

TITLE 9. HEALTH SERVICES

CHAPTER 5. DEPARTMENT OF HEALTH SERVICES

CHILD CARE FACILITIES

ARTICLE 2. FACILITY LICENSURE

R9-5-203. Fingerprinting and Central Registry Background Check Requirements

ARTICLE 4. FACILITY STAFF

R9-5-402. Staff Records and Reports

ARTICLE 2. FACILITY LICENSURE

R9-5-203. Fingerprinting and Central Registry Background Check Requirements

~~F.A.~~ A licensee shall ensure that each staff member completes, signs, dates, and submits to the licensee ~~the form required in A.R.S. § 36-883.02(C)~~ before the staff member's starting date of employment or volunteer service:

1. If required by A.R.S. § 8-804, the form in A.R.S. § 8-804(I); and
2. The form required in A.R.S. § 36-883.02(C).

~~A.B.~~ Except as provided in A.R.S. § 41-1758.03, a licensee shall ensure that each staff member ~~at a facility~~ submits to the licensee a copy of:

1. ~~Possesses a~~ The staff member's valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; or
2. ~~Submits to the licensee, within seven working days of the staff member's starting date of employment or volunteer service, a copy of the~~ The fingerprint clearance card application that the staff member submitted to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after the staff member's starting date of employment or volunteer service.

~~B.C.~~ A licensee shall ensure that each staff member submits to the licensee a copy of the staff member's valid fingerprint clearance card:

- ~~1. Except as provided in subsection (A)(2), before the staff member's starting date of employment or volunteer service, and~~
- ~~2. Each~~ each time the fingerprint clearance card is issued or renewed.

~~C.D.~~ If a staff member possesses a fingerprint clearance card that was issued before the staff member became a staff member at the facility, ~~the~~ a licensee shall:

1. Contact the Department of Public Safety within seven working days after the individual becomes a staff member to determine whether the fingerprint clearance card is valid; and

2. Document this determination, including the name of the staff member, the date of contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.

E. If required by A.R.S. § 8-804, before an individual's starting date of employment or volunteer service, a licensee shall comply with the submission requirements in A.R.S. § 8-804(C) for the individual.

D-F. A licensee shall not allow an individual to be a staff member if the individual:

1. ~~has~~ Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1 and has not received an interim approval under A.R.S. § 41-619.55;
- ~~E.2.~~ A licensee shall not allow an individual to be a staff member if the individual receives
Receives an interim approval under A.R.S. § 41-619.55 but is ~~then~~ subsequently denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1;
3. Is a parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;
4. Has been denied or had revoked a certificate to operate a child care group home or a license to operate a child care facility for care of children in this state or another state;
5. Has been denied or had revoked a certification to work in a child care facility or a child care group home;
6. If applicable, has stated on the form required in A.R.S. § 8-804(I) that the individual is currently under investigation for an allegation of abuse or neglect or has a substantiated allegation of abuse or neglect and has not subsequently received a central registry exception according to A.R.S. § 41-619.57; or
7. If applicable, is disqualified from employment or volunteer service as a staff member according to A.R.S. § 8-804 and has not subsequently received a central registry exception according to A.R.S. § 41-619.57.

ARTICLE 4. FACILITY STAFF

R9-5-402. Staff Records and Reports

- A.** A licensee shall maintain a file for each staff member containing:
1. The staff member's name, date of birth, home address, and telephone number;
 2. The staff member's starting date of employment or volunteer service;
 3. The staff member's ending date of employment or volunteer service, if applicable;

4. The name, telephone number, and mailing address of an individual to be notified in case of an emergency;
 5. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
 6. The form required in A.R.S. § 36-883.02(C);
 7. Documents required by R9-5-203(A)(2) or (B);
 8. Documents required by R9-5-301;
 9. Documents required by R9-5-401, if applicable;
 10. If applicable:
 - a. The form required in A.R.S. § 8-804(D),
 - b. Documentation required in R9-5-203(E) and the information received as a result of the submission, and
 - ~~10.c.~~ Documentation of training provided by a licensee as required by R9-5-403, ~~if applicable;~~
 11. A copy of any current license or certification required by A.R.S. Title 36, Chapter 7.1, Article 1, or this Chapter; and
 12. Documentation of the requirements in A.R.S. § 36-883.02(D).
- B.** A licensee shall ensure that, for a staff member who is currently working at the facility, the staff member's information required by:
1. Subsections (A)(1) through (11) is maintained in a single location on facility premises, and
 2. Subsection (A)(12) is maintained and provided to the Department within two hours of the Department's request.
- C.** A licensee shall ensure that, for an individual who is not currently working at the facility, the information required in subsections (A)(1) through (12) is:
1. Maintained for 12 months after the date the individual last worked at the facility, and
 2. Provided to the Department within two hours of the Department's request.