

COMMITTEE ON HEALTH AND HUMAN SERVICES

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2078

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-401, Arizona Revised Statutes, is amended to  
3 read:

4 36-401. Definitions; adult foster care

5 A. In this chapter, unless the context otherwise requires:

6 1. "Accredited health care institution" means a health care  
7 institution, other than a hospital, that is currently accredited by a  
8 nationally recognized accreditation organization.

9 2. "Accredited hospital" means a hospital that is currently accredited  
10 by a nationally recognized organization on hospital accreditation.

11 3. "Adult day health care facility" means a facility that provides  
12 adult day health services during a portion of a continuous twenty-four hour  
13 period for compensation on a regular basis for five or more adults not  
14 related to the proprietor.

15 4. "Adult day health services" means a program that provides planned  
16 care supervision and activities, personal care, personal living skills  
17 training, meals and health monitoring in a group setting during a portion of  
18 a continuous twenty-four hour period. Adult day health services may also  
19 include preventive, therapeutic and restorative health-related services that  
20 do not include behavioral health services.

21 5. "Adult foster care home" means a residential setting that provides  
22 room and board and adult foster care services for at least one and no more  
23 than four adults who are participants in the Arizona long-term care system  
24 pursuant to chapter 29, article 2 of this title and in which the sponsor or  
25 the manager resides with the residents and integrates the residents who are  
26 receiving adult foster care into that person's family.

27 6. "Adult foster care services" means supervision, assistance with  
28 eating, bathing, toileting, dressing, self-medication and other routines of

1 daily living or services authorized by section 36-2939, subsection C and  
2 rules adopted pursuant to that section.

3 7. "Assisted living center" means an assisted living facility that  
4 provides resident rooms or residential units to eleven or more residents.

5 8. "Assisted living facility" means a residential care institution,  
6 including an adult foster care home, that provides or contracts to provide  
7 supervisory care services, personal care services or directed care services  
8 on a continuous basis.

9 9. "Assisted living home" means an assisted living facility that  
10 provides resident rooms to ten or fewer residents.

11 10. "Construction" means the building, erection, fabrication or  
12 installation of a health care institution.

13 11. "Continuous" means available at all times without cessation, break  
14 or interruption.

15 12. "Controlling person" means a person who:

16 (a) Through ownership, has the power to vote at least ten per cent of  
17 the outstanding voting securities.

18 (b) If the applicant or licensee is a partnership, is the general  
19 partner or a limited partner who holds at least ten per cent of the voting  
20 rights of the partnership.

21 (c) If the applicant or licensee is a corporation, an association or a  
22 limited liability company, is the president, the chief executive officer, the  
23 incorporator or any person who owns or controls at least ten per cent of the  
24 voting securities. For the purposes of this subdivision, corporation does  
25 not include nonprofit corporations.

26 (d) Holds a beneficial interest in ten per cent or more of the  
27 liabilities of the applicant or the licensee.

28 13. "Department" means the department of health services.

29 14. "Directed care services" means programs and services, including  
30 supervisory and personal care services, that are provided to persons who are  
31 incapable of recognizing danger, summoning assistance, expressing need or  
32 making basic care decisions.

1           15. "Direction" means authoritative policy or procedural guidance for  
2 the accomplishment of a function or activity.

3           16. "Director" means the director of the department of health services.

4           17. "Facilities" means buildings that are used by a health care  
5 institution for providing any of the types of services as defined in this  
6 chapter.

7           18. "Freestanding urgent care center":

8           (a) Means an outpatient treatment center that, regardless of its  
9 posted or advertised name, meets any of the following requirements:

10           (i) Is open twenty-four hours a day, excluding at its option weekends  
11 or certain holidays, but is not licensed as a hospital.

12           (ii) Claims to provide unscheduled medical services not otherwise  
13 routinely available in primary care physician offices.

14           (iii) By its posted or advertised name, gives the impression to the  
15 public that it provides medical care for urgent, immediate or emergency  
16 conditions.

17           (iv) Routinely provides ongoing unscheduled medical services for more  
18 than eight consecutive hours for an individual patient.

19           (b) Does not include the following:

20           (i) A medical facility that is licensed under a hospital's license and  
21 that uses the hospital's medical provider number.

22           (ii) A qualifying community health center pursuant to section  
23 36-2907.06.

24           (iii) Any other health care institution licensed pursuant to this  
25 chapter.

26           (iv) A physician's office that offers extended hours or same day  
27 appointments to existing and new patients and that does not meet the  
28 requirements of subdivision (a), item (i), (iii) or (iv). For the purposes  
29 of this item, "physician" means a person licensed pursuant to title 32,  
30 chapter 13 or 17.

31           19. "Governing authority" means the individual, agency, group or  
32 corporation, appointed, elected or otherwise designated, in which the

1 ultimate responsibility and authority for the conduct of the health care  
2 institution are vested.

3 20. "Health care institution" means every place, institution, building  
4 or agency, whether organized for profit or not, that provides facilities with  
5 medical services, nursing services, health screening services, other  
6 health-related services, supervisory care services, personal care services or  
7 directed care services and ~~that~~ includes home health agencies as defined in  
8 section 36-151, **OUTDOOR BEHAVIORAL HEALTH CARE PROGRAMS** and hospice service  
9 agencies.

10 21. "Health-related services" means services, other than medical, that  
11 pertain to general supervision, protective, preventive and personal care  
12 services, supervisory care services or directed care services.

13 22. "Health screening services" means the acquisition, analysis and  
14 delivery of health-related data of individuals to aid in the determination of  
15 the need for medical services.

16 23. "Hospice" means a hospice service agency or the provision of  
17 hospice services in an inpatient facility.

18 24. "Hospice service" means a program of palliative and supportive care  
19 for terminally ill persons and their families or caregivers.

20 25. "Hospice service agency" means an agency or organization, or a  
21 subdivision of that agency or organization, that is engaged in providing  
22 hospice services at the place of residence of its clients.

23 26. "Inpatient beds" or "resident beds" means accommodations with  
24 supporting services, such as food, laundry and housekeeping, for patients or  
25 residents who generally stay in excess of twenty-four hours.

26 27. "Licensed capacity" means the total number of persons for whom the  
27 health care institution is authorized by the department to provide services  
28 as required pursuant to this chapter if the person is expected to stay in the  
29 health care institution for more than twenty-four hours. For a hospital,  
30 licensed capacity means only those beds specified on the hospital license.

31 28. "Medical services" means the services that pertain to medical care  
32 and that are performed at the direction of a physician on behalf of patients

1 by physicians, dentists, nurses and other professional and technical  
2 personnel.

3 29. "Modification" means the substantial improvement, enlargement,  
4 reduction or alteration of or other change in a health care institution.

5 30. "Nonproprietary institution" means any health care institution that  
6 is organized and operated exclusively for charitable purposes, no part of the  
7 net earnings of which inures to the benefit of any private shareholder or  
8 individual, or that is operated by the state or any political subdivision of  
9 the state.

10 31. "Nursing care institution" means a health care institution that  
11 provides inpatient beds or resident beds and nursing services to persons who  
12 need continuous nursing services but who do not require hospital care or  
13 direct daily care from a physician.

14 32. "Nursing services" means those services that pertain to the  
15 curative, restorative and preventive aspects of nursing care and that are  
16 performed at the direction of a physician by or under the supervision of a  
17 registered nurse licensed in this state.

18 33. "Organized medical staff" means a formal organization of  
19 physicians, and dentists where appropriate, with the delegated authority and  
20 responsibility to maintain proper standards of medical care and to plan for  
21 continued betterment of that care.

22 34. "OUTDOOR BEHAVIORAL HEALTH CARE PROGRAM" MEANS AN AGENCY THAT  
23 PROVIDES BEHAVIORAL HEALTH SERVICES IN AN OUTDOOR ENVIRONMENT AS AN  
24 ALTERNATIVE TO BEHAVIORAL HEALTH SERVICES THAT ARE PROVIDED IN A HEALTH CARE  
25 INSTITUTION WITH FACILITIES. OUTDOOR BEHAVIORAL HEALTH CARE PROGRAMS DO NOT  
26 INCLUDE:

27 (a) PROGRAMS, FACILITIES OR ACTIVITIES THAT ARE OPERATED BY A  
28 GOVERNMENT ENTITY OR THAT ARE LICENSED BY THE DEPARTMENT AS A CHILD CARE  
29 PROGRAM PURSUANT TO CHAPTER 7.1 OF THIS TITLE.

30 (b) OUTDOOR ACTIVITIES FOR YOUTH THAT ARE DESIGNATED TO BE PRIMARILY  
31 RECREATIONAL AND THAT ARE ORGANIZED BY CHURCH GROUPS, SCOUTING ORGANIZATIONS  
32 OR SIMILAR GROUPS.

1           (c) OUTDOOR YOUTH PROGRAMS LICENSED BY THE DEPARTMENT OF ECONOMIC  
2 SECURITY.

3           ~~34.~~ 35. "Personal care services" means assistance with activities of  
4 daily living that can be performed by persons without professional skills or  
5 professional training and includes the coordination or provision of  
6 intermittent nursing services and the administration of medications and  
7 treatments by a nurse who is licensed pursuant to title 32, chapter 15 or as  
8 otherwise provided by law.

9           ~~35.~~ 36. "Physician" means any person who is licensed pursuant to title  
10 32, chapter 13 or 17.

11           ~~36.~~ 37. "Residential care institution" means a health care institution  
12 other than a hospital or a nursing care institution that provides resident  
13 beds or residential units, supervisory care services, personal care services,  
14 directed care services or health-related services for persons who do not need  
15 continuous nursing services.

16           ~~37.~~ 38. "Residential unit" means a private apartment, unless otherwise  
17 requested by a resident, that includes a living and sleeping space, kitchen  
18 area, private bathroom and storage area.

19           ~~38.~~ 39. "Respite care services" means services that are provided by a  
20 licensed health care institution to persons otherwise cared for in foster  
21 homes and in private homes to provide an interval of rest or relief of not  
22 more than thirty days to operators of foster homes or to family members.

23           ~~39.~~ 40. "Substantial compliance" means that the nature or number of  
24 violations revealed by any type of inspection or investigation of a health  
25 care institution does not pose a direct risk to the life, health or safety of  
26 patients or residents.

27           ~~40.~~ 41. "Supervision" means direct overseeing and inspection of the  
28 act of accomplishing a function or activity.

29           ~~41.~~ 42. "Supervisory care services" means general supervision,  
30 including daily awareness of resident functioning and continuing needs, the  
31 ability to intervene in a crisis and assistance in the self-administration of  
32 prescribed medications.



1 LICENSING REQUIREMENTS OF THIS CHAPTER, THE DIRECTOR AND ANY DULY DESIGNATED  
2 EMPLOYEE OR AGENT OF THE DIRECTOR, INCLUDING COUNTY HEALTH REPRESENTATIVES  
3 AND COUNTY OR MUNICIPAL FIRE INSPECTORS, MAY ENTER ON AND INTO ANY AREA USED  
4 BY THE OUTDOOR BEHAVIORAL HEALTH CARE PROGRAM AT ANY REASONABLE TIME TO  
5 DETERMINE, CONSISTENT WITH STANDARD MEDICAL PRACTICES OR BEHAVIORAL HEALTH  
6 PRACTICES, COMPLIANCE WITH THIS CHAPTER, RULES ADOPTED PURSUANT TO THIS  
7 CHAPTER AND LOCAL FIRE ORDINANCES OR RULES.

8 E. AN APPLICATION FOR LICENSURE UNDER THIS CHAPTER CONSTITUTES  
9 PERMISSION FOR AND COMPLETE ACQUIESCENCE IN ANY ENTRY OR INSPECTION OF ANY  
10 AREA USED BY THE OUTDOOR BEHAVIORAL HEALTH CARE PROGRAM DURING THE PENDENCY  
11 OF THE APPLICATION AND, IF LICENSED, DURING THE TERM OF THE LICENSE.

12 F. IF AN INSPECTION REVEALS THAT THE OUTDOOR BEHAVIORAL HEALTH CARE  
13 PROGRAM IS NOT ADHERING TO THE LICENSING REQUIREMENTS PRESCRIBED PURSUANT TO  
14 THIS CHAPTER, THE DIRECTOR MAY TAKE ACTION AUTHORIZED BY THIS CHAPTER.

15 G. AN OUTDOOR BEHAVIORAL HEALTH CARE PROGRAM WHOSE LICENSE HAS BEEN  
16 SUSPENDED OR REVOKED PURSUANT TO THIS SECTION IS SUBJECT TO INSPECTION ON  
17 APPLICATION FOR RELICENSURE OR REINSTATEMENT OF LICENSE."

18 Amend title to conform

and, as so amended, it do pass

NANCY K. BARTO  
Chairman

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3/4/09  
H:jmb

hb2078nb  
02/27/2009  
12:48 PM  
C: jcs