

**ARTICLE 1. GENERAL**

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**ARTICLE 1. GENERAL**

**R9-10-101. Definitions**

In addition to the definitions in A.R.S. § 36-401(A), the following definitions apply in this Chapter unless otherwise specified:

1. "Abortion clinic" has the same meaning as in A.R.S. § 36-449.01.
2. "Abuse" means:
  - a. The same:
    - i. For an individual 18 years of age or older, as in A.R.S. § 46-451; and
    - ii. For an individual less than 18 years of age, as in A.R.S. § 8-201;
  - b. A pattern of ridiculing or demeaning a patient;
  - c. Making derogatory remarks or verbally harassing a patient; or
  - d. Threatening to inflict physical harm on a patient.
3. "Accredited" has the same meaning as in A.R.S. § 36-422.
4. "Activities of daily living" means ambulating, bathing, toileting, grooming, eating, and getting in or out of a bed or a chair.
5. "Adjacent" means not intersected by:
  - a. Property owned, operated, or controlled by a person other than the applicant or licensee; or
  - b. A public thoroughfare.
6. "Administrative completeness review time-frame" has the same meaning as in A.R.S. § 41-1072.
7. "Administrative office" means a location used by personnel for recordkeeping and record retention but not for providing medical services, nursing services, or health-related services.
8. "Admission" means, after completion of an individual's screening or registration by a health care institution, the individual begins receiving physical health services or behavioral health services and is accepted as a patient of the health care institution.
9. "Adult" has the same meaning as in A.R.S. § 1-215.
10. "Adult behavioral health therapeutic home" means a residence that provides room and board, assists in acquiring daily living skills, coordinates transportation to scheduled appointments, monitors behaviors, assists in the self-administration of medication, and provides feedback to a case manager related to behavior for an individual 18 years of age or older based on the individual's behavioral health issue and need for behavioral health

services and may provide behavioral health services under the clinical oversight of a behavioral health professional.

11. "Adverse reaction" means an unexpected outcome that threatens the health or safety of a patient as a result of a medical service, nursing service, or health-related service provided to the patient.
12. "Ancillary services" means services other than medical services, nursing services, or health-related services provided to a patient.
13. "Anesthesiologist" means a physician granted clinical privileges to administer anesthesia.
14. "Applicant" means a governing authority requesting:
  - a. Approval of a health care institution's architectural plans and specifications, or
  - b. A health care institution license.
15. "Application packet" means the information, documents, and fees required by the Department for the:
  - a. Approval of a health care institution's modification or construction, or
  - b. Licensing of a health care institution.
16. "Assessment" means an analysis of a patient's need for physical health services or behavioral health services to determine which services a health care institution will provide to the patient.
17. "Assistance in the self-administration of medication" means restricting a patient's access to the patient's medication and providing support to the patient while the patient takes the medication to ensure that the medication is taken as ordered.
18. "Attending physician" means a physician designated by a patient to participate in or coordinate the medical services provided to the patient.
19. "Authenticate" means to establish authorship of a document or an entry in a medical record by:
  - a. A written signature;
  - b. An individual's initials, if the individual's written signature appears on the document or in the medical record;
  - c. A rubber-stamp signature; or
  - d. An electronic signature code.
20. "Authorized service" means specific medical services, nursing services, or health-related services provided by a specific health care institution class or subclass for which the health care institution is required to obtain approval from the Department before providing the medical services, nursing services, or health-related services.

21. "Available" means:
  - a. For an individual, the ability to be contacted and to provide an immediate response by any means possible;
  - b. For equipment and supplies, physically retrievable at a health care institution; and
  - c. For a document, retrievable by a health care institution or accessible according to the applicable time-frames in this Chapter.
22. "Behavioral care":
  - a. Means limited behavioral health services, provided to a patient whose primary admitting diagnosis is related to the patient's need for physical health services, that include:
    - i. Assistance with the patient's psychosocial interactions to manage the patient's behavior that can be performed by an individual without a professional license or certificate including:
      - (1) Direction provided by a behavioral health professional, and
      - (2) Medication ordered by a medical practitioner or behavioral health professional; or
    - ii. Behavioral health services provided by a behavioral health professional on an intermittent basis to address the patient's significant psychological or behavioral response to an identifiable stressor or stressors; and
  - b. Does not include court-ordered behavioral health services.
23. "Behavioral health facility" means a behavioral health inpatient facility, a behavioral health residential facility, a substance abuse transitional facility, a behavioral health specialized transitional facility, an outpatient treatment center that provides only behavioral health services, an adult behavioral health therapeutic home, or a behavioral health respite home.
24. "Behavioral health inpatient facility" means a health care institution that provides continuous treatment to an individual experiencing a behavioral health issue that causes the individual to:
  - a. Have a limited or reduced ability to meet the individual's basic physical needs;
  - b. Suffer harm that significantly impairs the individual's judgment, reason, behavior, or capacity to recognize reality;
  - c. Be a danger to self;
  - d. Be a danger to others;

- e. Be persistently or acutely disabled as defined in A.R.S. § 36-501; or
  - f. Be gravely disabled.
25. "Behavioral health issue" means an individual's condition related to a mental disorder, a personality disorder, substance abuse, or a significant psychological or behavioral response to an identifiable stressor or stressors.
26. "Behavioral health observation/stabilization services" means crisis services provided, in an outpatient setting, to an individual whose behavior or condition indicates that the individual:
- a. Requires nursing services,
  - b. May require medical services, and
  - c. May be a danger to others or a danger to self.
27. "Behavioral health paraprofessional" means an individual who is not a behavioral health professional who provides behavioral health services at or for a health care institution according to the health care institution's policies and procedures and, if the individual would be required to be licensed as a behavioral professional under A.R.S. Title 32, Chapter 33, if the behavioral health services were provided in a setting other than a licensed health care institution, are provided under supervision by a behavioral health professional.
28. "Behavioral health professional" means:
- a. An individual licensed under A.R.S. Title 32, Chapter 33, whose scope of practice allows the individual to:
    - i. Independently engage in the practice of behavioral health as defined in A.R.S. § 32-3251; or
    - ii. Except for a licensed substance abuse technician, engage in the practice of behavioral health as defined in A.R.S. § 32-3251 under direct supervision as defined in A.A.C. R4-6-101;
  - b. A psychiatrist as defined in A.R.S. § 36-501;
  - c. A psychologist as defined in A.R.S. § 32-2061;
  - d. A physician;
  - e. A behavior analyst as defined in A.R.S. § 32-2091;
  - f. A registered nurse practitioner licensed as an adult psychiatric and mental health nurse; or
  - g. A registered nurse.

29. "Behavioral health residential facility" means a health care institution that provides treatment to an individual experiencing a behavioral health issue that:
  - a. Limits the individual's ability to be independent, or
  - b. Causes the individual to require treatment to maintain or enhance independence.
30. "Behavioral health respite home" means a residence where respite care services, which may include assistance in the self-administration of medication, are provided to an individual based on the individual's behavioral health issue and need for behavioral health services.
31. "Behavioral health services" means medical services, nursing services, health-related services, or ancillary services provided to an individual to address the individual's behavioral health issue.
32. "Behavioral health specialized transitional facility" means a health care institution that provides inpatient behavioral health services and physical health services to an individual determined to be a sexually violent person according to A.R.S. Title 36, Chapter 37.
33. "Behavioral health technician" means an individual who is not a behavioral health professional who provides behavioral health services at or for a health care institution according to the health care institution's policies and procedures with clinical oversight by a behavioral health professional.
34. "Biohazardous medical waste" has the same meaning as in A.A.C. R18-13-1401.
35. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
36. "Case manager" means an individual assigned by an entity other than a health care institution to coordinate the physical health services or behavioral health services provided to a patient at the health care institution.
37. "Certification" means, in this Article, a written statement that an item or a system complies with the applicable requirements incorporated by reference in A.A.C. R9-1-412.
38. "Certified health physicist" means an individual recognized by the American Board of Health Physics as complying with the health physics criteria and examination requirements established by the American Board of Health Physics.

39. "Change in ownership" means conveyance of the ability to appoint, elect, or otherwise designate a health care institution's governing authority from an owner of the health care institution to another person.
40. "Chief administrative officer" or "administrator" means an individual designated by a governing authority to implement the governing authority's direction in a health care institution.
41. "Clinical laboratory services" means the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of a disease or impairment of a human being, or for the assessment of the health of a human being, including procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.
42. "Clinical oversight" means:
  - a. Monitoring the behavioral health services provided by a behavioral health technician to ensure that the behavioral health technician is providing the behavioral health services according to the health care institution's policies and procedures,
  - b. Providing on-going review of a behavioral health technician's skills and knowledge related to the provision of behavioral health services,
  - c. Providing guidance to improve a behavioral health technician's skills and knowledge related to the provision of behavioral health services, and
  - d. Recommending training for a behavioral health technician to improve the behavioral health technician's skills and knowledge related to the provision of behavioral health services.
43. "Clinical privileges" means authorization to a medical staff member to provide medical services granted by a governing authority or according to medical staff bylaws.
44. "Collaborating health care institution" means a health care institution licensed to provide outpatient behavioral health services that has a written agreement with an adult behavioral health therapeutic home or a behavioral health respite home to:
  - a. Coordinate behavioral health services provided to a resident at the adult behavioral health therapeutic home or a recipient at a behavioral health respite home, and

- b. Work with the provider to ensure a resident at the adult behavioral health therapeutic home or a recipient at a behavioral health respite home receives behavioral health services according to the resident's treatment plan.
45. "Communicable disease" has the same meaning as in A.R.S. § 36-661.
46. "Conspicuously posted" means placed:
- a. At a location that is visible and accessible; and
  - b. Unless otherwise specified in the rules, within the area where the public enters the premises of a health care institution.
47. "Consultation" means an evaluation of a patient requested by a medical staff member or personnel member.
48. "Contracted services" means medical services, nursing services, health-related services, ancillary services, or environmental services provided according to a documented agreement between a health care institution and the person providing the medical services, nursing services, health-related services, ancillary services, or environmental services.
49. "Contractor" has the same meaning as in A.R.S. § 32-1101.
50. "Controlled substance" has the same meaning as in A.R.S. § 36-2501.
51. "Counseling" has the same meaning as "practice of professional counseling" in A.R.S. § 32-3251.
52. "Counseling facility" means a facility that only provides, and was licensed as a behavioral health outpatient clinic before October 1, 2013 to provide, one or more of the following services:
- a. Counseling;
  - b. DUI screening, education, or treatment according to the requirements in 9 A.A.C. 20, Article 1; or
  - c. Misdemeanor domestic violence offender treatment according to the requirements in 9 A.A.C. 20, Article 2.
53. "Court-ordered evaluation" has the same meaning as "evaluation" in A.R.S. § 36-501.
54. "Court-ordered pre-petition screening" has the same meaning as in A.R.S. § 36-501.
55. "Court-ordered treatment" means treatment provided according to A.R.S. Title 36, Chapter 5.
56. "Crisis services" means immediate and unscheduled behavioral health services provided to a patient to address an acute behavioral health issue affecting the patient.
57. "Current" means up-to-date, extending to the present time.



58. "Daily living skills" means activities necessary for an individual to live independently and include meal preparation, laundry, housecleaning, home maintenance, money management, and appropriate social interactions.
59. "Danger to others" has the same meaning as in A.R.S. § 36-501.
60. "Danger to self" has the same meaning as in A.R.S. § 36-501.
61. "Detoxification services" means behavioral health services and medical services provided to an individual to:
  - a. Reduce or eliminate the individual's dependence on alcohol or other drugs, or
  - b. Provide treatment for the individual's signs or symptoms of withdrawal from alcohol or other drugs.
62. "Diagnostic procedure" means a method or process performed to determine whether an individual has a medical condition or behavioral health issue.
63. "Dialysis" means the process of removing dissolved substances from a patient's body by diffusion from one fluid compartment to another across a semi-permeable membrane.
64. "Dialysis services" means medical services, nursing services, and health-related services provided to a patient receiving dialysis.
65. "Dialysis station" means a designated treatment area approved by the Department for use by a patient receiving dialysis or dialysis services.
66. "Dialyzer" means an apparatus containing semi-permeable membranes used as a filter to remove wastes and excess fluid from a patient's blood.
67. "Disaster" means an unexpected occurrence that adversely affects a health care institution's ability to provide services.
68. "Discharge" means a documented termination of services to a patient by a health care institution.
69. "Discharge instructions" means documented information relevant to a patient's medical condition or behavioral health issue provided by a health care institution to the patient or the patient's representative at the time of the patient's discharge.
70. "Discharge planning" means a process of establishing goals and objectives for a patient in preparation for the patient's discharge.
71. "Discharge summary" means a documented brief review of services provided to a patient, current patient status, and reasons for the patient's discharge.
72. "Disinfect" means to clean in order to prevent the growth of or to destroy disease-causing microorganisms.

73. "Documentation" or "documented" means information in written, photographic, electronic, or other permanent form.
74. "Drill" means a response to a planned, simulated event.
75. "Drug" has the same meaning as in A.R.S. § 32-1901.
76. "Electronic" has the same meaning as in A.R.S. § 44-7002.
77. "Electronic signature" has the same meaning as in A.R.S. § 44-7002.
78. "Emergency" means an immediate threat to the life or health of a patient.
79. "Emergency medical services provider" has the same meaning as in A.R.S. § 36-2201.
80. "Environmental services" means activities such as housekeeping, laundry, facility maintenance, or equipment maintenance.
81. "Equipment" means, in this Article, an apparatus, a device, a machine, or a unit that is required to comply with the specifications incorporated by reference in A.A.C. R9-1-412.
82. "Exploitation" has the same meaning as in A.R.S. § 46-451.
83. "Factory-built building" has the same meaning as in A.R.S. § 41-2142.
84. "Family" or "family member" means an individual's spouse, sibling, child, parent, grandparent, or another individual designated by the individual.
85. "Food services" means the storage, preparation, serving, and cleaning up of food intended for consumption in a health care institution.
86. "Garbage" has the same meaning as in A.A.C. R18-13-302.
87. "General consent" means documentation of an agreement from an individual or the individual's representative to receive physical health services to address the individual's medical condition or behavioral health services to address the individual's behavioral health issues.
88. "General hospital" means a subclass of hospital that provides surgical services and emergency services.
89. "Gravely disabled" has the same meaning as in A.R.S. § 36-501.
90. "Hazard" or "hazardous" means a condition or situation where a patient or other individual may suffer physical injury.
91. "Health care directive" has the same meaning as in A.R.S. § 36-3201.
92. "Hemodialysis" means the process for removing wastes and excess fluids from a patient's blood by passing the blood through a dialyzer.
93. "Home health agency" has the same meaning as in A.R.S. § 36-151.
94. "Home health aide" means an individual employed by a home health agency to provide home health services under the direction of a registered nurse or therapist.

95. "Home health aide services" means those tasks that are provided to a patient by a home health aide under the direction of a registered nurse or therapist.
96. "Home health services" has the same meaning as in A.R.S. § 36-151.
97. "Hospice inpatient facility" means a subclass of hospice that provides hospice services to a patient on a continuous basis with the expectation that the patient will remain on the hospice's premises for 24 hours or more.
98. "Hospital" means a class of health care institution that provides, through an organized medical staff, inpatient beds, medical services, continuous nursing services, and diagnosis or treatment to a patient.
99. "Immediate" means without delay.
100. "Incident" means an unexpected occurrence that harms or has the potential to harm a patient, while the patient is:
  - a. On the premises of a health care institution, or
  - b. Not on the premises of a health care institution but directly receiving physical health services or behavioral health services from a personnel member who is providing the physical health services or behavioral health services on behalf of the health care institution.
101. "Infection control" means to identify, prevent, monitor, and minimize infections.
102. "Informed consent" means:
  - a. Advising a patient of a proposed treatment, surgical procedure, psychotropic drug, or diagnostic procedure; alternatives to the treatment, surgical procedure, psychotropic drug, or diagnostic procedure; and associated risks and possible complications; and
  - b. Obtaining documented authorization for the proposed treatment, surgical procedure, psychotropic drug, or diagnostic procedure from the patient or the patient's representative.
103. "In-service education" means organized instruction or information that is related to physical health services or behavioral health services and that is provided to a medical staff member, personnel member, employee, or volunteer.
104. "Interval note" means documentation updating a patient's:
  - a. Medical condition after a medical history and physical examination is performed, or
  - b. Behavioral health issue after an assessment is performed.

105. "Isolation" means the separation, during the communicable period, of infected individuals from others, to limit the transmission of infectious agents.
106. "Leased facility" means a facility occupied or used during a set time period in exchange for compensation.
107. "License" means:
- a. Written approval issued by the Department to a person to operate a class or subclass of a health care institution at a specific location; or
  - b. Written approval issued to an individual to practice a profession in this state.
108. "Licensed occupancy" means the total number of individuals for whom a health care institution is authorized by the Department to provide crisis services in a unit providing behavioral health observation/stabilization services.
109. "Licensee" means an owner approved by the Department to operate a health care institution.
110. "Manage" means to implement policies and procedures established by a governing authority, an administrator, or an individual providing direction to a personnel member.
111. "Medical condition" means the state of a patient's physical or mental health, including the patient's illness, injury, or disease.
112. "Medical director" means a physician who is responsible for the coordination of medical services provided to patients in a health care institution.
113. "Medical history" means an account of a patient's health, including past and present illnesses, diseases, or medical conditions.
114. "Medical practitioner" means a physician, physician assistant, or registered nurse practitioner.
115. "Medical record" has the same meaning as "medical records" in A.R.S. § 12-2291.
116. "Medical staff" means physicians and other individuals licensed pursuant to A.R.S. Title 32 who have clinical privileges at a health care institution.
117. "Medical staff by-laws" means standards, approved by the medical staff and the governing authority, that provide the framework for the organization, responsibilities, and self-governance of the medical staff.
118. "Medical staff member" means an individual who is part of the medical staff of a health care institution.
119. "Medication" means one of the following used to maintain health or to prevent or treat a medical condition or behavioral health issue:
- a. Biologicals as defined in A.A.C. R18-13-1401,

- b. Prescription medication as defined in A.R.S. § 32-1901, or
  - c. Nonprescription medication as defined in A.R.S. § 32-1901.
120. "Medication administration" means restricting a patient's access to the patient's medication and providing the medication to the patient or applying the medication to the patient's body, as ordered by a medical practitioner.
121. "Medication error" means:
- a. The failure to administer an ordered medication;
  - b. The administration of a medication not ordered; or
  - c. The administration of a medication:
    - i. In an incorrect dosage,
    - ii. More than 60 minutes before or after the ordered time of administration unless ordered to do so, or
    - iii. By an incorrect route of administration.
122. "Mental disorder" means the same as in A.R.S. § 36-501.
123. "Mobile clinic" means a movable structure that:
- a. Is not physically attached to a health care institution's facility;
  - b. Provides medical services, nursing services, or health related service to an outpatient under the direction of the health care institution's personnel; and
  - c. Is not intended to remain in one location indefinitely.
124. "Monitor" or "monitoring" means to check systematically on a specific condition or situation.
125. "Neglect" has the same meaning:
- a. For an individual less than 18 years of age, as in A.R.S. § 8-201; and
  - b. For an individual 18 years of age or older, as in A.R.S. § 46-451.
126. "Nephrologist" means a physician who is board eligible or board certified in nephrology by a professional credentialing board.
127. "Nurse" has the same meaning as "registered nurse" or "practical nurse" as defined in A.R.S. § 32-1601.
128. "Nursing personnel" means individuals authorized according to A.R.S. § Title 32, Chapter 15 to provide nursing services.
129. "Observation chair" means a physical piece of equipment that:
- a. Is located in a designated area where behavioral health observation/stabilization services are provided,
  - b. Allows an individual to fully recline, and

- c. Is used by the individual while receiving crisis services.
- 130. "Occupational therapist" has the same meaning as in A.R.S. § 32-3401.
- 131. "Occupational therapist assistant" has the same meaning as in A.R.S. § 32-3401.
- 132. "Ombudsman" means a resident advocate who performs the duties described in A.R.S. § 46-452.02.
- 133. "On-call" means a time during which an individual is available and required to come to a health care institution when requested by the health care institution.
- 134. "Opioid treatment" means providing medical services, nursing services, health-related services, and ancillary services to a patient receiving an opioid agonist treatment medication for opiate addiction.
- 135. "Opioid agonist treatment medication" means a prescription medication that is approved by the U.S. Food and Drug Administration under 21 U.S.C. § 355 for use in the treatment of opiate addiction.
- 136. "Order" means instructions to provide
  - a. Physical health services to a patient from a medical practitioner or as otherwise provided by law; or
  - b. Behavioral health services to a patient from a behavioral health professional.
- 137. "Orientation" means the initial instruction and information provided to an individual before the individual starts work or volunteer services in a health care institution.
- 138. "Outing" means a social or recreational activity that:
  - a. Occurs away from the premises,
  - b. Is not part of a behavioral health inpatient facility's or behavioral health residential facility's daily routine, and
  - c. Lasts longer than four hours.
- 139. "Outpatient surgical center" means a class of health care institution that has the facility, staffing, and equipment to provide surgery and anesthesia services to a patient whose recovery, in the opinions of the patient's surgeon and, if an anesthesiologist would be providing anesthesia services to the patient, the anesthesiologist, does not require inpatient care in a hospital.
- 140. "Outpatient treatment center" means a class of health care institution without inpatient beds that provides physical health services or behavioral health services for the diagnosis and treatment of patients.
- 141. "Overall time-frame" means the same as in A.R.S. § 41-1072.

142. "Owner" means a person who appoints, elects, or designates a health care institution's governing authority.
143. "Participant" means a patient receiving physical health services or behavioral health services from an adult day health care facility or a substance abuse transitional facility.
144. "Participant's representative" means the same as "patient's representative" for a participant.
145. "Patient" means an individual receiving physical health services or behavioral health services from a health care institution.
146. "Patient follow-up instructions" means information relevant to a patient's medical condition or behavioral health issue that is provided to the patient, the patient's representative, or a health care institution.
147. "Patient's representative" means:
- a. A patient's legal guardian;
  - b. If a patient is less than 18 years of age and not an emancipated minor, the patient's parent;
  - c. If a patient is 18 years of age or older or an emancipated minor, an individual acting on behalf of the patient with the written consent of the patient or patient's legal guardian; or
  - d. A surrogate as defined in A.R.S. § 36-3201.
148. "Person" means the same as in A.R.S. § 1-215 and includes a governmental agency.
149. "Personnel member" means, except as defined in specific Articles in this Chapter and excluding a medical staff member, a student, or an intern, an individual providing physical health services or behavioral health services to a patient.
150. "Pest control program" means activities that minimize the presence of insects and vermin in a health care institution to ensure that a patient's health and safety is not at risk.
151. "Pharmacist" has the same meaning as in A.R.S. § 32-1901.
152. "Physical examination" means to observe, test, or inspect an individual's body to evaluate health or determine cause of illness, injury, or disease.
153. "Physical health services" means medical services, nursing services, health-related services, or ancillary services provided to an individual to address the individual's medical condition.
154. "Physical therapist" has the same meaning as in A.R.S. § 32-2001.
155. "Physical therapist assistant" has the same meaning as in A.R.S. § 32-2001.
156. "Physician assistant" has the same meaning as in A.R.S. § 32-2501.

157. "Premises" means property that is designated by an applicant or licensee and licensed by the Department as part of a health care institution where physical health services or behavioral health services are provided to a patient.
158. "Professional credentialing board" means a non-governmental organization that designates individuals who have met or exceeded established standards for experience and competency in a specific field.
159. "Progress note" means documentation by a medical staff member, nurse, or personnel member of:
- a. An observed patient response to a physical health service or behavioral health service provided to the patient,
  - b. A patient's significant change in condition, or
  - c. Observed behavior of a patient related to the patient's medical condition or behavioral health issue.
160. "PRN" means *pro re nata* or given as needed.
161. "Project" means specific construction or modification of a facility stated on an architectural plans and specifications approval application.
162. "Provider" means an individual to whom the Department issues a license to operate an adult behavioral health therapeutic home or a behavioral health respite home in the individual's place of residence.
163. "Provisional license" means the Department's written approval to operate a health care institution issued to an applicant or licensee that is not in substantial compliance with the applicable laws and rules for the health care institution.
164. "Psychotropic medication" means a chemical substance that:
- a. Crosses the blood-brain barrier and acts primarily on the central nervous system where it affects brain function, resulting in alterations in perception, mood, consciousness, cognition, and behavior; and
  - b. Is provided to a patient to address the patient's behavioral health issue.
165. "Quality management program" means ongoing activities designed and implemented by a health care institution to improve the delivery of medical services, nursing services, health-related services, and ancillary services provided by the health care institution.
166. "Recovery care center" has the same meaning as in A.R.S. § 36-448.51.
167. "Referral" means providing an individual with a list of the class or subclass of health care institution or type of health care professional that may be able to provide the behavioral



- health services or physical health services that the individual may need and may include the name or names of specific health care institutions or health care professionals.
168. "Registered dietitian" means an individual approved to work as a dietitian by the American Dietetic Association's Commission on Dietetic Registration.
169. "Registered nurse" has the same meaning as in A.R.S. § 32-1601.
170. "Registered nurse practitioner" has the same meaning as A.R.S. § 32-1601.
171. "Regular basis" means at recurring, fixed, or uniform intervals.
172. "Research" means the use of a human subject in the systematic study, observation, or evaluation of factors related to the prevention, assessment, treatment, or understanding of a medical condition or behavioral health issue.
173. "Resident" means an individual living in and receiving physical health services or behavioral health services from a nursing care institution, a behavioral health residential facility, an assisted living facility, or an adult behavioral health therapeutic home.
174. "Resident's representative" means the same as "patient's representative" for a resident.
175. "Respiratory care services" has the same meaning as "practice of respiratory care" as defined in A.R.S. § 32-3501.
176. "Respiratory therapist" has the same meaning as in A.R.S. § 32-3501.
177. "Restraint" means any physical or chemical method of restricting a patient's freedom of movement, physical activity, or access to the patient's own body.
178. "Risk" means potential for an adverse outcome.
179. "Room" means space contained by a floor, a ceiling, and walls extending from the floor to the ceiling that has at least one door.
180. "Rural general hospital" means a subclass of hospital having 50 or fewer inpatient beds and located more than 20 surface miles from a general hospital or another rural general hospital that requests to be and is licensed as a rural general hospital rather than a general hospital.
181. "Satellite facility" has the same meaning as in A.R.S. § 36-422.
182. "Scope of services" means a list of the behavioral health services or physical health services the governing authority of a health care institution has designated as being available to a patient at the health care institution.
183. "Seclusion" means the involuntary solitary confinement of a patient in a room or an area where the patient is prevented from leaving.

184. "Self-administration of medication" means a patient having access to and control of the patient's medication and may include the patient receiving limited support while taking the medication.
185. "Sexual abuse" means the same as in A.R.S. § 13-1404(A).
186. "Sexual assault" means the same as in A.R.S. § 13-1406(A).
187. "Shift" means the beginning and ending time of a continuous work period established by a health care institution's policies and procedures.
188. "Signature" means:
- a. A handwritten or stamped representation of an individual's name or a symbol intended to represent an individual's name, or
  - b. An electronic signature.
189. "Significant change" means an observable deterioration or improvement in a patient's physical, cognitive, behavioral, or functional condition that may require an alteration to the physical health services or behavioral health services provided to the patient.
190. "Speech-language pathologist" means an individual licensed according A.R.S. Title 35, Chapter 17, Article 4 to engage in the practice of speech-language pathology, as defined in A.R.S. § 36-1901.
191. "Special hospital" means a subclass of hospital that:
- a. Is licensed to provide hospital services within a specific branch of medicine; or
  - b. Limits admission according to age, gender, type of disease, or medical condition.
192. "Student" means an individual attending an educational institution and working under supervision in a health care institution through an arrangement between the health care institution and the educational institution.
193. "Substantial" when used in connection with a modification means:
- a. A change in a health care institution's licensed capacity, licensed occupancy, or the number of dialysis stations;
  - b. An addition or deletion of an authorized service;
  - c. A change in the physical plant, including facilities or equipment, that costs more than \$300,000; or
  - d. A change in the building where a health care institution is located that affects compliance with applicable physical plant codes and standards incorporated by reference in A.A.C. R9-1-412.
194. "Substance abuse" means an individual's misuse of alcohol or other drug or chemical that:

- a. Alters the individual's behavior or mental functioning;
  - b. Has the potential to cause the individual to be psychologically or physiologically dependent on alcohol or other drug or chemical; and
  - c. Impairs, reduces, or destroys the individual's social or economic functioning.
195. "Substance abuse transitional facility" means a class of health care institution that provides behavioral health services to an individual over 18 years of age who is intoxicated or may have a substance abuse problem.
196. "Supportive services" has the same meaning as in A.R.S. § 36-151.
197. "Substantive review time-frame" means the same as in A.R.S. § 41-1072.
198. "Surgical procedure" means the excision or incision of a patient's body for the:
- a. Correction of a deformity or defect,
  - b. Repair of an injury, or
  - c. Diagnosis, amelioration, or cure of disease.
199. "Swimming pool" has the same meaning as "semipublic swimming pool" in A.A.C. R18-5-201.
200. "System" means interrelated, interacting, or interdependent elements that form a whole.
201. "Tax ID number" means a numeric identifier that a person uses to report financial information to the United States Internal Revenue Service.
202. "Telemedicine" has the same meaning as in A.R.S. § 36-3601.
203. "Therapeutic diet" means foods or the manner in which food is to be prepared that are ordered for a patient.
204. "Therapist" means an occupational therapist, a physical therapist, a respiratory therapist, or a speech-language pathologist.
205. "Time out" means providing a patient a voluntary opportunity to regain self-control in a designated area from which the patient is not physically prevented from leaving.
206. "Transfer" means a health care institution discharging a patient and sending the patient to another licensed health care institution as an inpatient or resident without intending that the patient be returned to the sending health care institution.
207. "Transport" means a licensed health care institution:
- a. Sending a patient to a receiving licensed health care institution for outpatient services with the intent of the patient returning to the sending licensed health care institution, or

- b. Discharging a patient to return to a sending licensed health care institution after the patient received outpatient services from the receiving licensed health care institution.
- 208. "Treatment" means a procedure or method to cure, improve, or palliate an individual's medical condition or behavioral health issue.
- 209. "Treatment plan" means a description of the specific physical health services or behavioral health services that a health care institution anticipates providing to a patient.
- 210. "Unclassified health care institution" means a health care institution not classified or subclassified in statute or in rule.
- 211. "Vascular access" means the point on a patient's body where blood lines are connected for hemodialysis.
- 212. "Volunteer" means an individual authorized by a health care institution to work for the health care institution on a regular basis without compensation from the health care institution and does not include a medical staff member who has clinical privileges at the health care institution.
- 213. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state and federal holiday or a statewide furlough day.

**R9-10-102. Health Care Institution Classes and Subclasses; Requirements**

- A. A person may apply for a license as a health care institution class or subclass in A.R.S. Title 36, Chapter 4 or this Chapter, or one of the following classes or subclasses:
  - 1. General hospital,
  - 2. Rural general hospital,
  - 3. Special hospital,
  - 4. Behavioral health inpatient facility,
  - 5. Nursing care institution,
  - 6. Recovery care center,
  - 7. Hospice inpatient facility,
  - 8. Hospice service agency,
  - 9. Behavioral health residential facility,
  - 10. Assisted living center,
  - 11. Assisted living home,
  - 12. Adult foster care home,
  - 13. Outpatient surgical center,

14. Outpatient treatment center,
  15. Abortion clinic,
  16. Adult day health care facility,
  17. Home health agency,
  18. Substance abuse transitional facility,
  19. Behavioral health specialized transitional facility,
  20. Counseling facility,
  21. Adult behavioral health therapeutic home, ~~or~~
  22. Behavioral health respite home, or
  23. Unclassified health care institution.
- B. A person shall apply for a license for the class or subclass that authorizes the provision of the highest level of physical care services or behavioral health services the proposed health care institution plans to provide. The Department shall review the proposed health care institution's scope of services to determine whether the requested health care institution class or subclass is appropriate.
- C. A health care institution shall comply with the requirements in Article 17 of this Chapter if:
1. There are no specific rules in another Article of this Chapter for the health care institution's class or subclass, or
  2. The Department determines that the health care institution is an unclassified health care institution.

**R9-10-103. Licensing Exceptions**

- A. A health care institution license is required for each health care institution facility except:
1. A facility exempt from licensing under A.R.S. § 36-402, or
  2. A health care institution's administrative office.
- B. The Department does not require a separate health care institution license for:
1. A satellite facility of a hospital under A.R.S. § 36-422(F);
  2. An accredited facility of an accredited hospital under A.R.S. § 36-422(G);
  3. A facility operated by a licensed health care institution that is:
    - a. Adjacent to and contiguous with the licensed health care institution premises; or
    - b. Not adjacent to or contiguous with the licensed health care institution but connected to the licensed health care institution facility by an all-weather enclosure and:
      - i. Owned by the health care institution, or

- ii. Leased by the health care institution with exclusive rights of possession;
- 4. A mobile clinic operated by a licensed health care institution; or
- 5. A facility located on grounds that are not adjacent to or contiguous with the health care institution premises where only ancillary services are provided to a patient of the health care institution.

**R9-10-104. Approval of Architectural Plans and Specifications**

- A. For approval of architectural plans and specifications for the construction or modification of a health care institution that is required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412, an applicant shall submit to the Department an application packet including:
  - 1. An application in a format provided by the Department that contains:
    - a. For construction of a new health care institution:
      - i. The health care institution's name, street address, city, state, zip code, telephone number, and e-mail address;
      - ii. The name and address of the health care institution's governing authority;
      - iii. The requested health care institution class or subclass; and
      - iv. If applicable, the requested licensed capacity, licensed occupancy, and dialysis stations for the health care institution;
    - b. For modification of a licensed health care institution:
      - i. The health care institution's license number,
      - ii. The name and address of the licensee,
      - iii. The health care institution's class or subclass, and
      - iv. The health care institution's existing licensed capacity, licensed occupancy, or dialysis stations; and the requested licensed capacity, licensed occupancy, or dialysis stations for the health care institution;
    - c. The health care institution's contact person's name, street address, city, state, zip code, telephone number, and e-mail address;
    - d. The name, street address, city, state, zip code, telephone number, and e-mail address of:
      - i. The project architect; or
      - ii. If the construction or modification of the health care institution does not require a project architect, the project engineer or other individual responsible for the completion of the construction or modification;

- e. A narrative description of the project;
  - f. If providing or planning to provide medical services, nursing services, or health-related services that require compliance with specific physical plant codes and standards incorporated by reference in A.A.C. R9-1-412, the number of rooms or inpatient beds designated for providing the medical services, nursing services, or health-related services;
  - g. If providing or planning to provide behavioral health observation/stabilization services, the number of behavioral health observation/stabilization chairs designated for providing the behavioral health observation/stabilization services;
  - h. For construction of a new health care institution and if modification of a health care institution requires a project architect, a statement signed and sealed by the project architect, according to the requirements in 4 A.A.C. 30, Article 3, that the:
    - i. Project architect has complied with A.A.C. R4-30-301; and
    - ii. Architectural plans and specifications comply with applicable licensing requirements in A.R.S. Title 36, Chapter 4 and this Chapter;
  - i. If construction or modification of a health care institution requires a project engineer, a statement signed and sealed by the project engineer, according to the requirements in 4 A.A.C. 30, Article 3, that the project engineer has complied with A.A.C. R4-30-301; and
  - j. A statement signed by the governing authority or the licensee that the architectural plans and specifications comply with applicable licensing requirements in A.R.S. Title 36, Chapter 4 and this Chapter;
2. If the health care institution is located on land under the jurisdiction of a local governmental agency, one of the following:
- a. A building permit for the construction or modification issued by the local governmental agency; or
  - b. If a building permit issued by the local governmental agency is not required, zoning clearance issued by the local governmental agency that includes:
    - i. The health care institution's name, street address, city, state, zip code, and county;
    - ii. The health care institution's class or subclass and each type of medical services, nursing services, or health-related services to be provided; and

- iii. A statement signed by a representative of the local governmental agency stating that the address listed is zoned for the health care institution's class or subclass;
3. The following information that is necessary to demonstrate that the project described on the application complies with applicable codes and standards incorporated by reference in A.A.C. R9-1-412:
- a. A table of contents containing:
    - i. The architectural plans and specifications submitted;
    - ii. The physical plant codes and standards incorporated by reference in A.A.C. R9-1-412 that apply to the project;
    - iii. The physical plant codes and standards that are required by a local governmental agency, if applicable;
    - iv. An index of the abbreviations and symbols used in the architectural plans and specifications; and
    - v. The facility's specific International Building Code construction type and International Building Code occupancy type;
  - b. If the facility is larger than 3,000 square feet and is or will be occupied by more than 20 individuals, the seal of an architect on the architectural plans and specifications according to the requirements in A.R.S. Title 32, Chapter 1 and 4 A.A.C. 30, Article 3;
  - c. A site plan, drawn to scale, of the entire premises showing streets, property lines, facilities, parking areas, outdoor areas, fences, swimming pools, fire access roads, fire hydrants, and access to water mains;
  - d. For each facility, on architectural plans and specifications:
    - i. A floor plan, drawn to scale, for each level of the facility, showing the layout and dimensions of each room, the name and function of each room, means of egress, and natural and artificial lighting sources;
    - ii. A diagram of a section of the facility, drawn to scale, showing the vertical cross-section view from foundation to roof and specifying construction materials;
    - iii. Building elevations, drawn to scale, showing the outside appearance of each facility;
    - iv. The materials used for ceilings, walls, and floors;



- v. The location, size, and fire rating of each door and each window and the materials and hardware used, including safety features such as fire exit door hardware and fireproofing materials;
  - vi. A ceiling plan, drawn to scale, showing the layout of each light fixture, each fire protection device, and each element of the mechanical ventilation system;
  - vii. An electrical floor plan, drawn to scale, showing the wiring diagram and the layout of each lighting fixture, each outlet, each switch, each electrical panel, and electrical equipment;
  - viii. A mechanical floor plan, drawn to scale, showing the layout of heating, ventilation, and air conditioning systems;
  - ix. A plumbing floor plan, drawn to scale, showing the layout and materials used for water, sewer, and medical gas systems, including the water supply and plumbing fixtures;
  - x. A floor plan, drawn to scale, showing the communication system within the health care institution including the nurse call system, if applicable;
  - xi. A floor plan, drawn to scale, showing the automatic fire extinguishing, fire detection, and fire alarm systems; and
  - xii. Technical specifications or drawings describing installation of equipment or medical gas and the materials used for installation in the health care institution;
4. The estimated total project cost including the costs of:
- a. Site acquisition,
  - b. General construction,
  - c. Architect fees,
  - d. Fixed equipment, and
  - e. Movable equipment;
5. The following, as applicable:
- a. If the health care institution is located on land under the jurisdiction of a local governmental agency, one of the following provided by the local governmental agency:
    - i. A copy of the certificate of occupancy for the facility,
    - ii. Documentation that the facility was approved for occupancy, or

- iii. Documentation that a certificate of occupancy for the facility is not available;
- b. A certification and a statement that the construction or modification of the facility is in substantial compliance with applicable licensing requirements in A.R.S. Title 36, Article 4 and this Chapter signed by the project architect, the contractor, and the owner;
- c. A written description of any work necessary to complete the construction or modification submitted by the project architect;
- d. If the construction or modification affects the health care institution's fire alarm system, a contractor certification and description of the fire alarm system in a format provided by the Department;
- e. If the construction or modification affects the health care institution's automatic fire extinguishing system, a contractor certification of the automatic fire extinguishing system in a format provided by the Department;
- f. If the construction or modification affects the health care institution's heating, ventilation, or air conditioning system, a copy of the heating, ventilation, air conditioning, and air balance tests and a contractor certification of the heating, ventilation, or air conditioning system;
- g. If draperies, cubicle curtains, or floor coverings are installed or replaced, a copy of the manufacturer's certification of flame spread for the draperies, cubicle curtains, or floor coverings;
- h. For a health care institution using inhalation anesthetics or nonflammable medical gas, a copy of the Compliance Certification for Inhalation Anesthetics or Nonflammable Medical Gas System required in the National Fire Codes incorporated by reference in A.A.C. R9-1-412;
- i. If a generator is installed, a copy of the installation acceptance required in the National Fire Codes incorporated by reference in A.A.C. R9-1-412;
- j. If equipment is installed, a certification from an engineer or from a technical representative of the equipment's manufacturer that the equipment has been installed according to the manufacturer's recommendations and, if applicable, calibrated;
- k. For a health care institution providing radiology, a written report from a certified health physicist of the location, type, and amount of radiation protection; and
- l. If a factory-built building is used by a health care institution:

- i. A copy of the installation permit and the copy of a certificate of occupancy for the factory-built building from the Office of Manufactured Housing; or
  - ii. A written report from an individual registered as an architect or a professional structural engineer under 4 A.A.C. 30, Article 2, stating that the factory-built building complies with applicable design standards;
6. ~~A~~ For construction of a new health care institution and for a modification of a health care institution that requires a project architect, a statement signed by the project architect that final architectural plans and specifications have been submitted to the person applying for a health care institution license or the licensee of the health care institution;
7. For modification of a health care institution that does not require a project architect, a statement signed by the project engineer or other individual responsible for the completion of the modification that final architectural plans and specifications have been submitted to the person applying for a health care institution license or the licensee of the health care institution; and
8. The applicable fee required by R9-10-106.
- B. Before an applicant submits an application for approval of architectural plans and specifications for the construction or modification of a health care institution, an applicant may request an architectural evaluation by submitting the documents in subsection (A)(3) to the Department.
- C. The Department may conduct on-site facility reviews during the construction or modification of a health care institution.
- D. The Department shall approve or deny an application for approval of architectural plans and specifications of a health care institution in this Section according to R9-10-108.
- E. In addition to obtaining an approval of a health care institution's architectural plans and specifications, a person shall obtain a health care institution license before operating the health care institution.

**R9-10-105. Initial License Application**

- A. A person applying for an initial health care institution license shall submit to the Department an application packet that contains:
  1. An application in a format provided by the Department including:
    - a. The health care institution's:
      - i. Name, street address, mailing address, telephone number, and e-mail address;

- ii. Tax ID number; and
  - iii. Class or subclass listed in R9-10-102 for which licensing is requested;
- b. Except for a home health agency, hospice service agency, or behavioral health facility, whether the health care institution is located within 1/4 mile of agricultural land;
- c. Whether the health care institution is located in a leased facility;
- d. Whether the health care institution is ready for a licensing inspection by the Department;
- e. If the health care institution is not ready for a licensing inspection by the Department, the date the health care institution will be ready for a licensing inspection;
- f. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-10-108;
- g. Owner information including:
  - i. The owner's name, address, telephone number, and e-mail address;
  - ii. Whether the owner is a sole proprietorship, a corporation, a partnership, a limited liability partnership, a limited liability company, or a governmental agency;
  - iii. If the owner is a partnership or a limited liability partnership, the name of each partner;
  - iv. If the owner is a limited liability company, the name of the designated manager or, if no manager is designated, the names of any two members of the limited liability company;
  - v. If the owner is a corporation, the name and title of each corporate officer;
  - vi. If the owner is a governmental agency, the name and title of the individual in charge of the governmental agency or the name of an individual in charge of the health care institution designated in writing by the individual in charge of the governmental agency;
  - vii. Whether the owner or any person with 10% or more business interest in the health care institution has had a license to operate a health care institution denied, revoked, or suspended; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license;

- viii. Whether the owner or any person with 10% or more business interest in the health care institution has had a health care professional license or certificate denied, revoked, or suspended; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license or certificate; and
      - ix. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
      - h. The name and address of the governing authority;
      - i. The chief administrative officer's:
        - i. Name,
        - ii. Title,
        - iii. Highest educational degree, and
        - iv. Work experience related to the health care institution class or subclass for which licensing is requested; and
      - j. Signature required in A.R.S. § 36-422(B);
- 2. If the health care institution is located in a leased facility, a copy of the lease showing the rights and responsibilities of the parties and exclusive rights of possession of the leased facility;
- 3. If applicable, a copy of the owner's articles of incorporation, partnership or joint venture documents, or limited liability documents;
- 4. If applicable, the name and address of each owner or lessee of any agricultural land regulated under A.R.S. § 3-365 and a copy of the written agreement between the applicant and the owner or lessee of agricultural land as prescribed in A.R.S. § 36-421(D);
- 5. Except for a home health agency or a hospice service agency, one of the following:
  - a. If the health care institution or a part of the health care institution is required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412, documentation of the health care institution's architectural plans and specifications approval in R9-10-104; or
  - b. If a health care institution or a part of the health care institution is not required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412:

- i. One of the following:
    - (1) Documentation from the local jurisdiction of compliance with applicable local building codes and zoning ordinances; or
    - (2) If documentation from the local jurisdiction is not available, documentation of the unavailability of the local jurisdiction compliance and documentation of a general contractor's inspection of the facility that states the facility is safe for occupancy as the applicable health care institution class or subclass;
  - ii. The licensed capacity requested by the applicant for the health care institution;
  - iii. If applicable, the licensed occupancy requested by the applicant for the health care institution;
  - iv. A site plan showing each facility, the property lines of the health care institution, each street and walkway adjacent to the health care institution, parking for the health care institution, fencing and each gate on the health care institution premises, and, if applicable, each swimming pool on the health care institution premises; and
  - v. A floor plan showing, for each story of a facility, the room layout, room usage, each door and each window, plumbing fixtures, each exit, and the location of each fire protection device;
- 6. The health care institution's proposed scope of services; and
  - 7. The applicable application fee required by R9-10-106.
- B. In addition to the initial application requirements in this Section, an applicant shall comply with the supplemental application requirements in specific rules in this Chapter for the health care institution class or subclass for which licensing is requested.
- C. The Department shall approve or deny an application in this Section according to R9-10-108.

**R9-10-106. Fees**

- A. An applicant who submits to the Department architectural plans and specifications for the construction or modification of a health care institution shall also submit an architectural drawing review fee as follows:
  - 1. Fifty dollars for a project with a cost of \$100,000 or less;

2. One hundred dollars for a project with a cost of more than \$100,000 but less than \$500,000; or
  3. One hundred fifty dollars for a project with a cost of \$500,000 or more.
- B. An applicant submitting an initial application or a renewal application for a health care institution license shall submit to the Department an application fee of \$50.
- C. Except as provided in subsection (D) or (E), an applicant submitting an initial application or a renewal application for a health care institution license shall submit to the Department a licensing fee as follows:
1. For an adult day health care facility, assisted living home, or assisted living center:
    - a. For a facility with no licensed capacity, \$280;
    - b. For a facility with a licensed capacity of one to 59 beds, \$280, plus the licensed capacity times \$70;
    - c. For a facility with a licensed capacity of 60 to 99 beds, \$560, plus the licensed capacity times \$70;
    - d. For a facility with a licensed capacity of 100 to 149 beds, \$840, plus the licensed capacity times \$70; or
    - e. For a facility with a licensed capacity of 150 beds or more, \$1,400, plus the licensed capacity times \$70;
  2. For a behavioral health facility:
    - a. For a facility with no licensed capacity, \$375;
    - b. For a facility with a licensed capacity of one to 59 beds, \$375, plus the licensed capacity times \$94;
    - c. For a facility with a licensed capacity of 60 to 99 beds, \$750, plus the licensed capacity times \$94;
    - d. For a facility with a licensed capacity of 100 to 149 beds, \$1,125, plus the licensed capacity times \$94; or
    - e. For a facility with a licensed capacity of 150 beds or more, \$1,875, plus the licensed capacity times \$94;
  3. For a behavioral health facility providing behavioral health observation/stabilization services, in addition to the applicable fee in subsection (C)(2), the licensed occupancy times \$94;
  4. For a nursing care institution:
    - a. For a facility with a licensed capacity of one to 59 beds, \$290, plus the licensed capacity times \$73;

- b. For a facility with a licensed capacity of 60 to 99 beds, \$580, plus the licensed capacity times \$73;
    - c. For a facility with a licensed capacity of 100 to 149 beds, \$870, plus the licensed capacity times \$73; or
    - d. For a facility with a licensed capacity of 150 beds or more, \$1,450, plus the licensed capacity times \$73;
  - 5. For a hospital, a home health agency, a hospice service agency, a hospice inpatient facility, an abortion clinic, a recovery care center, an outpatient surgical center, an outpatient treatment center that is not a behavioral health facility, or an unclassified health care institution:
    - a. For a facility with no licensed capacity, \$365;
    - b. For a facility with a licensed capacity of one to 59 beds, \$365, plus the licensed capacity times \$91;
    - c. For a facility with a licensed capacity of 60 to 99 beds, \$730, plus the licensed capacity times \$91;
    - d. For a facility with a licensed capacity of 100 to 149 beds, \$1,095, plus the licensed capacity times \$91; or
    - e. For a facility with a licensed capacity of 150 beds or more, \$1,825, plus the licensed capacity times \$91;
  - 6. For a hospital providing behavioral health observation/stabilization services, in addition to the applicable fee in subsection (C)(5), the licensed occupancy times \$91; and
  - 7. For an outpatient treatment center that is not a behavioral health facility and provides:
    - a. Dialysis services, in addition to the applicable fee in subsection (C)(5), the number of dialysis stations times \$91; and
    - b. Behavioral health observation/stabilization services, in addition to the applicable fee in subsection (C)(5), the licensed occupancy times \$91.
- D. In addition to the applicable fees in subsections (C)(5) and (C)(6), an applicant submitting an initial application or a renewal application for a single group hospital license shall submit to the Department an additional fee of \$365 for each of the hospital's satellite facilities and, if applicable, the fees required in subsection (C)(7).
- E. Subsections (C) and (D) do not apply to a health care institution operated by a state agency according to state or federal law or to an adult foster care home.
- F. All fees are nonrefundable except as provided in A.R.S. § 41-1077.



**R9-10-107. Renewal License Application**

- A. A licensee applying to renew a health care institution license shall submit an application packet to the Department at least 60 calendar days but not more than 120 calendar days before the expiration date of the current license that contains:
1. A renewal application in a format provided by the Department including:
    - a. The health care institution's:
      - i. Name, license number, mailing address, telephone number, and e-mail address; and
      - ii. Class or subclass;
    - b. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-10-108;
    - c. Owner information including:
      - i. The owner's name, address, telephone number, and e-mail address;
      - ii. Whether the owner is a sole proprietorship, a corporation, a partnership, a limited liability partnership, a limited liability company, or a governmental agency;
      - iii. If the owner is a partnership or a limited liability partnership, the name of each partner;
      - iv. If the owner is a limited liability company, the name of the designated manager or, if no manager is designated, the names of any two members of the limited liability company;
      - v. If the owner is a corporation, the name and title of each corporate officer;
      - vi. If the owner is a governmental agency, the name and title of the individual in charge of the governmental agency or the individual designated in writing by the individual in charge of the governmental agency;
      - vii. Whether the owner or any person with 10% or more business interest in the health care institution has had a license to operate a health care institution denied, revoked, or suspended since the previous license application was submitted; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license;

- viii. Whether the owner or any person with 10% or more business interest in the health care institution has had a health care professional license or certificate denied, revoked, or suspended since the previous license application was submitted; the reason for the denial, suspension, or revocation; the date of the denial, suspension, or revocation; and the name and address of the licensing agency that denied, suspended, or revoked the license or certificate; and
      - ix. The name, title, address, and telephone number of the owner's statutory agent or the individual designated by the owner to accept service of process and subpoenas;
    - d. The name and address of the governing authority;
    - e. The chief administrative officer's:
      - i. Name,
      - ii. Title,
      - iii. Highest educational degree, and
      - iv. Work experience related to the health care institution class or subclass for which licensing is requested; and
    - f. Signature required in A.R.S. § 36-422(B);
  - 2. The health care institution's scope of services;
  - 3. If the health care institution is located in a leased facility, a copy of the lease showing the rights and responsibilities of the parties and exclusive rights of possession of the leased facility; and
  - 4. The applicable application and licensing fees required by R9-10-106.
- B. A licensee may submit a health care institution's current accreditation report from a nationally recognized accrediting organization as part of the application packet in subsection (A).
- C. If a licensee submits a health care institution's current accreditation report from a nationally recognized accrediting organization, the Department shall not conduct an onsite compliance inspection of the health care institution during the time the accreditation report is valid.
- D. The Department shall approve or deny a renewal license according to R9-10-108.
- E. The Department shall issue a renewal license for:
  - 1. One year; or
  - 2. Three years, if:
    - a. A licensee's health care institution is a hospital accredited by a nationally recognized accreditation organization, and

- b. The licensee submits a copy of the hospital's current accreditation report.

**R9-10-108. Time-frames**

- A. The overall time-frame for each type of approval granted by the Department is listed in Table 1.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame and the overall time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame for each type of approval granted by the Department as prescribed in this Article is listed in Table 1.1. The administrative completeness review time-frame begins on the date the Department receives an application packet or a written request for a change in a health care institution license according to R9-10-109(F):
  - 1. The application packet for an initial health care institution license is not complete until the applicant provides the Department with written notice that the health care institution is ready for a licensing inspection by the Department.
  - 2. If the application packet or written request is incomplete, the Department shall provide a written notice to the applicant specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives the missing document or information from the applicant.
  - 3. When an application packet or written request is complete, the Department shall provide a written notice of administrative completeness to the applicant.
  - 4. For an initial health care institution application, the Department shall consider the application withdrawn if the applicant fails to supply the missing documents or information included in the notice described in subsection (B)(2) within 180 calendar days after the date of the notice described in subsection (B)(2).
  - 5. If the Department issues a license or grants an approval during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame is listed in Table 1.1 and begins on the date of the notice of administrative completeness.
  - 1. The Department may conduct an onsite inspection of the facility:
    - a. As part of the substantive review for approval of architectural plans and specifications;

- b. As part of the substantive review for issuing a health care institution initial or renewal license; or
  - c. As part of the substantive review for approving a ~~change~~ modification in a health care institution's license.
2. During the substantive review time-frame, the Department may make one comprehensive written request for additional information or documentation. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation. The time-frame for the Department to complete the substantive review is suspended from the date of a written request for additional information or documentation until the Department receives the additional information or documentation.
3. The Department shall send a written notice of approval or a license to an applicant who is in substantial compliance with applicable requirements in A.R.S. Title 36, Chapter 4 and this Chapter.
4. After an applicant for an initial health care institution license receives the written notice of approval in subsection (C)(3), the applicant shall submit the applicable license fee in R9-10-106 to the Department within 60 calendar days after the date of the written notice of approval.
5. The Department shall provide a written notice of denial that complies with A.R.S. § 41-1076 to an applicant who does not:
  - a. For an initial health care institution application, submit the information or documentation in subsection (C)(2) within 120 calendar days after the Department's written request to the applicant;
  - b. Comply with the applicable requirements in A.R.S. Title 36, Chapter 4 and this Chapter; or
  - c. Submit the fee required in R9-10-106.
6. An applicant may file a written notice of appeal with the Department within 30 calendar days after receiving the notice described in subsection (C)(5). The appeal shall be conducted according to A.R.S. Title 41, Chapter 6, Article 10.
7. If a time-frame's last day falls on a Saturday, a Sunday, or an official state holiday, the Department shall consider the next working day to be the time-frame's last day.

**Table 1.1.**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval of architectural plans and specifications R9-10-104	A.R.S. §§ 36-405, 36-406(1)(b), and 36-421	105 calendar days	45 calendar days	60 calendar days
Health care institution initial license R9-10-105	A.R.S. §§ 36-405, 36-407, 36-421, 36-422, 36-424, and 36-425	120 calendar days	30 calendar days	90 calendar days
Health care institution renewal license R9-10-107	A.R.S. §§ 36-405, 36-407, 36-422, 36-424, and 36-425	90 calendar days	30 calendar days	60 calendar days
Approval of a modification of a health care institution R9-10-110	A.R.S. §§ 36-405, 36-407, and 36-422	75 calendar days	15 calendar days	60 calendar days

**R9-10-109. Changes Affecting a License**

- A. A licensee shall ensure that the Department is notified in writing at least 30 calendar days before the effective date of:
1. A change in the name of:
    - a. A health care institution, or
    - b. The licensee; or
  2. A change in the address of a health care institution that does not provide medical services, nursing services, or health-related services on the premises.
- B. If a licensee intends to terminate the operation of a health care institution either during or at the expiration of the health care institution’s license, the licensee shall ensure that the Department is notified in writing of:
1. The termination of the health care institution’s operations, as required in A.R.S. § 36-422(D), at least 30 calendar days before the termination, and

2. The address and contact information for the location where the health care institution's medical records will be retained as required in A.R.S. § 12-2297.
- C. If a licensee is an adult behavioral health therapeutic home or a behavioral health respite home, the licensee shall ensure that:
1. The Department is notified in writing if the licensee does not have a written agreement with a collaborating health care institution, as required in R9-10-1603(A)(4) or R9-10-1803(A)(5) as applicable; and
  2. The adult behavioral health therapeutic home or behavioral health respite home does not accept an individual as a resident or recipient, as applicable, or provide services to a resident or recipient, as applicable, until:
    - a. The adult behavioral health therapeutic home or behavioral health respite home has a written agreement with a collaborating health care institution;
    - b. The collaborating health care institution has approved the adult behavioral health therapeutic home's or behavioral health respite home's:
      - i. Scope of services, and
      - ii. Policies and procedures; and
    - c. The collaborating health care institution has verified the provider's skills and knowledge.
- D. A governing authority shall submit an initial license application required in R9-10-105 for:
1. A change in ownership of a health care institution;
  2. A change in the address or location of a health care institution that provides medical services, nursing services, health-related services, or behavioral health services on the premises; or
  3. A change in a health care institution's class or subclass.
- E. A governing authority is not required to submit documentation of a health care institution's architectural plans and specifications required in R9-10-105(A)(5) for an initial license application if:
1. The health care institution has not ceased operations for more than 30 calendar days,
  2. A modification has not been made to the health care institution,
  3. The services the health care institution is authorized by the Department to provide are not changed, and
  4. The location of the health care institution's premises is not changed.
- F. The Department shall approve or deny a request for a change in services or another modification described in this Section according to R9-10-108.

- G. A licensee shall not implement a change in services or another modification described in this Section until an approval or amended license is issued by the Department.

**R9-10-110. Modification of a Health Care Institution**

- A. A licensee of a health care institution that is required by this Chapter to comply with any of the physical plant codes and standards incorporated by reference in A.A.C. R9-1-412 shall submit an application for approval of architectural plans and specifications for a modification of the health care institution.
- B. A licensee of a health care institution shall submit a written request for a modification of the health care in a Department-provided format that contains:
  - 1. The health care institution's name, address, and license number;
  - 2. A narrative description of the modification;
  - 3. The name of the health care institution's administrator's or individual representing the health care institution as designated in A.R.S. § 36-422 and the dated signature of the administrator or individual; and
  - 4. One of the following:
    - a. For a health care institution that is required to comply with the physical plant codes and standards incorporated by reference in A.A.C. R9-10-412 for the building, documentation of the health care institution's architectural plans and specifications approval in R9-10-104; or
    - b. For a health care institution that is not required to comply with the physical plant codes and standards, documentation that demonstrates that the requested modification complies with applicable requirements in this Chapter.
- C. The Department shall approve or deny a request for a modification described in subsection (B) according to R9-10-108.
- D. A licensee shall not implement a modification described in subsection (B) until an approval or amended license is issued by the Department.

**R9-10-111. Enforcement Actions**

- A. If the Department determines that an applicant or licensee is violating applicable statutes and rules and the violation poses a direct risk to the life, health, or safety of a patient, the Department may:
  - 1. Issue a provisional license to the applicant or licensee under A.R.S. § 36-425,
  - 2. Assess a civil penalty under A.R.S. § 36-431.01,

3. Impose an intermediate sanction under A.R.S. § 36-427,
  4. Remove a licensee and appoint another person to continue operation of the health care institution pending further action under A.R.S. § 36-429,
  5. Suspend or revoke a license under A.R.S. § 36-427 and R9-10-111,
  6. Deny a license under A.R.S. § 36-425 and R9-10-111, or
  7. Issue an injunction under A.R.S. § 36-430.
- B. In determining which action in subsection (A) is appropriate, the Department shall consider the direct risk to the life, health, or safety of a patient in the health care institution based on:
1. Repeated violations of statutes or rules,
  2. Pattern of violations,
  3. Types of violation,
  4. Severity of violation, and
  5. Number of violations.

**R9-10-112. Denial, Revocation, or Suspension of License**

- A. The Department may deny, revoke, or suspend a license to operate a health care institution if an applicant, a licensee, or a controlling person of the health care institution:
1. Provides false or misleading information to the Department;
  2. Has had in any state or jurisdiction any of the following:
    - a. An application or license to operate a health care institution denied, suspended, or revoked, unless the denial was based on failure to complete the licensing process within a required time-frame; or
    - b. A health care professional license or certificate denied, revoked, or suspended; or
  3. Has operated a health care institution, within the ten years preceding the date of the most recent license application, in violation of A.R.S. Title 36, Chapter 4 or this Chapter, that posed a direct risk to the life, health, or safety of a patient.
- B. The Department shall suspend or revoke a hospital's license if the Department receives, pursuant to A.R.S. § 36-2901.08(H), notice from the Arizona Health Care Cost Containment System that the hospital's provider agreement registration with the Arizona Health Care Cost Containment System has been suspended or revoked.

**R9-10-113. Tuberculosis Screening**

A health care institution's chief administrative officer shall ensure that the health care institution complies with the following if tuberculosis screening is required at the health care institution:



1. For each individual required to be screened for infectious tuberculosis, the health care institution obtains from the individual:
  - a. On or before the date specified in the applicable Section of this Chapter, one of the following as evidence of freedom from infectious tuberculosis:
    - i. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention (CDC) administered within 12 months before the date the individual begins providing services at or on behalf of the health care institution or is admitted to the health care institution that includes the date and the type of tuberculosis screening test; or
    - ii. If the individual had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the individual is free from infectious tuberculosis signed by a medical practitioner dated within 12 months before the date the individual begins providing services at or on behalf of the health care institution or is admitted to the health care institution; and
  - b. Every 12 months after the date of the individual's most recent tuberculosis screening test or written statement, one of the following as evidence of freedom from infectious tuberculosis:
    - i. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the CDC administered to the individual within 30 calendar days before or after the anniversary date of the most recent tuberculosis screening test or written statement that includes the date and the type of tuberculosis screening test; or
    - ii. If the individual has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the individual is free from infectious tuberculosis signed by a medical practitioner dated within 30 calendar days before or after the anniversary date of the most recent tuberculosis screening test or written statement; or
2. Establish, document, and implement a tuberculosis infection control program that complies with the Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health-care Settings, 2005, published by the U.S. Department of Health and Human Services, Atlanta, GA 30333 and available at

<http://www.cdc.gov/mmwr/PDF/rr/rr5417.pdf>, incorporated by reference, on file with the Department, and including no future editions or amendments and includes:

- a. Conducting tuberculosis risk assessments, conducting tuberculosis screening testing, screening for signs or symptoms of tuberculosis, and providing training and education related to recognizing the signs and symptoms of tuberculosis; and
- b. Maintaining documentation of any:
  - i. Tuberculosis risk assessment;
  - ii. Tuberculosis screening test of an individual who is employed by the health care institution, provides volunteer services for the health care institution, or is admitted to the health care institution; and
  - iii. Screening for signs or symptoms of tuberculosis of an individual who is employed by the health care institution, provides volunteer services for the health care institution, or is admitted to the health care institution.

**R9-10-114. Clinical Practice Restrictions for Hemodialysis Technician Trainees**

A. The following definitions apply in this Section:

1. "Assess" means collecting data about a patient by:
  - a. Obtaining a history of the patient,
  - b. Listening to the patient's heart and lungs, and
  - c. Checking the patient for edema.
2. "Blood-flow rate" means the quantity of blood pumped into a dialyzer per minute of hemodialysis.
3. "Blood lines" means the tubing used during hemodialysis to carry blood between a vascular access and a dialyzer.
4. "Central line catheter" means a type of vascular access created by surgically implanting a tube into a large vein.
5. "Clinical practice restriction" means a limitation on the hemodialysis tasks that may be performed by a hemodialysis technician trainee.
6. "Conductivity test" means a determination of the electrolytes in a dialysate.
7. "Dialysate" means a mixture of water and chemicals used in hemodialysis to remove wastes and excess fluid from a patient's body.
8. "Dialysate-flow rate" means the quantity of dialysate pumped per minute of hemodialysis.

9. "Directly observing" or "direct observation" means a medical person stands next to an inexperienced hemodialysis technician trainee and watches the inexperienced hemodialysis technician trainee perform a hemodialysis task.
10. "Direct supervision" has the same meaning as "supervision" in A.R.S. § 36-401.
11. "Electrolytes" means chemical compounds that break apart into electrically charged particles, such as sodium, potassium, or calcium, when dissolved in water.
12. "Experienced hemodialysis technician trainee" means an individual who has passed all didactic, skills, and competency examinations provided by a health care institution that measure the individual's knowledge and ability to perform hemodialysis.
13. "Fistula" means a type of vascular access created by a surgical connection between an artery and vein.
14. "Fluid-removal rate" means the quantity of wastes and excess fluid eliminated from a patient's blood per minute of hemodialysis to achieve the patient's prescribed weight, determined by:
  - a. Dialyzer size,
  - b. Blood-flow rate,
  - c. Dialysate-flow rate, and
  - d. Hemodialysis duration.
15. "Germicide-negative test" means a determination that a chemical used to kill microorganisms is not present.
16. "Germicide-positive test" means a determination that a chemical used to kill microorganisms is present.
17. "Graft" means a vascular access created by a surgical connection between an artery and vein using a synthetic tube.
18. "Hemodialysis machine" means a mechanical pump that controls:
  - a. The blood-flow rate,
  - b. The mixing and temperature of dialysate,
  - c. The dialysate-flow rate,
  - d. The addition of anticoagulant, and
  - e. The fluid-removal rate.
19. "Hemodialysis technician" has the same meaning as in A.R.S. § 36-423(A).
20. "Hemodialysis technician trainee" means an individual who is working in a health care institution to assist in providing hemodialysis and who is not certified as a hemodialysis technician according to A.R.S. § 36-423(A).

- 21 "Inexperienced hemodialysis technician trainee" means an individual who has not passed all didactic, skills, and competency examinations provided by a health care institution that measure the individual's knowledge and ability to perform hemodialysis.
22. "Medical person" means:
- a. A physician who is experienced in dialysis;
  - b. A registered nurse practitioner who is experienced in dialysis;
  - c. A nurse who is experienced in dialysis;
  - d. A hemodialysis technician who meets the requirements in A.R.S. § 36-423(A) approved by the governing authority; and
  - e. An experienced hemodialysis technician trainee approved by the governing authority.
23. "Not established" means not approved by a patient's nephrologist for use in hemodialysis.
24. "Patient" means an individual who receives hemodialysis.
25. "pH test" means a determination of the acidity of a dialysate.
26. "Preceptor course" means a health care institution's instruction and evaluation provided to a nurse, hemodialysis technician, or hemodialysis technician trainee that enables the nurse, hemodialysis technician, or hemodialysis technician trainee to provide direct observation and education to hemodialysis technician trainees.
- 27 "Respond" means to mute, shut off, reset, or troubleshoot an alarm.
28. "Safety check" means successful completion of tests recommended by the manufacturer of a hemodialysis machine, a dialyzer, or a water system used for hemodialysis before initiating a patient's hemodialysis.
29. "Water-contaminant test" means a determination of the presence of chlorine or chloramine in a water system used for hemodialysis.
- B. An experienced hemodialysis technician trainee may:
1. Perform hemodialysis under direct supervision, and
  2. Provide direct observation to another hemodialysis technician trainee only after completing the health care institution's preceptor course approved by the governing authority.
- C. An experienced hemodialysis technician trainee shall not access a patient's:
1. Fistula that is not established, or
  2. Graft that is not established.
- D. An inexperienced hemodialysis technician trainee may perform the following hemodialysis tasks only under direct observation:

1. Access a patient's central line catheter;
  2. Respond to a hemodialysis-machine alarm;
  3. Draw blood for laboratory tests;
  4. Perform a water-contaminant test on a water system used for hemodialysis;
  5. Inspect a dialyzer and perform a germicide-positive test before priming a dialyzer;
  6. Set up a hemodialysis machine and blood lines before priming a dialyzer;
  7. Prime a dialyzer;
  8. Test a hemodialysis machine for germicide presence;
  9. Perform a hemodialysis machine safety check;
  10. Prepare a dialysate;
  11. Perform a conductivity test and a pH test on a dialysate;
  12. Assess a patient;
  13. Check and record a patient's vital signs, weight, and temperature;
  14. Determine the amount and rate of fluid removal from a patient;
  15. Administer local anesthetic at an established fistula or graft, administer anticoagulant, or administer replacement saline solution;
  16. Perform a germicide-negative test on a dialyzer before initiating hemodialysis;
  17. Initiate or discontinue a patient's hemodialysis;
  18. Adjust blood-flow rate, dialysate-flow rate, or fluid-removal rate during hemodialysis; or
  19. Prepare a blood, water, or dialysate culture to determine microorganism presence.
- E. An inexperienced hemodialysis technician trainee shall not:
1. Access a patient's:
    - a. Fistula that is not established, or
    - b. Graft that is not established; or
  2. Provide direct observation.
- F. When a hemodialysis technician trainee performs hemodialysis tasks for a patient, the patient's medical record shall include:
1. The name of the hemodialysis technician trainee;
  2. The date, time, and hemodialysis task performed;
  3. The name of the medical person directly observing or the nurse or physician directly supervising the hemodialysis technician trainee; and
  4. The initials or signature of the medical person directly observing or the nurse or physician directly supervising the hemodialysis technician trainee.

- G. If the Department determines that a health care institution is not in substantial compliance with this Section, the Department may take enforcement action according to R9-10-110.

**R9-10-115. Behavioral Health Paraprofessionals; Behavioral Health Technicians**

If a health care institution is a behavioral health facility or is authorized by the Department to provide behavioral health services, an administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented that:
  - a. Delineate the services a behavioral health paraprofessional is allowed to provide at or for the health care institution;
  - b. Cover supervision of a behavioral health paraprofessional including documentation of supervision;
  - c. Establish the qualifications for a behavioral health professional providing supervision to a behavioral health paraprofessional;
  - d. Delineate the services a behavioral health technician is allowed to provide at or for the health care institution;
  - e. Cover clinical oversight for a behavioral health technician, including documentation of clinical oversight;
  - f. Establish the qualifications for a behavioral health professional providing clinical oversight to a behavioral health technician;
  - g. Delineate the methods used to provide clinical oversight including when clinical oversight is provided on an individual basis or in a group setting;
  - h. Establish the process by which information pertaining to services provided by a behavioral health technician is provided to the behavioral health professional who is responsible for the clinical oversight of the behavioral health technician;
2. A behavioral health paraprofessional receives supervision according to policies and procedures;
3. Clinical oversight is provided to a behavioral health technician to ensure that patient needs are met based on, for each behavioral health technician:
  - a. The scope and extent of the services provided,
  - b. The acuity of the patients receiving services, and
  - c. The number of patients receiving services;
4. A behavioral health technician receives clinical oversight at least once during each two week period, if the behavioral health technician provides services related to patient care at the health care institution during the two week period;

5. When clinical oversight is provided electronically:
  - a. The clinical oversight is provided verbally with direct and immediate interaction between the behavioral health professional providing and the behavioral health technician receiving the clinical oversight,
  - b. A secure connection is used, and
  - c. The identities of the behavioral health professional providing and the behavioral health technician receiving the clinical oversight are verified before clinical oversight is provided; and
6. A behavioral health professional provides supervision to a behavioral health paraprofessional or clinical oversight to behavioral health technician within the behavioral health professional's scope of practice established in the applicable licensing requirements under A.R.S. Title 32.

**R9-10-116. Nutrition and Feeding Assistant Training Programs**

- A. For the purposes of this Section, "agency" means an entity other than a nursing care institution that provides the nutrition and feeding assistant training required in A.R.S. § 36-413.
- B. An agency shall apply for approval to operate a nutrition and feeding assistant training program by submitting:
  1. An application in a format provided by the Department that contains:
    - a. The name of the agency;
    - b. The name, telephone number, and e-mail address of the individual in charge of the proposed nutrition and feeding assistant training program;
    - c. The address where the nutrition and feeding assistant training program records are maintained;
    - d. A description of the training course being offered by the nutrition and feeding assistant training program including for each topic in subsection (I):
      - i. The information presented for each topic,
      - ii. The amount of time allotted to each topic,
      - iii. The skills an individual is expected to acquire for each topic, and
      - iv. The testing method used to verify an individual has acquired the stated skills for each topic;
    - e. Whether the agency agrees to allow the Department to submit supplemental requests for information as specified in subsection (F)(2); and

- f. The signature of the individual in charge of the proposed nutrition and feeding assistant training program and the date signed; and
  2. A copy of the materials used for providing the nutrition and feeding assistant training program.
- C. For an application for an approval of a nutrition and feeding assistant training program, the administrative review time-frame is 30 calendar days, the substantive review time-frame is 30 calendar days, and the overall time-frame is 60 calendar days.
- D. Within 30 calendar days after the receipt of an application in subsection (B), the Department shall:
  1. Issue an approval of the agency's nutrition and feeding assistant training program;
  2. Provide a notice of administrative completeness to the agency that submitted the application; or
  3. Provide a notice of deficiencies to the agency that submitted the application, including a list of the information or documents needed to complete the application.
- E. If the Department provides a notice of deficiencies to an agency:
  1. The administrative completeness review time-frame and the overall time-frame are suspended from the date of the notice of deficiencies until the date the Department receives the missing information or documents from the agency;
  2. If the agency does not submit the missing information or documents to the Department within 30 calendar days, the Department shall consider the application withdrawn; and
  3. If the agency submits the missing information or documents to the Department within 30 calendar days, the substantive review time-frame begins on the date the Department receives the missing information or documents.
- F. Within the substantive review time-frame, the Department:
  1. Shall issue or deny an approval of a nutrition and feeding assistant training program; and
  2. May make one written comprehensive request for more information, unless the Department and the agency agree in writing to allow the Department to submit supplemental requests for information.
- G. If the Department issues a written comprehensive request or a supplemental request for information:
  1. The substantive review time-frame and the overall time-frame are suspended from the date of the written comprehensive request or the supplemental request for information until the date the Department receives the information requested, and



2. The agency shall submit to the Department the information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- H. The Department shall issue:
1. An approval for an agency to operate a nutrition and feeding assistant training program if the Department determines that the agency and the application complies with A.R.S. § 36-413 and this Section; or
  2. A denial for an agency that includes the reason for the denial and the process for appeal of the Department's decision if:
    - a. The Department determines that the agency does not comply with A.R.S. § 36-413 and this Section; or
    - b. The agency does not submit information and documents listed in the written comprehensive request or supplemental request for information within 10 working days after the date of the comprehensive written request or supplemental request for information.
- I. An individual in charge of a nutrition and feeding assistant training program shall ensure that:
1. The materials and coursework for the nutrition and feeding assistant training program demonstrate includes the following topics:
    - a. Feeding techniques;
    - b. Assistance with feeding and hydration;
    - c. Communication and interpersonal skills;
    - d. Appropriate responses to resident behavior;
    - e. Safety and emergency procedures, including the Heimlich maneuver;
    - f. Infection control;
    - g. Resident rights;
    - h. Recognizing a change in a resident that is inconsistent with the resident's normal behavior; and
    - i. Reporting a change in subsection (I)(1)(h) to a nurse at a nursing care institution;
  2. An individual providing the training course is:
    - a. A physician,
    - b. A physician assistant,
    - c. A registered nurse practitioner,
    - d. A registered nurse,

- e. A registered dietitian,
  - f. A licensed practical nurse,
  - g. A speech-language pathologist, or
  - h. An occupational therapist; and
3. An individual taking the training course completes:
- a. At least eight hours of classroom time, and
  - b. Demonstrates that the individual has acquired the skills the individual was expected to acquire.
- J. An individual in charge of a nutrition and feeding assistant training program shall issue a certificate of completion to an individual who completes the training course and demonstrates the skills the individual was expected to acquire as a result of completing the training course that contains:
- 1. The name of the agency approved to operate the nutrition and feeding assistant training program;
  - 2. The name of the individual completing the training course;
  - 3. The date of completion;
  - 4. The name, signature, and professional license of the individual providing the training course; and
  - 5. The name and signature of the individual in charge of the nutrition and feeding assistant training program.
- K. The Department may deny, revoke, or suspend an approval to operate a nutrition and feeding assistant training program if an agency operating or applying to operate a nutrition and feeding assistance training program:
- 1. Provides false or misleading information to the Department;
  - 2. Does not comply with the applicable statutes and rules;
  - 3. Issues a training completion certificate to an individual who did not:
    - a. Complete the nutrition and feeding assistant training program, or
    - b. Demonstrate the skills the individual was expected to acquire; or
  - 4. Does not implement the nutrition and feeding assistant training program as described in or use the materials submitted with the agency's application.
- L. In determining which action in subsection (K) is appropriate, the Department shall consider the following:
- 1. Repeated violations of statutes or rules,
  - 2. Pattern of non-compliance,

3. Types of violations,
4. Severity of violations, and
5. Number of violations.

**R9-10-117. Counseling Facilities**

An administrator of a counseling facility shall ensure that the counseling facility complies with the requirements in this Article and Article 10 of this Chapter.

**R9-10-118. Collaborating Health Care Institution**

A. An administrator of a collaborating health care institution shall ensure that:

1. A list is maintained of adult behavioral health therapeutic homes and behavioral health respite homes for which the collaborating health care institution serves as a collaborating health care institution;
2. For each adult behavioral health therapeutic home or behavioral health respite home in subsection (A)(1), the collaborating health care institution maintains the following information:
  - a. A copy of the documented agreement that establishes the responsibilities of the adult behavioral health therapeutic home or behavioral health respite home and the collaborating health care institution consistent with the requirements in this Chapter;
  - b. For the adult behavioral health therapeutic home or behavioral health respite home, the following information:
    - i. Provider's name;
    - ii. Street address;
    - iii. License number;
    - iv. Whether the residence is an adult behavioral health therapeutic home or a behavioral health respite home;
    - v. If the residence is a behavioral health respite home, whether the behavioral health respite home provides respite care services to:
      - (1) Individuals 18 years of age or older, or
      - (2) Individuals less than 18 years of age;
    - vi. The beginning and ending dates of the documented agreement in subsection (A)(2)(a); and

- vii. The name and contact information for the individual assigned by the collaborating health care institution to monitor the adult behavioral health therapeutic home or behavioral health respite home;
  - c. For the adult behavioral health therapeutic home or behavioral health respite home, a copy of the following that have been approved by the collaborating health care institution:
    - i. Scope of services,
    - ii. Policies and procedures, and
    - iii. Documentation of the review and update of policies and procedures;
  - d. A description of the required skills and knowledge for a provider, based on the scope of services of the adult behavioral health therapeutic home or behavioral health respite home, as established by the collaborating health care institution; and
  - e. For a provider in the adult behavioral health therapeutic home or behavioral health respite home, documentation of:
    - i. The provider's skills and knowledge;
    - ii. If applicable, the provider's completion of training in assistance in the self-administration of medication;
    - iii. Verification of the provider's skills and knowledge; and
    - iv. If the provider is required to have clinical oversight according to R9-10-1805(C), the provider's receiving clinical oversight;
- 3. A provider's skills and knowledge are verified by a personnel member according to policies and procedures;
- 4. A provider who provides behavioral health services receives clinical oversight, required in R9-10-1805(C), from a behavioral health professional; and
- 5. A provider, other than a provider who is a medical practitioner or nurse, receives training in assistance in the self-administration of medication:
  - a. From a medical practitioner or registered nurse or from a personnel member of the collaborating health care institution trained by a medical practitioner or registered nurse;
  - b. That includes:
    - i. A demonstration of the provider's skills and knowledge necessary to provide assistance in the self-administration of medication,

- ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
    - iii. The process for notifying the appropriate entities when an emergency medical intervention is needed; and
  - c. That is documented.
- B. For a patient referred to an adult behavioral health therapeutic home or a behavioral health respite home, an administrator shall ensure that:
  - 1. A resident or recipient accepted by and receiving services from the adult behavioral health therapeutic home or behavioral health respite home does not present a threat to the referred patient, based on the resident's or recipient's developmental levels, social skills, verbal skills, and personal history;
  - 2. The referred patient does not present a threat to a resident or recipient accepted by and receiving services from the adult behavioral health therapeutic home or behavioral health respite home based the referred patient's developmental levels, social skills, verbal skills, and personal history;
  - 3. The referred patient requires services within the adult behavioral health therapeutic home's or behavioral health respite home's scope of services;
  - 4. A provider of the adult behavioral health therapeutic home or behavioral health respite home has the verified skills and knowledge to provide behavioral health services to the referred patient;
  - 5. A treatment plan for the referred patient that includes information necessary for a provider to meet the referred patient's needs for behavioral health services is completed and forwarded to the provider before the referred patient is accepted as a resident or recipient;
  - 6. A patient's treatment plan is reviewed and updated at least once every twelve months and a copy of the patient's updated treatment plan is forwarded to the patient's provider;
  - 7. If documentation of a significant change in a patient's behavioral, physical, cognitive, or functional condition and the action taken by a provider to address patient's changing needs is received by the health care institution, a behavioral health professional or behavioral health technician reviews the documentation and:
    - a. Documents the review; and
    - b. If applicable:
      - i. Updates the patient's treatment plan, and

- ii. Forwards the updated treatment plan to the provider within 10 working days after receipt of the documentation of a significant change;
- 8. If the review and updated treatment plan required in subsection (7) is performed by a behavioral health technician, a behavioral health professional reviews and signs the review and updated treatment plan to ensure the patient is receiving the appropriate behavioral health services; and
- 9. In addition to the requirements for a medical record for a patient in this Chapter, a referred patient's medical record contains:
  - a. The provider's name and the street address and license number of the adult behavioral health therapeutic home or behavioral health respite home to which the patient is referred,
  - b. A copy of the treatment plan provided to the adult behavioral health therapeutic home or behavioral health respite home,
  - c. Documentation received according to and required by subsection (7),
  - d. Any information about the patient received from the adult behavioral health therapeutic home or behavioral health respite home, and
  - e. Any follow-up actions taken by the collaborating health care institution related to the patient.
- C. For a patient referred to an adult behavioral health therapeutic home, an administrator shall ensure that the collaborating health care institution has documentation in the patient's medical record of evidence of freedom from infectious tuberculosis that meets the requirements in R9-10-113.