



Bill Number: S.B. 1553

Fann Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

Competency Restoration Treatment

1. Allows counties to use any county revenue source to meet prescribed requirements for competency restoration treatment funding.
2. Specifies that county contributions related to competency restoration treatment funding are excluded from expenditure limitations.

Arizona Health Care Cost Containment System

3. Permits Seriously Mentally Ill Housing Trust Fund (SMI HTF) monies to be spent for rental assistance for individuals with SMI, upon approval from the Arizona Health Care Cost Containment System (AHCCCS).
4. Requires AHCCCS to include the number of individuals who benefited from rental assistance in the annual legislative report on the status of the SMI HTF.
5. Directs AHCCCS, by January 31, 2022, to issue a report that measures the outcomes over a one-year period of individuals who are SMI and who reside in secure behavioral health residential facilities and prescribed information that must be included in the report.
6. Allows AHCCCS to contract with a third-party to collect report data.

Family Caregiver Grant Program

7. Beginning January 1, 2020, establishes the Family Caregiver Grant Program (Program) within the Department of Economic Security (DES) for individuals who have qualifying expenses during a calendar year due to providing in-home care and support for a qualifying family member.
8. Outlines eligibility criteria to apply for a Family Caregiver Grant (Grant).

Amendment explanation prepared by Cherie Stone

5/24/19

9. Specifies the Grant amount is 50% of the qualifying expenses incurred by the applicant during the calendar year and limits the Grant amount to \$1,000 per qualifying family member.
10. Prohibits a Grant recipient from subsequently applying for a Grant for three consecutive calendar years.
11. Directs DES to certify Grant applications on a first-come, first-served basis.
12. Prohibits awarded grants from exceeding an aggregate of \$500,000 in any calendar year.
13. Requires DES to include application questions to aid in determining whether provided Grants delayed or prevented a qualifying family member from entering a long-term care or assisted living facility in the application year or in future years.
14. Allows DES to use the Advisory Council on Aging to provide input on issues relating to the Program.
15. Establishes the Program Fund (Fund) to be administered by the DES Director.
16. Specifies the fund consists of grants, gifts, donations and legislative appropriations and that Fund monies are continuously appropriated.
17. Requires that Fund expenditures from the previous calendar year be reported to the Legislature by way of DES's annual report and prescribes report criteria.
18. Defines relevant terms.
19. Repeals the Program and Fund on July 1, 2023.

Miscellaneous

20. Makes a technical change.

FANN FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1553
(Reference to printed bill)

1 Page 3, between lines 10 and 11, insert:

2 "K. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY MEET ANY STATUTORY
3 FUNDING REQUIREMENTS OF THIS SECTION FROM ANY SOURCE OF COUNTY REVENUE
4 DESIGNATED BY THE COUNTY, INCLUDING FUNDS OF ANY COUNTYWIDE SPECIAL TAXING
5 DISTRICT OF WHICH THE BOARD OF SUPERVISORS SERVES AS THE BOARD OF
6 DIRECTORS."

7 Page 15, between lines 35 and 36, insert:

8 "Sec. 11. Section 41-3955.01, Arizona Revised Statutes, is amended
9 to read:

10 41-3955.01. Seriously mentally ill housing trust fund;
11 purpose; report

12 A. The seriously mentally ill housing trust fund is established.
13 The director of the Arizona health care cost containment system
14 administration shall administer the fund. The fund consists of monies
15 received pursuant to section 44-313 and investment earnings.

16 B. On notice from the director of the Arizona health care cost
17 containment system administration, the state treasurer shall invest and
18 divest monies in the fund as provided by section 35-313, and monies earned
19 from investment shall be credited to the fund.

20 C. Fund monies shall be spent on approval of the Arizona health care
21 cost containment system administration solely for housing projects AND
22 RENTAL ASSISTANCE for seriously mentally ill persons.

23 D. The director of the Arizona health care cost containment system
24 administration shall report annually to the legislature on the status of

1 the seriously mentally ill housing trust fund. The report shall include a
2 summary of facilities for which funding was provided during the preceding
3 fiscal year and shall show the cost and geographic location of each
4 facility and the number of individuals benefiting from the operation,
5 construction or renovation of the facility. THE REPORT SHALL ALSO INCLUDE
6 THE NUMBER OF INDIVIDUALS WHO BENEFITED FROM RENTAL ASSISTANCE. The report
7 shall be submitted to the president of the senate and the speaker of the
8 house of representatives ~~no~~ NOT later than September 1 of each year.

9 E. Monies in the seriously mentally ill housing trust fund are
10 exempt from the provisions of section 35-190 relating to lapsing of
11 appropriations.

12 F. An amount not to exceed ten percent of the seriously mentally ill
13 housing trust fund monies may be appropriated annually by the legislature
14 to the Arizona health care cost containment system for administrative costs
15 in providing services relating to the seriously mentally ill housing trust
16 fund.

17 G. For any construction project financed by the Arizona health care
18 cost containment system administration pursuant to this section, the
19 administration shall notify a city, town, county or tribal government that
20 a project is planned for its jurisdiction and, before proceeding, shall
21 seek comment from the governing body of the city, town, county or tribal
22 government or an official authorized by the governing body of the city,
23 town, county or tribal government. The Arizona health care cost
24 containment system administration shall not interfere with or attempt to
25 override the local jurisdiction's planning, zoning or land use regulations.

26 Sec. 12. Title 46, chapter 2, Arizona Revised Statutes, is amended
27 by adding article 9, to read:

28 ARTICLE 9. FAMILY CAREGIVER GRANT PROGRAM

29 46-341. Definitions

30 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 31 1. "DEPARTMENT" MEANS THE DEPARTMENT OF ECONOMIC SECURITY.

1 2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

2 3. "QUALIFYING EXPENSES":

3 (a) MEANS THOSE EXPENSES THAT RELATE DIRECTLY TO CARING FOR OR
4 SUPPORTING A QUALIFYING FAMILY MEMBER.

5 (b) INCLUDES:

6 (i) IMPROVING OR ALTERING THE INDIVIDUAL'S PRIMARY RESIDENCE,
7 WHETHER OWNED OR RENTED BY THE INDIVIDUAL, TO ENABLE OR ASSIST THE
8 QUALIFYING FAMILY MEMBER TO BE MOBILE, SAFE OR INDEPENDENT.

9 (ii) PURCHASING OR LEASING EQUIPMENT OR ASSISTIVE CARE TECHNOLOGY TO
10 ENABLE OR ASSIST THE QUALIFYING FAMILY MEMBER TO CARRY OUT ONE OR MORE
11 DAILY LIVING ACTIVITIES.

12 (c) DOES NOT INCLUDE:

13 (i) REGULAR FOOD, CLOTHING OR TRANSPORTATION EXPENSES OR GIFTS
14 PROVIDED TO THE QUALIFYING FAMILY MEMBER.

15 (ii) ORDINARY HOUSEHOLD MAINTENANCE OR REPAIRS THAT ARE NOT DIRECTLY
16 RELATED TO AND NECESSARY FOR THE CARE OF THE QUALIFYING FAMILY MEMBER.

17 (iii) ANY AMOUNT THAT IS PAID OR REIMBURSED BY INSURANCE OR BY THE
18 FEDERAL GOVERNMENT, THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

19 4. "QUALIFYING FAMILY MEMBER" MEANS AN INDIVIDUAL WHO MEETS ALL OF
20 THE FOLLOWING REQUIREMENTS:

21 (a) IS AT LEAST EIGHTEEN YEARS OF AGE DURING THE CALENDAR YEAR.

22 (b) REQUIRES ASSISTANCE WITH ONE OR MORE ACTIVITIES OF DAILY LIVING
23 AS CERTIFIED BY A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER
24 13 OR 17, A REGISTERED NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE
25 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE
26 32, CHAPTER 25.

27 (c) IS THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S OR SPOUSE'S
28 CHILD, GRANDCHILD, STEPCCHILD, PARENT, STEPPARENT, GRANDPARENT, SIBLING,
29 UNCLE OR AUNT, WHETHER OF THE WHOLE OR HALF BLOOD OR BY ADOPTION.

1 46-342. Family caregiver grant program: requirements

2 A. BEGINNING JANUARY 1, 2020, THE FAMILY CAREGIVER GRANT PROGRAM IS
3 ESTABLISHED FOR INDIVIDUALS WHO HAVE QUALIFYING EXPENSES DURING A CALENDAR
4 YEAR DUE TO CARING FOR AND SUPPORTING A QUALIFYING FAMILY MEMBER IN THE
5 INDIVIDUAL'S HOME.

6 B. TO APPLY FOR A FAMILY CAREGIVER GRANT:

7 1. AN INDIVIDUAL MUST SUBMIT AN APPLICATION TO THE DEPARTMENT ON A
8 FORM PRESCRIBED BY THE DEPARTMENT.

9 2. BE A RESIDENT OF THIS STATE.

10 3. THE INDIVIDUAL'S ARIZONA GROSS INCOME, TOGETHER WITH ANY ARIZONA
11 GROSS INCOME OF EACH QUALIFYING FAMILY MEMBER, IN THE TAXABLE YEAR MAY NOT
12 EXCEED:

13 (a) \$75,000 IN THE CASE OF A SINGLE PERSON OR A MARRIED PERSON
14 FILING SEPARATELY.

15 (b) \$150,000 IN THE CASE OF A MARRIED COUPLE FILING A JOINT RETURN.

16 4. THE INDIVIDUAL MUST INCUR QUALIFYING EXPENSES DURING THE CALENDAR
17 YEAR IN WHICH THE INDIVIDUAL APPLIES FOR THE GRANT FOR THE CARE OF ONE OR
18 MORE QUALIFYING FAMILY MEMBERS.

19 5. THE INDIVIDUAL MUST SUBMIT WITH THE CLAIM FOR THE GRANT THE
20 QUALIFYING FAMILY MEMBER'S NAME AND RELATIONSHIP TO THE INDIVIDUAL.

21 C. THE AMOUNT OF THE GRANT IS EQUAL TO FIFTY PERCENT OF THE
22 QUALIFYING EXPENSES INCURRED DURING THE CALENDAR YEAR IN WHICH THE
23 INDIVIDUAL APPLIES FOR THE GRANT BUT NOT MORE THAN \$1,000 FOR EACH
24 QUALIFYING FAMILY MEMBER.

25 D. AN INDIVIDUAL WHO RECEIVES A GRANT UNDER THIS SECTION IS NOT
26 ELIGIBLE TO APPLY FOR A GRANT UNDER THIS SECTION AGAIN FOR THREE
27 CONSECUTIVE CALENDAR YEARS.

28 E. THE DEPARTMENT SHALL CERTIFY APPLICATIONS FOR THE GRANT ON A
29 FIRST-COME, FIRST-SERVED BASIS. THE DEPARTMENT MAY NOT AWARD GRANTS UNDER
30 THIS SECTION THAT EXCEED IN THE AGGREGATE \$500,000 FOR ANY CALENDAR YEAR.
31 THE DEPARTMENT SHALL INCLUDE QUESTIONS IN THE APPLICATION TO HELP THE

1 DEPARTMENT DETERMINE WHETHER THE GRANTS THAT WERE PROVIDED DELAYED OR
2 PREVENTED A QUALIFYING FAMILY MEMBER FROM ENTERING A LONG-TERM CARE
3 FACILITY OR ASSISTED LIVING FACILITY IN THE CALENDAR YEAR OF THE
4 APPLICATION OR FUTURE CALENDAR YEARS.

5 F. THE DEPARTMENT MAY USE THE ADVISORY COUNCIL ON AGING TO PROVIDE
6 INPUT ON APPROVAL OF APPLICATIONS FOR GRANTS AND WHETHER AN EXPENSE IS A
7 QUALIFYING EXPENSE OR OTHER ISSUES RELATING TO THE GRANT PROGRAM AS
8 DETERMINED BY THE DEPARTMENT.

9 46-343. Family caregiver grant program fund; report

10 A. THE FAMILY CAREGIVER GRANT PROGRAM FUND IS ESTABLISHED. THE
11 DIRECTOR SHALL ADMINISTER THE FUND. THE FUND SHALL CONSIST OF GRANTS,
12 GIFTS, DONATIONS AND LEGISLATIVE APPROPRIATIONS. MONIES IN THE FUND ARE
13 CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND MAY BE SPENT ONLY FOR GRANTS
14 PROVIDED TO INDIVIDUALS WHO ARE CARING FOR AND SUPPORTING A QUALIFYING
15 FAMILY MEMBER IN THE INDIVIDUAL'S HOME AS SPECIFIED IN THIS ARTICLE.

16 B. EXPENDITURES FROM THE FAMILY CAREGIVER GRANT PROGRAM FUND FROM
17 THE PREVIOUS CALENDAR YEAR SHALL BE REPORTED TO THE LEGISLATURE IN THE
18 COURSE OF THE DEPARTMENT'S ANNUAL REPORT. THE DEPARTMENT SHALL INCLUDE
19 AGGREGATED DATA SUMMARIZING THE QUALIFYING EXPENSES THAT WERE APPROVED FOR
20 GRANTS, THE TYPES OF INDIVIDUALS THAT QUALIFIED FOR THE GRANTS AND
21 INFORMATION ABOUT THE ABILITY FOR QUALIFIED FAMILY MEMBERS TO DELAY
22 ENTERING A LONG-TERM CARE FACILITY OR ASSISTED LIVING FACILITY.

23 C. THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS
24 PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE
25 CREDITED TO THE FUND.

26 D. INTEREST OR OTHER INCOME DERIVED FROM THE FAMILY CAREGIVER GRANT
27 PROGRAM FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS ARTICLE. INTEREST OR
28 OTHER INCOME DERIVED FROM THE FAMILY CAREGIVER GRANT PROGRAM FUND MAY NOT
29 BE USED TO SUPPLANT OTHER APPROPRIATIONS.

1 Sec. 13. Delayed repeal

2 Title 46, chapter 2, article 9, Arizona Revised Statutes, as added by
3 this act, is repealed from and after June 30, 2023."

4 Renumber to conform

5 Page 20, between lines 8 and 9, insert:

6 "Sec. 19. Competency restoration; exclusion; county
7 expenditure limitation

8 County contributions made pursuant to section 13-4512, Arizona
9 Revised Statutes, as amended by this act, are excluded from the county
10 expenditure limitations."

11 Renumber to conform

12 Between lines 36 and 37, insert:

13 "Sec. 23. AHCCCS; secure behavioral health residential
14 facilities; report

15 On or before January 31, 2022, the Arizona health care cost
16 containment system administration shall issue to the governor, the
17 president of the senate and the speaker of the house of representatives a
18 report that measures the outcomes over a twelve-month period of persons who
19 have been determined to be seriously mentally ill and who reside in secure
20 behavioral health residential facilities licensed pursuant to section
21 36-425.06, Arizona Revised Statutes, as added by this act. The report
22 shall include an analysis of costs and effectiveness of the services
23 provided in secure behavioral health residential facilities that takes into
24 consideration the encounters of the seriously mentally ill residents
25 related to inpatient care, emergency department visits, hospitalization,
26 civil commitment proceedings, incarceration, homelessness, employment,
27 community engagement and encounters with police and fire personnel,
28 including petitioning and contact with crisis centers, citation in lieu of
29 detention, jail bookings and other contact with first responders. The
30 administration may contract with a third-party entity to collect the data

Senate Amendments to S.B. 1553

1 and compile the report. The administration shall provide a copy of the
2 report to the secretary of state."

3 Renumber to conform

4 Amend title to conform

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