



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.B. 1090

outpatient treatment centers; behavioral health

Purpose

Authorizes employees of certain licensed outpatient treatment centers to provide behavioral health services at private offices or clinics operated by exempt health care providers (exempt providers) under specified circumstances.

Background

Current statute permits outpatient treatment center licensees that provide medical, nursing and health-related services to colocate, and additionally permits colocation with licensees that provide behavioral health services and licensed counseling facilities. Colocating licensees are authorized to share common areas at the collaborating outpatient treatment center and nontreatment personnel as prescribed in an agreement ([A.R.S. § 36-439.01](#)).

Similarly, the governing authority of a licensed collaborating outpatient treatment center is authorized to share common areas and nontreatment personnel with one or more exempt providers. An exempt provider is allowed to use the treatment areas licensed under an outpatient treatment center if the provider's treatment areas and hours of operation are clearly identified by signage to the public and notice to the Department of Health Services (DHS).

A collaborating outpatient treatment center is a licensed outpatient treatment center that has a written agreement with one or more outpatient treatment centers, exempt providers or licensed counseling facilities that requires the collaborating outpatient treatment center to be liable and responsible, in accordance with written policies, for all common areas that are used by colocators. A *colocator* is an exempt provider, a governing authority operating as an outpatient treatment center or a licensed counseling facility that is authorized to share common areas and nontreatment personnel with another colocator. Further, an exempt provider is a health professional who holds an active license and whose private office or clinic is exempt from DHS licensure, with certain exceptions ([A.R.S. §§ 36-402](#) and [36-439](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Permits an employee of a licensed outpatient treatment center that provides behavioral health services to provide such services at a private office or clinic operated by an exempt provider if:
 - a) the services are provided to a patient of the exempt provider or licensed outpatient treatment center; and

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- b) the licensed outpatient treatment center and the exempt provider have a written agreement that specifies:
 - i. the services to be provided;
 - ii. responsibility for billing for provided services;
 - iii. liability for the actions of the licensed outpatient treatment center's employee; and
 - iv. responsibility for maintenance, access and confidentiality of medical records.
- 2. Requires the licensed outpatient treatment center to report to DHS any unexpected death or injury of a patient under the care of an employee that occurs on the premises of the exempt provider and whether the injury required medical attention.
- 3. Permits DHS to further report a reported incident to the appropriate health profession licensing board.
- 4. Allows unlicensed employees of licensed outpatient treatment centers to provide services at the exempt provider's private office or clinic only when a licensed health care professional employed by the treatment center is on-site.
- 5. Becomes effective on the general effective date.

Prepared by Senate Research

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