

TITLE 9. HEALTH SERVICES
CHAPTER 33. DEPARTMENT OF HEALTH SERVICES
GROUP HOMES FOR INDIVIDUALS
WITH A DEVELOPMENTAL DISABILITY

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ARTICLE 1. LICENSURE REQUIREMENTS

R9-33-101. Definitions

In addition to the definitions in A.R.S. § 36-551, the following definitions apply in this Chapter unless otherwise specified:

1. “Accreditation” means recognition as having met the operating standards and criteria of a nationally recognized accreditation organization.

2. "Administrative completeness review time-frame" means the same as in A.R.S. § 41-1072.
3. "Applicant" means an individual or business organization requesting a license under R9-33-104 to open a group home.
4. "Application packet" means the forms, documents, and additional information the Department requires to be submitted by an applicant.
5. "Business organization" means the same as "entity" in A.R.S. § 10-140.
6. "Controlling person" means a person who, with respect to a business organization:
 - a. Through ownership, 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.
7. "Day" means a calendar 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, or state holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday.
8. "Department" means the Arizona Department of Health Services.
9. "Documentation" means information in written, photographic, electronic, or other permanent form.
10. "Facility" means the building or buildings used for operating a group home.
11. "Fire risk prevention level" means a designation applied to a group home by the Division based on a formula aggregating safety factors existing at the group home.
12. "Hazard" means an object, equipment, situation, or condition that may result in physical injury or illness to an individual.
13. "Licensee" means the individual or business organization to which the Department has issued a license to operate a group home.
14. "Modification" means the substantial improvement, enlargement, reduction, alteration, or other substantial change in the facility or another structure on the premises at a group home.

15. "Overall time-frame" means the same as in A.R.S. § 41-1072.
16. "Plumbing system" means fixtures, pipes, and related parts, including a septic apparatus, assembled to carry clean water into a structure and to carry sewage out of a structure.
17. "Premises" means:
 - a. A facility; and
 - b. The grounds surrounding the facility that are owned, leased, or controlled by the licensee, including other structures.
18. "Private residential swimming pool" means the same as in A.A.C. R18-5-201.
19. "Resident" means an individual who is accepted by a licensee under the terms of a contract with the Division to live at the licensee's group home.
20. "Safety-approved" means tested and designated as meeting applicable safety standards by one or more of the following organizations:
 - a. Underwriters Laboratories,
 - b. Canadian Standards Association, or
 - c. Factory Mutual Insurance Company Global.
21. "Service provider contract" means the entirety of an applicant's or licensee's qualified vendor agreement with the Division.
22. "Spa" means the same as in A.A.C. R18-5-201.
23. "Staff" means the employees or volunteers who provide habilitation to residents at a group home.
24. "Substantive review time-frame" means the same as in A.R.S. § 41-1072.

R9-33-102. Requirement for Licensure

- A. An applicant shall obtain a license to operate a group home from the Department before providing supervision or habilitation to an individual with a developmental disability in a group home.
- B. A license to operate a group home is valid for the following, as indicated on the license:
 1. Address of the group home;
 2. Name of the licensee;
 3. Name of the group home, if applicable;
 4. Fire risk prevention level; and
 5. Licensing period for the group home.

R9-33-103. 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.

R9-33-104. Application and Inspection

A. For a license to operate a group home, an applicant shall submit to the Department a completed application packet that contains:

1. An application form provided by the Department that includes:
 - a. The applicant's name;
 - b. The proposed group home's name, if any;
 - c. The address and telephone number of the proposed group home;
 - d. The applicant's address and telephone number, if different from the address or telephone number of the proposed group 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 R9-33-103, if applicable;
 - g. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-33-108(C)(3);
 - h. Whether the applicant is a current service provider or intends to become a service provider;
 - i. The fire risk prevention level at which the applicant anticipates operating the group home; and
 - j. The applicant's signature and the date signed;
2. A copy of the applicant's:
 - a. U.S. passport, current or expired;
 - b. Birth certificate;
 - c. Naturalization documents; or
 - d. Documentation of legal resident alien status;

3. A copy of the applicant's:
 - a. Current service provider contract with the Division indicating that services are to be provided at the address of the proposed group home; or
 - b. Documentation from the Division demonstrating that the applicant has a service provider contract pending for providing services at the address of the proposed group home; and
 4. A copy of the applicant's accreditation report issued by a nationally recognized accreditation organization, if applicable.
- B.** An applicant or licensee shall allow the Department immediate access to all areas of the premises, a resident, record, or vehicle used to transport a resident, according to A.R.S. § 41-1009.
- C.** Upon receipt of the application packet in subsection (A), the Department shall issue or deny a license to an applicant as provided in R9-33-108.

R9-33-105. License Renewal

- A.** At least 60 days before the expiration date indicated on a license to operate a group home, for renewal of the license to operate a group home, a licensee shall submit to the Department an application packet that contains the information and documents in R9-33-104(A)(1), R9-33-104(A)(3)(a), and R9-33-104(A)(4).
- B.** The Department shall renew a license to operate a group home:
1. If, after conducting an onsite inspection, the Department determines that the licensee is in compliance with the applicable requirements in this Chapter; and
 2. According to the time-frames in R9-33-108.

R9-33-106. Changes Affecting a License

- A.** A licensee shall notify the Department in writing at least 30 days before the effective date of:
1. Termination of operation of a group home;
 2. Termination of a service provider contract with the Division;
 3. A change in the ownership of the group home;
 4. A change in the name of the group home;
 5. If the licensee is an individual, a legal change of the licensee's name;
 6. Construction or modification of the facility or another structure on the premises other than construction or modification undertaken in accordance with R9-33-203(A); or
 7. If approved by the Division, a change in the group home's fire risk prevention level.

- B.** If the Department receives the notification in subsection (A)(1), the Department shall void the licensee’s license to operate a group home as of the termination date specified by the licensee.
- C.** If the Department receives the notification in subsection (A)(2), the Department shall take the applicable action in R9-33-109.
- D.** If the Department receives the notification in subsection (A)(3), the Department shall void the licensee’s license to operate a group home upon issuance of a new license to operate a group home to the entity assuming ownership of the group home.
- E.** If the Department receives the notification in subsection (A)(4) or (5), the Department shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.
- F.** If the Department receives the notification in subsection (A)(6) or (7), the Department shall conduct an inspection of the premises as indicated in R9-33-104(B) and, if the group home is in compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter, if applicable, issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.
- G.** An individual or business organization planning to assume operation of an existing group home shall obtain a new license as required in R9-33-102(A) before beginning operation of the group home.

R9-33-107. Investigation of Complaints

- A.** Upon receipt of a complaint or information indicating that a group home may not be in compliance with A.R.S. Title 36, Chapter 5.1 or this Chapter, the Department shall:
 - 1. Investigate the complaint or information about noncompliance within 30 days after receipt of the complaint or information about noncompliance;
 - 2. Develop a written report documenting the investigation;
 - 3. Provide the licensee with the written report in subsection (A)(2); and
 - 4. If the complaint or information about noncompliance was substantiated, notify the Division of the outcome of the investigation.
- B.** If the Department substantiates a complaint or information about noncompliance at a group home, the licensee of the group home shall:
 - 1. Establish a plan of correction, if applicable, for correction of a deficiency;
 - 2. Agree to carry out the plan of correction by signing the written report in subsection (A)(2); and

3. Ensure that a deficiency listed on the plan of correction is corrected within 30 days after the date of the plan of correction or within a time period the Department and the licensee agree upon in writing.

R9-33-108. Time-frames

- A. The overall time-frame described in A.R.S. § 41-1072 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 described in A.R.S. § 41-1072 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 days after the date that the Department sent the notice of deficiencies or within a time period the 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 described in A.R.S. § 41-1072 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 shall conduct an inspection that may require more than one visit to the group home.

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. If the Department determines that an applicant or licensee, a group home, or the premises are not in substantial compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter, 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.
 - 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 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 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 group home, including the premises, are in substantial compliance with A.R.S. Title 36, Chapter 5.1 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.

Table 1.1 Time-frames (in days)

Type of approval	Statutory authority	Overall time-frame	Administrative completeness review time-frame	Substantive review time-frame
Application for a license under R9-33-104	A.R.S. § 36-132(A)(21)	120	60	60
Renewal of a license under R9-33-105	A.R.S. § 36-132(A)(21)	60	30	30

R9-33-109. Denial, Revocation, or Suspension of a License

- A.** The Department may deny an application or suspend or revoke a license to operate a group home if:
 - 1. An applicant or licensee does not meet the application requirements contained in R9-33-104 or R9-33-105(A);
 - 2. A licensee is not a service provider for the duration of one licensure period;
 - 3. A licensee does not correct the deficiencies according to the plan of correction contained in R9-33-107 by the time stated in the plan of correction; or
 - 4. The nature or number of violations revealed by any type of inspection or investigation of a group home poses a direct risk to the life, health, or safety of a resident.
- B.** An applicant or licensee may appeal the Department's determination in subsection (A) according to A.R.S. Title 41, Chapter 6, Article 10.
- C.** The Department shall immediately notify the Division when an application is denied and when a license to operate a group home is suspended or revoked.

ARTICLE 2. GROUP HOME REQUIREMENTS

R9-33-201. Emergency Procedures and Evacuation Drills

- A.** A licensee shall ensure that a written plan for emergencies:
 - 1. Is developed and implemented;
 - 2. Is available and accessible to staff and each resident at the facility;
 - 3. Contains procedures for responding to fire, emergency, severe weather conditions, and other disasters, including:
 - a. Routes of evacuation, location of firefighting equipment, and evacuation devices identified on a floor plan of the facility;
 - b. Instructions on the use of fire alarm systems, firefighting equipment, and evacuation devices;

- c. Procedures for evacuating each resident, including a resident who is not capable of self-preservation or who has a mobility, sensory, or other physical impairment; and
 - d. Procedures for notifying an emergency response team, law enforcement, and the licensee or the licensee's designee; and
 - 4. Includes procedures for when a resident is missing from the premises.
- B.** A licensee shall ensure that:
 - 1. The facility's street address is painted or posted against a contrasting background so that the group home's street address is visible from the street; or
 - 2. The local emergency response team, such as the local fire department, is notified of the location of the facility in writing at least once every 12 months. The licensee shall make the written notification available for review at the facility for at least two years from the date of the notification.
- C.** A licensee shall ensure that:
 - 1. Except as described in subsection (D), an evacuation drill that includes all residents, except any residents otherwise specifically excluded from evacuation drills as indicated on documentation provided by the Division for the resident, is conducted at least once every six months on each shift; and
 - 2. Documentation of an evacuation drill is available for review at the facility for at least two years after the date of the evacuation drill that includes:
 - a. The date and time of the evacuation drill;
 - b. The length of time to evacuate or simulate the evacuation of all residents from the facility;
 - c. A summary of the evacuation drill, including a list of the residents and staff who were present at the time of the drill, how the drill was performed, how long the drill took to complete, and, if applicable, a list of residents for whom evacuation was simulated; and
 - d. Except as provided in subsection (D)(2), if the length of time to evacuate all residents from the facility exceeds three minutes, a plan of correction to bring the evacuation time to three minutes or less in case of an actual emergency requiring evacuation.
- D.** If a group home provides services to a resident whom the Division has identified, through the assessment process used to determine the group home's fire risk prevention level, as having a

condition that could cause a resident to be harmed if the resident participated in an evacuation drill, a licensee shall ensure that:

1. An evacuation drill:
 - a. Does not include the resident, and
 - b. Simulates the evacuation of the resident according to the plan required in subsection (A)(3)(c), and
2. The documentation of an evacuation drill required in subsection (C)(2) also includes, if the length of time to evacuate or simulate the evacuation of all residents exceeds five minutes, a plan of correction to bring the evacuation time to five minutes or less in case of an actual emergency requiring evacuation.

E. A licensee shall ensure that:

1. A first aid kit is available in the facility that has the following items in a quantity sufficient to meet the needs of residents and staff:
 - a. Adhesive sterile bandages of assorted sizes,
 - b. Sterile gauze pads,
 - c. Sterile gauze rolls,
 - d. Adhesive or self-adhering tape,
 - e. Antiseptic solution or sealed antiseptic wipes,
 - f. Re-closable plastic bags of at least one-gallon size,
 - g. Single-use non-porous gloves,
 - h. Scissors,
 - i. Tweezers, and
 - j. A cardiopulmonary resuscitation mouth guard or mouth shield;
2. All stairways, hallways, walkways, and other routes of evacuation are free of any obstacle that may prevent evacuation of a resident in an emergency;
3. If a window or door contains locks, bars, grills, or other devices that obstruct evacuation, each device contains a release mechanism that is operable from the inside of a facility and that does not require the use of a key, special knowledge, or special effort;
4. Each facility contains a working non-cellular telephone that is available and accessible to staff and each resident at all times; and
5. The following are posted at the location of a facility's telephone:
 - a. Instructions to dial 911 or the telephone number of another local emergency response team, and
 - b. The address and telephone number of the group home.

R9-33-202. Fire Safety Requirements

- A.** The Department shall issue to an applicant or licensee:
 - 1. A fire risk prevention level 1 group home license if the group home meets the requirements in subsections (B) through (G); and
 - 2. A fire risk prevention level 2 group home license if the group home meets the requirements in subsections (B) through (H).
- B.** A licensee shall ensure that the premises are in compliance with all applicable state and local fire safety regulations and that:
 - 1. Before a license is issued or renewed, a fire inspection is conducted by the local fire department, the Department, or an entity authorized by the Department;
 - 2. Any repair or correction stated in a fire inspection report is made or corrected according to the requirements and time in the fire inspection report; and
 - 3. A current fire inspection report is available for review at the group home.
- C.** A licensee shall ensure that the facility has at least one a working, portable, all-purpose fire extinguisher labeled as rated at least 2A-10-BC by Underwriters Laboratories, or two co-located working, portable, all-purpose fire extinguishers labeled as rated at least 1A-10-BC by Underwriters Laboratories, installed and maintained in the facility as prescribed by the manufacturer or the fire authority having jurisdiction.
- D.** A licensee shall ensure that a fire extinguisher is:
 - 1. Is either:
 - a. Disposable and has a charge indicator showing green or "ready" status; or
 - b. Serviced at least once every 12 months by a fire extinguisher technician certified by the National Fire Protection Agency, the International Code Council, or Compliance Services and Assessments; and
 - 2. If serviced, is tagged specifying:
 - a. The date of purchase or the date of recharging, whichever is more recent; and
 - b. The name of the organization performing the service, if applicable.
- E.** A licensee shall ensure that smoke detectors are:
 - 1. Working and audible at a level of 75db from the location of each bed used by a resident in the facility;
 - 2. Capable of alerting all residents in the facility, including a resident with a mobility or sensory impairment;
 - 3. Installed according to the manufacturer's instructions;

4. Located in at least the following areas:
 - a. Each bedroom;
 - b. Each room or hallway adjacent to a bedroom, except a bathroom or a laundry room; and
 - c. Each room or hallway adjacent to the kitchen, except a bathroom, a pantry, or a laundry room; and
 5. If the licensee has been cited more than once in the previous four years under subsections (E)(1) through (4), either:
 - a. Hard-wired to the electrical system of the group home with a battery backup; or
 - b. Connected to an early-warning fire detection system required in subsection (H)(2), if applicable.
- F.** A licensee shall ensure that each bedroom has at least one openable window or door to the outside for use as an emergency exit.
- G.** A licensee shall ensure that:
1. A usable fireplace is covered by a protective screen or covering at all times; and
 2. Combustible or flammable materials are not stored within three feet of a furnace, heater, ~~or~~ water heater, or usable fireplace.
- H.** A licensee of a fire risk prevention level 2 group home shall ensure that:
1. The facility contains an emergency lighting system that:
 - a. Works without in-house electrical power,
 - b. Illuminates the path of evacuation, and
 - c. Is inspected at least once every 12 months by the manufacturer or an entity that installs and repairs emergency lighting systems; ~~and~~
 2. The facility has an early-warning fire detection system that:
 - a. Is safety-approved;
 - b. Is hard-wired or connected wirelessly, with battery back-up;
 - c. Sounds every alarm in the facility when smoke is detected;
 - d. Is installed in each bedroom, each room or each hallway adjacent to a bedroom, and each room or each hallway adjacent to a kitchen; and
 - e. Is inspected at least once every 12 months by the manufacturer or by an entity that installs and repairs early-warning fire detection systems;
 3. The facility has one of the following:
 - a. Sufficient staff on duty to evacuate all residents present at the facility within three minutes or, if applicable under R9-33-201(D), within five minutes; or

- b. An automatic sprinkler system installed according to the applicable standard incorporated by reference in A.A.C. R9-1-412 and installed according to NFPA 13, NFPA 13R, or NFPA 13D, as applicable, that:
 - i. Covers every room in the facility; and
 - ii. Is inspected at least once every 12 months by the manufacturer or by an entity that installs and repairs automatic sprinkler systems; and
- 4. Documentation is available at the facility for two years after the date of an inspection:
 - a. For:
 - i. The emergency lighting system inspection required in subsection (H)(1)(c);
 - ii. The early-warning fire detection system inspection required in subsection (H)(2)(e); and
 - iii. If applicable, the automatic sprinkler system required in subsection (H)(3)(b)(ii); and
 - b. That includes:
 - i. The date of the inspection,
 - ii. The name of the entity performing the inspection,
 - iii. A tag on the system or a written report of the results of the inspection, and
 - iv. A description of any repairs made to the system as a result of the inspection.

R9-33-203. Physical Plant Requirements

- A. A licensee shall ensure that:
 - 1. A group home is in compliance with applicable federal and state disability laws;
 - 2. If a group home has a resident with a mobility, sensory, or other physical impairment, documentation is available for review at the group home that:
 - a. Is provided by the Division; and
 - b. Identifies modifications, if any, needed to the premises to ensure that the premises are accessible to and usable by the resident;
 - 3. The premises have been modified as identified by the Division in subsection (A)(2)(b);
 - 4. Ramps, stairs, or steps on the premises are secured firmly to the ground or a permanent structure and have slip-resistant surfaces; and

5. If handrails and grab bars are installed in a facility, handrails and grab bars are securely attached and stationary.

B. A licensee shall ensure that:

1. A method of heating and cooling maintains the facility between 65° F and 85° F in areas of the facility occupied by residents;
2. Ventilation is provided by an openable window, air conditioning, or other mechanical device;
3. Working, safe appliances for cooling and cooking food are provided in the facility that:
 - a. Are safety-approved;
 - b. If used to refrigerate food, maintain the food at a temperature of 40° F or below at all times; and
 - c. If used to freeze food, maintain the food at a temperature of 0° F or below at all times;
4. Hot water temperatures in the facility are maintained between 95° F and 120° F; and
5. Bathtubs and showers contain slip-resistant strips, rubber bath mats, or slip-resistant surfaces.

C. A licensee shall ensure that:

1. Electrical lighting is contained in each room in the facility;
2. Electrical devices and equipment on the premises are safety-approved, safe, and in working order;
3. Electrical outlets on the premises are safe, covered with a faceplate, and installed in accordance with the requirements of the local jurisdiction;
4. If the facility was built or modified on or after the effective date of this Chapter, any electrical outlet located within 3 feet of a water source includes a ground fault circuit interrupt (GFCI);
5. An appliance, light, or other device with a frayed or spliced electrical cord is not used on the premises; and
6. An electrical cord, including an extension cord, on the premises is not:
 - a. Used as a substitute for permanent wiring,
 - b. Run under a rug or carpeting,
 - c. Run over a nail, or
 - d. Run from one room to another.

D. A licensee shall ensure that:

1. A facility contains a safe, working plumbing system;

2. If a facility's plumbing system is connected to a non-municipal sewage disposal system, the plumbing system and connective piping are free of visible leakage; and
3. The premises do not contain unfenced or uncovered wells, ditches, or holes into which an individual may step or fall.

R9-33-204. Environmental Requirements

A. A licensee shall ensure that:

1. The premises are free of accumulations of garbage or refuse;
2. Garbage and refuse in the facility are:
 - a. Stored in cleanable containers or in sealable plastic bags; and
 - b. Removed from the facility at least once every seven days;
3. Cleaning compounds and toxic substances are maintained in labeled containers that:
 - a. Are stored to prevent a hazard;
 - b. Are appropriate to the contents of each container;
 - c. If appropriate based on a resident's disability, are locked; and
 - d. Are stored in a separate location from food or medicine;
4. Unused furniture, equipment, fabrics, or devices are removed from the facility or maintained in a covered area on the premises that is designated by the licensee for storage in a manner that does not create a hazard; and
5. There are no firearms or ammunition on the premises;

B. A licensee shall ensure that:

1. The facility is maintained free of insects and vermin;
2. The premises and its structures and furnishings are:
 - a. In a clean condition,
 - b. Free of odors, such as urine or rotting food; and
 - c. In sufficiently good repair that no object, equipment, or condition present constitutes a hazard; and
3. Standing water is not allowed to accumulate on the premises, except in an area or vessel the purpose of which is to hold standing water.

C. A licensee shall ensure that:

1. An unvented space heater or open-flame space heater is not used on the premises;
2. An electric portable heater or electric radiant heater is not used on the premises unless the electric portable heater or electric radiant heater:
 - a. Has:

- i. Either a non-porous casing or a grill with a mesh small enough to prevent cloth or a child’s finger from entering the casing,
 - ii. A tilt switch that shuts off power to the electric portable heater if the electric portable heater tips over,
 - iii. An automatic shutoff control to prevent overheating, and
 - iv. A thermostat control; and
 - b. Is plugged directly into a wall outlet; and
3. A vented space heater used on the premises is:
 - a. Safety-approved;
 - b. Professionally installed in accordance with the requirements of the local jurisdiction; and
 - c. Mounted as a permanent fixture in a wall, floor, or ceiling.

R9-33-205. Vehicle Safety Requirements

- A. A licensee shall ensure that a vehicle used to transport a resident:
 1. Is maintained in safe and working order; and
 2. Is equipped with:
 - a. A working heating and air conditioning system;
 - b. A first aid kit that meets the requirements in R9-33-201(E)(1);
 - c. Working seat belts for the driver and each passenger; and
 - d. Floor mounted seat belts and wheel chair lock-down devices for each wheel chair passenger transported, if the vehicle is used to transport a passenger in a wheelchair.
- B. A licensee shall ensure that documentation of each maintenance or repair of a vehicle used to transport a resident is available for review at the facility for at least two years after the date of the maintenance or repair.

R9-33-206. Swimming Pool Requirements

- A. Except as provided in subsection (B), a licensee shall ensure that a private residential swimming pool on the premises:
 1. If filled with water, is surrounded by a fence or enclosure constructed of rigid material that:
 - a. Is at least 5 feet high;

- b. Is free of an opening that exceeds 4 inches or, if a wire mesh fence, is free of an opening that exceeds 1 3/4 inches;
 - c. Is free of openings for handholds or footholds on the exterior of the fence or enclosure;
 - d. Is at least 20 inches from the edge of the private residential swimming pool;
 - e. Is clear of objects out to a distance of 30 inches on either side of the fence or enclosure from the level of the ground to a height of 5 feet above the fence or enclosure;
 - f. Has at least one gate that:
 - i. Opens outward from the private residential swimming pool,
 - ii. Has a self-closing latch attached no less than 54 inches above ground level as measured from the exterior side of the fence or enclosure, and
 - iii. Is locked when the private residential swimming pool is not in use;
 - g. Is secured perpendicular to level ground; and
 - h. Is located at least 54 inches from the exterior wall of the facility to allow evacuation without entering the private residential swimming pool area;
2. Is not located in the path of an emergency exit;
3. If filled with water, is equipped with the following:
- a. An operational water circulation system that clarifies the swimming pool water,
 - b. An operational vacuum cleaning system that maintains the sides and bottom of the pool free of dirt and debris,
 - c. A shepherd’s crook that is attached to its own pole, and
 - d. A ring buoy with an attached rope that is at least 10 feet long plus the distance from the edge to the middle of the private residential swimming pool; and
4. If not filled with water, is covered completely by a covering that:
- a. Is permitted by the local jurisdiction,
 - b. Is free of an opening that exceeds 1 inch,
 - c. Withstands weight of at least 495 pounds per square foot on all parts of the covering without any distortion or compression, and
 - d. Has at least one access hatch that is locked so that a resident cannot open it.
- B.** The requirements in subsection (A) do not apply to a group home if the Division provides to the Department written documentation indicating that the Division has determined that the private residential swimming pool is safe, based upon the functional level of the residents:
- 1. At the time of initial licensure,

2. At the time of license renewal, and
 3. Upon the placement of a resident at the group home.
- C.** A licensee shall ensure that a spa:
1. Except as specified in subsection (C)(2), is covered and locked when not in use, with a mechanism that a resident cannot open; and
 2. If a resident is under 6 years of age, is enclosed by a fence specified in subsection (A)(1).

R9-33-207. Repealed