



# ARIZONA HOUSE OF REPRESENTATIVES

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House: HHS DP 9-0-0-0 | 3<sup>rd</sup> Read 50-0-10-0

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## **SB 1308: DHS licensure; group homes**

**Sponsor: Senator Barto, LD 15**

**Transmitted to the Governor**

### **Overview**

Requires, beginning July 1, 2023, behavioral-supported group homes and group homes operated in Arizona by a service provider and under contract with the Department of Economic Security (DES) to be licensed and regulated through the Department of Health Services (DHS).

### **History**

Under current law, DHS is responsible for the licensure and regulation of Arizona health care institutions. These institutions are defined as every place, institution, building or agency, organized for profit or not, that provides facilities with medical, nursing, behavioral health, health screening, supervisory care, personal care, directed care or any other health-related services ([A.R.S. § 36-401](#)).

*Group homes* are community residential settings for not more than six individuals with developmental disabilities that are operated by service providers under contract with DES. These homes provide room and board, daily habilitation and other assessed medically necessary services and supports to meet the needs of each person ([A.R.S. § 36-551](#)).

DHS is authorized to license and regulate the health and safety of group homes for persons with developmental disabilities. DHS must issue a license to an accredited facility for a 3-year accreditation period and conduct inspections to ensure that the facility meets health and safety licensure standards. Additionally, DHS establishes requirements for group homes through the Division of Developmental Disabilities (DDD) within DES ([A.R.S. §§ 36-132](#) and [36-591](#)).

### **Provisions**

1. Specifies that group homes and behavioral-supported group homes are exempt from complying with zoning standards for health care institutions as prescribed by DHS. (Sec. 2)
2. Forbids 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. (Sec. 3)
3. Requires, beginning July 1, 2023, behavioral-supported group homes and group homes operated in Arizona by a service provider and under contract with DES to be licensed through DHS. (Sec. 4)
4. Prescribes the types of rules that the DHS Director must adopt regarding behavioral-supported group homes, including:
  - a) Ensuring that each client's behavioral treatment plan is developed, integrated, coordinated and monitored by clinical professionals that meet specified training, experience and education requirements;

- b) Requiring direct care staff in a behavioral-supported group home to meet specified experience and training standards;
  - c) Ensuring clients have an integrated treatment plan that is reviewed by the entire multidisciplinary team every 90 days to determine the effectiveness of the plan interventions; and
  - d) Ensuring that clients have a functional behavioral assessment completed by a qualified clinical professional in consultation with a multidisciplinary team. (Sec. 4)
5. Specifies that the multidisciplinary team be composed of, 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;
    - g) Day program staff;
    - h) Client, their family or guardian; and
    - i) DDD Representatives. (Sec. 4)
  6. Defines the following terms:
    - a) *Behavioral-supported group home*;
    - b) *Development disability*;
    - c) *Group home*;
    - d) *Habilitation*;
    - e) *Behavioral treatment plan*;
    - f) *Client*; and
    - g) *Integrated treatment plan*. (Sec. 1, 4, 5)
  7. Adds, effective July 1, 2023, behavioral-supported group homes in the definition of *community residential setting*. (Sec. 5)
  8. Modifies the definition of *group home* to specify that a behavioral-supported group home is not a group home. (Sec. 5)
  9. Exempts, effective July 1, 2023, behavioral-supported group homes and nursing-supported group homes that are licensed by DHS from the licensure requirement for a community residential setting regarding contracts for the purchase of residential care services. (Sec. 6)
  10. Exempts DHS and DES from rulemaking requirements for 18 months. (Sec. 8)
  11. Requires, beginning July 1, 2023, DHS to transfer all group home licenses to the appropriate subclass of health care institution licenses. (Sec. 9)
  12. Clarifies that for the purposes of licensure, a group home for individuals with developmental disabilities is considered a group home as defined in statute, as amended by this act. (Sec. 9)
  13. Specifies that a group home's initial licensure date or previous license expiration date that is before July 1, 2023, is to be considered their anniversary date for health care institution licensing purposes. (Sec. 9)
  14. Repeals the group home licensing transfer requirements on July 1, 2025. (Sec. 9)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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15. Contains a delayed effective date of July 1, 2023, as it relates to the DHS licensing requirements for behavioral-supported group homes and other specified group homes. (Sec. 10)
16. Makes technical and conforming changes. (Sec. 1-3, 5, 7)