

REFERENCE TITLE: assisted living; caregivers; training

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1210

Introduced by
Senator Pace

AN ACT

AMENDING SECTION 36-446, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-446.16; RELATING TO ASSISTED LIVING FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 36-446. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administrator" or "nursing care institution administrator"
7 means a person who is charged with the general administration of a nursing
8 care institution, whether or not that person has an ownership interest in
9 the institution and whether or not the person's functions and duties are
10 shared with others.

11 2. "Assisted living facility" has the same meaning prescribed in
12 section 36-401.

13 3. "Assisted living facility manager" means a person who has
14 responsibility for administering or managing an assisted living facility,
15 whether or not that person has an ownership interest in the institution
16 and whether or not the person's functions and duties are shared with
17 others.

18 4. "Assisted living facility training program" includes:

19 (a) Training that is required for assisted living facility manager
20 certification.

21 (b) Training that is required for assisted living facility
22 caregivers and that is EITHER:

23 (i) Consistent with the training, competency and test methodology
24 standards developed by the Arizona health care cost containment system
25 administration for in-home direct care workers.

26 (ii) AS PRESCRIBED IN SECTION 36-446.16.

27 5. "Board" means the board of examiners of nursing care institution
28 administrators and assisted living facility managers.

29 6. "Department" means the department of health services.

30 7. "Directed care services" has the same meaning prescribed in
31 section 36-401.

32 8. "Director" means the director of the department of health
33 services.

34 9. "Nursing care institution":

35 (a) Means an institution or other place, however named, whether for
36 profit or not, including facilities operated by ~~the~~ THIS state or a
37 subdivision of ~~the~~ THIS state, that is advertised, offered, maintained or
38 operated for the express or implied purpose of providing care to persons
39 who need nursing services on a continuing basis but who do not require
40 hospital care or care under the daily direction of a physician.

41 (b) Does not include:

42 (i) An institution for the care and treatment of the sick that is
43 operated only for those who rely solely on treatment by prayer or
44 spiritual means in accordance with the tenets of a recognized religious
45 denomination.

1 (ii) Nursing care services that are an integral part of a hospital
2 licensed pursuant to this chapter.

3 10. "Unprofessional conduct" includes:

4 (a) Dishonesty, fraud, incompetency or gross negligence in
5 performing administrative duties.

6 (b) Gross immorality or proselytizing religious views on patients
7 without their consent.

8 (c) Other abuses of official responsibilities, which may include
9 intimidating or neglecting patients.

10 Sec. 2. Title 36, chapter 4, article 6, Arizona Revised Statutes,
11 is amended by adding section 36-446.16, to read:

12 36-446.16. Assisted living facility caregivers; training
13 requirements; board standards; definition

14 A. EXCEPT AS PROVIDED IN SECTION 36-446.15, AN INDIVIDUAL SHALL
15 SUCCESSFULLY COMPLETE EITHER OF THE FOLLOWING REQUIREMENTS FOR
16 CERTIFICATION AS AN ASSISTED LIVING FACILITY CAREGIVER:

17 1. BOTH OF THE FOLLOWING:

18 (a) SIXTY-TWO HOURS OF ON-THE-JOB TRAINING UNDER THE DIRECT
19 SUPERVISION OF ANY OF THE FOLLOWING HEALTH PROFESSIONALS:

20 (i) A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13
21 OR 17.

22 (ii) A REGISTERED NURSE PRACTITIONER, REGISTERED NURSE OR LICENSED
23 PRACTICAL NURSE WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

24 (iii) A PHARMACIST WHO IS LICENSED PURSUANT TO TITLE 32,
25 CHAPTER 18.

26 (iv) A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32,
27 CHAPTER 25.

28 (v) A CERTIFIED ASSISTED LIVING FACILITY MANAGER WITH AT LEAST FIVE
29 YEARS OF EXPERIENCE. ONLY THIRTY-ONE OF THE SIXTY-TWO HOURS OF ON-THE-JOB
30 TRAINING MAY BE UNDER THE DIRECT SUPERVISION OF A CERTIFIED ASSISTED
31 LIVING FACILITY MANAGER.

32 (b) PASS THE BOARD-REQUIRED EXAMINATION WITH A SCORE OF AT LEAST
33 SEVENTY-FIVE PERCENT.

34 2. THE BOARD'S REQUIRED CURRICULUM AND EXAMINATION FOR ASSISTED
35 LIVING FACILITY CAREGIVER CERTIFICATION.

36 B. THE BOARD SHALL PRESCRIBE STANDARDS BY RULE FOR THE ON-THE-JOB
37 TRAINING PRESCRIBED IN SUBSECTION A, PARAGRAPH 1, SUBDIVISION (a) OF THIS
38 SECTION.

39 C. FOR THE PURPOSES OF THIS SECTION, "DIRECT SUPERVISION" MEANS THE
40 ON-SITE, IN-VIEW OBSERVATION AND GUIDANCE OF A CAREGIVER WHO IS IN
41 TRAINING BY THE SUPERVISING HEALTH PROFESSIONAL.