



Arizona Legislative & Policy Update

54th Legislature – 1st Regular Session

Jon Meyers, Executive Director
The Arc of Arizona

June 2019

Achieve with us.®



Abuse, Neglect & Exploitation

Achieve with us.®

Abuse, Neglect & Exploitation

- Recent events focused nation's – and world's – attention on Arizona
- An epidemic among disability population
 - Individuals with disabilities 3-5 times more likely to be victims of violence
 - Individuals with disabilities 7-12 times more likely to be victims of sexual assault or rape
- Protection system currently inadequate to address full magnitude of problem

Abuse, Neglect & Exploitation (cont'd)

- Widespread outcry in wake of Hacienda incident
- Multiple bills introduced in 2019 Legislative session
 - Background checks
 - Training for direct support staff & first responders
 - Mandatory reporting
 - Licensure of facilities
- Consensus: Arizona's formal & informal protection systems must be improved



Successful Legislation

Achieve with us.®

Personnel

- **HB 2008 – Duty to Report** (Kavanagh)
 - Reasonable belief related to minors
 - Expanded to supervisors & administrators at schools, providers, medical facilities, govt. agencies, faith centers, etc.
- **SB 1244 – Assisted Living Caregivers** (Brophy McGee)
 - Training/testing standards must be consistent with AHCCCS In-Home Direct Care Workers
- **SB 1537 – DCS Fingerprint Card** (Brophy McGee)
 - Obtained within 7 days of employment
 - All paid & volunteer staff working with vulnerable adults in congregate care setting

Facilities

- HB 2117 – Electronic monitoring (Barto)
 - ICF/group home providers may install in common areas, incl. hallways
 - DES Director must adopt consent & disclosure, storage & retention, confidentiality, training, and oversight rules; all facilities with systems must comply
 - Providers responsible for costs of installing/maintaining

Facilities

- SB 1211 – ICF Licensure (Carter)
 - All ICFs in state licensed by DHS, not CMS (by Jan. 1, 2020)
 - Eliminates deemed status for ICFs
 - ICF licensees must provide information for DCS Central Registry background checks
 - APS Registry background check on all direct-service applicants at residential settings, DTAs, ICFs, HCBS providers
 - Direct-service applicants for DES or DES contractor must disclose prior allegations of abuse, neglect, or exploitation
 - Increases notification between DES and DHS of actions taken in relation to ICFs

Victims

- HB 2466 – Civil Proceedings (Blackman)
 - Extends statute of limitations for bringing civil action on claim of sexual assault of minor
 - Includes negligent or intentional acts or failure to report
- SB 1483 – Financial Exploitation (Mesnard)
 - Protects “qualified individuals” acting in good faith to report suspected financial exploitation of vulnerable adults
 - Permits delay of transactions if exploitation is suspected
 - Requires disclosure of records relevant to suspected exploitation

Adult Protective Services

- SB 1538 – Adult Protective Services (Brophy McGee)
 - Creates APS Central Intake Unit
 - Specialized staff
 - Focus on receiving/responding to allegations of abuse/neglect/exploitation of vulnerable adults
 - Strict confidentiality and disclosure rules
 - Expands range of health care, first responder, provider, fiduciary, and DES personnel with duty to report
 - Protects reporters of suspected abuse/neglect/exploitation from retaliation
 - Establishes Multidisciplinary Adult Protection Team



Failed Legislation

Achieve with us.®

Failed Bills

- HB 2206 – Sexual Assault Study Committee
(Longdon)
- HB 2538 – Statewide ADA Coordinator (Longdon)
- HB 2665 – Health Care Institutions – Abuse
Training (Longdon)
- SB 1251 – Sexual Abuse Prevention Education –
Public Schools (Steele)



State Budget

Achieve with us.®



Budget – Win & Losses

- Area Agencies on Aging: +\$3.8 million
- APS: +\$6 million (Victims of Crime Act)
- Rape/Sexual Assault Crisis Response: \$0



Questions?

Jon Meyers

The Arc of Arizona

(602) 290-1632

jon@arcarizona.org