



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1308

DHS licensure; group homes

Purpose

Requires, by July 1, 2023, behavioral-supported group homes and other specified group homes to be licensed and regulated through the Department of Health Services (DHS).

Background

DHS regulates and licenses group homes for persons with developmental disabilities. DHS establishes requirements for group homes through the Division of Developmental Disabilities within the Department of Economic Security (DES). DHS must issue a license to an accredited facility for a three-year accreditation period. DHS may conduct an inspection of an accredited facility to ensure that the facility meets health and safety licensure standards (A.R.S. §§ [32-132](#) and [32-591](#))

A *group home* is a community residential setting for not more than six persons with developmental disabilities that is operated by a service provider under DES contract and that provides room and board, daily habilitation and other assessed medically necessary services and supports to meet the needs of each person. A *group home* does not include an adult developmental home, a child developmental home or an intermediate care facility for individuals with intellectual disabilities ([A.R.S. § 36-551](#)).

Each licensed premises of a health care institution must have its own accreditation report. The DHS Director may accept proof that a health care institution is an accredited hospital, or is an accredited health care institution in lieu of all required compliance inspections, if the Director receives a copy of the institution's accreditation report for the licensure period and the institution is accredited by an accrediting organization approved by the U.S. Department of Health and Human Services Secretary. The Director may not accept an accreditation report in lieu of a compliance inspection of an intermediate care facility for individuals with intellectual disabilities or a health care institution if the health care institution has been subject to an enforcement action within the year preceding the annual licensing fee anniversary date ([A.R.S. § 36-424](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires, by July 1, 2023, behavioral-supported group homes and DES contracted group homes to be licensed through DHS.

2. Requires the Director to adopt rules regarding behavioral-supported group homes that include:
 - a) ensuring that each client has a functional behavioral assessment completed by a qualified clinical professional, in consultation with a multidisciplinary team and an integrated treatment plan that is reviewed by the multidisciplinary team every 90 days to determine if the plan interventions are effective;
 - b) ensuring that each client's behavioral treatment program is developed, integrated, coordinated and monitored by a clinical professional; and
 - c) requiring that the direct care staff in a behavioral-supported group home, at a minimum, have:
 - i. at least one year of experience working directly with persons with dual disorders, including psychiatric disorders and developmental disabilities, who engage in behaviors that are disruptive, socially inappropriate, harmful or dangerous to self or others, interfere with functioning and quality of life or that may cause destruction of property; and
 - ii. specialized training in applied behavior analysis and positive behavioral supports.
3. Requires, in the adopted rules for behavioral-supported group homes, a clinical professional to:
 - a) have at least two years of experience working directly with persons with dual disorders, including psychiatric disorders and developmental disabilities, who engage in behaviors that are disruptive, socially inappropriate, harmful or dangerous to self or others, interfere with functioning and quality of life or that may cause destruction of property;
 - b) have specialized training in applying behavioral interventions, including applied behavior analysis and positive behavioral supports; and
 - c) hold at least a master's degree in occupational therapy, physical therapy, psychology, social work, speech and language pathology, behavior analysis or a similar human service degree such as sociology, special education or rehabilitation counseling.
4. Allows the multidisciplinary team to include, if appropriate:
 - a) psychiatric, medical, nursing and nutrition providers;
 - b) physical, occupational and speech therapists;
 - c) educational personnel;
 - d) behavioral health providers;
 - e) group home direct care staff;
 - f) home health personnel; and
 - g) representatives from the DES Division of Developmental Disabilities.
5. Exempts group homes and behavioral-supported group homes from the requirement to comply with DES-prescribed zoning standards for a health care institution.
6. Prohibits the DHS Director from accepting an accreditation report in lieu of a compliance inspection of a behavioral-supported group home, group home or nursing-supported group home.
7. Excludes, effective July 1, 2023, behavioral-supported group homes and nursing-supported group homes that are licensed by DHS from the license requirement for a community residential setting regarding contracts for the purchase of residential care services.

8. Clarifies that, in the definition of a *group home*, a behavioral-supported group home is not a group home.
9. Includes, effective July 1, 2023, a behavioral-supported group home in the definition of *community residential setting*.
10. Defines *behavioral-supported group home* as a health care institution that:
 - a) is a community residential setting for up to six persons with developmental disabilities;
 - b) is operated by a service provider under contract with DES; and
 - c) provides room and board, daily habilitation, medication monitoring and continuous behavioral health support and intervention for clients with dual disorders, including psychiatric disorders and developmental disabilities, who engage in behaviors that are disruptive, socially inappropriate, harmful or dangerous to self or others, interfere with functioning and quality of life or that may cause destruction of property.
11. Defines *client*, *developmental disability*, *group home* and *habilitation*.
12. Exempts DHS from rulemaking requirements relating to administrative procedure and rulemaking review for 18 months.
13. Makes technical and conforming changes.
14. Becomes effective on the general effective date, with a delayed effective date as noted.

Prepared by Senate Research

January 31, 2022

MM/MC/sr