

Senate Engrossed House Bill

~~technical correction; game; fish; facilities~~
~~(now: unemployment insurance study committee)~~
(now: outpatient facilities; discharge; standards)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 363

HOUSE BILL 2845

AN ACT

AMENDING SECTION 36-405, 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 36-405, Arizona Revised Statutes, is amended to
3 read:

4 36-405. Powers and duties of the director

5 A. The director shall adopt rules to establish minimum standards
6 and requirements for ~~the construction, modification~~ CONSTRUCTING,
7 MODIFYING and ~~licensure of~~ LICENSING health care institutions necessary to
8 ensure the public health, safety and welfare. The standards and
9 requirements shall relate to the construction, equipment, sanitation,
10 staffing for medical, nursing and personal care services, and
11 recordkeeping pertaining to ~~the administration of~~ ADMINISTERING medical,
12 nursing, behavioral health and personal care services, in accordance with
13 generally accepted practices of health care. THE STANDARDS SHALL REQUIRE
14 THAT A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17
15 MEDICALLY DISCHARGE PATIENTS FROM SURGERY AND SHALL ALLOW AN OUTPATIENT
16 SURGICAL CENTER TO REQUIRE THAT EITHER AN ANESTHESIA PROVIDER WHO IS
17 LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15 OR 17 OR A PHYSICIAN WHO IS
18 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 REMAIN PRESENT ON THE
19 PREMISES UNTIL ALL PATIENTS ARE DISCHARGED FROM THE RECOVERY ROOM. EXCEPT
20 AS OTHERWISE PROVIDED IN THIS SUBSECTION, the director shall use the
21 current standards adopted by the joint commission on accreditation of
22 hospitals and the commission on accreditation of the American osteopathic
23 association or those adopted by any recognized accreditation organization
24 approved by the department as guidelines in prescribing minimum standards
25 and requirements under this section.

26 B. The director, by rule, may:

27 1. Classify and subclassify health care institutions according to
28 character, size, range of services provided, medical or dental specialty
29 offered, duration of care and standard of patient care required for the
30 purposes of licensure. Classes of health care institutions may include
31 hospitals, infirmaries, outpatient treatment centers, health screening
32 services centers and residential care facilities. Whenever the director
33 reasonably deems distinctions in rules and standards to be appropriate
34 among different classes or subclasses of health care institutions, the
35 director may make such distinctions.

36 2. Prescribe standards for determining a health care institution's
37 substantial compliance with licensure requirements.

38 3. Prescribe the criteria for the licensure inspection process.

39 4. Prescribe standards for ~~the selection of~~ SELECTING health
40 care-related demonstration projects.

41 5. Establish nonrefundable application and licensing fees for
42 health care institutions, including a grace period and a fee for the late
43 payment of licensing fees, and fees for architectural plans and
44 specifications reviews.

1 6. Establish a process for the department to notify a licensee of
2 the licensee's licensing fee due date.

3 7. Establish a process for a licensee to request a different
4 licensing fee due date, including any limits on the number of requests by
5 the licensee.

6 C. The director, by rule, shall adopt licensing provisions that
7 facilitate the colocation and integration of outpatient treatment centers
8 that provide medical, nursing and health-related services with behavioral
9 health services consistent with article 3.1 of this chapter.

10 D. Ninety percent of the fees collected pursuant to this section
11 shall be deposited, pursuant to sections 35-146 and 35-147, in the health
12 services licensing fund established by section 36-414 and ten percent of
13 the fees collected pursuant to this section shall be deposited, pursuant
14 to sections 35-146 and 35-147, in the state general fund.

15 E. Subsection B, paragraph 5 of this section does not apply to a
16 health care institution operated by a state agency pursuant to state or
17 federal law or to adult foster care residential settings.

APPROVED BY THE GOVERNOR MAY 12, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2021.