

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 71
HOUSE BILL 2442

AN ACT

AMENDING SECTION 8-201.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-512.01; AMENDING SECTION 8-515.05, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-530.01; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-201.01, Arizona Revised Statutes, is amended to
3 read:

4 8-201.01. Prohibitions

5 A. Notwithstanding any other provision of this chapter or chapter 4,
6 articles 8, 9, 10, 11, 12, 13 and 14 of this title:

7 1. A child who in good faith is being furnished Christian Science
8 treatment by a duly accredited practitioner shall not, for that reason alone,
9 be considered to be an abused, neglected or dependent child.

10 2. A child whose parent, guardian or custodian refuses to put the
11 child on a psychiatric medication or questions the use of a psychiatric
12 medication shall not be considered to be an abused, neglected or dependent
13 child for that reason alone.

14 B. A PARENT MAY NOT BE CONSIDERED AS HAVING ABUSED, NEGLECTED OR
15 ABANDONED OR CHARGED WITH ABUSE, NEGLECT OR ABANDONMENT OF A BIOLOGICAL,
16 FOSTER OR ADOPTIVE CHILD SOLELY FOR SEEKING INPATIENT TREATMENT OR AN
17 OUT-OF-HOME PLACEMENT IF THE CHILD'S BEHAVIORAL HEALTH NEEDS POSE A RISK TO
18 THE SAFETY AND WELFARE OF THE FAMILY.

19 C. A PARENT MAY NOT BE CONSIDERED AS HAVING ABUSED OR NEGLECTED OR
20 CHARGED WITH ABUSE OR NEGLECT OF A CHILD SOLELY FOR BRINGING INTO THE HOME A
21 BIOLOGICAL, FOSTER OR ADOPTIVE CHILD WHOSE BEHAVIORAL HEALTH NEEDS POSE A
22 RISK TO THE SAFETY AND WELFARE OF THE FAMILY.

23 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
24 amended by adding section 8-512.01, to read:

25 8-512.01. Behavioral health services; urgent need; dependent
26 and adopted children; definition

27 A. IF A DEPENDENT CHILD WHO IS IN THE LEGAL CUSTODY OF THE DEPARTMENT
28 OF CHILD SAFETY IS PLACED IN AN OUT-OF-HOME PLACEMENT, THE OUT-OF-HOME
29 PLACEMENT SHALL RECEIVE IMMEDIATELY ON PLACEMENT OF THE CHILD FROM THE
30 DEPARTMENT AN UPDATED COMPLETE PLACEMENT PACKET, CONTACT INFORMATION FOR THE
31 CHILD'S CASEWORKER, THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY
32 DESIGNATED POINT OF CONTACT, THE TELEPHONE NUMBER TO THE ARIZONA HEALTH CARE
33 COST CONTAINMENT SYSTEM'S CUSTOMER SERVICE LINE, A LIST OF ARIZONA HEALTH
34 CARE COST CONTAINMENT SYSTEM REGISTERED PROVIDERS AND INFORMATION REGARDING
35 THE OUT-OF-HOME PLACEMENT'S RIGHTS, IF APPLICABLE, UNDER THIS SECTION.

36 B. IF THE OUT-OF-HOME PLACEMENT OF A DEPENDENT CHILD WHO IS IN THE
37 LEGAL CUSTODY OF THE DEPARTMENT OF CHILD SAFETY OR THE ADOPTIVE PARENT OF A
38 CHILD WHO IS ELIGIBLE UNDER TITLE XIX OR XXI OF THE SOCIAL SECURITY ACT
39 IDENTIFIES AN URGENT NEED FOR THE CHILD TO RECEIVE BEHAVIORAL HEALTH
40 SERVICES, THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT MAY DIRECTLY CONTACT A
41 REGIONAL BEHAVIORAL HEALTH AUTHORITY FOR A SCREENING AND EVALUATION OF THE
42 CHILD. THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL DISPATCH AN ASSESSMENT
43 TEAM WITHIN SEVENTY-TWO HOURS AFTER BEING NOTIFIED THAT THE CHILD HAS ENTERED
44 CARE IN AN OUT-OF-HOME PLACEMENT OR WITHIN TWO HOURS AFTER BEING NOTIFIED
45 THAT THE CHILD HAS AN URGENT NEED. THE REGIONAL BEHAVIORAL HEALTH AUTHORITY
46 SHALL PROVIDE AN INITIAL EVALUATION OF THE CHILD WITHIN SEVEN CALENDAR DAYS

1 AFTER A REFERRAL OR REQUEST FOR SERVICES. IF AFTER THE SCREENING AND
2 EVALUATION IT IS DETERMINED THAT THE CHILD IS IN NEED OF BEHAVIORAL HEALTH
3 SERVICES, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL PROVIDE AN INITIAL
4 BEHAVIORAL HEALTH APPOINTMENT FOR THE CHILD WITHIN TWENTY-ONE CALENDAR DAYS
5 AFTER THE INITIAL EVALUATION.

6 C. ON COMPLETION OF THE INITIAL EVALUATION, THE OUT-OF-HOME PLACEMENT
7 OR ADOPTIVE PARENT:

8 1. SHALL CALL THE REGIONAL BEHAVIORAL HEALTH AUTHORITY DESIGNATED
9 POINT OF CONTACT AND THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S
10 CUSTOMER SERVICE LINE IF SERVICES ARE NOT RECEIVED WITHIN TWENTY-ONE DAYS TO
11 DOCUMENT THE FAILURE TO RECEIVE THE SERVICE.

12 2. MAY ACCESS SERVICES DIRECTLY FROM ANY ARIZONA HEALTH CARE COST
13 CONTAINMENT SYSTEM REGISTERED PROVIDER REGARDLESS OF WHETHER THE PROVIDER IS
14 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY. IF THE PROVIDER IS
15 NOT CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, THE PROVIDER
16 MUST SUBMIT THE PROVIDER'S CLAIM TO THE REGIONAL BEHAVIORAL HEALTH AUTHORITY
17 AND ACCEPT THE LESSER OF ONE HUNDRED THIRTY PERCENT OF THE ARIZONA HEALTH
18 CARE COST CONTAINMENT SYSTEM'S NEGOTIATED RATE OR THE PROVIDER'S STANDARD
19 RATE.

20 D. IF THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT RECOGNIZES THAT THE
21 CHILD IS IN NEED OF CRISIS SERVICES AND THE CRISIS SERVICES PROVIDER IN THAT
22 COUNTY IS NOT BEING RESPONSIVE TO THE SITUATION, THE OUT-OF-HOME PLACEMENT OR
23 ADOPTIVE PARENT MAY CONTACT THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY
24 DESIGNATED POINT OF CONTACT TO COORDINATE CRISIS SERVICES FOR THE CHILD.

25 E. IF AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT REQUESTS THE
26 REGIONAL BEHAVIORAL HEALTH AUTHORITY TO PLACE A FOSTER CHILD OR ADOPTIVE
27 CHILD IN RESIDENTIAL TREATMENT BECAUSE THE CHILD IS DISPLAYING THREATENING
28 BEHAVIOR, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL RESPOND TO THE
29 OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT WITHIN SEVENTY-TWO HOURS AFTER THE
30 REQUEST WAS MADE. IF THE FOSTER CHILD OR ADOPTIVE CHILD IS HOSPITALIZED DUE
31 TO THE THREATENING BEHAVIOR BEFORE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY
32 RESPONDS, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL REIMBURSE THE
33 HOSPITAL FOR ALL MEDICALLY NECESSARY CARE, INCLUDING ANY DAYS OF THE HOSPITAL
34 STAY DURING WHICH THE CHILD DOES NOT MEET CRITERIA FOR AN INPATIENT STAY BUT
35 IS NOT DISCHARGED BECAUSE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY HAS NOT
36 AUTHORIZED A SAFE AND APPROPRIATE PLACEMENT FOR THE CHILD OUTSIDE OF THE
37 HOSPITAL.

38 F. IF A FOSTER CHILD MOVES INTO A DIFFERENT COUNTY BECAUSE OF THE
39 LOCATION OF THE CHILD'S OUT-OF-HOME PLACEMENT, THE CHILD'S OUT-OF-HOME
40 PLACEMENT MAY CHOOSE TO HAVE THE CHILD CONTINUE ANY CURRENT TREATMENT IN THE
41 PREVIOUS COUNTY. THE OUT-OF-HOME PLACEMENT MAY SEEK ANY NEW OR ADDITIONAL
42 TREATMENT FOR THE CHILD IN THE OUT-OF-HOME PLACEMENT'S COUNTY OF RESIDENCE.

43 G. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION
44 SHALL TRACK AND REPORT ANNUALLY THE NUMBER OF TIMES THE REGIONAL BEHAVIORAL
45 HEALTH AUTHORITY COORDINATED CRISIS SERVICES BECAUSE A CRISIS SERVICES
46 PROVIDER WAS UNRESPONSIVE, THE NUMBER OF TIMES SERVICES WERE NOT PROVIDED

1 WITHIN THE TWENTY-ONE-DAY TIME FRAME, THE AMOUNT OF SERVICES ACCESSED
2 DIRECTLY BY AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENTS THAT WERE PROVIDED
3 BY NONCONTRACTED PROVIDERS, THE LIST OF PROVIDERS THAT WERE FORMERLY
4 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY BUT THAT TERMINATED
5 THE CONTRACT AND PROVIDED SERVICES PURSUANT TO THIS SECTION FOR ONE HUNDRED
6 THIRTY PERCENT OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S
7 NEGOTIATED RATE AND THE AMOUNT THE ADMINISTRATION SPENT ON SERVICES PURSUANT
8 TO THIS SECTION. ON OR BEFORE JULY 1, 2017, THE ADMINISTRATION SHALL
9 COMPLETE A NETWORK ADEQUACY STUDY FOR BEHAVIORAL HEALTH SERVICE PROVIDERS
10 THAT PROVIDE BEHAVIORAL HEALTH SERVICES TO CHILDREN ENROLLED IN THE
11 COMPREHENSIVE MEDICAL AND DENTAL CARE PROGRAM.

12 H. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION
13 SHALL ADOPT CORRECTIVE ACTION PLANS, SANCTIONS OR OTHER MEASURES TO ADDRESS
14 NONCOMPLIANCE BY THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, INCLUDING
15 COMPLIANCE WITH THE TIMELY PAYMENT REQUIREMENTS PURSUANT TO SECTION 36-2904.

16 I. FOR THE PURPOSES OF THIS SECTION, "OUT-OF-HOME PLACEMENT" MEANS A
17 FOSTER HOME, KINSHIP FOSTER CARE, A SHELTER CARE PROVIDER, A RECEIVING HOME
18 OR A GROUP FOSTER HOME.

19 Sec. 3. Section 8-515.05, Arizona Revised Statutes, is amended to
20 read:

21 8-515.05. Removal of child from foster parent's home;
22 requirements; notification; review

23 A. Unless a child is removed from a licensed foster parent, excluding
24 a shelter care provider and receiving foster parent, to protect the child
25 from harm or risk of harm, to place a child in a permanent placement, to
26 reunite siblings, to place a child in a kinship foster home, to place a child
27 in the least restrictive setting, to place a child in a therapeutic setting
28 or to place a child in accordance with the Indian child welfare act (25
29 United States Code section 1915), the department shall inform the licensed
30 foster parent of the department's intent to remove a child and place the
31 child in another foster care placement. The department shall inform the
32 licensed foster parent of the specific reason for the child's planned removal
33 from the licensed foster parent.

34 B. If the licensed foster parent disagrees with the removal, the
35 licensed foster parent shall notify the department within twenty-four hours
36 of being informed. If the licensed foster parent disagrees with the plan to
37 remove the child and place the child in another foster home placement, the
38 department shall convene a case conference to review the reasons for the
39 removal. The licensed foster parent and two members of the foster care
40 review board shall participate in the case conference. A child shall not be
41 removed unless a majority of the members who participate in the case
42 conference agree that removal is necessary.

43 C. The department shall inform the licensed foster parent and the
44 foster care review board of the time, date and location of the case
45 conference to review the planned removal. The case conference shall be held
46 within seventy-two hours after the licensed foster parent notifies the

1 department that the licensed foster parent disagrees with the planned
2 removal, excluding weekends and holidays. The child shall remain in the
3 current placement pending the outcome of the case conference.

4 D. If, as a result of the case conference, it is the department's
5 continued intent to move the child pursuant to subsection A and the licensed
6 foster parent continues to disagree and the child:

7 1. Is in the court ordered physical custody of the licensed foster
8 parent, a foster care review board member shall provide a recommendation to
9 the court regarding the removal of the child before the change of physical
10 custody. The child shall remain in the current placement pending a court
11 order for removal.

12 2. Is not in the physical custody of the licensed foster parent, the
13 licensed foster parent shall be advised of the department's conflict
14 resolution process. The department shall expedite the conflict resolution
15 process. The child shall remain in the current placement pending the outcome
16 of the conflict resolution process.

17 E. THE DEPARTMENT MAY NOT USE AS THE BASIS FOR REMOVING A FOSTER CHILD
18 FROM A LICENSED FOSTER PARENT THE FOSTER PARENT'S REQUEST TO DISRUPT A FOSTER
19 CHILD OR THE DISSOLUTION OF AN ADOPTION THAT OCCURRED BASED ON EITHER OF THE
20 FOLLOWING:

21 1. THE FOSTER OR ADOPTIVE PARENT WAS UNABLE TO RECEIVE SERVICES THAT
22 THE CHILD WAS STATUTORILY ENTITLED TO RECEIVE.

23 2. THE FOSTER OR ADOPTIVE CHILD THREATENED THE HEALTH OR SAFETY OF THE
24 FAMILY.

25 Sec. 4. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
26 amended by adding section 8-530.01, to read:

27 8-530.01. Placement of a child returning to foster care:
28 notification

29 A. IF A CHILD WHO HAS BEEN IN FOSTER CARE IS RETURNED TO THE CHILD'S
30 HOME THEN REMOVED AGAIN FROM THE CHILD'S HOME, THE DEPARTMENT SHALL NOTIFY
31 ALL FOSTER HOMES IN WHICH THE CHILD PREVIOUSLY RESIDED THAT THE CHILD HAS
32 BEEN REMOVED FROM THE CHILD'S HOME.

33 B. THE DEPARTMENT SHALL PLACE THE CHILD IN A FOSTER HOME IN WHICH THE
34 CHILD HAS RESIDED, UNLESS THE PLACEMENT IS NOT IN THE BEST INTERESTS OF THE
35 CHILD OR NONE OF THE PRIOR FOSTER HOMES WANTS THE PLACEMENT. IF THE CHILD
36 HAS PREVIOUSLY RESIDED IN MORE THAN ONE FOSTER HOME, THE DEPARTMENT SHALL
37 GIVE PREFERENCE FOR PLACEMENT BASED ON WHICH PLACEMENT IS MOST RECENT.

38 Sec. 5. Emergency

39 This act is an emergency measure that is necessary to preserve the
40 public peace, health or safety and is operative immediately as provided by
41 law.

APPROVED BY THE GOVERNOR MARCH 24, 2016.

H.B. 2442

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2016.