

**ARIZONA DEPARTMENT OF HEALTH SERVICES
PUBLIC HEALTH LICENSING SERVICES
OFFICE OF ASSISTANT DIRECTOR
SP-012-PHL-OAD**

**HEALTH CARE INSTITUTION LICENSURE
CLARIFICATION OF REQUIREMENTS IN 9 A.A.C. 10, ARTICLE 1**

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to provide clarification to the general public for when a single or separate license is required for a health care institution. A.A.C. R9-10-103 specifies when a health care institution license is required:

R9-10-103. Licensure 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.

R9-10-101(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.

The following are examples of when a single or separate health care institution license is required.

EXAMPLE 1

There are three buildings on one campus. The buildings are not intersected by a public thoroughfare.

The licensee has exclusive rights of use and possession of the walkways between the buildings. A single license is required for the entire campus, and the entire campus is considered the health care institution's premises.

EXAMPLE 2 (non-hospital)

There are three buildings on one campus. The landlord owns the campus including the buildings and walkways. The landlord is not the licensee. The landlord leases two buildings to one person and the third building to another person but retains control over the walkways. Although there are two licensees, three health care institution licenses are required because each building requires a separate health care institution license.

EXAMPLE 3

There is one building with four suites. Licensee A leases and controls two suites and has exclusive rights of use and possession of two entrances to the two suites. Licensee B leases and controls two suites and has exclusive rights of use and possession to an entrance to the two suites. Two health care institution licenses are required.

EXAMPLE 4

There is one building with four suites. No one person has exclusive rights of use and possession of the walkways between the suites. Each suite is required to obtain a separate health care institution license.

EXAMPLE 5 (non-hospital)

There are four buildings intersected by public thoroughfares. Each building is required to obtain a separate health care institution license.

EXAMPLE 6 (non-hospital)

There are four buildings intersected by public thoroughfares. One building is used for an outpatient treatment center, one building houses a school-based clinic operated by the outpatient treatment center, one building houses a domestic violence shelter-based clinic operated by the outpatient treatment center, and one building houses a grocery store where immunizations are provided by the outpatient treatment center as an off-site service. The outpatient treatment center, school-based clinic, and the domestic violence shelter-based clinic are each required to obtain a separate health care institution license. Because the immunizations provided by the outpatient treatment center at the grocery store are regulated under the outpatient treatment center's license, the grocery store is not required to obtain a separate health care institution license.

EXAMPLE 7

A mobile clinic is operated by a licensed health care institution and inspected as part of the licensed health care institution's premises. The mobile clinic is not required to obtain a separate health care institution license.

EXAMPLE 8

A mobile clinic is operated independently. The mobile clinic is required to obtain a separate health care institution license.

EXAMPLE 9

A vehicle is used to transport equipment to a site where services are provided. The vehicle is required to be operated by a licensed health care institution and cannot be licensed separately.