

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 184
SENATE BILL 1039

AN ACT

AMENDING SECTION 36-402, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-402, Arizona Revised Statutes, is amended to
3 read:

4 36-402. Exemptions

5 A. This chapter and the rules adopted by the director pursuant to
6 this chapter do not authorize the licensure, supervision, regulation or
7 control of:

8 1. The remedial care or treatment of residents or patients in any
9 home or institution conducted only for those who rely solely on treatment
10 by prayer or spiritual means in accordance with the creed or tenets of any
11 well-recognized church or religious denomination.

12 2. Establishments, such as motels, hotels and boarding houses, that
13 provide domiciliary and ancillary commercial services, but do not provide
14 adaptive, medical, hospital, nursing, behavioral health, health-related or
15 supervisory care services.

16 3. Private offices and clinics of health care providers licensed
17 under title 32 that are not freestanding urgent care centers, unless:

18 (a) Patients are kept overnight as bed patients or treated
19 otherwise under general anesthesia, except when treatment by general
20 anesthesia is regulated by title 32, chapter 11.

21 (b) The office or clinic is an abortion clinic. For the purposes
22 of this subdivision, "abortion clinic" has the same meaning prescribed in
23 section 36-449.01.

24 (c) THE OFFICE OR CLINIC IS A PAIN MANAGEMENT CLINIC. FOR THE
25 PURPOSES OF THIS SUBDIVISION, "PAIN MANAGEMENT CLINIC" HAS THE SAME
26 MEANING PRESCRIBED IN SECTION 36-448.01.

27 4. Dispensaries and first aid stations located within business or
28 industrial establishments maintained solely for the use of employees if
29 the facility does not contain inpatient beds and is under the supervision
30 of a physician OR A REGISTERED NURSE PRACTITIONER.

31 5. The collection, processing or distribution of whole human blood,
32 blood components, plasma, blood fractions or derivatives procured,
33 processed or distributed by federally licensed and regulated blood banks.

34 6. Places where four or fewer adults not related to the
35 administrator or owner receive adult day health services for compensation
36 on a regular basis.

37 7. Places at which persons receive health-related services only
38 from relatives or from legal guardians or places that do not purport to be
39 establishments that regularly provide health-related services and at which
40 one or two persons receive health-related services on a twenty-four-hour
41 basis.

42 8. The Arizona pioneers' home. However, the department of health
43 services shall evaluate the health and sanitation conditions at the
44 Arizona pioneers' home annually using the standards applicable to licensed
45 nursing care institutions.

1 9. The personal residence of a terminally ill person, or the
2 personal residence of that person's relative or guardian, where that
3 person receives hospice services from a hospice service agency.

4 10. All medical and health-related facilities and services that are
5 provided to inmates who are confined in a state prison. The state
6 department of corrections shall annually evaluate the medical and
7 health-related facilities and services that are provided to inmates to
8 determine that the facilities and services meet the applicable standards
9 that are adopted by the director of the department of health services.
10 The state department of corrections shall report the results of its annual
11 evaluation and the actual findings, including a plan of correction for any
12 deficiencies, to the director of the department of health services. The
13 department of health services shall conduct validation surveys on a
14 percentage of the medical and health-related facilities, the number of
15 which shall be determined by the state department of corrections and the
16 department of health services. The director of the state department of
17 corrections shall maintain the annual evaluation reports. This paragraph
18 does not apply to licensed behavioral or mental health inpatient treatment
19 facilities that the state department of corrections operates.

20 11. A facility that provides medical and health services to inmates
21 who are confined in a county jail. The sheriff shall annually evaluate
22 the facility to determine if it meets the applicable standards that are
23 adopted by either a national corrections commission on health care or an
24 American correctional association, or the sheriff shall annually submit
25 the facility to a similar separate inspection by an outside agency with
26 medical standards. The sheriff must submit the certificate of
27 accreditation or proof of successful inspection to the department annually
28 and keep a copy of the certificate or proof of inspection.

29 12. Community education, advocacy or recovery support groups that
30 are not owned or operated by or contracted to provide services with a
31 health care institution.

32 B. A medical and health-related facility that provides medical and
33 health services exclusively to persons who are incarcerated, detained or
34 confined under court order or court jurisdiction is exempt from the
35 patient-per-room capacity requirements provided in rule if the facility:

36 1. Does not exceed its intended medical and custodial purposes.

37 2. Adopts policies and procedures to comply with the national
38 commission on correctional health care standards, or equivalent standards.

39 3. As soon as practicable, becomes accredited by the national
40 commission on correctional health care, or by an equivalent organization.

41 4. Once accreditation is obtained, submits a certificate of
42 accreditation to the department of health services annually.

43 5. Maintains a copy of the certificate of accreditation.

- 1 6. Maintains patient and custodial records, including on-site
- 2 current photographs and fingerprints, if permitted by applicable law.
- 3 7. Makes patient lists with inmate identifiers available to the
- 4 state department of corrections on reasonable request.
- 5 8. Provides timely notice of any major incident involving public
- 6 safety to the appropriate law enforcement agency and allows that agency
- 7 access to the facility for the purposes of law enforcement and
- 8 investigation.
- 9 C. Subsection B of this section does not apply to health care
- 10 institutions that exclusively provide behavioral health services.

APPROVED BY THE GOVERNOR MAY 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2019.