

REFERENCE TITLE: sober living; residential care; regulation

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1624

Introduced by
Senators Hatathlie: Bennett, Gonzales, Hernandez, Miranda, Rogers, Shamp

AN ACT

AMENDING SECTIONS 36-405, 36-413, 36-414, 36-422, 36-422.01, 36-424 AND 36-425, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-425.10 AND 36-425.11; AMENDING SECTIONS 36-431.01 AND 36-431.02, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-431.03 AND 36-431.04; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2062.01 AND 36-2062.02; AMENDING SECTIONS 36-2063 AND 36-2066, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2068, 36-2069 AND 36-2070; AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO RESIDENTIAL CARE.

(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 constructing, modifying and licensing health care
7 institutions necessary to ensure the public health, safety and welfare.
8 The standards and requirements shall relate to the construction,
9 equipment, sanitation, staffing for medical, nursing and personal care
10 services, and recordkeeping pertaining to administering medical, nursing,
11 behavioral health and personal care services, in accordance with generally
12 accepted practices of health care. The standards shall require that a
13 physician who is licensed pursuant to title 32, chapter 13 or 17 medically
14 discharge patients from surgery and shall allow an outpatient surgical
15 center to require that either an anesthesia provider who is licensed
16 pursuant to title 32, chapter 13, 15 or 17 or a physician who is licensed
17 pursuant to title 32, chapter 13 or 17 remain present on the premises
18 until all patients are discharged from the recovery room. Except as
19 otherwise provided in this subsection, the director shall use the current
20 standards adopted by the joint commission on accreditation of hospitals
21 and the commission on accreditation of the American osteopathic
22 association or those adopted by any recognized accreditation organization
23 approved by the department as guidelines in prescribing minimum standards
24 and requirements under this section.

25 B. The director, by rule, may:

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

35 2. Prescribe standards for determining a health care institution's
36 ~~substantia~~ compliance with licensure requirements.

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

38 4. Prescribe standards for selecting health care-related
39 demonstration projects.

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

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 7. ESTABLISH AN ADDITIONAL MONITORING FEE FOR HEALTH CARE
5 INSTITUTIONS THAT ARE NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
6 CHAPTER AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

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

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

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

19 Sec. 2. Section 36-413, Arizona Revised Statutes, is amended to
20 read:

21 36-413. Nutrition and feeding assistants; training programs;
22 regulation; civil penalty; definition

23 A. The department may adopt rules to prescribe minimum standards
24 for training programs for nutrition and feeding assistants in licensed
25 skilled nursing facilities, including instructor qualifications, and may
26 grant, deny, suspend and revoke approval of any training program that
27 violates these standards. These standards must include:

- 28 1. Screening requirements.
- 29 2. Initial qualifications.
- 30 3. Continuing education requirements.
- 31 4. Testing requirements to ~~assure~~ ENSURE competency.
- 32 5. Supervision requirements.
- 33 6. Requirements for additional training based on patient needs.
- 34 7. Maintenance of records.
- 35 8. Special feeding requirements based on level of care.

36 B. Pursuant to section 36-431.01, the department ~~may~~ SHALL impose a
37 civil penalty on a training program that violates standards adopted by the
38 department.

39 C. If the department adopts standards for training programs
40 pursuant to subsection A of this section, the department, as part of its
41 routine inspection of a health care facility that provides a training
42 program, shall determine the facility's compliance with these standards.

43 D. For the purposes of this section, "nutrition and feeding
44 assistant" has the same meaning as paid feeding assistant as defined in 42
45 Code of Federal Regulations part 483 and section 488.301.

1 Sec. 3. Section 36-414, Arizona Revised Statutes, is amended to
2 read:

3 36-414. Health services licensing fund; exemption

4 A. The health services licensing fund is established consisting of
5 monies deposited pursuant to sections 30-654, 32-1308, 32-2805, 36-405,
6 36-431.01, 36-765.05, 36-766.06, 36-851.01, 36-882, 36-897.01, ~~and~~ 36-1903
7 AND 36-2063. The department of health services shall administer the fund.

8 B. Monies in the fund are subject to legislative appropriation.

9 C. Monies in the fund are exempt from the provisions of section
10 35-190 relating to lapsing of appropriations.

11 Sec. 4. Section 36-422, Arizona Revised Statutes, is amended to
12 read:

13 36-422. Application for license; notification of proposed
14 change in status; joint licenses; definitions

15 A. A person who wishes to apply for a license to operate a health
16 care institution pursuant to this chapter shall submit to the department
17 all of the following:

18 1. An application on a written or electronic form that is
19 prescribed, prepared and furnished by the department and that contains all
20 of the following:

21 (a) The name and location of the health care institution.

22 (b) Whether the health care institution is to be operated as a
23 proprietary or nonproprietary institution.

24 (c) The name of the governing authority. The applicant shall be
25 the governing authority having the operative ownership of, or the
26 governmental agency charged with the administration of, the health care
27 institution sought to be licensed. If the applicant is a partnership that
28 is not a limited partnership, the partners shall apply jointly, and the
29 partners are jointly the governing authority for purposes of this article.

30 (d) The name and business or residential address of each
31 controlling person and an affirmation that none of the controlling persons
32 has been denied a license or certificate by a health profession regulatory
33 board pursuant to title 32 or by a state agency pursuant to chapter 6,
34 article 7 or chapter 17 of this title or a license to operate a health
35 care institution in this state or another state or has had a license or
36 certificate issued by a health profession regulatory board pursuant to
37 title 32 or issued by a state agency pursuant to chapter 6, article 7 or
38 chapter 17 of this title or a license to operate a health care institution
39 revoked. If a controlling person has been denied a license or certificate
40 by a health profession regulatory board pursuant to title 32 or by a state
41 agency pursuant to chapter 6, article 7 or chapter 17 of this title or a
42 license to operate a health care institution in this state or another
43 state or has had a health care professional license or a license to
44 operate a health care institution revoked, the controlling person shall

1 include in the application a comprehensive description of the
2 circumstances for the denial or the revocation.

3 (e) The class or subclass of health care institution to be
4 established or operated.

5 (f) The types and extent of the health care services to be
6 provided, including emergency services, community health services and
7 services to indigent patients.

8 (g) The name and qualifications of the chief administrative officer
9 implementing direction in that specific health care institution.

10 (h) Other pertinent information required by the department for the
11 proper administration of this chapter and department rules.

12 2. The attestation required by section 36-421, subsection A.

13 3. The applicable application fee.

14 B. An application submitted pursuant to this section shall contain
15 the written or electronic signature of:

16 1. If the applicant is an individual, the owner of the health care
17 institution.

18 2. If the applicant is a partnership, limited liability company or
19 corporation, two of the officers of the corporation or managing members of
20 the partnership or limited liability company or the sole member of the
21 limited liability company if it has only one member.

22 3. If the applicant is a governmental unit, the head of the
23 governmental unit.

24 C. An application for licensure shall be submitted at least sixty
25 but not more than one hundred twenty days before the anticipated date of
26 operation. An application for a ~~substantiated~~ compliance survey submitted
27 pursuant to section 36-425, subsection G shall be submitted at least
28 thirty days before the date on which the ~~substantiated~~ compliance survey is
29 requested.

30 D. If a current licensee intends to terminate the operation of a
31 licensed health care institution or if a change of ownership is planned,
32 the current licensee shall notify the director in writing at least thirty
33 days before the termination of operation or change in ownership is to take
34 place. The current licensee is responsible for preventing any
35 interruption of services required to sustain the life, health and safety
36 of the patients or residents. A new owner shall not begin operating the
37 health care institution until the director issues a license to the new
38 owner.

39 E. A licensed health care institution for which operations have not
40 been terminated for more than thirty days may be relicensed pursuant to
41 the codes and standards for architectural plans and specifications that
42 were applicable under its most recent license.

43 F. If a person operates a hospital in a county with a population of
44 more than five hundred thousand persons in a setting that includes
45 satellite facilities of the hospital that are located separately from the

1 main hospital building, the department at the request of the applicant or
2 licensee shall issue a single group license to the hospital and its
3 designated satellite facilities located within one-half mile of the main
4 hospital building if all of the facilities meet or exceed department
5 licensure requirements for the designated facilities. At the request of
6 the applicant or licensee, the department shall also issue a single group
7 license that includes the hospital and its designated satellite facilities
8 that are located farther than one-half mile from the main hospital
9 building if all of these facilities meet or exceed applicable department
10 licensure requirements. Each facility included under a single group
11 license is subject to the department's licensure requirements that are
12 applicable to that category of facility. Subject to compliance with
13 applicable licensure or accreditation requirements, the department shall
14 reissue individual licenses for the facility of a hospital located in
15 separate buildings from the main hospital building when requested by the
16 hospital. This subsection does not apply to nursing care institutions and
17 residential care institutions. The department is not limited in
18 conducting inspections of an accredited health care institution to ensure
19 that the institution meets department licensure requirements. If a person
20 operates a hospital in a county with a population of five hundred thousand
21 persons or less in a setting that includes satellite facilities of the
22 hospital that are located separately from the main hospital building, the
23 department at the request of the applicant or licensee shall issue a
24 single group license to the hospital and its designated satellite
25 facilities located within thirty-five miles of the main hospital building
26 if all of the facilities meet or exceed department licensure requirements
27 for the designated facilities. At the request of the applicant or
28 licensee, the department shall also issue a single group license that
29 includes the hospital and its designated satellite facilities that are
30 located farther than thirty-five miles from the main hospital building if
31 all of these facilities meet or exceed applicable department licensure
32 requirements.

33 G. If a county with a population of more than one million persons
34 or a special health care district in a county with a population of more
35 than one million persons operates an accredited hospital that includes the
36 hospital's accredited facilities that are located separately from the main
37 hospital building and the accrediting body's standards as applied to all
38 facilities meet or exceed the department's licensure requirements, the
39 department shall issue a single license to the hospital and its facilities
40 if requested to do so by the hospital. If a hospital complies with
41 applicable licensure or accreditation requirements, the department shall
42 reissue individual licenses for each hospital facility that is located in
43 a separate building from the main hospital building if requested to do so
44 by the hospital. This subsection does not limit the department's duty to
45 inspect a health care institution to determine its compliance with

1 department licensure standards. This subsection does not apply to nursing
2 care institutions and residential care institutions.

3 H. An applicant or licensee must notify the department within
4 thirty days after any change regarding a controlling person and provide
5 the information and affirmation required pursuant to subsection A,
6 paragraph 1, subdivision (d) of this section.

7 I. A behavioral health residential facility that provides services
8 to children must notify the department within thirty days after the
9 facility begins contracting exclusively with the federal government,
10 receives only federal monies and does not contract with this state.

11 J. This section does not limit the application of federal laws and
12 regulations to an applicant or licensee that is certified as a medicare or
13 an Arizona health care cost containment system provider under federal law.

14 K. Except for an outpatient treatment center that provides dialysis
15 services or abortion procedures or that is exempt from licensure pursuant
16 to section 36-402, subsection A, paragraph 12, a person wishing to begin
17 operating an outpatient treatment center before a licensing inspection is
18 completed shall submit all of the following:

- 19 1. The license application required pursuant to this section.
- 20 2. All applicable application and license fees.
- 21 3. A written request for a temporary license that includes:
22 (a) The anticipated date of operation.

23 (b) An attestation signed by the applicant that the applicant and
24 the facility comply with and will continue to comply with the applicable
25 licensing statutes and rules.

26 L. Within seven days after the department's receipt of the items
27 required in subsection K of this section, but not before the anticipated
28 operation date submitted pursuant to subsection C of this section, the
29 department shall issue a temporary license that includes:

- 30 1. The name of the facility.
- 31 2. The name of the licensee.
- 32 3. The facility's class or subclass.
- 33 4. The temporary license's effective date.
- 34 5. The location of the licensed premises.

35 M. A facility may begin operating on the effective date of the
36 temporary license.

37 N. The director may cease the issuance of temporary licenses at any
38 time if the director believes that public health and safety is endangered.

39 O. An outpatient treatment center that is exempt from licensure
40 pursuant to section 36-402, subsection A, paragraph 12 is subject to
41 reasonable inspection by the department if the director has reasonable
42 cause to believe that patient harm is or may be occurring at that
43 outpatient treatment center. A substantiated complaint that harm is
44 occurring at an exempt outpatient treatment center is a violation of this

1 chapter against the license of the hospital listed in the notice required
2 by section 36-402, subsection A, paragraph 12.

3 P. Each hospital that is licensed pursuant to this chapter shall
4 provide to and maintain with the department a current list of exempt
5 outpatient treatment centers that have the same direct owner or indirect
6 owner as the hospital.

7 Q. For the purposes of this section:

8 1. "Accredited" means accredited by a nationally recognized
9 accreditation organization.

10 2. "Satellite facility" means an outpatient facility at which the
11 hospital provides outpatient medical services.

12 Sec. 5. Section 36-422.01, Arizona Revised Statutes, is amended to
13 read:

14 36-422.01. Health care institutions; termination of
15 operation; medical records; civil penalties;
16 definition

17 A. In addition to the requirements prescribed in section 36-422,
18 subsection D, if a current licensee intends to terminate the operation of
19 a licensed health care institution, the current licensee shall do one of
20 the following before the health care institution ceases operation:

21 1. Provide each patient of the health care institution with the
22 patient's medical records.

23 2. Transfer the health care institution's medical records to a
24 third-party entity to ensure patient access to the medical records.

25 B. If a patient or a patient's health care decision maker requests
26 access to or copies of the patient's medical records, the health care
27 institution or third-party entity in possession of the medical records
28 shall provide access to or copies of the medical records to the patient or
29 the patient's health care decision maker in accordance with title 12,
30 chapter 13, article 7.1.

31 C. A licensee that fails to comply with subsection A of this
32 section is subject to a civil penalty of not more than \$10,000. The
33 director may use a licensee's failure to comply with subsection A of this
34 section as grounds to deny a subsequent license pursuant to section
35 36-425, subsection ~~K~~ L.

36 D. For the purposes of this section, "medical record" has the same
37 meaning prescribed in section 36-2201.

38 Sec. 6. Section 36-424, Arizona Revised Statutes, is amended to
39 read:

40 36-424. Inspections; suspension or revocation of license;
41 report to board of examiners of nursing care
42 institution administrators and assisted living
43 facility managers

44 A. Except as provided in subsection B of this section, the director
45 shall inspect the premises of the health care institution and investigate

1 the character and other qualifications of the applicant to ascertain
2 whether the applicant and the health care institution are in ~~substantial~~
3 compliance with the requirements of this chapter and the rules established
4 pursuant to this chapter. The director may prescribe rules regarding
5 department background investigations into an applicant's character and
6 qualifications.

7 B. The director may accept proof that a health care institution is
8 an accredited hospital or is an accredited health care institution in lieu
9 of all compliance inspections required by this chapter if the director
10 receives a copy of the health care institution's accreditation report for
11 the licensure period and the health care institution is accredited by an
12 independent, nonprofit accrediting organization approved by the secretary
13 of the United States department of health and human services. If the
14 health care institution's accreditation report is not valid for the entire
15 licensure period, the department may conduct a compliance inspection of
16 the health care institution during the time period the department does not
17 have a valid accreditation report for the health care institution. For
18 the purposes of this subsection, each licensed premises of a health care
19 institution must have its own accreditation report. The director may not
20 accept an accreditation report in lieu of a compliance inspection of:

21 1. An intermediate care facility for individuals with intellectual
22 disabilities.

23 2. A nursing-supported group home.

24 3. A health care institution if the health care institution has
25 been subject to an enforcement action pursuant to section 36-427 or
26 36-431.01 ~~OR TO A CRIMINAL PENALTY PURSUANT TO TITLE 13~~ within the ~~year~~
27 preceding ~~the annual licensing fee anniversary date~~ FIVE YEARS.

28 4. A RESIDENTIAL CARE INSTITUTION.

29 C. On a determination by the director that there is reasonable
30 cause to believe a health care institution is not adhering to the
31 licensing requirements of this chapter, the director and any duly
32 designated employee or agent of the director, including county health
33 representatives and county or municipal fire inspectors, consistent with
34 standard medical practices, may enter on and into the premises of any
35 health care institution that is licensed or required to be licensed
36 pursuant to this chapter at any reasonable time for the purpose of
37 determining the state of compliance with this chapter, the rules adopted
38 pursuant to this chapter and local fire ordinances or rules. Any
39 application for licensure under this chapter constitutes permission for
40 and complete acquiescence in any entry or inspection of the premises
41 during the pendency of the application and, if licensed, during the term
42 of the license. If an inspection reveals that the health care institution
43 is not adhering to the licensing requirements established pursuant to this
44 chapter, the director may take action authorized by this chapter. Any
45 health care institution, including an accredited hospital, whose license

1 has been suspended or revoked in accordance with this section is subject
2 to inspection on application for relicensure or reinstatement of license.

3 D. The director shall immediately report to the board of examiners
4 of nursing care institution administrators and assisted living facility
5 managers information identifying that a nursing care institution
6 administrator's conduct may be grounds for disciplinary action pursuant to
7 section 36-446.07.

8 Sec. 7. Section 36-425, Arizona Revised Statutes, is amended to
9 read:

10 36-425. Inspections; issuance of license; posting
11 requirements; provisional license; violation;
12 classification; civil penalty; denial of license

13 A. On receipt of a properly completed application for a health care
14 institution license, the director shall conduct an inspection of the
15 health care institution as prescribed by this chapter. If an application
16 for a license is submitted due to a planned change of ownership, the
17 director shall determine the need for an inspection of the health care
18 institution. Based on the results of the inspection and after the
19 submission of the applicable licensing fee, the director shall either deny
20 the license or issue a regular or provisional license. A license issued
21 by the department shall be posted in a conspicuous location in the
22 reception area of that HEALTH CARE institution.

23 B. The director shall issue a license if the director determines
24 that an applicant and the health care institution for which the license is
25 sought ~~substantially comply~~ COMPLIES with the requirements of this chapter
26 and rules adopted pursuant to this chapter ~~and the applicant agrees to~~
27 ~~carry out a plan acceptable to the director to eliminate any deficiencies.~~
28 The director shall not require a health care institution that was
29 designated as a critical access hospital to make any modifications
30 required by this chapter or rules adopted pursuant to this chapter in
31 order to obtain an amended license with the same licensed capacity the
32 health care institution had before it was designated as a critical access
33 hospital if all of the following are true:

34 1. The health care institution has subsequently terminated its
35 critical access hospital designation.

36 2. The licensed capacity of the health care institution does not
37 exceed its licensed capacity before its designation as a critical access
38 hospital.

39 3. The health care institution remains in compliance with the
40 applicable codes and standards that were in effect at the time the
41 facility was originally licensed with the higher licensed capacity.

42 C. A health care institution license does not expire and remains
43 valid unless:

44 1. The department subsequently revokes or suspends the license.

1 2. The license is considered void because the licensee did not pay
2 the licensing fee, ANY CIVIL PENALTIES OR THE PROVIDER AGREEMENT FEES
3 ASSESSED before the licensing fee due date.

4 D. Except as provided in section 36-424, subsection B and
5 subsection E of this section, the department shall conduct a compliance
6 inspection of a health care institution to determine compliance with this
7 chapter and rules adopted pursuant to this chapter at least once annually.

8 E. If the department determines a facility to be deficiency free on
9 a compliance survey, the department shall not conduct a compliance survey
10 of that facility for twenty-four months after the date of the deficiency
11 free survey. This subsection does not:

12 1. Prohibit the department from enforcing licensing requirements as
13 authorized by section 36-424.

14 2. APPLY TO RESIDENTIAL CARE INSTITUTIONS.

15 F. A hospital licensed as a rural general hospital may provide
16 intensive care services.

17 G. The director shall issue a provisional license for a period of
18 not more than one year if an inspection or investigation of a currently
19 licensed health care institution ~~or a health care institution for which an~~
20 ~~applicant is seeking a license~~ reveals that the HEALTH CARE institution is
21 not in ~~substantial~~ compliance with department licensure requirements and
22 the director believes that the immediate interests of the patients and the
23 general public are best served if the HEALTH CARE institution is given an
24 opportunity to correct deficiencies. The ~~applicant or~~ licensee shall
25 agree to carry out a CORRECTIVE ACTION plan to eliminate deficiencies that
26 is acceptable to the director. The director shall not issue consecutive
27 provisional licenses to a single health care institution. The director
28 shall not issue a license to the current licensee or a successor applicant
29 before the expiration of the provisional license unless the health care
30 institution submits an application for a ~~substantial~~ compliance survey and
31 is found to be in ~~substantial~~ compliance. The director may issue a
32 license only if the director determines that the HEALTH CARE institution
33 is in ~~substantial~~ compliance with the licensure requirements of the
34 department and this chapter. This subsection does not prevent the
35 director from taking action to protect the safety of patients pursuant to
36 section 36-427.

37 H. A RESIDENTIAL CARE INSTITUTION THAT OPERATES IN THIS STATE
38 WITHOUT A LICENSE IN VIOLATION OF THIS CHAPTER IS GUILTY OF A CLASS 6
39 FELONY AND THE DIRECTOR SHALL ASSESS A CIVIL PENALTY OF AT LEAST \$5,000
40 AND NOT MORE THAN \$10,000 FOR EACH VIOLATION. EACH DAY THE RESIDENTIAL
41 CARE INSTITUTION OPERATES WITHOUT A LICENSE IS A SEPARATE VIOLATION.

42 ~~H.~~ I. Subject to the confidentiality requirements of articles 4
43 and 5 of this chapter, title 12, chapter 13, article 7.1 and section
44 12-2235, the licensee shall keep current department inspection reports at
45 the health care institution. Unless federal law requires otherwise, the

1 licensee shall post in a conspicuous location a notice that identifies the
2 location at that HEALTH CARE institution where the inspection reports are
3 available for review.

4 ~~I.~~ J. A health care institution shall immediately notify the
5 department in writing when there is a change of the chief administrative
6 officer specified in section 36-422, subsection A, paragraph 1,
7 subdivision (g).

8 ~~J.~~ K. When the department issues an original license or an
9 original provisional license to a health care institution, it shall notify
10 the owners and lessees of any agricultural land within one-fourth mile of
11 the health care institution. The health care institution shall provide
12 the department with the names and addresses of owners or lessees of
13 agricultural land within one-fourth mile of the proposed health care
14 institution.

15 ~~K.~~ L. In addition to the grounds for denial of licensure
16 prescribed pursuant to subsection A of this section, the director ~~may~~
17 SHALL deny a license because an applicant or anyone in a business
18 relationship with the applicant, including stockholders and controlling
19 persons, has had a license to operate a health care institution denied,
20 revoked or suspended or a license or certificate issued by a health
21 profession regulatory board pursuant to title 32 or issued by a state
22 agency pursuant to chapter 6, article 7 or chapter 17 of this title
23 denied, revoked or suspended or has a licensing history of recent serious
24 violations occurring in this state or in another state that posed a direct
25 risk to the life, health or safety of patients or residents.

26 ~~L.~~ M. In addition to the requirements of this chapter, the
27 director may prescribe by rule other licensure requirements.

28 Sec. 8. Title 36, chapter 4, article 2, Arizona Revised Statutes,
29 is amended by adding sections 36-425.10 and 36-425.11, to read:

30 36-425.10. Behavioral health residential facilities;
31 admittance; notification of family; conditions
32 for transportation

33 A. WHEN A RESIDENT IS ADMITTED FOR INITIAL EVALUATION, A BEHAVIORAL
34 HEALTH RESIDENTIAL FACILITY SHALL NOTIFY THE RESIDENT'S FAMILY OR NEXT OF
35 KIN WITHIN SEVENTY-TWO HOURS AFTER THE INITIAL EVALUATION. THE
36 NOTIFICATION SHALL BE DOCUMENTED IN THE RESIDENT'S MEDICAL RECORD.

37 B. A BEHAVIORAL HEALTH RESIDENTIAL FACILITY MAY NOT COORDINATE,
38 FACILITATE, ARRANGE FOR OR SOLICIT TRANSPORTATION OF A PERSON TO THE
39 BEHAVIORAL HEALTH RESIDENTIAL FACILITY IF THE PERSON IS INTOXICATED OR
40 UNDER THE INFLUENCE OF ALCOHOL OR OTHER SUBSTANCES, UNLESS THE PERSON IS
41 REFERRED BY AN APPROVED PROVIDER OF A TRIBAL HEALTH CARE PROGRAM OR A
42 REGIONAL BEHAVIORAL HEALTH AUTHORITY OR IS COURT-ORDERED.

1 D. Pursuant to interagency agreement specified in section 36-409,
2 the director ~~may~~ SHALL assess a civil penalty, including interest, in
3 accordance with 42 United States Code section 1396r. A person may appeal
4 this assessment by requesting a hearing before the director in accordance
5 with subsection B of this section. Civil penalty amounts may be
6 established by rules adopted by the director that conform to guidelines or
7 regulations adopted by the secretary of the United States department of
8 health and human services pursuant to 42 United States Code section 1396r.

9 E. Actions to enforce the collection of penalties assessed pursuant
10 to subsections A and D of this section shall be brought by the attorney
11 general or the county attorney in the name of the state in the justice
12 court or the superior court in the county in which the violation occurred.

13 F. Penalties assessed under subsection D of this section are in
14 addition to and not in limitation of other penalties imposed pursuant to
15 this chapter. All civil penalties and interest assessed pursuant to
16 subsection D of this section shall be deposited, PURSUANT TO SECTIONS
17 35-146 AND 35-147, in the nursing care institution resident protection
18 revolving fund established by section 36-431.02. The director shall use
19 these monies for the purposes prescribed by 42 United States Code section
20 1396r, including payment for the costs of relocation of residents to other
21 facilities, maintenance of operation of a facility pending correction of
22 the deficiencies or closure and reimbursement of residents for personal
23 monies lost.

24 G. The department shall ~~transmit~~ DEPOSIT penalties assessed under
25 subsection A of this section ~~to~~ IN the ~~state general fund~~ FOLLOWING FUNDS
26 AS FOLLOWS:

27 1. EIGHTY PERCENT IN THE INDIGENOUS PEOPLES PROTECTION REVOLVING
28 FUND ESTABLISHED BY SECTION 36-431.03.

29 2. FIVE PERCENT IN THE HEALTH SERVICES LICENSING FUND ESTABLISHED
30 BY SECTION 36-414. THE DEPARTMENT SHALL USE THE MONIES DEPOSITED IN THE
31 HEALTH SERVICES LICENSING FUND PURSUANT TO THIS PARAGRAPH FOR INSPECTIONS
32 AND ENFORCEMENT RELATING TO RESIDENTIAL CARE INSTITUTIONS.

33 3. FIFTEEN PERCENT IN THE NURSING CARE INSTITUTION RESIDENT
34 PROTECTION REVOLVING FUND ESTABLISHED BY SECTION 36-431.02.

35 Sec. 10. Section 36-431.02, Arizona Revised Statutes, is amended to
36 read:

37 36-431.02. Nursing care institution resident protection
38 revolving fund; use; nonreversion

39 A. The nursing care institution resident protection revolving fund
40 is established. The fund consists of monies received from civil penalties
41 collected by the director pursuant to section 36-431.01, ~~subsection D~~.

42 B. The director shall use monies in the fund for the purposes
43 prescribed in section 36-431.01, subsection F, subject to legislative
44 appropriation.

1 C. Monies in the fund are exempt from the provisions of section
2 35-190 relating to the lapsing of appropriations.

3 Sec. 11. Title 36, chapter 4, article 2, Arizona Revised Statutes,
4 is amended by adding sections 36-431.03 and 36-431.04, to read:

5 36-431.03. Indigenous peoples protection revolving fund

6 A. THE INDIGENOUS PEOPLES PROTECTION REVOLVING FUND IS ESTABLISHED
7 TO SUPPORT RESILIENCY AND HEALING OF INDIGENOUS PEOPLES IN THIS STATE.
8 THE FUND CONSISTS OF MONIES DEPOSITED PURSUANT TO SECTION 36-431.01.
9 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE
10 PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS.
11 THE DIRECTOR SHALL ADMINISTER THE FUND.

12 B. THE MONIES IN THE FUND SHALL BE USED ANNUALLY AS FOLLOWS:

13 1. FORTY PERCENT SHALL BE TRANSFERRED TO TRIBAL COLLEGES IN THIS
14 STATE FOR PROGRAMMING IN SOCIAL WORK AND BEHAVIORAL HEALTH.

15 2. TWENTY PERCENT SHALL PROVIDE RESTITUTION PAYMENTS FOR FAMILIES
16 OF DECEASED VICTIMS OF THIS STATE'S BEHAVIORAL HEALTH SYSTEM AND SOBER
17 LIVING HOMES. EACH FAMILY OF A DECEASED VICTIM SHALL RECEIVE A MINIMUM OF
18 \$3,000 AND THE REPATRIATION OF THE VICTIM'S HUMAN REMAINS AND EXPENSES.

19 3. FORTY PERCENT SHALL BE DISTRIBUTED TO TRIBAL COMMUNITIES FOR
20 BEHAVIORAL HEALTH TREATMENT SERVICES AND PROGRAMS OR RESIDENTIAL HOMES,
21 INCLUDING BEHAVIORAL HEALTH RESIDENTIAL FACILITIES, SOBER LIVING HOMES AND
22 TRANSITIONAL HOMES.

23 36-431.04. Legal action or sale; effect on licensure

24 A. THE DEPARTMENT SHALL NOT APPROVE AN APPLICATION FOR LICENSURE OF
25 A CURRENTLY LICENSED HEALTH CARE INSTITUTION WHILE ANY ENFORCEMENT OR
26 COURT ACTION RELATED TO HEALTH CARE INSTITUTION LICENSURE IS PENDING
27 AGAINST THAT HEALTH CARE INSTITUTION'S CURRENT LICENSEE.

28 B. THE DIRECTOR SHALL CONTINUE TO PURSUE ANY COURT, ADMINISTRATIVE
29 OR ENFORCEMENT ACTION AGAINST THE LICENSEE EVEN THOUGH THE HEALTH CARE
30 INSTITUTION IS IN THE PROCESS OF BEING SOLD OR TRANSFERRED TO A NEW OWNER.

31 C. THE DEPARTMENT SHALL NOT APPROVE A CHANGE IN OWNERSHIP UNLESS
32 THE DEPARTMENT DETERMINES THAT THERE HAS BEEN A TRANSFER OF ALL LEGAL AND
33 EQUITABLE INTERESTS, CONTROL AND AUTHORITY IN THE HEALTH CARE INSTITUTION
34 SO THAT PERSONS OTHER THAN THE TRANSFERRING LICENSEE, THAT LICENSEE'S
35 AGENT OR OTHER PARTIES EXERCISING AUTHORITY OR SUPERVISION OVER THE HEALTH
36 CARE INSTITUTION'S DAILY OPERATIONS OR STAFF ARE RESPONSIBLE FOR AND HAVE
37 CONTROL OVER THE HEALTH CARE INSTITUTION.

38 Sec. 12. Title 36, chapter 18, article 4, Arizona Revised Statutes,
39 is amended by adding sections 36-2062.01 and 36-2062.02, to read:

40 36-2062.01. Fingerprinting requirements

41 AS A CONDITION OF LICENSURE OR CONTINUED LICENSURE OF A SOBER LIVING
42 HOME AND AS A CONDITION OF EMPLOYMENT IN A SOBER LIVING HOME, EMPLOYEES
43 AND OWNERS OF SOBER LIVING HOMES, CONTRACTED PERSONS OF SOBER LIVING HOMES
44 AND VOLUNTEERS OF SOBER LIVING HOMES SHALL BOTH:

1 not adhering to the licensing requirements established pursuant to this
2 article, the director ~~may~~ SHALL take action authorized by this article.

3 C. Any sober living home whose license has been suspended ~~or~~
4 ~~revoked~~ in accordance with this article is subject to inspection on
5 application for ~~relicensure or~~ reinstatement of THE license. IF A SOBER
6 LIVING HOME LICENSE IS REVOKED IN THIS STATE OR ANY OTHER STATE, THE
7 LICENSEE OF THE SOBER LIVING HOME WHOSE LICENSE WAS REVOKED MAY NOT
8 REAPPLY FOR ANY LICENSE ISSUED PURSUANT TO THIS TITLE FOR A PERIOD OF AT
9 LEAST FIVE YEARS.

10 D. A SOBER LIVING HOME THAT OPERATES IN THIS STATE WITHOUT A
11 LICENSE IN VIOLATION OF THIS ARTICLE IS GUILTY OF A CLASS 6 FELONY AND THE
12 DIRECTOR SHALL ASSESS A CIVIL PENALTY OF AT LEAST \$5,000 AND NOT MORE THAN
13 \$10,000 FOR EACH VIOLATION. EACH DAY THE SOBER LIVING HOME OPERATES
14 WITHOUT A LICENSE IS A SEPARATE VIOLATION.

15 ~~E.~~ E. The director ~~may~~ SHALL impose a civil penalty on a person
16 that violates this article or the rules adopted pursuant to this article
17 in an amount of AT LEAST \$5,000 AND not more than ~~five hundred dollars~~
18 \$10,000 for each violation. Each day that a violation occurs constitutes
19 a separate violation. The director ~~may~~ SHALL issue a notice that includes
20 the ~~proposed~~ amount of the civil penalty assessment. If a person requests
21 a hearing to appeal an assessment, the director may not take further
22 action to enforce and collect the assessment until the hearing process is
23 complete. The director shall impose a civil penalty only for those days
24 for which the violation has been documented by the department.

25 ~~F.~~ F. The department may impose sanctions and commence
26 disciplinary actions against a licensed sober living home, including
27 revoking the license. A license may not be suspended or revoked under
28 this article without affording the licensee notice and an opportunity for
29 a hearing as provided in title 41, chapter 6, article 10.

30 ~~G.~~ G. The department may contract with a third party to assist the
31 department with licensure and inspections.

32 Sec. 14. Section 36-2066, Arizona Revised Statutes, is amended to
33 read:

34 36-2066. Posting; sober living homes; update

35 The department shall post on its public website the name, ~~and~~
36 ADDRESS, telephone number, DEPARTMENT-ISSUED LICENSE NUMBER, LOCAL
37 JURISDICTION BUSINESS LICENSE NUMBER AND LICENSURE STATUS of each
38 certified and licensed sober living home IN THIS STATE and shall update
39 the list quarterly. ~~The department may not disclose the address of a~~
40 ~~certified or licensed sober living home except to a local jurisdiction for~~
41 ~~zoning purposes, local law enforcement and emergency personnel. A sober~~
42 ~~living home's address is not a public record and is not subject to title~~
43 ~~39, chapter 1, article 2.~~

1 D. A SOBER LIVING LICENSEE SHALL ENSURE THAT ANY RESIDENT OF THE
2 LICENSEE'S SOBER LIVING HOME WHO IS REQUIRED TO REGISTER PURSUANT TO
3 SECTION 13-3821 REGISTERS WITHIN THE STATUTORILY REQUIRED TIME FRAME AFTER
4 ADMISSION TO THE SOBER LIVING HOME.

5 Sec. 16. Section 41-619.51, Arizona Revised Statutes, is amended to
6 read:

7 41-619.51. Definitions

8 In this article, unless the context otherwise requires:

9 1. "Agency" means the supreme court, the department of economic
10 security, the department of child safety, the department of education, the
11 department of health services, the department of juvenile corrections, the
12 department of emergency and military affairs, the department of public
13 safety, the department of transportation, the state real estate
14 department, the department of insurance and financial institutions, the
15 Arizona game and fish department, the Arizona department of agriculture,
16 the board of examiners of nursing care institution administrators and
17 assisted living facility managers, the state board of dental examiners,
18 the Arizona state board of pharmacy, the board of physical therapy, the
19 state board of psychologist examiners, the board of athletic training, the
20 board of occupational therapy examiners, the state board of podiatry
21 examiners, the acupuncture board of examiners, the state board of
22 technical registration, ~~or~~ the board of massage therapy or the Arizona
23 department of housing.

24 2. "Board" means the board of fingerprinting.

25 3. "Central registry exception" means notification to the
26 department of economic security, the department of child safety or the
27 department of health services, as appropriate, pursuant to section
28 41-619.57 that the person is not disqualified because of a central
29 registry check conducted pursuant to section 8-804.

30 4. "Expedited review" means an examination, in accordance with
31 board rule, of the documents an applicant submits by the board or its
32 hearing officer without the applicant being present.

33 5. "Good cause exception" means the issuance of a fingerprint
34 clearance card to an employee pursuant to section 41-619.55.

35 6. "Person" means a person who is required to be fingerprinted
36 pursuant to this article or who is subject to a central registry check and
37 any of the following:

- 38 (a) Section 3-314.
- 39 (b) Section 8-105.
- 40 (c) Section 8-322.
- 41 (d) Section 8-463.
- 42 (e) Section 8-509.
- 43 (f) Section 8-802.
- 44 (g) Section 8-804.
- 45 (h) Section 15-183.

- 1 (i) Section 15-503.
- 2 (j) Section 15-512.
- 3 (k) Section 15-534.
- 4 (l) Section 15-763.01.
- 5 (m) Section 15-782.02.
- 6 (n) Section 15-1330.
- 7 (o) Section 15-1881.
- 8 (p) Section 17-215.
- 9 (q) Section 28-3228.
- 10 (r) Section 28-3413.
- 11 (s) Section 32-122.02.
- 12 (t) Section 32-122.05.
- 13 (u) Section 32-122.06.
- 14 (v) Section 32-823.
- 15 (w) Section 32-1232.
- 16 (x) Section 32-1276.01.
- 17 (y) Section 32-1284.
- 18 (z) Section 32-1297.01.
- 19 (aa) Section 32-1904.
- 20 (bb) Section 32-1941.
- 21 (cc) Section 32-1982.
- 22 (dd) Section 32-2022.
- 23 (ee) Section 32-2063.
- 24 (ff) Section 32-2108.01.
- 25 (gg) Section 32-2123.
- 26 (hh) Section 32-2371.
- 27 (ii) Section 32-3430.
- 28 (jj) Section 32-3620.
- 29 (kk) Section 32-3668.
- 30 (ll) Section 32-3669.
- 31 (mm) Section 32-3922.
- 32 (nn) Section 32-3924.
- 33 (oo) Section 32-4222.
- 34 (pp) Section 32-4128.
- 35 (qq) Section 36-113.
- 36 (rr) Section 36-207.
- 37 (ss) Section 36-411.
- 38 (tt) Section 36-425.03.
- 39 (uu) Section 36-446.04.
- 40 (vv) Section 36-594.01.
- 41 (ww) Section 36-594.02.
- 42 (xx) Section 36-766.01.
- 43 (yy) Section 36-882.
- 44 (zz) Section 36-883.02.
- 45 (aaa) Section 36-897.01.

- 1 (bbb) Section 36-897.03.
- 2 (~~ccc~~) [SECTION 36-2062.01.](#)
- 3 (~~ccc~~) (ddd) Section 36-3008.
- 4 (~~ddd~~) (eee) Section 41-619.53.
- 5 (~~eee~~) (fff) Section 41-1964.
- 6 (~~fff~~) (ggg) Section 41-1967.01.
- 7 (~~ggg~~) (hhh) Section 41-1968.
- 8 (~~hhh~~) (iii) Section 41-1969.
- 9 (~~iii~~) (jjj) Section 41-2814.
- 10 (~~jjj~~) (kkk) Section 41-4025.
- 11 (~~kkk~~) (lll) Section 46-141, subsection A or B.
- 12 (~~lll~~) (mmm) Section 46-321.

13 Sec. 17. Section 41-1758, Arizona Revised Statutes, is amended to
14 read:

15 [41-1758. Definitions](#)

16 In this article, unless the context otherwise requires:

17 1. "Agency" means the supreme court, the department of economic
18 security, the department of child safety, the department of education, the
19 department of health services, the department of juvenile corrections, the
20 department of emergency and military affairs, the department of public
21 safety, the department of transportation, the state real estate
22 department, the department of insurance and financial institutions, the
23 board of fingerprinting, the Arizona game and fish department, the Arizona
24 department of agriculture, the board of examiners of nursing care
25 institution administrators and assisted living facility managers, the
26 state board of dental examiners, the Arizona state board of pharmacy, the
27 board of physical therapy, the state board of psychologist examiners, the
28 board of athletic training, the board of occupational therapy examiners,
29 the state board of podiatry examiners, the acupuncture board of examiners,
30 the state board of technical registration, ~~or~~ the board of massage therapy
31 or the Arizona department of housing.

32 2. "Division" means the fingerprinting division in the department
33 of public safety.

34 3. "Electronic or internet-based fingerprinting services" means a
35 secure system for digitizing applicant fingerprints and transmitting the
36 applicant data and fingerprints of a person or entity submitting
37 fingerprints to the department of public safety for any authorized purpose
38 under this title. For the purposes of this paragraph, "secure system"
39 means a system that complies with the information technology security
40 policy approved by the department of public safety.

41 4. "Good cause exception" means the issuance of a fingerprint
42 clearance card to an applicant pursuant to section 41-619.55.

43 5. "Person" means a person who is required to be fingerprinted
44 pursuant to any of the following:

- 45 (a) Section 3-314.

- 1 (b) Section 8-105.
- 2 (c) Section 8-322.
- 3 (d) Section 8-463.
- 4 (e) Section 8-509.
- 5 (f) Section 8-802.
- 6 (g) Section 15-183.
- 7 (h) Section 15-503.
- 8 (i) Section 15-512.
- 9 (j) Section 15-534.
- 10 (k) Section 15-763.01.
- 11 (l) Section 15-782.02.
- 12 (m) Section 15-1330.
- 13 (n) Section 15-1881.
- 14 (o) Section 17-215.
- 15 (p) Section 28-3228.
- 16 (q) Section 28-3413.
- 17 (r) Section 32-122.02.
- 18 (s) Section 32-122.05.
- 19 (t) Section 32-122.06.
- 20 (u) Section 32-823.
- 21 (v) Section 32-1232.
- 22 (w) Section 32-1276.01.
- 23 (x) Section 32-1284.
- 24 (y) Section 32-1297.01.
- 25 (z) Section 32-1904.
- 26 (aa) Section 32-1941.
- 27 (bb) Section 32-1982.
- 28 (cc) Section 32-2022.
- 29 (dd) Section 32-2063.
- 30 (ee) Section 32-2108.01.
- 31 (ff) Section 32-2123.
- 32 (gg) Section 32-2371.
- 33 (hh) Section 32-3430.
- 34 (ii) Section 32-3620.
- 35 (jj) Section 32-3668.
- 36 (kk) Section 32-3669.
- 37 (ll) Section 32-3922.
- 38 (mm) Section 32-3924.
- 39 (nn) Section 32-4128.
- 40 (oo) Section 32-4222.
- 41 (pp) Section 36-113.
- 42 (qq) Section 36-207.
- 43 (rr) Section 36-411.
- 44 (ss) Section 36-425.03.
- 45 (tt) Section 36-446.04.

1 (uu) Section 36-594.01.
2 (vv) Section 36-594.02.
3 (ww) Section 36-766.01.
4 (xx) Section 36-882.
5 (yy) Section 36-883.02.
6 (zz) Section 36-897.01.
7 (aaa) Section 36-897.03.
8 (bbb) SECTION 36-2062.01.
9 ~~(bbb)~~ (ccc) Section 36-3008.
10 ~~(ccc)~~ (ddd) Section 41-619.52.
11 ~~(ddd)~~ (eee) Section 41-619.53.
12 ~~(eee)~~ (fff) Section 41-1964.
13 ~~(fff)~~ (ggg) Section 41-1967.01.
14 ~~(ggg)~~ (hhh) Section 41-1968.
15 ~~(hhh)~~ (iii) Section 41-1969.
16 ~~(iii)~~ (jjj) Section 41-2814.
17 ~~(jjj)~~ (kkk) Section 41-4025.
18 ~~(kkk)~~ (lll) Section 46-141, subsection A or B.
19 ~~(lll)~~ (mmm) Section 46-321.
20 6. "Vulnerable adult" has the same meaning prescribed in section
21 13-3623.
22 Sec. 18. Section 41-1758.01, Arizona Revised Statutes, is amended
23 to read:
24 41-1758.01. Fingerprinting division; powers and duties
25 A. The fingerprinting division is established in the department of
26 public safety and shall:
27 1. Conduct fingerprint background checks for persons and applicants
28 who are seeking licenses from state agencies, employment with licensees,
29 contract providers and state agencies or employment or educational
30 opportunities with agencies that require fingerprint background checks
31 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
32 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
33 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
34 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
35 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
36 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
37 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
38 36-897.03, 36-2062.01, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
39 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141, subsection A or B
40 and section 46-321.
41 2. Issue fingerprint clearance cards. On issuance, a fingerprint
42 clearance card becomes the personal property of the cardholder and the
43 cardholder shall retain possession of the fingerprint clearance card.
44 3. On submission of an application for a fingerprint clearance
45 card, collect the fees established by the board of fingerprinting pursuant

1 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
2 the monies collected in the board of fingerprinting fund.

3 4. Inform in writing each person who submits fingerprints for a
4 fingerprint background check of the right to petition the board of
5 fingerprinting for a good cause exception pursuant to section 41-1758.03,
6 41-1758.04 or 41-1758.07.

7 5. If after conducting a state and federal criminal history records
8 check the division determines that it is not authorized to issue a
9 fingerprint clearance card to a person, inform the person in writing that
10 the division is not authorized to issue a fingerprint clearance card. The
11 notice shall include the criminal history information on which the denial
12 was based. This criminal history information is subject to dissemination
13 restrictions pursuant to section 41-1750 and Public Law 92-544.

14 6. Notify the person in writing if the division suspends, revokes
15 or places a driving restriction notation on a fingerprint clearance card
16 pursuant to section 41-1758.04. The notice shall include the criminal
17 history information on which the suspension, revocation or placement of
18 the driving restriction notation was based. This criminal history
19 information is subject to dissemination restrictions pursuant to section
20 41-1750 and Public Law 92-544.

21 7. Administer and enforce this article.

22 B. The fingerprinting division may contract for electronic or
23 internet-based fingerprinting services through an entity or entities for
24 the acquisition and transmission of applicant fingerprint and data
25 submissions to the department, including identity verified fingerprints
26 pursuant to section 15-106. The entity or entities contracted by the
27 department of public safety may charge the applicant a fee for services
28 provided pursuant to this article. The entity or entities contracted by
29 the department of public safety shall comply with:

30 1. All information privacy and security measures and submission
31 standards established by the department of public safety.

32 2. The information technology security policy approved by the
33 department of public safety.

34 Sec. 19. Rulemaking exemption; intent

35 A. Notwithstanding any other law, for the purposes of this act and
36 amending the rules relating to behavioral health residential facilities
37 and sober living homes, the department of health services is exempt from
38 the rulemaking requirements of title 41, chapters 6 and 6.1, Arizona
39 Revised Statutes, through June 30, 2025.

40 B. The legislature intends for the department of health services to
41 review and amend the rules for behavioral health residential facilities
42 and sober living homes to ensure that there are adequate and proper
43 requirements for staffing, care and oversight.