

**This is an unofficial version of the rules in 9 A.A.C. 12 that were adopted, effective July 1, 2019. The official version of rules are published in the *Arizona Administrative Register*.**

**TITLE 9. HEALTH SERVICES  
CHAPTER 12. DEPARTMENT OF HEALTH SERVICES  
SOBER LIVING HOMES**

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## **ARTICLE 1. LICENSURE REQUIREMENTS**

### **R9-12-101. Definitions**

In addition to the definitions in A.R.S. § 36-2061, the following definitions apply in this Chapter unless otherwise specified:

1. “Abuse” means:
  - a. The same as in A.R.S. § 46-451;
  - b. A pattern of ridiculing or demeaning a resident;
  - c. Making derogatory remarks or verbally harassing a resident; or
  - d. Threatening to inflict physical harm on a resident.
2. “Accept” or “acceptance” means an individual becomes a resident of a sober living home.
3. “Administrative completeness review time-frame” means the same as in A.R.S. § 41-1072.
4. “Applicant” means an individual or business organization requesting a license under R9-12-104 to open a sober living home.
5. “Application packet” means the forms, documents, and additional information the Department requires to be submitted by an applicant.
6. “Business organization” means the same as “entity” in A.R.S. § 10-140.
7. “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.
8. “Controlling person” means a person who, with respect to a business organization:
  - a. Has the power to vote at least 10% of the outstanding voting securities of the business organization;
  - b. If the business organization is a partnership, is a general partner or is a limited partner who holds at least 10% of the voting rights of the partnership;
  - c. If the business organization is a corporation, association, or limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities; or
  - d. Holds a beneficial interest in 10% or more of the liabilities of the business organization.
9. “Department” means the Arizona Department of Health Services.

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10. “Documentation” means information in written, photographic, electronic, or other permanent form.
11. “Drug” has the same meaning as in A.R.S. § 32-1901.
12. “Exploitation” has the same meaning as in A.R.S. § 46-451.
13. “Facility” means the building or buildings used for operating a sober living home.
14. “Health care provider” means a:
  - a. Physician, as defined in A.R.S. § 36-401;
  - b. Registered nurse practitioner, as defined in A.R.S. § 32-1601; or
  - c. Physician assistant, as defined in A.R.S. § 32-2501.
15. “Illicit drug” means:
  - a. A substance listed in A.R.S. § 36-2512 as a schedule I controlled substance;
  - b. A dangerous drug, as defined in A.R.S. § 13-3401, that is not an individual’s prescription medication; or
  - c. A prescription medication that is not an individual’s prescription medication.
16. “Licensee” means the individual or business organization to which the Department has issued a license to operate a sober living home.
17. “Manager” means an individual designated by a licensee to:
  - a. Act on behalf of the licensee in the onsite management of a sober living home; and
  - b. Support and assist residents of the sober living home.
18. “Modification” means the substantial improvement, enlargement, reduction, alteration, or other substantial change in the facility or another structure on the premises at a sober living home.
19. “Over-the-counter drug” means the same as in A.R.S. § 32-1901.
20. “Overall time-frame” means the same as in A.R.S. § 41-1072.
21. “Premises” means:
  - a. A facility; and
  - b. The grounds surrounding the facility that are owned, leased, or controlled by the licensee, including other structures.
22. “Prescription medication” means the same as in A.R.S. § 32-1901.
23. “Residency agreement” means a document signed by a resident or the resident’s representative and a manager, detailing the terms of residency.
24. “Resident” means an individual who is accepted by a licensee under the terms of a residency agreement with the individual to live at the licensee’s sober living home.

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25. “Resident’s representative” means:
  - a. An individual acting on behalf of a resident with the written consent of the resident, or
  - b. The resident’s legal guardian.
26. “Sober” or “sobriety” means that an individual is free of alcohol or drugs, except for a drug that is:
  - a. Used as part of medication-assisted treatment,
  - b. The individual’s prescription medication, or
  - c. An over-the-counter drug.
27. “Staff” means the employees or volunteers who provide monitoring or assistance to residents at a sober living home.
28. “Substantive review time-frame” means the same as in A.R.S. § 41-1072.
29. “Swimming pool” means the same as “private residential swimming pool” as defined in A.A.C. R18-5-201.
30. “Termination of residency” or “terminate residency” means an individual is no longer a resident of a sober living home.

**R9-12-102. Individuals to Act for Applicant or Licensee**

When an applicant or licensee is required by this Chapter to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or licensee:

1. If the applicant or licensee is an individual, the individual; and
2. If the applicant or licensee is a business organization, the individual who the business organization has designated to act on the business organization’s behalf for purposes of this Chapter and who:
  - a. Is a controlling person of the business organization,
  - b. Is a U.S. citizen or legal resident, and
  - c. Has an Arizona address.

**R9-12-103. Application for a License**

- A. An applicant shall submit to the Department a completed application packet to operate a sober living home that contains:
  1. An application, in a Department-provided format, that includes:
    - a. The applicant’s name;
    - b. The proposed name, if any, of the sober living home;

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- c. The address and telephone number of the proposed sober living home;
  - d. The applicant's address and telephone number, if different from the address or telephone number of the proposed sober living home;
  - e. The applicant's e-mail address;
  - f. The name and contact information of an individual acting on behalf of the applicant according to R9-12-102, if applicable;
  - g. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-12-106(C)(3);
  - h. The maximum number of residents of the proposed sober living home;
  - i. The name, telephone number, and e-mail address of the manager for the proposed sober living home;
  - j. An attestation that the applicant is in compliance with local zoning ordinances, building codes, and fire codes; and
  - k. The applicant's signature and the date signed;
2. Documentation for the applicant that complies with A.R.S. § 41-1080;
  3. If applicable, a copy of the applicant's current certificate as a sober living home from a certifying organization approved by the Director;
  4. A floor plan for the proposed sober living home, including:
    - a. The location and size of each resident bedroom, and
    - b. The location of each openable window or door from a resident bedroom;
  5. If the premises for the proposed sober living home are leased, documentation from the owner of the premises, in a Department-provided format, that the applicant has permission from the owner to operate a sober living home on the premises; and
  6. A licensing fee of \$500 plus \$100 times the maximum number of residents of the proposed sober living home in subsection (A)(1)(h).
- B.** Upon receipt of the application packet in subsection (A), the Department shall issue or deny a license to an applicant as provided in R9-12-106.

**R9-12-104. License Renewal**

- A.** At least 60 calendar days before the expiration date indicated on a license to operate a sober living home, a licensee shall submit to the Department an application packet for renewal of the license that contains:
1. An application, in a Department-provided format, that includes:
    - a. The applicant's name;

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- b. The address and telephone number of the sober living home;
  - c. The applicant's address and telephone number, if different from the address or telephone number of the sober living home;
  - d. The applicant's e-mail address;
  - e. The license number of the sober living home; and
  - f. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-12-106(C)(3);
2. If applicable, a copy of the licensee's current certificate as a sober living home from a certifying organization approved by the Director; and
  3. Except as provided in subsection (B), a licensing fee of \$500 plus \$100 times the maximum number of residents approved for the sober living home during the current licensing period.
- B.** A licensee may submit to the Department the licensing fee in subsection (A)(3) with an additional late payment fee of \$250 within 30 calendar days after the expiration date of the license as a sober living home.
- C.** The Department shall renew or deny renewal of a license to operate a sober living home as provided in R9-12-106.

**R9-12-105. Changes Affecting a License**

- A.** A licensee shall notify the Department in writing at least 30 calendar days before the effective date of:
1. Termination of operation of the sober living home, including the proposed termination date;
  2. A change in the individual or business organization controlling the sober living home, including the name, address, telephone number, and e-mail address of the individual or business organization proposing to assume control of the sober living home;
  3. A change in the address of the sober living home, including the new address for the sober living home;
  4. A change in the name of the sober living home, including the new name of the sober living home;
  5. If the licensee is an individual, a legal change of the licensee's name, including the new name of the licensee; or
  6. A proposed change in the maximum number of residents in the sober living home or construction or modification of the facility, including:

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- a. A floor plan for the sober living home showing:
    - i. If applicable, the areas in which construction or modification of the facility will occur;
    - ii. The location and size of each resident bedroom; and
    - iii. The location of each openable window or door from a resident bedroom;
  - b. For a proposed change in the maximum number of residents in the sober living home:
    - i. The proposed new maximum number of residents in the sober living home; and
    - ii. If the proposed new maximum number of residents in the sober living home is larger than the current maximum number of residents, a fee of \$100 times the difference between the current maximum number of residents and the new maximum number of residents; and
  - c. For construction or modification of the facility, an attestation that the construction or modification will be in compliance with local zoning ordinances, building codes, and fire codes.
- B.** A licensee shall notify the Department in writing no more than 30 calendar days after the effective date of:
- 1. A change in the name or contact information of an individual acting on behalf of the licensee according to R9-12-102, including the name and contact information of the new individual acting on behalf of the licensee;
  - 2. A change in the licensee's e-mail address, including the new e-mail address; or
  - 3. A change in the manager of the sober living home, including the name, telephone number, and e-mail address of the new manager.
- C.** If the Department receives the notification of termination of operation in subsection (A)(1), the Department shall void the licensee's license to operate a sober living home as of the termination date specified by the licensee.
- D.** If the Department receives the notification in subsection (A)(2) of a change in the individual or business organization controlling the sober living home, the Department shall void the licensee's license to operate a sober living home upon issuance of a new license to operate a sober living home.
- E.** If the Department receives the notification in subsection (A)(3) of a change in the address of the sober living home, the Department shall review, according to R9-12-106, the licensee's application for a new license, submitted consistent with R9-12-103.

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- F.** If the Department receives the notification of a change in the name of the sober living home in subsection (A)(4) or of the licensee in subsection (A)(5), the Department shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.
- G.** If the Department receives the notification in subsection (A)(6) of a proposed change in the maximum number of residents in the sober living home or of construction or modification of the facility, the Department:
  - 1. May conduct an inspection of the premises as allowed by A.R.S. § 36-2063; and
  - 2. Shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license if the sober living home is in compliance with A.R.S. Title 36, Chapter 18, Article 4 and this Chapter.
- H.** An individual or business organization planning to assume operation of an existing sober living home shall obtain a new license, as required in A.R.S. § 36-2062(E), before beginning operation of the sober living home.

**R9-12-106. Time-frames**

- A.** The overall time-frame for a license granted by the Department under this Chapter is set forth in Table 1.1. The applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B.** The administrative completeness review time-frame for a license granted by the Department under this Chapter is set forth in Table 1.1 and begins on the date that the Department receives an application packet.
  - 1. The Department shall send a notice of administrative completeness or deficiencies to the applicant or licensee within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information or items needed to complete the application.
    - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is sent until the date that the Department receives all of the missing information or items from the applicant or licensee.
    - c. If an applicant or licensee fails to submit to the Department all of the information or items listed in the notice of deficiencies within 120 calendar days after the date that the Department sent the notice of deficiencies or within a time period the



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applicant or licensee and the Department agree upon in writing, the Department shall consider the application withdrawn.

2. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame is set forth in Table 1.1 and begins on the date of the notice of administrative completeness.
1. As part of the substantive review of an application for a license, the Department may conduct an inspection according to A.R.S. § 36-2063 that may require more than one visit to complete.
  2. The Department shall send a license or a written notice of denial of a license within the substantive review time-frame.
  3. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the applicant or licensee has agreed in writing to allow the Department to submit supplemental requests for information.
    - a. The Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies, stating each statute and rule upon which noncompliance is based, if the Department determines that an applicant or licensee, a sober living home, or the premises are not in substantial compliance with A.R.S. Title 36, Chapter 18, Article 4 or this Chapter.
    - b. An applicant or licensee shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of the corrections required in a statement of deficiencies, within 30 calendar days after the date of the comprehensive written request for additional information or the supplemental request for information or within a time period the applicant or licensee and the Department agree upon in writing.
    - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department sends a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including, if applicable, documentation of corrections required in a statement of deficiencies.
    - d. If an applicant or licensee fails to submit to the Department all of the information

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requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of corrections required in a statement of deficiencies, within the time prescribed in subsection (C)(3)(b), the Department shall deny the application.

4. The Department shall issue a license if the Department determines that the applicant or licensee and the sober living home, including the premises, are in substantial compliance with A.R.S. Title 36, Chapter 18, Article 4, and this Chapter.
5. If the Department denies a license, the Department shall send to the applicant or licensee a written notice of denial setting forth the reasons for denial and all other information required by A.R.S. § 41-1076.

**R9-12-107. Denial, Revocation, or Suspension of a License**

- A. The Department may deny an application or suspend or revoke a license to operate a sober living home if:
  1. An applicant or licensee does not meet the application requirements contained in R9-12-103(A) or R9-12-104(A), as applicable;
  2. A licensee does not comply with requirements in A.R.S. Title 36, Chapter 18, Article 4, or this Chapter;
  3. A licensee does not correct the deficiencies according to the plan of correction specified in R9-12-201(J)(1) by the time stated in the plan of correction;
  4. An applicant or licensee provides false or misleading information as part of an application; or
  5. The nature or number of violations revealed by any type of inspection or investigation of a sober living home poses a direct risk to the life, health, or safety of a resident or another individual on the premises.
- 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 resident in the sober living home 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.
- C. An applicant or licensee may appeal the Department's determination in subsection (A) according to A.R.S. Title 41, Chapter 6, Article 10.

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**Table 1.1. Time-frames (in calendar days)**

Type of approval	Statutory authority	Overall time-frame	Administrative completeness review time-frame	Substantive review time-frame
Application for a license under R9-12-103	A.R.S. § 36-2062	90	30	60
Renewal of a license under R9-12-104	A.R.S. § 36-2062	30	10	20
Changes affecting a license, including modifications	A.R.S. § 36-2062	60	30	30

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## **ARTICLE 2. SOBER LIVING HOME REQUIREMENTS**

### **R9-12-201. Administration**

- A.** A licensee of a sober living home:
1. Has the authority and responsibility for the management of the sober living home, including when the licensee designates another individual or contracts with a person to accomplish an action or perform a service;
  2. Shall establish, in writing, the scope of services to be provided by the sober living home;
  3. Shall designate, in writing, an individual, who may be the licensee, as the manager of the sober living home; and
  4. Shall ensure that the knowledge, skills, and experience of the manager and any other staff of the sober living home are sufficient to carry out the scope of services established according to subsection (A)(2).
- B.** A licensee shall ensure that:
1. A manager:
    - a. Is at least 21 years of age;
    - b. Is sober and has maintained sobriety for at least one year;
    - c. Resides on the premises of only the one sober living home;
    - d. Has documentation of current training in cardiopulmonary resuscitation; and
    - e. Is directly accountable to the licensee for:
      - i. The daily operation of the sober living home;
      - ii. Enforcing all policies and procedures, house rules, and other requirements of the sober living home; and
      - iii. All services provided by or at the sober living home;
  2. Policies and procedures are established, documented, and implemented to:
    - a. Prevent or address any concerns or complaints from individuals living in the surrounding neighborhood by:
      - i. Identifying an individual for individuals living in the surrounding neighborhood to contact to discuss a concern;
      - ii. Requiring the identified individual to respond to a concern or complaint, even if the issue cannot be resolved; and
      - iii. Ensuring that requirements for residents and visitors related to parking, noise emanating from the sober living home, smoking, cleanliness of the public space near the sober living home, and loitering in front of the

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- sober living home or near-by homes are established, known to residents, and enforced; and
- b. Promote the safety of the surrounding neighborhood, to comply with A.R.S. § 36-2062(A)(3); and
- 3. Policies and procedures are established, documented, and implemented to protect the health and safety of a resident that cover:
  - a. Recordkeeping;
  - b. Resident acceptance;
  - c. Resident rights;
  - d. Orientation of a resident to:
    - i. The premises of the sober living home,
    - ii. The resident's rights and responsibilities,
    - iii. The prohibition of the possession of alcohol or illicit drugs at the sober living home,
    - iv. Services offered by or coordinated through the sober living home,
    - v. Drug and alcohol testing practices, and
    - vi. Expectations about food preparation and chores;
  - e. Drug and alcohol testing conducted by an independent testing facility certified under 42 C.F.R. 493 for the sober living home and other assessments of sobriety, including:
    - i. The frequency of testing or assessment, based on the residents accepted; and
    - ii. The compounds included in the testing panel or, if applicable, an assessment methodology, based on the sober living home's scope of services and residents accepted;
  - f. Allowing the acceptance and retention as a resident of an individual:
    - i. Who is receiving and will continue to receive medication-assisted treatment;
    - ii. Who has a co-occurring behavioral health issue, as defined in A.A.C. R9-10-101; or
    - iii. If included in the scope of services established according to subsection (A)(2), has a co-occurring medical condition;
  - g. House meetings, including:
    - i. Frequency;

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- ii. Typical duration; and
  - iii. Participation requirements, if applicable;
- h. The provision of services, including:
  - i. Facilitating peer support activities;
  - ii. If applicable, providing other services on the premises to support sobriety or improve independent living;
  - iii. If applicable, coordinating the provision of services to support sobriety provided by other persons; and
  - iv. Referring a resident to other persons for the provision of services to support sobriety;
- i. Residents' records, including electronic records if applicable;
- j. The establishment, updating, and enforcement of house rules, including:
  - i. If applicable, curfews;
  - ii. Requirements related to chores, smoking, and visitors; and
  - iii. Requirements for the storage, security, and use of a resident's prescription medications or over-the-counter drugs;
- k. Management of all monies received or spent by the sober living home, including:
  - i. Accounting for monies received by residents;
  - ii. Prohibiting a requirement for an individual or resident to sign a document relinquishing the resident's public assistance benefits, such as medical assistance, case assistance, or supplemental nutrition assistance program benefits, as a condition of residency; and
  - iii. Providing copy of the record of the resident's account to the resident or the resident's representative upon request;
- l. Specific steps for:
  - i. A resident to file a complaint,
  - ii. The sober living home to respond to a resident's complaint, and
  - iii. The prevention of retaliation against a resident who files a complaint;
- m. How the licensee or the manager will respond to:
  - i. A resident's loss of sobriety; or
  - ii. A resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
- n. The provision of naloxone, including requirements for:
  - i. Informing the residents, the manager, and any other staff of the

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- availability and location of the naloxone on the premises of the sober living home;
- ii. Providing training to the manager and any other staff on the correct use of naloxone; and
- iii. Ensuring the naloxone provided is available and not beyond the listed expiration date; and
- o. Termination of residency, including:
  - i. Planning for termination of residency when the services provided by the sober living home are no longer needed by a resident, including assisting the resident to find other housing;
  - ii. Coordinating the relocation of a resident to a health care institution or another sober living home if the resident needs services outside the scope of services provided by the sober living home;
  - iii. Coordinating the relocation of a resident to another sober living home or other housing option if the resident terminates residency; and
  - iv. Addressing factors that may negatively impact the surrounding neighborhood.
- C. A licensee shall:
  - 1. Not act as a patient's representative; and
  - 2. Ensure that a manager, an employee, or a family member of a manager or employee does not act as a resident's representative.
- D. If a manager has a reasonable basis, according to A.R.S. § 46-454, to believe abuse or exploitation of a resident has occurred on the premises, the manager shall:
  - 1. If applicable, take immediate action to stop the suspected abuse or exploitation;
  - 2. Immediately report the suspected abuse or exploitation of the resident according to A.R.S. § 46-454;
  - 3. Document:
    - a. The suspected abuse or exploitation,
    - b. Any action taken according to subsection (D)(1), and
    - c. The report in subsection (D)(2); and
  - 4. Maintain the documentation in subsection (D)(3) for at least 12 months after the date of the report in subsection (D)(2).
- E. A manager shall notify:
  - 1. A resident's representative, family member, or other emergency contact designated by

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the resident according to R9-12-202(C)(2):

- a. Within one calendar day after:
    - i. The resident's death, or
    - ii. The resident has an illness or injury that requires immediate intervention by an emergency medical services provider or treatment by a health care provider; and
  - b. Within seven calendar days after the manager determines that a resident is:
    - i. Incapable of handling financial affairs, or
    - ii. Not complying with the residency agreement; and
2. The Department, in a Department-provided format, of a resident's death, within one working day after the resident's death, if the resident's death is required to be reported according to A.R.S. § 11-593.
- F.** If a sober living home provides or arranges transportation for residents, a manager shall ensure that the vehicle used for transportation:
1. Is in good working order, and
  2. Has a seat belt for each occupant of the vehicle.
- G.** A manger shall ensure that the following are conspicuously posted in a sober living home:
1. The license of the sober living home;
  2. The name and contact information for the individual or business organization controlling the sober living home; and
  3. A statement of resident's rights, including:
    - a. The right to file a complaint about the manager or the sober living home,
    - b. How to file a complaint about the manager or the sober living home, and
    - c. The phone number for the unit in the Department responsible for licensing and monitoring the sober living home.
- H.** A licensee shall ensure that a personnel record is established for a manager and any other staff of a sober living home that includes the individual's:
1. Name;
  2. Date of birth;
  3. Contact telephone number; and
  4. Documentation of:
    - a. Verification of skills and knowledge sufficient to carry out the sober living home's scope of services;
    - b. Training in the use of naloxone; and



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- c. If applicable:
  - i. Certification in cardiopulmonary resuscitation, and
  - ii. Compliance with subsection (B)(1)(b).
- I. A licensee shall ensure that:
  - 1. The manager or other staff of the sober living home is on the premises within 30 minutes after notification by the Department of the Department's presence at the sober living home; and
  - 2. The Department is allowed immediate access to all:
    - a. Areas of the premises;
    - b. Information in records pertaining to the sober living home or residents, except as prohibited by 42 CFR, Part 2; and
    - c. Staff or residents of the sober living home who are on the premises.
- J. If the Department notifies the licensee of noncompliance with requirements in A.R.S. Title 36, Chapter 18, Article 4, or this Chapter, the licensee shall:
  - 1. Within 14 calendar days after the date of the Department's notice of noncompliance, establish a plan of correction, if applicable, for correction of a deficiency; and
  - 2. Ensure that a deficiency listed on the plan of correction is corrected within 30 calendar days after the date of the plan of correction or within a time period the Department and the licensee agree upon in writing.

**R9-12-202. Residency Agreements**

- A. Within three calendar days before or at the time of acceptance into a sober living home, an individual requesting to be a resident of the sober living home shall provide proof of sobriety to the manager of the sober living home.
- B. A manager shall not accept or retain an individual as a resident of a sober living home if the individual:
  - 1. Is not at least 18 years of age,
  - 2. Cannot provide proof of sobriety, or
  - 3. Needs more support to maintain sobriety than is within the scope of services for the sober living home.
- C. Before or at the time of an individual's acceptance by a sober living home, a manager shall ensure that there is a documented residency agreement between the individual and the sober living home that includes:
  - 1. The individual's name;

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2. The name and phone number of an emergency point of contact, which may be a family member or another individual designated by the individual;
3. Information about the individual's:
  - a. Length of sobriety;
  - b. History of previous recovery activities; and
  - c. Source of referral to the sober living home, if applicable;
4. Terms of occupancy, including:
  - a. Date of occupancy or expected date of occupancy,
  - b. Resident responsibilities, and
  - c. Responsibilities of the sober living home;
5. The consequences of a loss of sobriety;
6. A description of the room for the individual to occupy;
7. A list of the services to be provided by the sober living home to a resident;
8. The fees to be charged to the individual for residency in the sober living home;
9. A list of the services available from the sober living home at an additional fee or charge and the associated fees or charges;
10. The policy for refunding fees, charges, or deposits;
11. The policy and procedure for a resident to terminate residency, including terminating residency because services were not provided to the resident according to the residency agreement;
12. The policy and procedure for a sober living home to terminate residency;
13. A statement that a resident has a right to file a complaint about the sober living home, manager, or licensee and a description of the complaint process;
14. A statement that a resident is expected to:
  - a. Comply with the terms of the residency agreement and requirements established for residents according to R9-12-201(B)(2)(a)(iii) or R9-12-201(B)(3)(j);
  - b. Maintain sobriety; and
  - c. Participate in activities to improve life skills, support independent living, and promote recovery:
    - i. Such as a treatment program, a self-help group, or another program to support sobriety and recovery; and
    - ii. That may include job training, school, or looking for a job;
15. A statement that a sober living home may not require an individual to relinquish the individual's public assistance benefits, such as medical assistance, case assistance, or

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- supplemental nutrition assistance program benefits, as a condition of residency;
  - 16. A statement that a sober living home must notify a family member or other emergency contact of the individual, according to R9-12-201(E)(1), if the individual:
    - a. Dies while a resident of the sober living home,
    - b. Has an illness or injury that requires immediate intervention by an emergency medical services provider or treatment by a health care provider,
    - c. Appears to be incapable of handling financial affairs, or
    - d. Is not complying with the residency agreement;
  - 17. The name and contact information for the individual or business organization controlling the sober living home;
  - 18. The signature of the individual and the date signed; and
  - 19. The manager's signature and date signed.
- D.** A manager shall:
- 1. Before or at the time of an individual's acceptance by a sober living home, provide to the resident or resident's representative a copy of:
    - a. The residency agreement in subsection (C), and
    - b. Resident's rights; and
  - 2. Maintain the original of the residency agreement in subsection (C) in the resident's record.
- E.** A manager may terminate residency of a resident as follows:
- 1. Without notice, if the resident exhibits behavior that is an immediate threat to the health and safety of the resident or other individuals in a sober living home;
  - 2. With a seven-calendar-day written notice of termination of residency:
    - a. For nonpayment of fees, charges, or deposit; or
    - b. Under the conditions in subsection (B)(3); or
  - 3. With a 14-calendar-day written notice of termination of residency, for any other reason.
- F.** A manager shall ensure that a written notice of termination of residency includes:
- 1. The date of notice;
  - 2. The reason for termination of residency;
  - 3. If termination of residency is because the resident needs more support to maintain sobriety than is within the scope of services for the sober living home, a description of why the sober living home cannot meet the resident's needs;
  - 4. The policy for refunding fees, charges, or deposits; and
  - 5. The deposition of a resident's fees, charges, and deposits.

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**R9-12-203. Resident Rights**

- A.** A manager shall ensure that:
1. A resident is not subjected to:
    - a. Abuse,
    - b. Exploitation,
    - c. Coercion,
    - d. Manipulation,
    - e. Sexual abuse,
    - f. Sexual assault, or
    - g. Retaliation for submitting a complaint to the Department or another entity; and
  2. A resident or the resident's representative is informed of and given the opportunity to ask questions about:
    - a. The residency agreement,
    - b. The costs associated with residency,
    - c. The resident's rights and responsibilities,
    - d. The prohibition of the possession of alcohol or illicit drugs at the sober living home,
    - e. Drug and alcohol testing and other assessments of sobriety,
    - f. The consequences of loss of sobriety, and
    - g. The complaint process.
- B.** A resident 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 the resident's sobriety, including, if applicable, continuing to receive medication-assisted treatment while a resident;
  3. To have a secure place to store personal belongings, medications, or other personal items to deter misappropriation by another individual;
  4. To be able to gain access to the sober living home at any time while a resident;
  5. To have access to all areas of the sober living home's premises, except for:
    - a. The bedrooms and secure storage locations of other residents,
    - b. The bedroom and secure storage locations of the manager or other staff, and
    - c. Areas of the sober living home used as the manager's office or for storage of records or supplies for assessment of sobriety;

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6. To have access to meals prepared in the sober living home;
7. To review, upon written request, the resident's own record; and
8. To receive assistance in locating another place to live if the resident's record indicates that the resident:
  - a. No longer needs the services of a sober living home, or
  - b. Needs more services and support to maintain sobriety than the sober living home is authorized to provide.

**R9-12-204. Resident Records**

- A. A manager shall ensure that a resident record is established and maintained for each resident that includes:
1. The original of the residency agreement in R9-12-202(C);
  2. The date the resident received orientation to the sober living home, as required by R9-12-205(A);
  3. A copy of each drug and alcohol test performed on the resident by an independent testing facility, including the date of the test and the test result;
  4. Any other assessments of sobriety performed on the resident, including:
    - a. The date of the assessment,
    - b. A description of the assessment,
    - c. The result of the assessment, and
    - d. The name of the individual conducting the assessment;
  5. Documentation of the resident's attendance at and participation in treatment, self-help groups, and other supports that promote recovery, including:
    - a. The name or a description of the support towards recovery, and
    - b. The date of the resident's attendance;
  6. A current list of medications taken by the resident and the resident's medical conditions;
  7. An account-of monies received from the resident and any expenditures made specific to the resident;
  8. Documentation of any complaints made by or about the resident and the outcome of each complaint;
  9. Documentation of any notification made according to R9-12-201(E) about the resident; and
  10. If applicable, documentation related to termination of residency, including:
    - a. Whether termination of residency was initiated by the resident or the sober living

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home,

- b. The reason for termination of residency,
- c. Any assistance the resident received in locating another place to live, and
- d. The date the residency ended.

**B.** A licensee shall ensure that a resident's record is:

1. Protected from loss, damage, or unauthorized use;
2. Available for review by the resident or the resident's representative, within 24 hours after a request; and
3. Maintained for at least 12 months after the termination of residency.

**R9-12-205. Sober Living Home Services**

**A.** Within 24 hours after an individual becomes a resident of a sober living home, a licensee shall ensure that the resident receives orientation to the sober living home and premises, according to policies and procedures, that includes:

1. The location of all exits from the sober living home and the route to evacuate the sober living home in case of an emergency;
2. The location of the first-aid kit required in R9-12-206(1);
3. The use of the kitchen of the sober living home, including:
  - a. Operation of the appliances,
  - b. Use of food storage areas, and
  - c. Removal of garbage and refuse;
4. The use of the washing machine and dryer;
5. The dates, time, and location of house meetings;
6. The prohibition of the possession of alcohol or illicit drugs at the sober living home;
7. Review and discussion of specific resident requirements, as applicable, such as curfews, smoking, visitors, signing in or out of the sober living home, meal preparation schedule, chore schedule, or other house rules;
8. Review and discussion of requirements related to R9-12-201(B)(2)(a)(iii); and
9. The information required according to R9-12-201(B)(3)(n).

**B.** A manager shall:

1. Conduct drug and alcohol testing according to policies and procedures;
2. Assist a resident to identify and participate in programs to support sobriety and recovery;
3. Provide to a resident information about community resources, such as nearby bus routes, grocery stores, department stores, other places to obtain food or other personal items,

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schools, libraries or other locations providing access to computers, or other locations providing items or services a resident may need.

**R9-12-206. Emergency and Safety Standards**

A manager shall ensure that:

1. A first aid kit is available at a sober living home sufficient to meet the needs of residents;
2. Naloxone is available and accessible to the manager, staff, and residents of the sober living home;
3. A smoke detector and, if there is a gas line in the sober living home, a carbon monoxide detector are installed in:
  - a. A bedroom used by a resident,
  - b. A hallway in a sober living home, and
  - c. A sober living home's kitchen;
4. The smoke detector and, if applicable, carbon monoxide detector in subsection (3) are:
  - a. Either battery operated or, if hard-wired into the electrical system of the sober living home, have a back-up battery; and
  - b. In working order;
5. A fire extinguisher that is labeled as rated at least 1A-10-BC by the Underwriters Laboratories:
  - a. Is maintained in the sober living home's kitchen;
  - b. If a disposable fire extinguisher, is replaced when its indicator reaches the red zone; and
  - c. If a rechargeable fire extinguisher:
    - i. Is serviced at least once every 12 months, and
    - ii. Has a tag attached to the fire extinguisher that specifies the date of the last servicing and the identification of the person who serviced the fire extinguisher;
6. An evacuation path is conspicuously posted on each hallway of each floor of the sober living home;
7. A written evacuation plan is maintained and available for use by the manager, any other staff of the sober living home, and any resident in a sober living 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.

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**R9-12-207. Environmental and Physical Plant Requirements**

- A.** A licensee shall ensure that a sober living home:
1. Is free of any plumbing, electrical, ventilation, mechanical, chemical, or structural hazard that may result in physical injury or illness to an individual or jeopardize the health or safety of a resident;
  2. Has a kitchen for use by the manager and residents of the sober living home;
  3. Has a living room accessible at all times to a resident;
  4. Has a dining area furnished for group meals that is accessible to the manager, residents, and any other individuals present in the sober living home;
  5. For each five residents of the sober living home, has at least one bathroom equipped with:
    - a. A working toilet that flushes and has a seat;
    - b. A sink with running water accessible for use by a resident; and
    - c. A working bathtub or shower with a slip-resistant surface;
  6. Has heating and cooling systems that maintain the sober living home at a temperature between 70° F and 84° F at all times, unless individually controlled by a resident;
  7. Has a supply of hot and cold water that is sufficient to meet the personal hygiene needs of residents and the cleaning requirements in this Article;
  8. Has a working washing machine and dryer that is accessible to a resident; and
  9. Has a working telephone that is accessible to a resident.
- B.** If the sober living home has a swimming pool, a licensee 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 (B)(2)(e);



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- 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 swimming pool area.
- C.** A licensee shall ensure that:
- 1. A bedroom for use by a resident:
    - 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. Has at least one openable window or door to the outside for use as an emergency exit;
    - d. Contains for each resident using the bedroom:
      - i. A separate, adult-sized, single bed or larger bed with a clean mattress in good repair; **and**
      - ii. Clean bedding appropriate for the season; and
    - e. If used for:
      - i. Single occupancy, contains at least 60 square feet of floor space; or
      - ii. Two or more residents, has an area of at least 50 square feet per resident;
  - 2. A mirror is available to a resident for grooming; and
  - 3. Each resident has individual storage space available for personal possessions and clothing.
- D.** A manager shall ensure that:
- 1. A sober living home:
    - a. Is maintained free of a condition or situation that may cause a resident or another individual to suffer physical injury;
    - b. Has equipment and supplies to maintain a resident's personal hygiene that are accessible to the resident;

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- c. Is clean and free from accumulations of dirt, garbage, and rubbish; and
  - d. Implements a pest control program to minimize the presence of insects and vermin at the sober living home;
2. An appliance, light, or other device with a frayed or spliced electrical cord is not used at the sober living home;
3. An electrical cord, including an extension cord, is not run under a rug or carpeting, over a nail, or from one room to another at the sober living home;
4. A resident does not share a bedroom with an individual who is not a resident;
5. A resident's bedroom is not used to store anything other than the furniture and articles used by the resident and the resident's belongings;
6. A resident has a lockable or other secure storage location for medications, valuables, or other personal belongings to deter misappropriation by other individuals that is accessible only by the resident and the manager;
7. If pets or animals are allowed in the sober living home, pets or animals are:
  - a. Controlled to prevent endangering the residents and to maintain sanitation;
  - b. Licensed consistent with local ordinances; and
  - c. For a dog or cat, vaccinated against rabies;
8. If a water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
  - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
  - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
  - c. Documentation of testing is retained for at least 12 months after the date of the test; and
9. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to applicable state laws and rules.