LEGISLATIVE UPDATE

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ARIZONA COUNCIL OF HUMAN SERVICE PROVIDERS
MAY 20, 2016
SB 1457: KIDSCARE ENROLLMENT; EMPOWERMENT SCHOLARSHIPS; DISABILITIES

• Reopens enrollment in KidsCare
• Families under 200% FPL ($48,500 for family of four)
• Enrollment begins July 26 for September 1, 2016 coverage

• Also expands the list of eligible expenses for qualified students with disability in empowerment scholarship accounts to include “annual education plan” by independent evaluation team
• Can continue to receive ESA monies through age 22
BEHAVIORAL HEALTH BILLS
HB2388: QUALIFIED DISABILITY EXPENSES; ELIGIBLE INDIVIDUALS (AKA AZ ABLE)

• Implements Federal law (Achieving a Better Life Experience or ABLE ACT)
• Requires DES to establish rules with the ABLE Act Oversight committee
• Use one or more financial institutions to act as depositories of the ABLE program fund
• Allows ABLE accounts for eligible individuals (minors or incapacitated adults)
• Prohibits contributions to the ABLE account from being counted as income for eligibility for public programs or AHCCCS
HB2442: BEHAVIORAL HEALTH; URGENT NEED; CHILDREN (AKA JACOB’S LAW)

- DCS required to provide foster parents with information about caseworker, RBHA point of contact, AHCCCS customer service line, and AHCCCS eligible providers at time of placement.
- If the child has an urgent need for behavioral health services, the foster parent may contact the RBHA directly.
- Sets parameters for rapid (72 hours) and crisis (2 hours) responses.
- Initial evaluation to be completed within 7 days with initial appointment for services within 21 days (if services needed).
- Allows services from AHCCCS contracted providers (not just RBHA).
SB1169: MENTAL HEALTH POWER OF ATTORNEY

- Changes to existing mental health power of attorney statute
- Adds neurologists to list of physicians who can determine a patient lacks ability for informed consent
- If a patient (in patient or outpatient) wants to revoke the POA and be discharged, the facility must discharge within 48 hours or initiate court ordered evaluation or treatment the next business day
- Unless found to be incapable, the patient may revoke the POA at any time
SB1442: MENTAL HEALTH SERVICES; INFO DISCLOSURE (AKA AZ HIPAA)

- Allows disclosure of information to relatives, close friends, or others identified by the patient
- Patient may agree verbally or in writing
- Patient given opportunity to object; if doesn’t object, can presume sharing information is OK
- May disclose information that is in the best interest of the patient if not present or incapacitated, with some stipulations
- Must keep records of what information is disclosed to whom
LISTS SPECIFIC RIGHTS OF FAMILY MEMBERS, CAREGIVERS, AND GUARDIANS OF PERSONS WITH SMI DIAGNOSES

• Rights include
  • Communication with behavioral health providers
  • Being treated with respect and compassion when seeking treatment for family member
  • Access to approved information during discharge planning (with ROI)
  • Information to evaluate the safety and security of home upon discharge
  • Information related to support services available in the community
  • File a grievance, complaint, or concern with retaliation
  • Be considered an integral part of treatment team
SUBSTANCE ABUSE RELATED BILLS
HB2107: STRUCTURED SOBER LIVING HOMES

- Allows municipalities and counties to adopt standards for structured sober living homes
- Must comply with state and federal fair housing laws and the ADA
- May include standards on
  - Location and ownership of the property
  - Supervision requirements
- Excludes sober living homes subject to oversight by another governmental entity or contractor
HB2355: OPIOID ANTAGONISTS; PRESCRIPTION; DISPENSING ADMINISTRATION

- Naloxone may be prescribed to the person at risk of an opioid overdose or to family members and community organizations in a position to assist that person.
- Need factual basis for need in writing.
- Pharmacist may dispense without prescription.
- May be administered to someone experiencing an overdose.
- Immunity from liability.
- Schools required to have policies and procedures for emergency administration.
HB2099: DEVELOPMENTAL DISABILITIES; TERMINOLOGY; SETTINGS

• Addresses issues with foster care (DCS) and DD (DES) home licensing
• Allows for both licenses within the same home
• Mandates coordination between DCS and DES regarding these homes
HB2270: DCS; PRIVATE CONTRACTORS; BACKLOG CASES

- Requires DCS to contract with private providers to address “backlog” cases without services/documentation in last 60 days
- Funding appropriated for this program in the budget
HB2427: CHILD REMOVAL; UNIFORM CRITERIA

• Requires DCS to apply rules, policies, and safety and risk assessment tools for removal of child from their home uniformly across the state
BUDGET
OVERALL... NOT BAD

• DCS:
  • Funding to address the backlog cases, new case aides, admin staff, prevention
  • Many reporting requirements
    • Staffing, caseloads, backlog, number of children in out of home care
  • Sets benchmarks for number of children in out of home care, backlog and open cases
  • Dependency surge funding for judges and attorneys

• AHCCCS:
  • Funding for Crisis Services, Supported Housing, NTXIX all flat funded
HEALTH BUDGET POLICY

• Restores podiatry services provided by podiatrist
• Adds dental services for ALTCS
• Report on non-emergency use of ED’s
• Report on availability of inpatient treatment for children, adolescents, and adults
  • Cost
  • Number sent out of state
  • Psychiatric boarding
• DSRIP
HUMAN SERVICES BUDGET POLICY

- Auditor General reports comparing DCS to other state agencies and best practices
  - Administrative staffing
  - Recruitment, training, retention, and use of staff including caseworkers, case aides, supervisors, APMs and OCWIs
- Families FIRST program
  - Evaluate compared to other states
  - Recommendations including role of recovery coaches, halfway houses, transportation, counseling, drug testing, other services
  - Identify waiting lists or other barriers to substance abuse treatment services for DCS families

- Report on implementation of foster care licensing rules
• Includes Inmate Transition Program from SB1126
  • Requires counseling and case management services
  • May include substance abuse treatment, anger management, CBT, parenting skills, family reunification, education, and job placement
  • Annual study on recidivism

• Includes Early Release Transition Program
  • May require inmates to complete AHCCCS applications prior to release
  • Allows exchange of health care information between DOC, RBHAs, and AHCCCS to facilitate access to behavioral health services upon release
  • Establishes a care team managed by RBHA or AHCCCS (may include providers) to identify services and resources needed for safe transition to community

• Study Committee on incompetent, dangerous, non-restorable defendants from vetoed SB1510: Non-restorable defendants; Incompetent; Involuntary Commitment
QUESTIONS?

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