

**ARTICLE 16. BEHAVIORAL HEALTH RESPITE HOMES**

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## ARTICLE 16. BEHAVIORAL HEALTH RESPITE HOMES

### R9-10-1601. Definitions

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following apply in this Article unless otherwise specified:

1. “Acceptance” means, after a referral from a collaborating health care institution, an individual receives services from a provider in a behavioral health respite home.
2. “Provider” means an individual who lives in a behavioral health respite home and ensures that a recipient receives the behavioral health services and ancillary services in the recipient’s treatment plan.
3. “Recipient” means an individual referred by a collaborating health care institution to and accepted by a behavioral health respite home.
4. “Release” means a documented termination of services by a provider to a recipient that is authorized by a collaborating health care institution.
5. “Sibling” means one of two or more individuals having one or both parents in common.

### R9-10-1602. Supplemental Application Requirements

In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, an applicant shall include, in a format provided by the Department, the following information for the behavioral health respite home’s collaborating health care institution:

1. Name,
2. Address,
3. Class or subclass,
4. License number, and
5. Name and contact information for an individual assigned by the collaborating health care institution to monitor the behavioral health respite home.

### R9-10-1603. Administration

- A. A governing authority of a behavioral health respite home:
1. Consists of no more than two providers, who live in the behavioral health respite home;
  2. Has the authority and responsibility to manage the behavioral health respite home;
  3. Has a documented agreement with a collaborating health care institution that establishes the responsibilities of the behavioral health respite home and the collaborating health care institution, consistent with the requirements in this Chapter;

4. Shall establish, in writing, the behavioral health respite home's scope of services, which are approved by the collaborating health care institution; and
  5. Shall ensure that:
    - a. Except as provided in R9-10-1612(A), no more than three recipients are accepted by the behavioral health respite home;
    - b. A provider is on the premises whenever a recipient is present in the behavioral health respite home;
    - c. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - d. When documentation or information is required by this Chapter to be submitted on behalf of the behavioral health respite home, the documentation or information is provided to the unit in the Department that is responsible for licensing the behavioral health respite home.
- B. A provider:
1. Is at least 21 years of age;
  2. Holds current certification in cardiopulmonary resuscitation and first aid training applicable to the ages of recipients;
  3. Has the skills and knowledge established by the collaborating health care institution as specified in R9-10-118;
  4. Has documentation of completion of training in assistance in the self-administration of medication as specified in R9-10-118; and
  5. Has documentation of evidence of freedom from infectious tuberculosis:
    - a. On or before the date the provider begins providing services at or on behalf of the behavioral health respite home, and
    - b. As specified in R9-10-113.
- C. A provider shall ensure that policies and procedures are:
1. Established, documented, and implemented to protect the health and safety of a recipient that cover:
    - a. Recordkeeping;
    - b. Recipient acceptance and release;
    - c. The release of a recipient under 18 years of age to an individual other than the recipient's parent or guardian;
    - d. Recipient rights;

- e. The provision of respite care services, including coordinating the provision of behavioral health services;
    - f. Recipients' medical records, including electronic medical records;
    - g. Assistance in the self-administration of medication;
    - h. Infection control; and
    - i. How a provider will respond to a recipient's sudden, intense, or out-of-control behavior to prevent harm to the recipient or another individual;
  2. Approved, in writing, by the behavioral health respite home's collaborating health care institution before implementation and when the policies and procedures are reviewed or updated; and
  3. Reviewed by the provider and the behavioral health respite home's collaborating health care institution at least once every three years and updated as needed.
- D. A provider shall provide written notification to the Department and the collaborating health care institution of a recipient's:
  1. Death, if the recipient's death is required to be reported according to A.R.S. § 11-593, within one working day after the recipient's death; and
  2. Self-injury, within two working days after the recipient inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- E. If abuse, neglect, or exploitation of a recipient is alleged or suspected to have occurred before the recipient was accepted or while the recipient is not at a behavioral health respite home and not receiving services from the behavioral health respite home, a provider shall report the alleged or suspected abuse, neglect, or exploitation of the recipient as follows:
  1. For a recipient 18 years of age or older, according to A.R.S. § 46-454; or
  2. For a recipient under 18 years of age, according to A.R.S. § 13-3620.
- F. If a provider has a reasonable basis, according to A.R.S. § 13-3620 or 46-454, to believe that abuse, neglect, or exploitation has occurred on the premises or while a recipient is receiving behavioral health respite home services, the provider shall:
  1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;
  2. Report the suspected abuse, neglect, or exploitation of the recipient as follows:
    - a. To the behavioral health respite home's collaborating health care institution; and
    - b. For a:
      - i. Recipient 18 years of age or older, according to A.R.S. § 46-454; and
      - ii. Recipient under 18 years of age, according to A.R.S. § 13-3620;
  3. Document:

- a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the recipient related to the suspected abuse or neglect and any change to the recipient's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The action taken by the provider to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G. A provider shall ensure that a recipient under 18 years of age is only released to an individual who, according to policies and procedures:
1. Is designated by the recipient's parent or guardian to release the recipient, and
  2. Presents documentation at the time of the recipient's release that verifies the individual's identity.
- H. A provider shall maintain a record for each provider that includes:
1. The provider's:
    - a. Name,
    - b. Date of birth, and
    - c. Contact telephone number; and
  2. Documentation of:
    - a. Verification of skills and knowledge, completed by the behavioral health respite home's collaborating health care institution;
    - b. Certification in cardiopulmonary resuscitation and first aid training;

- c. Completion of training in assistance in the self-administration of medication, provided by the behavioral health respite home's collaborating health care institution; and
- d. Evidence of freedom from infectious tuberculosis.

**R9-10-1604. Recipient Rights**

A. A provider shall ensure that:

- 1. A recipient is treated with dignity, respect, and consideration;
- 2. A recipient is not subjected to:
  - a. Abuse;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse;
  - g. Sexual assault;
  - h. Seclusion;
  - i. Restraint;
  - j. Retaliation for submitting a complaint to the Department or another entity; or
  - k. Misappropriation of personal and private property by:
    - i. A behavioral health respite home's provider, or
    - ii. An individual other than a recipient residing in the behavioral health respite home; and
- 3. A recipient or the recipient's representative:
  - a. Is informed of the recipient complaint process;
  - b. Consents to photographs of the recipient before the recipient is photographed, except that a recipient may be photographed when accepted by a behavioral health respite home for identification and administrative purposes; and
  - c. Except as otherwise permitted by law, provides written consent to the release of information in the recipient's medical record.

B. A recipient has the following rights:

- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;

2. To receive services that support and respect the recipient's individuality, choices, strengths, and abilities;
3. To receive privacy in care for personal needs;
4. To review, upon written request, the recipient's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
5. To receive a referral to another health care institution if the provider is not authorized or not able to provide physical health services or behavioral health services needed by the recipient; and
6. To receive assistance from a family member, recipient's representative, or other individual in understanding, protecting, or exercising the recipient's rights.

**R9-10-1605. Providing Services**

- A. A provider shall ensure that behavioral health services and ancillary services are provided to a recipient according to the recipient's treatment plan obtained from the behavioral health respite home's collaborating health care institution.
- B. A provider shall submit to the behavioral health respite home's collaborating health care institution and, if applicable, the recipient's case manager:
  1. Documentation of any significant change in a recipient's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the recipient's changing needs; and
  2. Notification of a recipient's unexpected self-release.

**R9-10-1606. Assistance in the Self-Administration of Medication**

- A. If a provider provides assistance in the self-administration of medication, the provider shall ensure that:
  1. If a recipient is receiving assistance in the self-administration of medication, the recipient's medication is stored by the provider;
  2. The following assistance is provided to a recipient:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container or medication organizer for the recipient;
    - c. Observing the recipient while the recipient removes the medication from the medication container or medication organizer;
    - d. Verifying that the medication is taken as ordered by the recipient's medical practitioner by confirming that:

- i. The recipient taking the medication is the individual stated on the medication container label,
      - ii. The recipient is taking the dosage of the medication as stated on the medication container label, and
      - iii. The recipient is taking the medication at the time stated on the medication container label; or
    - e. Observing the recipient while the recipient takes the medication; and
  3. Assistance in the self-administration of medication provided to a recipient is documented in the recipient's medical record.
- B. When medication is stored by a provider, the provider shall ensure that:
1. A locked cabinet, closet, or self-contained unit is used for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Medication, including expired medication, that is no longer being used is discarded.
- C. A provider shall immediately report a medication error or a recipient's adverse reaction to a medication to the:
1. Medical practitioner who ordered the medication, or
  2. Contact individual at the behavioral health respite home's collaborating health care institution.

**R9-10-1607. Medical Records**

- A. A provider shall ensure that:
1. A medical record is established and maintained for each recipient according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a recipient's medical record is:
    - a. Only recorded by the provider or an individual designated by the provider to record an entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. A recipient's medical record is available to an individual:
    - a. Authorized by policies and procedures to access the recipient's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the recipient or the recipient's representative; or
    - c. As permitted by law; and
  4. A recipient's medical record is protected from loss, damage, or unauthorized use.



- B. If a provider maintains recipients' medical records electronically, the provider shall ensure that safeguards exist to prevent unauthorized access.
- C. A provider shall ensure that a recipient's medical record contains:
  - 1. Recipient information that includes:
    - a. The recipient's name,
    - b. The recipient's date of birth,
    - c. Any known allergies, and
    - d. Medication information for the recipient;
  - 2. The names, addresses, and telephone numbers of:
    - a. The recipient's medical practitioner;
    - b. The recipient's case manager, if applicable;
    - c. The behavioral health professional assigned to the recipient by the behavioral health respite home's collaborating health care institution; and
    - d. An individual to be contacted in the event of an emergency;
  - 3. The date and time of the recipient's acceptance by the behavioral health respite home and, if applicable, the date and time of the recipient's release from the behavioral health respite home;
  - 4. If applicable, the name and contact information of the recipient's representative and:
    - a. If the recipient is 18 years of age or older or an emancipated minor, the document signed by the recipient consenting for the recipient's representative to act on the recipient's behalf; or
    - b. If the recipient's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-3282, a copy of the health care power of attorney or mental health care power of attorney; or
      - ii. Is a legal guardian, a copy of the court order establishing guardianship;
  - 5. A copy of the recipient's treatment plan and any updates to the recipient's treatment plan obtained from the behavioral health respite home's collaborating health care institution;
  - 6. For a recipient receiving assistance in the self-administration of medication, documentation that includes for each medication:
    - a. The date and time of assistance;
    - b. The name, strength, dosage, and route of administration;
    - c. The provider's signature or first and last initials; and

- d. Any adverse reaction the recipient has to the medication;
7. Documentation of the the recipient's refusal of a medication, if applicable;
8. Documentation of any significant change in the recipient's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the recipient's changing needs;
9. If applicable, documentation of any actions taken to control the recipient's sudden, intense, or out-of-control behavior to prevent harm to the recipient or another individual;
10. If applicable, documentation of a notification to the behavioral health respite home's collaborating health care institution of an unexpected self-release of the recipient; and
11. A written notice of release from the behavioral health respite home, if applicable.

**R9-10-1608. Food Services**

A provider shall ensure that:

1. Food is obtained, handled, and stored to prevent contamination, spoilage, or a threat to the health of a recipient;
2. Three nutritionally balanced meals are served each day;
3. Nutritious snacks are available between meals;
4. Food served meets any special dietary needs of a recipient as prescribed by the recipient's physician or registered dietitian; and
5. Chemicals and detergents are not stored with food.

**R9-10-1609. Emergency and Safety Standards**

A provider shall ensure that:

1. A first aid kit is available at a behavioral health respite home sufficient to meet the needs of recipients;
2. If a firearm or ammunition for a firearm is stored at a behavioral health respite home:
  - a. The firearm is stored separate from the ammunition for the firearm; and
  - b. The firearm and the ammunition for the firearm are:
    - i. Stored in a locked closet, cabinet, or container; and
    - ii. Inaccessible to a recipient;
3. A smoke detector is installed in:
  - a. A bedroom used by a recipient,
  - b. A hallway in a behavioral health respite home, and
  - c. A behavioral health respite home's kitchen;

4. A smoke detector required in subsection (3):
  - a. Is maintained in operable condition; and
  - b. Is battery operated or, if hard-wired into the electrical system of a behavioral health respite home, has a back-up battery;
5. A behavioral health respite home has a portable fire extinguisher that is labeled 1A-10-BC by the Underwriters Laboratory and available in the behavioral health respite home's kitchen;
6. A portable fire extinguisher required in subsection (5) is:
  - a. If a disposable fire extinguisher, replaced when the fire extinguisher's indicator reaches the red zone; or
  - b. Serviced at least once every 12 months and has a tag attached to the fire extinguisher that includes the date of service;
7. A written evacuation plan is maintained and available for use by the provider and any recipient in a behavioral health respite home;
8. An evacuation drill is conducted at least once every six months; and
9. A record of an evacuation drill required in subsection (8) is maintained for at least 12 months after the date of the evacuation drill.

**R9-10-1610. Environmental Standards**

- A. A provider shall ensure that a behavioral health respite home:
  1. Is in a building that:
    - a. Is arranged, designed, and used for the living, sleeping, and housekeeping activities for one family on a permanent basis; and
    - b. Is free of any plumbing, electrical, ventilation, mechanical, chemical, or structural hazard that may jeopardize the health or safety of a recipient;
  2. Has a living room accessible at all times to a recipient;
  3. Has a dining area furnished for group meals that is accessible to the provider, recipients, and any other individuals present in the behavioral health respite home;
  4. For each six individuals residing in the behavioral health respite home, including recipients, has at least one bathroom equipped with:
    - a. A working toilet that flushes and has a seat; and
    - b. A sink with running water accessible for use by a recipient;
  5. Has equipment and supplies to maintain a recipient's personal hygiene accessible to the recipient;

6. Is clean and free from accumulations of dirt, garbage, and rubbish; and
  7. Implements a pest control program to minimize the presence of insects and vermin at the behavioral health respite home.
- B. A provider shall ensure that any pets or other animals allowed on the premises are:
1. Controlled to prevent endangering a recipient and to maintain sanitation;
  2. Licensed consistent with local ordinances; and
  3. For a dog or cat, vaccinated against rabies.
- C. If a swimming pool is located on the premises, a provider shall ensure that:
1. The swimming pool is equipped with the following:
    - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      - i. A removable strainer,
      - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
      - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
    - b. An operational cleaning system;
  2. The swimming pool is enclosed by a wall or fence that:
    - a. Is at least five feet in height as measured on the exterior of the wall or fence;
    - b. Has no vertical openings greater than four inches across;
    - c. Has no horizontal openings, except as described in subsection (C)(2)(e);
    - d. Is not chain-link;
    - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
    - f. Has a self-closing, self-latching gate that:
      - i. Opens away from the swimming pool,
      - ii. Has a latch located at least 54 inches from the ground, and
      - iii. Is locked when the swimming pool is not in use; and
  3. A life preserver or shepherd's crook is available and accessible in the pool area.
- D. A provider shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (C)(2) is covered and locked when not in use.

**R9-10-1611. Adult Behavioral Health Respite Services**

A provider shall ensure that:

1. A bedroom for use by a recipient:
  - a. Is separated from a hall, corridors, or other habitable room by floor to ceiling walls containing no interior openings except doors and is not used as a passageway to another bedroom or habitable room;
  - b. Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
  - c. Contains for each recipient using the bedroom:
    - i. A separate, adult-sized, single bed or larger bed with a clean mattress in good repair;
    - ii. Clean bedding appropriate for the season; and
    - iii. Storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers; and
  - d. If used for:
    - i. Single occupancy, contains at least 60 square feet of floor space; or
    - ii. Double occupancy, contains at least 100 square feet of floor space;
2. A mirror is available to a recipient for grooming;
3. A recipient does not share a bedroom with an individual who is not a recipient;
4. No more than two recipients share a bedroom;
5. If two recipients share a bedroom, each recipient agrees, in writing, to share the bedroom; and
6. A recipient's bedroom is not used to store anything that may be a hazard to the recipient or another individual.

**R9-10-1612. Children's Behavioral Health Respite Services**

- A. A provider may provide children's behavioral health respite services for up to four recipients if at least two of the recipients are siblings.
- B. For a behavioral health respite home that provides children's behavioral health respite services, a provider shall:
  1. Have a valid fingerprint clearance card according to A.R.S. § 36-425.03; and
  2. Ensure that:
    - a. If an adult other than a provider is present in the behavioral health respite home, the provider supervises the adult when and where a recipient is present;
    - b. A recipient does not share a bedroom with:

- i. An individual that, based on the other individual's developmental levels, social skills, verbal skills, and personal history, may present a threat to the recipient;
  - ii. Except as provided in subsection (C), an adult; or
  - iii. Except as provided in subsection (B)(2)(c), an individual that is not the same gender;
- c. A recipient may share a bedroom with an individual that is not the same gender if the individual is the recipient's sibling;
- d. A bedroom used by a recipient:
  - i. If the bedroom is a private bedroom, contains at least 60 square feet of floor space, not including the closet; or
  - ii. If the bedroom is a shared bedroom:
    - (1) Contains at least 100 square feet of floor space, not including a closet, for two individual occupying the bedroom or contains at least 140 square feet of floor space, not including a closet, for three individuals occupying the bedroom;
    - (2) If there are four siblings occupying the bedroom, contains at least 140 square feet of floor space, not including a closet;
    - (3) Provides space between beds or bunk beds; and
    - (4) Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
  - iii. For a recipient under three years of age, may contain a crib;
  - iv. Except for a recipient under three years of age who has a crib, contains a bed for the recipient that is at least 36 inches wide and at least 72 inches long, and consists of at least a frame and mattress and clean linens; and
  - v. Contains individual storage space for personal effects and clothing such as shelves, a dresser, or chest of drawers;
- e. Clean linens for a bed include a mattress pad, sheets large enough to tuck under the mattress, pillows, pillow cases, waterproof mattress covers as needed, and blankets to ensure warmth and comfort of a recipient;
- f. A recipient older than three years of age does not sleep in a crib;
- g. Clean and non-hazardous toys, educational materials, and physical activity equipment are available and accessible to recipients in a quantity sufficient to

meet each recipient's needs and are appropriate to each recipient's age and developmental level; and

- h. The following are stored in a labeled container separate from food storage areas and inaccessible to a recipient:
  - i. Materials and chemicals labeled as a toxic substance, and
  - ii. Substances that have a child warning label and may be a hazard to a recipient.
- C. If a recipient is younger than 2 years of age and sleeps in a crib, the recipient may sleep in a crib placed in a provider's bedroom.