

REFERENCE TITLE: developmental disabilities; program plans; burial

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2461

Introduced by
Representatives Ash: Barto, Court, Driggs, Hendrix, Konopnicki

AN ACT

AMENDING SECTION 36-596.56, ARIZONA REVISED STATUTES; RELATING TO
DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-596.56, Arizona Revised Statutes, is amended to
3 read:

4 36-596.56. Eligibility; program plans; burial arrangements

5 A. A person who is eligible for services pursuant to section 36-559 is
6 also eligible to receive services under this article if that person is
7 recommended to receive services under the individual program plan. A person
8 shall also meet any applicable eligibility requirements or guidelines in
9 order to receive family support services funded in whole or in part with
10 federal monies.

11 B. The division shall review the plan to determine if the person is
12 eligible for services and if monies are available. This review shall take
13 place at the district level.

14 C. To be eligible for services, a family shall:

15 1. Express and demonstrate a willingness to keep the disabled family
16 member at home or in the community.

17 2. Agree to cooperate with the providers of services in developing,
18 implementing and evaluating the family support services that are part of the
19 individual program plan.

20 3. Demonstrate a need for services.

21 4. Undergo an evaluation by the division of the family's financial
22 resources, including monies from other state and federal programs that are
23 available to the family.

24 5. Comply with other factors the division determines are necessary for
25 eligibility.

26 D. ~~The~~ AN ANNUAL individual program plan team shall determine what
27 services shall be provided to an individual with a developmental disability
28 or a family on behalf of a family member with a developmental disability and
29 which shall be specified in the plan itself. The case manager shall
30 coordinate the plan. The plan shall include the following:

31 1. A finding of the family's need for services and an indication of
32 the family's strengths and resources that the plan may supplement or support
33 to meet the family's needs.

34 2. Notice of the specific programs, subsidies and services for which
35 the family is eligible.

36 3. A clear explanation of the way in which the programs, subsidies and
37 services shall be provided.

38 4. A statement of the specific goals of the plan and the methods to be
39 used to achieve these goals.

40 5. A timetable for achieving goals.

41 6. Notice of the annual determination of continued eligibility and of
42 reportable events that will trigger an earlier eligibility determination.

43 E. To ensure continued eligibility, a family shall promptly report any
44 changes in the family, the need for services, income and all other
45 circumstances that relate to eligibility.

1 F. The individual program plan team shall annually review the
2 eligibility of each family or individual in the family support program. THE
3 PLAN SHALL BE DISTRIBUTED TO THE TEAM NOT MORE THAN TWENTY DAYS AFTER THE
4 ANNUAL REVIEW MEETING. This review shall include:
5 1. An eligibility review of the needs of the family or the individual.
6 2. A report prepared by the family and the case manager on whether the
7 needs and goals of the individual program plan are being met.
8 3. A report of the circumstances that might trigger an earlier review
9 of eligibility.
10 4. A review of the family's financial resources.
11 G. A family may request a review described in subsection F of this
12 section at any time.
13 H. THE CLIENT'S INDIVIDUAL PROGRAM PLAN SHALL INCLUDE PROVISIONS
14 RELATING TO THE CLIENT'S BURIAL ARRANGEMENTS, INCLUDING A CHOICE OF CREMATION
15 OR BURIAL AND INSTRUCTIONS REGARDING RELIGIOUS SERVICES, IF ANY. MONIES SET
16 ASIDE FOR THIS PURPOSE ARE EXCLUDED FROM THE INCOME ELIGIBILITY REQUIREMENTS
17 OF SECTION 36-2934 AND TITLE XIX OF THE SOCIAL SECURITY ACT, AND SHALL BE
18 MAINTAINED AS A SET-ASIDE IN EACH CLIENT'S ACCOUNT. IF THE BURIAL PLAN IS
19 FUNDED BY THE IRREVOCABLE ASSIGNMENT OF THE PROCEEDS OF A LIFE INSURANCE OR
20 ANNUITY POLICY, THERE IS NO VALUE LIMIT TO THE PLAN IF THE ASSIGNED PROCEEDS
21 DO NOT EXCEED THE FAIR MARKET VALUE OF THE BURIAL PLAN AND ARE NOT THE
22 FINANCIAL RESPONSIBILITY OF THIS STATE. BURIAL PLOTS FOR THE CLIENT AND THE
23 CLIENT'S SPOUSE AND IMMEDIATE FAMILY MEMBERS MAY INCLUDE ALL FUNERAL AND
24 BURIAL COSTS.