

REFERENCE TITLE: outpatient facilities; standards; discharge requirements

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SB 1300**

Introduced by  
Senator Shope

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 ALLOW AN  
14 OUTPATIENT SURGICAL CENTER TO REQUIRE THAT EITHER AN ANESTHESIA PROVIDER  
15 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13, 15 OR 17 OR A PHYSICIAN  
16 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17 REMAIN PRESENT ON  
17 THE PREMISES UNTIL ALL PATIENTS ARE DISCHARGED FROM THE RECOVERY ROOM.  
18 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,** the director shall use  
19 the current standards adopted by the joint commission on accreditation of  
20 hospitals and the commission on accreditation of the American osteopathic  
21 association or those adopted by any recognized accreditation organization  
22 approved by the department as guidelines in prescribing minimum standards  
23 and requirements under this section.

24 B. The director, by rule, may:

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

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

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

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

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

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

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

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

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

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