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

Section 1. Section 36-446, Arizona Revised Statutes, is amended to read:

36-446. Definitions
In this article, unless the context otherwise requires:
1. "Administrator" or "nursing care institution administrator" means a person who is charged with the general administration of a nursing care institution, whether or not that person has an ownership interest in the institution and whether or not the person's functions and duties are shared with others.
2. "Assisted living facility" has the same meaning prescribed in section 36-401.
3. "Assisted living facility manager" means a person who has responsibility for the administration or management of an assisted living facility, whether or not that person has an ownership interest in the institution and whether or not the person's functions and duties are shared with others.
4. "Assisted living facility training program" includes:
   (a) Training required for assisted living facility manager certification.
   (b) Training required by the department for assisted living facility caregivers and that is consistent with the training, competency and test methodology standards developed by the Arizona Health Care Cost Containment System Administration for in-home direct care workers.
5. "Board" means the board of examiners of nursing care institution administrators and assisted living facility managers.
6. "Department" means the department of health services.
7. "Directed care services" has the same meaning prescribed in section 36-401.
8. "Director" means the director of the department of health services.
9. "Nursing care institution":
   (a) Means an institution or other place, however named, whether for profit or not, including facilities operated by the state or a subdivision of the state, that is advertised, offered, maintained or operated for the express or implied purpose of providing care to persons who need nursing services on a continuing basis but who do not require hospital care or care under the daily direction of a physician. Nursing care institution also does not include
   (i) An institution for the care and treatment of the sick that is operated only for those who rely solely on treatment by prayer or spiritual means in accordance with the tenets of a recognized religious denomination. Nursing care institution also does not include
   (ii) Nursing care services that are an integral part of a hospital licensed pursuant to this chapter.
10. "Unprofessional conduct" includes:
   (a) Dishonesty, fraud, incompetency or gross negligence in the 
   performance of administrative duties.
   (b) Gross immorality or proselytizing religious views on patients
   without their consent.
   (c) Other abuses of official responsibilities, which may include
   intimidation or neglect of patients.

Sec. 2. Section 36-446.03, Arizona Revised Statutes, is amended to
read:
36-446.03. Powers and duties of the board; rules; fees
   A. The board may adopt, amend or repeal reasonable and necessary
   rules and standards for the administration of this article in compliance
   with title XIX of the social security act, as amended.
   B. The board by rule may adopt nonrefundable fees for the following:
      1. Initial application for certification as an assisted living
         facility manager.
      2. Examination for certification as an assisted living facility
         manager.
      3. Issuance of a certificate as an assisted living facility
         manager, prorated monthly.
      4. Biennial renewal of a certificate as an assisted living facility
         manager.
      5. Issuance of a temporary certificate as an assisted living
         facility manager.
      6. Readministering an examination for certification as an assisted
         living facility manager.
      7. Issuance of a duplicate certificate as an assisted living
         facility manager.
      8. Reviewing the sponsorship of continuing education programs, for
         each credit hour.
      9. Late renewal of an assisted living facility manager certificate.
     10. Reviewing an individual's request for continuing education
         credit hours, for each credit hour.
     11. Reviewing initial applications for assisted living facility
         training programs.
     12. Annual renewal of approved assisted living facility training
         programs.
   C. The board may elect officers it deems necessary.
   D. The board shall apply appropriate techniques, including
      examinations and investigations, to determine whether a person meets
      the qualifications prescribed in section 36-446.04.
   E. On its own motion or in response to any complaint against or
      report of a violation by an administrator of a nursing care institution,
      or a manager of an assisted living facility, the board may conduct
F. In connection with an investigation or administrative hearing, the board may administer oaths and affirmations, subpoena witnesses, take evidence and require by subpoena the production of documents, records or other information in any form concerning matters the board deems relevant to the investigation or hearing. If any subpoena issued by the board is disobeyed, the board may invoke the aid of any court in this state in requiring the attendance and testimony of witnesses and the production of evidence.

G. Subject to title 41, chapter 4, article 4, the board may employ persons to provide investigative, professional and clerical assistance as required to perform its powers and duties under this article. Compensation for board employees shall be as determined pursuant to section 38-611. The board may contract with other state or federal agencies as required to carry out this article.

H. The board may appoint review committees to make recommendations concerning enforcement matters and the administration of this article.

I. The board by rule may establish a program to monitor licensees and certificate holders who are chemically dependent and who enroll in rehabilitation programs that meet board requirements. The board may take disciplinary action if a licensee or a certificate holder refuses to enter into an agreement to enroll in and complete a board-approved rehabilitation program or fails to abide by that agreement.

J. The board shall adopt and use an official seal.

K. The board shall adopt rules for the examination and licensure of nursing care institution administrators and the examination and certification of assisted living facility managers.

L. The board shall adopt rules governing payment to a person for the direct or indirect solicitation or procurement of assisted living facility patronage.

M. The board must provide the senate and the house of representatives health committee chairmen with copies of all board minutes and executive decisions.

N. The board by rule shall limit by percentage the amount it may increase a fee above the amount of a fee previously prescribed by the board pursuant to this section.

O. The board by rule shall prescribe standards for assisted living facility training programs. ON OR BEFORE JUNE 1, 2020, THE BOARD SHALL PRESCRIBE RULES FOR ASSISTED LIVING FACILITY CAREGIVERS THAT ARE CONSISTENT WITH THE TRAINING, COMPETENCY AND TEST METHODOLOGY STANDARDS DEVELOPED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION FOR IN-HOME DIRECT CARE WORKERS.
P. The board may:

1. Grant, deny, suspend or revoke approval of, or place on probation, an assisted living facility training program.
2. Impose a civil penalty on an assisted living facility training program that violates this chapter or rules adopted pursuant to this chapter.

Sec. 3. Title 36, chapter 4, article 6, Arizona Revised Statutes, is amended by adding section 36-446.15, to read:

36-446.15. Assisted living facility caregivers; training and competency requirements

NOTWITHSTANDING ANY OTHER LAW, A PERSON WHO SUCCESSFULLY COMPLETES THE TRAINING AND COMPETENCY REQUIREMENTS DEVELOPED BY THE ARIZONA HEALTH CARE COSTContainment System Administration for in-home direct care workers satisfies the training requirements for assisted living facility caregivers, except for medication administration training required by the assisted living facility caregiver's scope of practice.