



PUBLIC POLICY COMMITTEE

Wednesday, February 13, 2019

1:00 P.M. – 2:00 P.M.

3839 North 3rd Street, Suite 306, Phoenix, Arizona 85012

DRAFT MINUTES

The Public Policy Standing Committee meeting of the Arizona Developmental Disabilities Planning Council (ADDPC) was convened Wednesday, February 13, 2019 at the ADDPC Office, 3839 North 3rd Street, Suite 306, Phoenix, Arizona 85012. Notice having been duly given. Present and absent were the following members of the ADDPC.

Members Present	
------------------------	--

Scott Lindbloom, Chairperson, Telephone

George Garcia, Telephone

Jason Snead, Telephone

Wendy Parent-Johnson, Telephone

Katharine Levandowsky, Telephone

Members Absent

Janna Murrell

Staff	Guests
--------------	---------------

Erica McFadden, Executive Director	
------------------------------------	--

Marcella Crane, Staff	
-----------------------	--

Julie Whitaker, Staff	
-----------------------	--

A. Call to Order/Welcome

Chairperson Scott Lindbloom welcomed everyone to the Arizona Developmental Disabilities Planning Council (ADDPC or Council) Public Policy Standing Committee meeting. The meeting was called to order at 1:05 P.M. Roll call and participant introductions were completed.

B. Review of Minutes

The minutes from the December 10, 2018 Public Policy Standing Committee were reviewed. A motion was made by Jason Snead to approve the minutes. The motion was seconded by George Garcia. The motion carried.

C. Council Efforts to Address Sexual Abuse/Assault on People with Disabilities

Erica McFadden gave the committee an overview of the collaborative work that the Council has been involved in addressing gaps in legislation and regulations in addressing sexual abuse and assault with respect to vulnerable adults in a licensed care facility. The work began with the unfortunate situation in Hacienda Healthcare in January, and as a result, the Council has met with the Governor's Office, agency stakeholders and legislative policy makers to address the gaps to address this problem. From that discussion and researching the topic, the Council issued a 2019 Legislative & Regulatory Recommendation for Prevention Report. The report has helped spur legislation this session to address the numerous gaps, and in addition, the Governor's Office has issued an Executive Order stipulating the state agencies of Health Services, AHCCCS, and DES begin to take steps to address and mitigate this issue (Attached are the legislative bills being tracked and Executive Order to the Minutes). As there are further developments, Erica will notify the Council members.

D. Update on State and Federal Legislation

Marcella Crane provided a brief overview of the legislative bills the Council is tracking. There are 1,289 bills that have been dropped, most will be assigned to a committee(s) for hearings. On the Council's website is a list of the bills the Council is addressing as the most pressing to track. We're also in communication with other groups such as the Arc of Arizona, SILC and the ACDL that also tracks legislation so that education efforts to legislators can be coordinated. Julie Whitaker provided an overview of federal legislative bills, and will be monitoring this on an ongoing basis.

E. Medicaid and Dental Care

Scott Lindbloom discussed his efforts in partnering with AZ Representative Tom O'Halleran staff, Keith Brekhus, to address the gap in funding for dental care coverage for adults and seniors. Currently, there is a \$1,000 coverage for children covered under AHCCCS (ALTCS eligible). As the federal congress begins to address both Medicare and Medicaid gaps, our office will monitor any bills that will strengthen medical and dental services for person with disabilities, seniors and other vulnerable groups.

F. Call to the Public

No public attended the meeting.

G. Adjourn

A motion was made by Jason Snead to adjourn. The motion was seconded by George Garcia. The motion carried, meeting adjourned at 1:45 pm.

Federal Bills 2019-2020

H.R.505 - CARE Act

To amend the Violence Against Women Act of 2000 to reauthorize the grant program for education, training, and enhanced services to end violence against and abuse of women with disabilities.

Not later than 1 year after the date of enactment of the Certainty, Assistance, and Relief for Everyone Act, the Attorney General shall issue a report identifying and describing best practices for State, local, and tribal law enforcement officers and prosecutors in investigating and prosecuting sexual assault cases involving the victimization of individuals with disabilities.”.

Status: introduced

Tracking: <https://www.congress.gov/bill/116th-congress/house-bill/505?q=%7B%22search%22%3A%5B%22H.R.+505%22%5D%7D&s=8&r=1>

H.R.509 Human Trafficking Accountability Act

This bill directs the Department of Justice (DOJ) to designate

- at least one Human Trafficking Coordinator in each federal judicial district to implement the National Strategy for Combatting Human Trafficking and to prosecute cases, conduct outreach, and enforce laws related to human trafficking; and
- a National Human Trafficking Coordinator within DOJ to coordinate, promote, and support DOJ's work related to human trafficking.

Tracking: <https://www.congress.gov/bill/116th-congress/house-bill/509/text?q=%7B%22search%22%3A%5B%22adult+protective%22%5D%7D&r=6&s=2>

H.R.555 Disability Integration Act of 2019

To prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

- (1) to clarify and strengthen the ADA's integration mandate in a manner that accelerates State compliance;
- (2) to clarify that every individual who is eligible for long-term services and supports has a federally protected right to be meaningfully integrated into that individual's community and receive community-based long-term services and supports;

Status: introduced

Tracking: <https://www.congress.gov/bill/116th-congress/house-bill/555?q=%7B%22search%22%3A%5B%22HR+555%22%5D%7D&s=7&r=1>

H.R.873 To assist employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 to transform their business and program models, to support individuals with disabilities to transition to competitive integrated employment, to phase out the use of such special certificates, and for other purposes.

Status: Introduced

Tracking: <https://www.congress.gov/search?q=%7B%22congress%22%3A%22116%22%2C%22source%22%3A%22legislation%22%2C%22search%22%3A%22HR%20873%22%7D&searchResultViewType=expanded>

S.255 - Disability Employment Incentive Act

To amend the Internal Revenue Code of 1986 to include individuals receiving Social Security Disability Insurance benefits under the work opportunity credit, increase the work opportunity credit for vocational rehabilitation referrals, qualified SSI recipients, and qualified SSDI recipients, expand the disabled access credit, and enhance the deduction for expenditures to remove architectural and transportation barriers to the handicapped and elderly.

Status: introduced

Tracking: <https://www.congress.gov/bill/116th-congress/senate-bill/255/text?q=%7B%22search%22%3A%5B%22Robert+Casey%22%5D%7D&r=9&s=3>

S.150 - Raise the Wage Act

Increase the minimum wage and sunset the Special Certificates issued by the department of labor.

Sen. B. Sanders.

Status: introduced

Tracking: <https://www.congress.gov/bill/116th-congress/senate-bill/150/actions?q=%7B%22search%22%3A%5B%22S.+150%22%5D%7D&r=1&s=6>

HB 2008 Duty to Report; Supervisor: Administrator

The list of persons with a duty to report a reasonable belief that a minor has been the victim of abuse or neglect is expanded to include any person who is employed as the immediate or next higher level supervisor to or administrator of a person who has a duty to report (other than the child's parent or guardian) and who develops the reasonable belief in the course of the supervisor's or administrator's employment.

Status: Referred to House Judiciary; Hearing on 2/13 with a DPA recommendation

HB 2117: Developmental Homes: Monitoring

A service provider that operates a group home or an intermediate care facility for persons with an intellectual disability is permitted to install "electronic monitoring devices" (defined) in common areas. The service provider is required to establish policies regarding the use of electronic monitoring and the policies must include a list of specified provisions. The policies must be approved by the Department of Health Services prior to installation.

Status: Referred to House Health & Human Services

HB 2152: Residential Beds; Seriously Mentally Ill

The Arizona Health Care Cost Containment System is required to report to specified legislative committees the current number of behavioral health residential facility beds and supportive housing beds that are available in Arizona for adults with serious mental illness by December 1, 2019, in addition to by December 1, 2018.

Status: Referred to House Health & Human Services

HB 2356: Public Safety Guardianships

Establishes the Office of Public Safety Guardianship to initiate and administer "public safety guardianships" (PSG) (defined). If ordered by the court, the Office is required to file a petition to initiate a PSG. The statutory procedures for a guardianship apply to a

PSG except as prescribed by this legislation. The court is authorized to appoint the Office as a public safety guardian if the court finds by clear and convincing evidence that a list of factors are true, including that the person is likely to commit violent acts or cause serious physical harm to another person in a PSG is not ordered. A public safety guardian has all the powers of a guardian and is permitted to place the incapacitated incompetent person in inpatient psychiatric facilities licensed by the Department of Health Services for the duration of the PSG. The State Hospital is required to establish a program to treat, house and care for persons for whom a public safety guardian has been appointed, and program requirements are specified. The Office terminates on July 1, 2027.

Status: Referred to House Judiciary

Referred to House Health & Human Services

HB 2387: Medical Marijuana; Autism Spectrum Disorder

The list of debilitating medical conditions that qualifies a person to receive a medical marijuana registry identification card is expanded to include autism spectrum disorder. Due to voter protection, this legislation requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

Status: Referred to House Health & Human Services

Referred to House Regulatory Affairs

HB 2466: Victim's Rights

Various changes relating to victim's rights. A victim has the right to be present and heard at any proceeding in which the defendant has filed an application to have a judgment of guilt set aside. A victim is authorized to bring a special action seeking to enforce any right or challenge any order denying any right guaranteed to victims. Victims cannot be charged a filing fee to file a special action or to seek an order to invoke victims' rights. Victims are required to maintain at least one method of contact information with the law enforcement agency responsible for providing notice to the victim, instead of being required to keep their telephone number and address current. Various requirements to provide notice to a victim are transferred to the probation department from the court.

Status: Referred to House Judiciary

HB 2566: Peace Officer Training; Requirements

The officer training prescribed by the Arizona Peace Officers Standards and Training Board is required to include training on the protocol for interaction when encountering an individual with communication deficits, including deafness, developmental disability, or mental illness. The Board is required to develop an in-person training course and an online training course that is administered by the Arizona Commission for the Deaf and the Hard of Hearing. All certified peace officers who are certified on or after the effective date of this legislation are required to attend the in-person training course. All peace officers who were certified before the effective date of this legislation are required to complete the online training course within two years. After the initial training course, each peace officer is required to complete the online training course once every three years. Beginning in January 2021, the Board is required to biennially report to the Governor and the Legislature specified information relating to the training course.

Status: Referred to House Public Safety

HB 2558: Appropriation; Statewide ADA Coordinator

The Governor's Office of Equal Opportunity is required to hire a full-time statewide Americans with disabilities coordinator to implement an annual plan to carry out the requirements of the Americans with Disabilities Act in Arizona. Appropriates \$100,000 and 1 FTE position from the general fund in FY2019-20 to the Office for the coordinator.

Status: Referred to House Government; Hearing on 2/14 with a DPA recommendation

Referred to House Appropriation

HB 2624: DCS; Investigation; Schools; Children; Disabilities

A child safety worker or a child safety investigator is authorized to enter a school that teaches a "child with disabilities" (defined) to investigate a report of abuse of such a child at the school.

Status: Has not been referred to any committee

HB 2665: Health Care Institutions: Education Abuse

The Department of Health Services and the Department of Economic Security are required to jointly develop a curriculum to educate and train all persons who are employed in a capacity of caring for vulnerable adults on the signs of neglect and abuse, including sexual abuse. Beginning January 1, 2020, each health care institution, group home and intermediate care facility for individuals with intellectual disabilities is required to provide mandatory education and training using the curriculum to each person working in the health care institution, group home or intermediate care facility that provides care to vulnerable adults. The person is required to complete the education and training before beginning employment and to update the education and training annually. Emergency clause.

Status: Referred to House Health & Human Services

HB2666: Mandatory Reporting; Vulnerable Adults; Penalties

The list of persons with a duty to report a reasonable belief that a vulnerable adult has been the victim of abuse, neglect or exploitation is expanded to include any "health professional" (defined elsewhere in statute) who has responsibility for the care of the vulnerable adult. Reports may be made by telephone or online, and the requirement for a written report to be mailed or delivered within 48 hours is deleted. If a failure to report involves a sexual offense, the criminal classification is a class 6 (lowest) felony, instead of a class 1 (highest) misdemeanor. Emergency clause.

Status: Referred to House Health & Human Services

SB 1086: Health Professions; Temporary Licensure

Health profession regulatory boards are authorized to grant authority to the board's executive director to issue and approve licenses, certifications and registrations to an applicant or licensee who fulfills all requirements of the applicable state statute and meets other specified requirements. Health profession regulatory boards are authorized to issue a "temporary license" (defined) to allow an applicant who is not a licensee to practice in Arizona if the applicant holds an active an unrestricted license in another state and meets other specified requirements. Health profession regulatory boards are required to approve or deny an application for a temporary license within 30 days. If granted, a temporary license expires the earlier of 30 days after it is granted or on approval or denial of the applicant's license application. Health profession regulatory boards are prohibited

from issuing more than two temporary licenses to the same applicant within a consecutive 12-month period. Health profession regulatory boards are authorized to establish an application and fee in rule for temporary licensure.

Status: Referred to Senate Health & Human Services; Hearing on 2/13 with a DP recommendation

SB 1088: AHCCCS; Pregnant Women; Dental Care

The list of covered services under the Arizona Health Care Cost Containment System (AHCCCS) is expanded to include comprehensive dental care for women who are at least 21 years of age and in any stage of pregnancy. Appropriates \$359,700 from the general fund and \$818,900 from federal Medicaid authority in FY2019-20 to the AHCCCS Administration for dental services to pregnant women. Appropriates \$3.4 million from the Prescription Drug Rebate Fund in FY2019-20 to the AHCCCS Administration to cover costs incurred due to eligibility changes directly related to the introduction of a dental benefit for pregnant women. By October 1, 2020, the AHCCCS Administration is required to report to the Governor and the Legislature the actual costs incurred to provide dental services to pregnant women and the actual costs incurred due to eligibility changes directly related to the introduction of a dental benefit for pregnant women during FY2019-20.

Status: Referred to Senate Health & Human Services; Hearing on 1/30 with DP recommendation

Referred to Senate Appropriation; Hearing on 2/12 with a DPA recommendation

SB 1098 Housing Assistance Pilot Program; Appropriation

Establishes a Housing Assistance Pilot Program to provide grants to assist individuals who are transitioning off of public assistance in securing housing, and a 4-member Housing Assistance Advisory Board to administer the Program. The Board is required to establish criteria and an application process for housing assistance grants, and award housing assistance grants to qualified applicants. The Board is required to submit a report on the Program to the Governor and the Legislature by December 15, 2022. The Program and the Board self-repeal October 1, 2023. Appropriates an unspecified amount (blank in original) from the general fund in FY2019-20 to the Board.

Status: Referred to Senate Health & Human Services; Hearing on 2/6 with DPA recommendation.

Referred to Senate Appropriation

SB 1107: Appropriations: Area Agencies on Aging

Appropriates \$2.74 million from the general fund in each of FY2019-20, FY2020-21 and FY2021-22 to the Department of Economic Security for Area Agencies on Aging to provide nonmedical home and community based services for seniors who are on a waitlist.

Status: Referred to Senate Health & Human Services; No action taken at 2/6 hearing.

Referred to Senate Appropriation

SB 1211: Intermediate Care Facilities; Licensure

By January 1, 2020, an "intermediate care facility for individuals with intellectual disabilities" (defined) that is operated by the Department of Economic Security or a private entity is required to be licensed as a health care institution and certified under specified federal code. Licensees that employ persons to provide direct care in an intermediate care facility for individuals with intellectual disabilities are required to submit to the Department of Child Safety information necessary to conduct central registry background checks. For any person who is employed or seeking employment in a position that works with children or vulnerable adults, each employer in Arizona is required to conduct an adult protective services registry background check, and is authorized to use the information contained in the registry to determine whether the person is qualified for the position. The Department of Health Services is required to adopt rules requiring employees and personnel of an intermediate care facility for individuals with intellectual disabilities to report abuse or neglect. Emergency clause.

Status: Referred to Senate Health & Human Services; Hearing on 2/13 with DPA recommendation.

SB 1225: Appropriation: Developmental Disabilities Services Providers

Makes a supplemental appropriation of \$508,600 from the general fund and \$1.18 million from the Developmental Disabilities Medicaid Expenditure Authority in FY2018-19 to the Department of Economic Security for onetime emergency assistance to developmental disabilities services providers.

Status: Referred to Senate Appropriation; Hearing on 2/5 with DP recommendation.

Referred to Senate Rules; Hearing on 2/11 at 1:00 PM

SB 1237: Child Care; Fingerprinting

Child care personnel, including volunteers, are required to have valid fingerprint clearance cards before beginning employment or volunteer work, and are no longer given the option of applying for a card within seven working days of employment. Child care home providers are required to have valid fingerprint clearance cards before being registered with the Department of Economic Security, and are no longer given the option of applying for a card by the date of registration.

Status: Referred to Senate Health & Human Services

SB 1244: Caregivers; Assisted Living; Training

By June 1, 2020, the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers is required to prescribe rules for assisted living facility caregivers that are consistent with the training, competency and test methodology standards developed by the Arizona Health Care Cost Containment System (AHCCCS) Administration for in-home direct care workers. A person who successfully completes the training and competency requirements developed by the AHCCCS Administration for in-home direct care workers satisfies the training requirements for assisted living facility caregivers, except for medication administration training required by the assisted living facility caregiver's scope of practice.

Status: Referred to Senate Health & Human Services; Hearing on 2/13 with a DPA recommendation.

SB 1247: Residential Care Institutions; Children

The list of purposes for which information contained in the Department of Child Safety central registry may be used is expanded to include to provide information to licensees that do not contract with the state regarding persons who are employed or seeking employment to provide direct services to children in a licensed residential care institution. Beginning on the effective date of this legislation, licensees that do not contract with the state and that employ person who provide direct services to children in a licensed residential care institution are required to submit to the Dept information necessary to conduct central registry background checks. The Department of Health Services is prohibited from accepting an accreditation report in lieu of any licensure or compliance inspection of a residential facility providing behavioral health services to children.

Status: Referred to Senate Health & Human Services; Hearing on 2/13 with DPA recommendation.

SB 1250: Sexual Assault Protective Order

A person is permitted to file a verified petition with a magistrate, justice of the peace or superior court judge for a sexual assault protective order, and requirements for the petition are established. A fee cannot be charged for filing a petition or for service of process. The court is required to issue a protective order if the court determines that there is reasonable cause to believe the defendant engaged in sexual contact with the plaintiff without consent within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period. Specifies actions the court is permitted to take if the court issues a sexual assault protective order. Establishes requirements for service of a sexual assault protective order.

Status: Referred to Senate Judiciary

SB 1251: Schools; Sexual Abuse Prevention Education

Beginning in the 2020-21 school year, school districts and charter schools are required to establish education and training on sexual abuse prevention for employees and students in accordance with guidelines and curricula developed by the Department of Education. Information that must be included in the education and training is specified. Each public school is required to post in a public area of the school that is readily

accessible to students a sign that contains the telephone number operated by the Department of Child Safety to receive reports of child abuse or neglect.

Status: Referred to Senate Education

SB 1254: Sexual Assault: Survivor Rights

Establishes a list of rights that a survivor of a sexual assault has, including the right not to be prevented from or charged for a medical forensic examination and various rights relating to a sexual assault evidence collection kit.

Status: Referred to Senate Judiciary

SB 1255: Civil Action; Assault; Reporting; Limitation

An action for the recovery of damages that is based on an injury that a minor suffers as a result of another person's negligent or intentional act if that act is a cause of a sexual assault committed against the minor, or that is based on the failure to report child abuse or a sexual assault committed against a minor is required to be commenced within seven years after the cause of action accrues. For these circumstances, a cause of action accrues on occurrence of the later of either the plaintiff reaching 18 years of age or the plaintiff first disclosing the sexual assault to a licensed medical or mental health care provider in the context of receiving health care from the provider. Applies to any cause of action that is commenced on or after the effective date of this legislation and that was filed before and remains pending on the effective date of this legislation. Revives any cause of action that would have been time barred by the laws of this state that were in effect before the effective date of this legislation.

Status: Referred to Senate Judiciary

SB 1355: AHCCCS; Dental Services; Native Americans

The Arizona Health Care Cost Containment System Administration is required to seek federal authorization to reimburse the Indian Health Services and Tribal and Urban Indian Health Programs to cover the cost of adult dental services provided to Indian Health Service beneficiaries in excess of statutory limits.

Status: Referred to Senate Health & Human Services

SB 1356: Assisted Living; Caregivers: Training

Before working in an assisted living facility without "direct supervision" (defined), assisted living facility caregivers are required to complete 62 hours of on-the-job training under the direct supervision of a licensed health professional, and to pass the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers examination with at least 75 percent.

Status: Referred to Senate Health & Human Services; Hearing on 2/13 with DPA recommendation.

SB 1357: Dementia Training Standards; Study Committee

Establishes a 21-member Alzheimer's and Related Dementias Training Standards and Requirements Study Committee to evaluate and make recommendations for policies related to improved dementia capable workforce training and standards. The Committee is required to submit a report of its findings and recommendations to the Governor and the Legislature by December 31, 2019, and self-repeals October 1, 2020.

Status: Referred to Senate Health & Human Services Committee

SB 1384: Appropriation; Adult Protective Services

Makes an additional \$3 million appropriation and funds 43 FTE positions from the state general fund in Fiscal Year 2019-2020 to the Arizona Department of Economic Security for Adult Protective Services.

Status: Referred to Senate Appropriation

SB 1388: Hearing Evaluations; Preschools

The Department of Health Services program of hearing evaluation services is expanded to include students in public or private preschool programs.

Status: Referred to Senate Education

SB 1483: Vulnerable Adults; Financial Exploitation

If a "qualified individual" (defined) reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the individual is permitted to notify Adult Protective Services and the Corporation Commission. An individual who in good faith discloses information under this allowance is immune from administrative or civil liability that might otherwise arise from the disclosure. A broker-dealer or investment adviser is authorized to delay a disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if the broker-dealer, investment adviser or qualified individual reasonably believes that the requested disbursement may result in financial exploitation of an eligible adult, and the broker-dealer or investment adviser takes a list of specified actions, including notifying parties of the delay. A broker-dealer or investment adviser is required to provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to Adult Protective Services and law enforcement.

Status: Referred to Senate Health & Human Services

SB 1537: Service Providers; Fingerprint Card

Each person, whether paid or not, who is licensed by the Department of Child Safety (DCS), is employed by a DCS licensee, is a DCS contractor that provides services directly to juveniles or vulnerable adults, or is an adult working in a group home, residential treatment center, shelter or other congregate care setting is required to have as a condition of employment a valid fingerprint clearance card or must apply for a fingerprint clearance card within seven working days after being employed.

Status: Referred to Senate Health & Human Services: Hearing on 2/13 with DP recommendation.

SB 1538: Adult Protective Services

Numerous changes relating to Adult Protective Services (APS). Establishes the "Adult Protective Services central intake unit" as a unit of specialized staff within APS that is responsible for receiving and screening reports of alleged abuse, neglect or exploitation of vulnerable adults and making the necessary referrals. APS is authorized to establish a multidisciplinary APS team to develop resources for prevention, intervention and

treatment to better meet the community's needs for adult protection services. The list of persons with a duty to report a reasonable belief that a vulnerable adult has been the victim of abuse, neglect or exploitation is expanded to include various health care and emergency personnel and employees of the Department of Economic Security. Unless otherwise provided by law, all personally identifying information concerning any person who is involved in an APS program, including the reporting source's identity, other than a perpetrator against whom an allegation of abuse, neglect or exploitation has been substantiated, and all information that is gathered or created by APS and that is contained in APS records is confidential and may not be released except as specifically provided in this legislation. APS employees are added to the list of persons who may file an affidavit to request county officers and state agencies prohibit access to that person's residential address and telephone number contained in certain public records, and who must be notified of the expiration of restrictions on related public records.

Status: Referred to Senate Health & Human Services