Physical Plant FAQ's

Q. Which facility types require physical plant review for construction or modification(s) affecting a license?

A. *Assisted Living Centers – Article 8, (A.A.C. R9-10-801 through 820); Adult Day Health Care – Article 11 (A.A.C. R9-10 1101 through 1117; End Stage Renal Disease Treatment – Article 10 (A.A.C. R9-10-1001 through 1031); Free Standing Emergency Department – Article 10 (A. A.C. R9-10-1001 through 1031); Hospice Inpatient Facility – Article 6 (A.A.C. R9-10-601 through 618); Hospital – Article 2 (A.A.C. R9-10-201 through 235); Nursing Care Institutions – Article 4 (A.A.C. R9-10-401 through 427); Outpatient Surgical Center – Article 9 (A.A.C. R9-10-901 through 918) and Recovery Care Center – Article 5 (A.A.C. R9-10-501 through 518).*

Q. How do I determine if I need to submit an application for architectural/physical plant review?

A. *A.A.C. R9-10-101 (194) "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 $300,000.00; 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.

A.R.S. 36-421 (A)(B)(C). Application for construction or modification

A. An initial license application for a health care institution shall include architectural plans and specifications. These plans and specifications shall meet the minimum standards for licensure within the class or subclass of health care institution for which it is intended. The application shall include the name and address of each owner and lessee of any agricultural land regulated pursuant to section 3-365.

B. Construction or modification of a licensed health care institution shall meet the minimum standards for licensure within the class or subclass of health care institution for which it is intended.

C. An applicant shall comply with all state statutes and rules and local codes and ordinances required for the health care institution's construction.

Q. When do I submit my licensing application?

A. You may submit your licensing application to your respective bureau at the same time you submit the application for construction or modification for review. Keep in mind that applications submitted too early, will expire after 180 days from notification and will need to be resubmitted to the Department again along with the review fee.

Q. Why do I need to submit an application to the Department for Construction or Modification of my health facility?

A. A.R.S. 36-406 (1) (a)(b)(c) Powers and duties of the Department

In addition to its other powers and duties:

1. The department shall:

(a) Administer and enforce this chapter and the rules, regulations and standards adopted pursuant thereto.

(b) Review, and may approve, plans and specifications for construction or modification or additions to health care institutions regulated by this chapter.

(c) Have access to books, records, accounts and any other information of any health care institution reasonably necessary for the purposes of this chapter.

Q. Who is able to prepare and submit drawings in Arizona for physical plant review?

A. Only architects, engineers of record, registered firms who are licensed in Arizona may submit sealed drawings for review.

Q. Who is the governing authority?

A. "Governing Authority" means that the individual, agency, group or corporation, appointed, elected or otherwise designated, in which the ultimate responsibility and authority for the conduct of the health care institution are vested.

Q. What is the project architect attestation?

A. The Arizona licensed architect of the facility plans is required by A.A.C. R9-10-104 (A) (1) (n) to submit a letter attesting to his/her review of the design/drawings for the construction or modification of a health care facility including the closing document review. A sample letter can be found on the AZDHS Architecture web page http://azdhs.gov/licensing/index.php#architectural-plans (A.A.C R4-30-301 is from the Arizona Board of Technical Registration and their ethics regulation for architects: www.azbtr.gov

Q. What documents are required for a physical plant/architectural review?

A. The required documents are listed in A.A.C. R9-10-104 and the Application for Construction or Modification of a Health Care Institution. A.A.C. R9-10-109 provides related information.

Q. What if there is agricultural land near the facility?

A. Specific HCI's that are located near agricultural land shall meet requirements in A.A.C. R9-10-105 (A*)(1) and*

A.R.S. 36-421 (D). Application for construction or modification

D. A health care institution or its facility shall not be licensed if it is located on property that is less than four hundred feet from agricultural land that is regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the health care institution or facility may be licensed and located within the affected buffer zone. The agreement may include any stipulations regarding the health care institution or facility, including conditions for future expansion of the health care institution or facility and changes in the operational status of the health care institution or facility that will result in a breach of the agreement. This subsection does not apply to the issuance or renewal of a license for a health care institution located in the same location for which a health care institution license was previously issued.

Q. Can I request a preliminary conference with ADHS surveyor/architects?

A. The ADHS surveyor/architects are available to meet with you prior to completion of your architectural plans and functional program with your specific questions, schematic design of site and floor plans.

Q. Which version of the FGI do we need to use and can we use a more recent version?

A. A.A.C. R9-1-412 Physical Plant Health and Safety Codes and Standards. Is where you will find the most recent required version of the Facilities Guidelines Institute (FGI) (2010) adopted by the Department for use in determining the requirements for proposed projects within Arizona as well as other code requirements. You may use a more recent addition of the FGI, however, you will be held to the most stringent regulation by the Department.

Q. What if there is a rule change prior to my application submission to the Department that affects my current project plans?

A. The date of the building permit determines the compliance to the editions of the ADHS physical plant codes and standards adopted at the time, per A.A.C. R9-1-412. For example, if the building permit is issued October 2015 and the Application for Construction or Modification is submitted when the construction is completed in March 2018, the health care project shall comply to the ADHS codes adopted and applicable in October 2015.

Q. If I will be initiating renovation work on an existing licensed facility and phasing is required that will impact or require relocation of patients/residents, how would I proceed?

A. Please notify the appropriate Department licensing bureau prior to commencing with the project.

Q. What does the RFI letter mean that I received from the Department during the physical plant substantive review?

A. RFI…..request for information. The Architect reviewing your Application for Construction or Modification, construction documents (drawings and specifications) and the closing document submittal, requests additional information (RFI) on specific item(s) or there is information missing and/or needing additional clarification. The AZDHS surveyor/architect will prepare and send an RFI to the project owner and architect for response.