



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

DIVISION OF DEVELOPMENTAL DISABILITIES

Sent on Behalf of DES/DDD

ARIZONA DEPARTMENT OF ECONOMIC SECURITY NOTICE FOR PROPOSED SUPPLEMENTAL RULEMAKING - ARTICLE 9 REQUEST FOR PUBLIC COMMENT

Target Audience - Qualified Vendors and Providers

Transmittal Date - 05/16/2022

Article 9 is an important part of the Arizona Administrative code related to how the Department of Economic Security, Division of Developmental Disabilities (DES/DDD) and all programs operated, licensed, supervised or financially supported by DES/DDD positively support member behavior.

On Friday, May 13, 2022, the Arizona Secretary of State published the Notice for Supplemental Proposed Rulemaking for Article 9 in the Arizona Administrative Register for public comment. You may remember that in May 2021, Article 9 revisions were published for public comment. At that time, DDD was made aware of some misunderstanding of the proposed revisions and the intent behind them. As a result, DES/DDD made the decision to conduct supplemental rule making for Article 9.

A workgroup was formed to review the previous concerns related to Article 9 and develop a revised version that addresses many of the concerns received through the previous public comment period. The workgroup included a wide variety of perspectives within the DDD community and had representatives from the Independent Oversight Committees, DDD member families, Qualified Vendors, the Arizona Association for Behavior Analysis (AZABA), the National Association for State Directors of Disabilities Services (NASDDDS), the Developmental Disabilities Advisory Council (DDAC), and DDD employees. After consultation and collaboration with these stakeholders, the new version includes updates made as a result of the comments and feedback received during that public comment period last year. The Division has developed a document that provides more context about why the changes are being proposed as well as why some sections were moved or removed, which can be [viewed here](#).

The full new version can be viewed at https://apps.azsos.gov/public_services/register/2022/19/contents.pdf. Comments may be submitted by filling out the [comment form](#) on the DES website. In addition, written comments may be submitted via email, rules@azdes.gov, or by mailing them to:

Arizona Department of Economic Security
ATTN: Rules Unit
P.O. Box 6123, Mail Drop 111G
Phoenix, AZ 85007

Written comments are due by 5:00 p.m. Mountain Standard Time on Monday, June 13, 2022. Written comments sent via mail must be postmarked by Monday, June 13, 2022. All written comments should include

the name and email address of the person providing comments as well as the name of any organization that person represents. Additionally, the Department will host a virtual oral proceeding on Monday, June 13, 2022 from 1:00 p.m. - 3:00 p.m. Participants can join:

- By Internet: <https://meet.google.com/axr-vkgj-mfr>
- By Phone: ((US) +1 916-750-1619) PIN: 523 784 897#

Also on Friday, May 13, 2022, the Division posted a notice and request for public comments on the proposed new and revised policy changes to the Division's Behavior Supports Policy Manual. This manual addresses proposed policies that clarify and implement the proposed rulemaking related to A.A.C. R6-6-901 through R6-6-911 (Article 9), Interventions for Unsafe and Inappropriate Behavior (aka Managing Inappropriate Behaviors). The policies include the following:

- 901 Definitions and Guiding Principles (aka 100 Definitions and Applicability)
- 902 Applicability (new policy)
- 903 Prohibitions (aka 200 Prohibitions)
- 904 Restricted Techniques (new policy)
- 905 Planning Team Responsibilities (aka 500 Individual Support Plan)
- 906 Program Review Committee (aka 400 Program Review Committee)
- 907 Behavior Plans (new policy)
- 908 Training (new policy)
- 909 Sanctions (aka 300 Violations)
- 910 Emergency Measure Interventions (aka 900 Emergency Measures and Physical Management Techniques)
- 911 Psychotropic Medications (aka 700 Behavior-Modifying Medications, Monitoring Behavior Modifying Medications and Treatment Plans)

Public comments for the Behavior Supports Policy Manual are closing June 13, 2022. Comments must be received no later than June 13, 2022, 11:59 PM, Arizona time.

Instructions: (Complete instructions are located on the [Division's webpage](#))

- The policy may be viewed by clicking [here](#).
- Comments may be submitted online by clicking [here](#).
- Use the line numbers to reference specific comments.
- Do not include any information that you consider confidential or inappropriate for public disclosure.

If access to the online form is not available, comments can be submitted by email to the DDD Policy Unit at DDDpolicy@azdes.gov.

Submit your comments, along with your full name, mailing address, and phone number.

If you represent an organization, include the organization's name.

For further information contact the DDD Policy Unit at DDDpolicy@azdes.gov.

Thank you to everyone who has participated in this process to date. The Division looks forward to continuing to work collaboratively to advance DES/DDD's mission of empowering individuals with developmental disabilities to live self-directed, healthy, and meaningful lives.