and
32 programs.
33 G. Neither this state nor its officers or employees, acting within the
34 scope of their employment, are liable for any damage or injury caused by
35 their conduct pursuant to this section or section 41-1967.01, except for
36 gross negligence or conduct intended to cause injury.
37 H. Neither a child care resource and referral agency nor its officers
38 and employees, acting within the scope of their employment, are liable for
39 any damage or injury caused by their conduct pursuant to this section or
40 section 41-1967.01, except for gross negligence or conduct intended to cause
41 injury.
42 I. The department shall adopt rules that are consistent with the terms
43 of this section.

1 Sec. 30. Section 41-2501, Arizona Revised Statutes, is amended to
2 read:
3 41-2501. Applicability
4 A. This chapter applies only to procurements initiated after
5 January 1, 1985 unless the parties agree to its application to procurements
6 initiated before that date.
7 B. This chapter applies to every expenditure of public monies,
8 including federal assistance monies except as otherwise specified in section
9 41-2637, by this state, acting through a state governmental unit as defined
10 in this chapter, under any contract, except that this chapter does not apply
11 to either grants as defined in this chapter, or contracts between this state
12 and its political subdivisions or other governments, except as provided in
13 chapter 24 of this title and in article 10 of this chapter. This chapter
14 also applies to the disposal of state materials. This chapter and rules
15 adopted under this chapter do not prevent any state governmental unit or
16 political subdivision from complying with the terms of any grant, gift,
17 bequest or cooperative agreement.
18 C. All political subdivisions and other local public agencies of this
19 state may adopt all or any part of this chapter and the rules adopted
20 pursuant to this chapter.
21 D. Notwithstanding any other law, sections 41-2517 and 41-2546 apply
22 to any agency as defined in section 41-1001, including the office of the
23 governor.
24 E. The Arizona board of regents and the legislative and judicial
25 branches of state government are not subject to this chapter except as
26 prescribed in subsection F of this section.
27 F. The Arizona board of regents and the judicial branch shall adopt
28 rules prescribing procurement policies and procedures for themselves and
29 institutions under their jurisdiction. The rules must be substantially
30 equivalent to the policies and procedures prescribed in this chapter.
31 G. The Arizona state lottery commission is exempt from this chapter
32 for procurement relating to the design and operation of the lottery or
33 purchase of lottery equipment, tickets and related materials. The executive
34 director of the Arizona state lottery commission shall adopt rules
35 substantially equivalent to the policies and procedures in this chapter for
36 procurement relating to the design and operation of the lottery or purchase
37 of lottery equipment, tickets or related materials. All other procurement
38 shall be as prescribed by this chapter.
39 H. The Arizona health care cost containment system administration is
40 exempt from this chapter for provider contracts pursuant to section 36-2904,
41 subsection A and contracts for goods and services, including program
42 contractor contracts pursuant to title 36, chapter 29, articles 2 and 3. All
43 other procurement, including contracts for the statewide administrator of the
44 program pursuant to section 36-2903, subsection B, shall be as prescribed by
45 this chapter.

I. Arizona industries for the blind is exempt from this chapter for purchases of finished goods from members of national industries for the blind and for purchases of raw materials for use in the manufacture of products for sale pursuant to section 41-1972. All other procurement shall be as prescribed by this chapter.

J. Arizona correctional industries is exempt from this chapter for purchases of raw materials, components and supplies that are used in the manufacture or production of goods or services for sale entered into pursuant to section 41-1622. All other procurement shall be as prescribed by this chapter.

K. The state transportation board and the director of the department of transportation are exempt from this chapter other than section 41-2586 for the procurement of construction or reconstruction, including engineering services, of transportation facilities or highway facilities and any other services that are directly related to land titles, appraisals, real property acquisition, relocation, property management or building facility design and construction for highway development and that are required pursuant to title 28, chapter 20.

L. The Arizona highways magazine is exempt from this chapter for contracts for the production, promotion, distribution and sale of the magazine and related products and for contracts for sole source creative works entered into pursuant to section 28-7314, subsection A, paragraph 5. All other procurement shall be as prescribed by this chapter.

M. The secretary of state is exempt from this chapter for contracts entered into pursuant to section 41-1012 to publish and sell the administrative code. All other procurement shall be as prescribed by this chapter.

N. This chapter is not applicable to contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial proceeding in which this state is or may become a party or to contract for special investigative services for law enforcement purposes.

O. The head of any state governmental unit, in relation to any contract exempted by this section from this chapter, has the same authority to adopt rules, procedures or policies as is delegated to the director pursuant to this chapter.

P. Agreements negotiated by legal counsel representing this state in settlement of litigation or threatened litigation are exempt from this chapter.

Q. This chapter is not applicable to contracts entered into by the department of economic security:

1. With a provider licensed or certified by an agency of this state to provide child day care services.

2. With area agencies on aging created pursuant to the older Americans act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001 through 3058ff).

3. For services pursuant to title 36, chapter 29, article 2.

4. With an eligible entity as defined by Public Law 105-285, section ~~673(1)(a)(i)~~ 673(1)(A)(i), as amended, for designated community services block grant program monies and any other monies given to the eligible entity that accomplishes the purpose of Public Law 105-285, section 672.

R. The department of health services may not require that persons with whom it contracts follow this chapter for the purposes of subcontracts entered into for the provision of the following:

1. Mental health services pursuant to section 36-189, subsection B.

2. Services for the seriously mentally ill pursuant to title 36, chapter 5, article 10.

3. Drug and alcohol services pursuant to section 36-141.

4. Domestic violence services pursuant to title 36, chapter 30, article 1.

S. The department of health services is exempt from this chapter for contracts for services of physicians at the Arizona state hospital.

T. Contracts for goods and services approved by the board of trustees of the public safety personnel retirement system are exempt from this chapter.

U. The Arizona department of agriculture is exempt from this chapter with respect to contracts for private labor and equipment to effect cotton or cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2, article 1.

V. The Arizona state parks board is exempt from this chapter for purchases of guest supplies and items for resale such as food, linens, gift items, sundries, furniture, china, glassware and utensils for the facilities located in the Tonto natural bridge state park.

W. The Arizona state parks board is exempt from this chapter for the purchase, production, promotion, distribution and sale of publications, souvenirs and sundry items obtained and produced for resale.

X. The Arizona state schools for the deaf and the blind are exempt from this chapter for the purchase of textbooks and when purchasing products through a cooperative that is organized and operates in accordance with state law if such products are not available on a statewide contract and are related to the operation of the schools or are products for which special discounts are offered for educational institutions.

Y. Expenditures of monies in the morale, welfare and recreational fund established by section 26-153 are exempt from this chapter.

Z. Notwithstanding section 41-2534, the director of the state department of corrections may contract with local medical providers in counties with a population of less than four hundred thousand persons for the following purposes:

1. To acquire hospital and professional medical services for inmates who are incarcerated in state department of corrections facilities that are located in those counties.

2. To ensure the availability of emergency medical services to inmates in all counties by contracting with the closest medical facility that offers emergency treatment and stabilization.

AA. The department of environmental quality is exempt from this chapter for contracting for procurements relating to the water quality assurance revolving fund program established pursuant to title 49, chapter 2, article 5. The department shall engage in a source selection process that is similar to the procedures prescribed by this chapter. The department may contract for remedial actions with a single selection process. The exclusive remedy for disputes or claims relating to contracting pursuant to this subsection is as prescribed by article 9 of this chapter and the rules adopted pursuant to that article. All other procurement by the department shall be as prescribed by this chapter.

BB. The motor vehicle division of the department of transportation is exempt from this chapter for third-party authorizations pursuant to title 28, chapter 13, only if all of the following conditions exist:

1. The division does not pay any public monies to an authorized third party.

2. Exclusivity is not granted to an authorized third party.

3. The director has complied with the requirements prescribed in title 28, chapter 13 in selecting an authorized third party.

CC. This section does not exempt third-party authorizations pursuant to title 28, chapter 13 from any other applicable law.

DD. The state forester is exempt from this chapter for purchases and contracts relating to wildland fire suppression and pre-positioning equipment resources and for other activities related to combating wildland fires and other unplanned risk activities, including fire, flood, earthquake, wind and hazardous material responses. All other procurement by the state forester shall be as prescribed by this chapter.

EE. The cotton research and protection council is exempt from this chapter for procurements.

FF. Expenditures of monies in the Arizona agricultural protection fund established by section 3-3304 are exempt from this chapter.

GG. The Arizona commerce authority is exempt from this chapter, except article 10 for the purpose of cooperative purchases. The authority shall adopt policies, procedures and practices, in consultation with the department of administration, that are similar to and based on the policies and procedures prescribed by this chapter for the purpose of increased public confidence, fair and equitable treatment of all persons engaged in the process and fostering broad competition while accomplishing flexibility to achieve the authority's statutory requirements. The authority shall make its

policies, procedures and practices available to the public. The authority may exempt specific expenditures from the policies, procedures and practices.

HH. The Arizona exposition and state fair board is exempt from this chapter for contracts for professional entertainment.

II. This chapter does not apply to the purchase of water, gas or electric utilities.

JJ. This chapter does not apply to professional certifications, professional memberships and conference registrations.

KK. The department of gaming is exempt from this chapter for problem gambling treatment services contracts with licensed behavioral health professionals.

LL. This chapter does not apply to contracts for credit reporting services.

MM. This chapter does not apply to contracts entered into by the department of child safety:

1. With a provider of family foster care pursuant to section 8-503 ~~or 36-554~~.

2. With an eligible entity as defined by Public Law 105-285, section 673(1)(A)(i), as amended, for designated community services block grant program monies and any other monies given to the eligible entity that accomplishes the purpose of Public Law 105-285, section 672.

Sec. 31. Section 41-3802, Arizona Revised Statutes, is amended to read:

41-3802. Human rights committee on children, youth and families

A. The human rights committee on children, youth and families is established in the department of child safety to promote the rights of persons who receive services from the ~~division of children, youth and families in the~~ department.

B. Notwithstanding section 8-807, the department shall disclose confidential information and records to the committee established pursuant to this section or designated pursuant to subsection C OF THIS SECTION, subject to the requirements of section 41-3804 and applicable federal law.

C. The director of the department may designate a citizen review panel, multidisciplinary case consultation team or other oversight entity as the human rights committee on children, youth and families if the panel, TEAM or entity meets the requirements of this section.

D. The committee shall be organized pursuant to this section and the requirements of section 41-3804.

E. The director of the department may establish additional committees for each district office established pursuant to section 41-1961 or to oversee the activities of any service provider.

F. Each human rights committee established pursuant to this section shall consist of at least seven and not more than fifteen members appointed by the director of the department ~~of economic security~~ with expertise in at least one of the following areas:

1. Psychology.
2. Law.
3. Medicine.
4. Education.
5. Special education.
6. Social work.

G. Each human rights committee shall include at least two parents of children who receive services from the department. If a report of abuse has been substantiated against a parent, that parent shall not serve on a human rights committee.

Sec. 32. Section 46-134, Arizona Revised Statutes, is amended to read:

46-134. Powers and duties; expenditure; limitation

The state department shall:

1. Administer all forms of public relief and assistance except those that by law are administered by other departments, agencies or boards.

2. Develop a section of rehabilitation for the visually impaired that shall include a sight conservation section, a vocational rehabilitation section in accordance with the federal vocational rehabilitation act, a vending stand section in accordance with the federal Randolph-Sheppard act and an adjustment service section that shall include rehabilitation teaching and other social services deemed necessary, and shall cooperate with similar agencies already established. The administrative officer and staff of the section for the blind and visually impaired shall be employed only in the work of that section.

3. Assist other departments, agencies and institutions of the state and federal governments, when requested, by performing services in conformity with the purposes of this title.

4. Act as agent of the federal government in furtherance of any functions of the state department.

5. Carry on research and compile statistics relating to the entire public welfare program throughout this state, including all phases of dependency and defectiveness.

6. Cooperate with the superior court in cases of delinquency and related problems.

7. Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare and social security problems.

8. Make necessary expenditures in connection with the duties specified in paragraphs 5, 6, 7, 13 and 14 of this subsection.

9. Have the power to apply for, accept, receive and expend public and private gifts or grants of money or property on the terms and conditions as may be imposed by the donor and for any purpose provided for by this chapter.

10. Make rules, and take action necessary or desirable to carry out the provisions of this title, that are not inconsistent with this title.

11. Administer any additional welfare functions required by law.

~~12. Provide the cost of care and transitional independent living services for a person under twenty-one years of age pursuant to section 8-521.01.~~

~~13.~~ 12. If a tribal government elects to operate a cash assistance program in compliance with the requirements of the United States department of health and human services, with the review of the joint legislative budget committee, provide matching monies at a rate that is consistent with the applicable fiscal year budget and that is not more than the state matching rate for the aid to families with dependent children program as it existed on July 1, 1994.

~~14.~~ 13. Furnish a federal, state or local law enforcement officer, at the request of the officer, with the current address of any recipient if the officer furnishes the agency with the name of the recipient and notifies the agency that the recipient is a fugitive felon or a probation, parole or community supervision violator or has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the recipient is within these official duties.

~~15.~~ 14. In conjunction with Indian tribal governments, request a federal waiver from the United States department of agriculture that will allow tribal governments that perform eligibility determinations for temporary assistance for needy families programs to perform the food stamp eligibility determinations for persons who apply for services pursuant to section 36-2901, paragraph 6, subdivision (a). If the waiver is approved, the state shall provide the state matching monies for the administrative costs associated with the food stamp eligibility based on federal guidelines. As part of the waiver, the department shall recoup from a tribal government all federal fiscal sanctions that result from inaccurate eligibility determinations.

Sec. 33. Case backlog; request for information; definition

A. On or before August 1, 2015, the department of child safety shall issue a request for information to interested vendors on using private entities to address the backlog. The department shall report the results of its request for information to the joint legislative budget committee on or before October 1, 2015.

B. For the purposes of this section, "backlog" means nonactive cases for which documentation has not been entered in the child welfare automated system for at least sixty days and for which services have not been authorized for at least sixty days.

APPROVED BY THE GOVERNOR APRIL 10, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2015.

Passed the House March 10, 2015

by the following vote: 59 Ayes,

1 Nays, 0 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

Passed the Senate March 30, 2015

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2098

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 31, 20 15,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

31st day of March, 20 15,

at 3:16 o'clock P. M.

Secretary to the Governor

Approved this 10th day of

April, 20 15,

at 4:34 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13th day of April, 20 15,

at 8.30 o'clock A M.

Michele Reagan
Secretary of State

H.B. 2098