

FARNSWORTH E SUBSTITUTE FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2442

I move the following SUBSTITUTE amendment to the CHILDREN AND FAMILY AFFAIRS  
Committee Amendment to  
HOUSE BILL 2442 (Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

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 FOSTER OR  
16 ADOPTIVE CHILD FOR SEEKING INPATIENT TREATMENT OR AN OUT-OF-HOME PLACEMENT IF  
17 THE CHILD'S BEHAVIORAL HEALTH NEEDS POSE A RISK TO THE SAFETY AND WELFARE OF  
18 THE FAMILY."

19 Renumber to conform

20 Line 5, after "children" insert "; definition"

21 Between lines 5 and 6, insert:

22 "A. IF A DEPENDENT CHILD WHO IS IN THE LEGAL CUSTODY OF THE DEPARTMENT  
23 OF CHILD SAFETY IS PLACED IN AN OUT-OF-HOME PLACEMENT, THE OUT-OF-HOME  
24 PLACEMENT SHALL RECEIVE FROM THE DEPARTMENT CONTACT INFORMATION FOR THE  
25 CHILD'S CASEWORKER, THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY

1 DESIGNATED POINT OF CONTACT, THE TELEPHONE NUMBER TO THE ARIZONA HEALTH CARE  
2 COST CONTAINMENT SYSTEM'S CUSTOMER SERVICE LINE, A LIST OF ARIZONA HEALTH  
3 CARE COST CONTAINMENT SYSTEM REGISTERED PROVIDERS AND INFORMATION REGARDING  
4 THE OUT-OF-HOME PLACEMENT'S RIGHTS, IF APPLICABLE, UNDER THIS SECTION.

5 B."

6 Page 1, line 6, strike "FOSTER PARENT" insert "OUT-OF-HOME PLACEMENT"

7 Lines 9 and 10, strike "FOSTER PARENT" insert "OUT-OF-HOME PLACEMENT"

8 Line 11, after the period insert "THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL  
9 DISPATCH AN ASSESSMENT TEAM WITHIN SEVENTY-TWO HOURS AFTER BEING NOTIFIED  
10 THAT THE CHILD HAS ENTERED CARE IN AN OUT-OF-HOME PLACEMENT OR WITHIN TWO  
11 HOURS AFTER BEING NOTIFIED THAT THE CHILD HAS IMMEDIATE NEEDS. THE REGIONAL  
12 BEHAVIORAL HEALTH AUTHORITY SHALL PROVIDE AN INITIAL EVALUATION OF THE CHILD  
13 WITHIN SEVEN CALENDAR DAYS AFTER A REFERRAL OR REQUEST FOR SERVICES.

14 Line 15, strike "DAYS AFTER THE SCREENING AND EVALUATION" insert "CALENDAR DAYS  
15 AFTER THE INITIAL EVALUATION";after the period insert:

16 "C."

17 Line 16, strike "APPOINTMENT" insert "SERVICE"; after "PROVIDED" insert "WITHIN  
18 TWENTY-ONE DAYS"; strike "FOSTER PARENT" insert "OUT-OF-HOME PLACEMENT";  
19 strike "MAY"

20 Strike lines 17 through 19, insert ":

21 1. SHALL CALL THE REGIONAL BEHAVIORAL HEALTH AUTHORITY DESIGNATED  
22 POINT OF CONTACT AND THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
23 CUSTOMER SERVICE LINE TO DOCUMENT THE FAILURE TO RECEIVE THE SERVICE.

24 2. MAY ACCESS SERVICES DIRECTLY FROM ANY ARIZONA HEALTH CARE COST  
25 CONTAINMENT SYSTEM REGISTERED PROVIDER REGARDLESS OF WHETHER THE PROVIDER IS  
26 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY. IF THE PROVIDER IS  
27 NOT CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, THE PROVIDER  
28 MUST SUBMIT THE PROVIDER'S CLAIM TO THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
29 AND ACCEPT THIRTY PERCENT ABOVE THE ARIZONA HEALTH CARE COST CONTAINMENT  
30 SYSTEM FEE SCHEDULE RATES.

31 D. IF THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT RECOGNIZES THAT THE  
32 CHILD IS IN NEED OF CRISIS SERVICES AND THE CRISIS SERVICES PROVIDER IN THAT  
33 COUNTY IS NOT BEING RESPONSIVE TO THE SITUATION, THE OUT-OF-HOME PLACEMENT OR

1 ADOPTIVE PARENT MAY CONTACT THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY  
2 DESIGNATED POINT OF CONTACT TO COORDINATE CRISIS SERVICES FOR THE CHILD.

3 E. IF AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT REQUESTS THE  
4 REGIONAL BEHAVIORAL HEALTH AUTHORITY TO PLACE A FOSTER CHILD OR ADOPTIVE  
5 CHILD IN RESIDENTIAL TREATMENT BECAUSE THE CHILD IS DISPLAYING THREATENING  
6 BEHAVIOR, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL RESPOND TO THE  
7 OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT WITHIN SEVENTY-TWO HOURS AFTER THE  
8 REQUEST WAS MADE. IF THE FOSTER CHILD OR ADOPTIVE CHILD IS HOSPITALIZED DUE  
9 TO THE THREATENING BEHAVIOR BEFORE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
10 RESPONDS, THE HOSPITAL MAY NOT DISCHARGE THE FOSTER CHILD OR ADOPTIVE CHILD  
11 UNTIL THE REGIONAL BEHAVIORAL HEALTH AUTHORITY RESPONDS TO THE INITIAL  
12 REQUEST.

13 F. IF A FOSTER CHILD MOVES INTO A DIFFERENT COUNTY BECAUSE OF THE  
14 LOCATION OF THE CHILD'S OUT-OF-HOME PLACEMENT, THE CHILD'S OUT-OF-HOME  
15 PLACEMENT MAY CHOOSE TO HAVE THE CHILD CONTINUE ANY CURRENT TREATMENT IN THE  
16 PREVIOUS COUNTY. THE OUT-OF-HOME PLACEMENT MAY SEEK ANY NEW OR ADDITIONAL  
17 TREATMENT FOR THE CHILD IN THE OUT-OF-HOME PLACEMENT'S COUNTY OF RESIDENCE.

18 G. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
19 SHALL TRACK AND REPORT ANNUALLY THE NUMBER OF TIMES THE REGIONAL BEHAVIORAL  
20 HEALTH AUTHORITY COORDINATED CRISIS SERVICES BECAUSE A CRISIS SERVICES  
21 PROVIDER WAS UNRESPONSIVE, THE NUMBER OF TIMES SERVICES WERE NOT PROVIDED  
22 WITHIN THE TWENTY-ONE-DAY TIME FRAME, THE AMOUNT OF SERVICES ACCESSED  
23 DIRECTLY BY AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENTS THAT WERE PROVIDED  
24 BY NONCONTRACTED PROVIDERS AND THE AMOUNT THE ADMINISTRATION SPENT ON  
25 SERVICES PURSUANT TO THIS SECTION. ON OR BEFORE JULY 1, 2017, THE  
26 ADMINISTRATION SHALL COMPLETE A NETWORK ADEQUACY STUDY FOR BEHAVIORAL HEALTH  
27 SERVICE PROVIDERS THAT PROVIDE BEHAVIORAL HEALTH SERVICES TO CHILDREN  
28 ENROLLED IN THE COMPREHENSIVE MEDICAL AND DENTAL CARE PROGRAM.

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

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

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

6 8-515.05. Removal of child from foster parent's home;  
7 requirements; notification; review

8 A. Unless a child is removed from a licensed foster parent, excluding  
9 a shelter care provider and receiving foster parent, to protect the child  
10 from harm or risk of harm, to place a child in a permanent placement, to  
11 reunite siblings, to place a child in a kinship foster home, to place a child  
12 in the least restrictive setting, to place a child in a therapeutic setting  
13 or to place a child in accordance with the Indian child welfare act (25  
14 United States Code section 1915), the department shall inform the licensed  
15 foster parent of the department's intent to remove a child and place the  
16 child in another foster care placement. The department shall inform the  
17 licensed foster parent of the specific reason for the child's planned removal  
18 from the licensed foster parent.

19 B. If the licensed foster parent disagrees with the removal, the  
20 licensed foster parent shall notify the department within twenty-four hours  
21 of being informed. If the licensed foster parent disagrees with the plan to  
22 remove the child and place the child in another foster home placement, the  
23 department shall convene a case conference to review the reasons for the  
24 removal. The licensed foster parent and two members of the foster care  
25 review board shall participate in the case conference. A child shall not be  
26 removed unless a majority of the members who participate in the case  
27 conference agree that removal is necessary.

28 C. The department shall inform the licensed foster parent and the  
29 foster care review board of the time, date and location of the case  
30 conference to review the planned removal. The case conference shall be held  
31 within seventy-two hours after the licensed foster parent notifies the  
32 department that the licensed foster parent disagrees with the planned

1 removal, excluding weekends and holidays. The child shall remain in the  
2 current placement pending the outcome of the case conference.

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

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

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

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

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

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

24 Amend title to conform

EDDIE FARNSWORTH

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02/23/2016  
10:13 AM  
C: MJH