

REFERENCE TITLE: nursing care; assisted living; board

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2183

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 36-446, 36-446.03, 36-446.04, 36-446.05, 36-446.06, 36-446.07 AND 36-446.12, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS.

(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.~~ 2. "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.~~ 3. "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.~~ 4. "Board" means the board of examiners of nursing care
28 institution 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 5. "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE BOARD.

35 ~~9.~~ 6. "Felony involving violence or financial fraud" means any of
36 the following offenses:

37 (a) Sexual abuse of a vulnerable adult.

38 (b) Homicide, including first or second degree murder, manslaughter
39 or negligent homicide.

40 (c) Sexual assault.

41 (d) Sexual exploitation of a vulnerable adult.

42 (e) Commercial sexual exploitation of a vulnerable adult.

43 (f) Child abuse.

44 (g) Abuse of a vulnerable adult.

45 (h) Molestation of a child.

- 1 (i) Molestation of a vulnerable adult.
- 2 (j) A dangerous crime against children as defined in section
- 3 13-705.
- 4 (k) Neglect or abuse of a vulnerable adult.
- 5 (l) Sexual abuse.
- 6 (m) Causing one's spouse to become a prostitute.
- 7 (n) Detention of persons in a house of prostitution for debt.
- 8 (o) Pandering.
- 9 (p) A felony offense involving domestic violence as defined in
- 10 section 13-3601 except for a felony offense involving only criminal damage
- 11 in an amount of more than \$250 but less than \$1,000 if the offense was
- 12 committed before June 29, 2009.
- 13 (q) Any felony offense in violation of title 13, chapter 12.
- 14 (r) Felony indecent exposure.
- 15 (s) Felony public sexual indecency.
- 16 (t) Terrorism.
- 17 (u) Any offense involving a violent crime as defined in section
- 18 13-901.03.
- 19 (v) Aggravated criminal damage.
- 20 (w) Theft.
- 21 (x) Theft by extortion.
- 22 (y) Forgery.
- 23 (z) Criminal possession of a forgery device.
- 24 (aa) Obtaining a signature by deception.
- 25 (bb) Theft of a credit card or obtaining a credit card by
- 26 fraudulent means.
- 27 (cc) Receipt of anything of value obtained by fraudulent use of a
- 28 credit card.
- 29 (dd) Forgery of a credit card.
- 30 (ee) Fraudulent use of a credit card.
- 31 (ff) Possession of any machinery, plate or other contrivance or
- 32 incomplete credit card.
- 33 (gg) A false statement as to financial condition or identity to
- 34 obtain a credit card.
- 35 (hh) Fraud by persons authorized to provide goods or services.
- 36 (ii) Credit card transaction record theft.
- 37 (jj) Adding poison or another harmful substance to food, drink or
- 38 medicine.
- 39 (kk) A criminal offense involving criminal trespass under title 13,
- 40 chapter 15.
- 41 (ll) A criminal offense involving burglary under title 13,
- 42 chapter 15.
- 43 (mm) A criminal offense under title 13, chapter 23, except
- 44 terrorism.

(nn) A felony offense involving domestic violence as defined in section 13-3601 if the offense involved only criminal damage in an amount of more than \$250 but less than \$1,000 and the offense was committed before June 29, 2009.

(oo) Taking the identity of another person or entity.

(pp) Aggravated taking the identity of another person or entity.

(qq) Trafficking in the identity of another person or entity.

(rr) Welfare fraud.

(ss) Kidnapping.

(tt) Robbery, aggravated robbery or armed robbery.

~~10-~~ 7. "Nursing care institution":

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

(b) Does not include:

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

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

~~11-~~ 8. "Unprofessional conduct" includes:

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

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

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

Sec. 2. Section 36-446.03, Arizona Revised Statutes, is amended to read:

36-446.03. Powers and duties of the board; rules; fees; fingerprinting

A. The board may adopt, amend or repeal reasonable and necessary rules and standards for the administration of this article in compliance with title XIX of the social security act, as amended.

B. The board by rule may adopt nonrefundable fees for the following:

1. Initial application for certification as an assisted living facility manager.

2. Examination for certification as an assisted living facility manager.

1 3. Issuance of a certificate as an assisted living facility
2 manager, prorated monthly.

3 4. Biennial renewal of a certificate as an assisted living facility
4 manager.

5 5. Issuance of a temporary certificate as an assisted living
6 facility manager.

7 6. Readministering an examination for certification as an assisted
8 living facility manager.

9 7. Issuance of a duplicate certificate as an assisted living
10 facility manager.

11 8. Reviewing the sponsorship of continuing education programs, for
12 each credit hour.

13 9. Late renewal of an assisted living facility manager certificate.

14 10. Reviewing an individual's request for continuing education
15 credit hours, for each credit hour.

16 11. Reviewing initial applications for assisted living facility
17 training programs.

18 12. Annual renewal of approved assisted living facility training
19 programs.

20 C. The board may elect officers it deems necessary.

21 D. The board shall apply appropriate techniques, including
22 examinations and investigations, to determine whether a person meets the
23 qualifications prescribed in section 36-446.04.

24 E. On or before ~~July 1, 2024~~ JANUARY 1, 2026, in addition to the
25 requirements prescribed in section 36-446.04, the board shall require each
26 applicant for initial nursing care institution administrator licensure or
27 assisted living facility manager certification to submit a full set of
28 fingerprints to the board for a state and federal criminal history records
29 check pursuant to section 41-1750 and Public Law 92-544. The department
30 of public safety may exchange this fingerprint data with the federal
31 bureau of investigation.

32 F. On its own motion or in response to any complaint against or
33 report of a violation by an administrator of a nursing care institution or
34 a manager of an assisted living facility, the board may conduct
35 investigations, hearings and other proceedings concerning any violation of
36 this article or of rules adopted by the board or by the department.

37 G. In connection with an investigation or administrative hearing,
38 the board may administer oaths and affirmations, subpoena witnesses, take
39 evidence and require by subpoena the production of documents, records or
40 other information in any form concerning matters the board deems relevant
41 to the investigation or hearing. If any subpoena issued by the board is
42 disobeyed, the board may invoke the aid of any court in this state in
43 requiring the attendance and testimony of witnesses and the production of
44 evidence.

1 H. Subject to title 41, chapter 4, article 4, the board may employ
2 persons to provide investigative, professional and clerical assistance as
3 required to perform its powers and duties under this article.
4 Compensation for board employees shall be as determined pursuant to
5 section 38-611. The board may contract with other state or federal
6 agencies as required to carry out this article.

7 I. The board may appoint review committees to make recommendations
8 concerning enforcement matters and the administration of this article.

9 J. The board by rule may establish a program to monitor licensees
10 and certificate holders who are chemically dependent and who enroll in
11 rehabilitation programs that meet board requirements. The board may take
12 disciplinary action if a licensee or a certificate holder refuses to enter
13 into an agreement to enroll in and complete a board-approved
14 rehabilitation program or fails to abide by that agreement.

15 K. The board shall adopt and use an official seal.

16 L. The board shall adopt rules for the examination and licensure of
17 nursing care institution administrators and the examination and
18 certification of assisted living facility managers.

19 M. The board shall adopt rules governing payment to a person for
20 the direct or indirect solicitation or procurement of assisted living
21 facility patronage.

22 N. The board must provide the chairpersons of the senate and the
23 house of representatives health committees with copies of all board
24 minutes and executive decisions.

25 O. The board by rule shall limit by percentage the amount it may
26 increase a fee above the amount of a fee previously prescribed by the
27 board pursuant to this section.

28 P. The board by rule shall prescribe standards for assisted living
29 facility training programs. The board shall prescribe rules for assisted
30 living facility caregivers that are consistent with the training,
31 competency and test methodology standards developed by the Arizona health
32 care cost containment system administration for in-home direct care
33 workers.

34 Q. The board may:

35 1. Grant, deny, suspend or revoke approval of, or place on
36 probation, an assisted living facility training program.

37 2. Impose a civil penalty on an assisted living facility training
38 program that violates this chapter or rules adopted pursuant to this
39 chapter.

40 R. THE BOARD MAY DELEGATE TO THE EXECUTIVE DIRECTOR THE AUTHORITY
41 TO:

42 1. DISMISS COMPLAINTS. THE EXECUTIVE DIRECTOR SHALL SUBMIT A
43 REPORT OF THE CASES DISMISSED WITH THE COMPLAINT NUMBER, RESPONDENT'S
44 NAME, CREDENTIAL NUMBER AND INVESTIGATION TIMELINE TO THE BOARD FOR REVIEW
45 AT ITS REGULAR BOARD MEETINGS.

1 2. DIRECTLY REFER CASES TO A FORMAL ADMINISTRATIVE HEARING.
2 3. CLOSE A CASE RESOLVED THROUGH MEDIATION.
3 4. ISSUE LETTERS OF CONCERN.
4 5. ENTER INTO A CONSENT AGREEMENT IF THERE IS EVIDENCE OF DANGER TO
5 THE PUBLIC HEALTH AND SAFETY.
6 6. REFER CASES TO THE BOARD FOR A FORMAL INTERVIEW.
7 7. ISSUE CEASE AND DESIST ORDERS.
8 S. A PERSON WHO IS AGGRIEVED BY AN ACTION TAKEN BY THE EXECUTIVE
9 DIRECTOR PURSUANT SUBSECTION R OF THIS SECTION MAY REQUEST THE BOARD TO
10 REVIEW THAT ACTION BY FILING WITH THE BOARD A WRITTEN REQUEST WITHIN
11 THIRTY DAYS AFTER THAT PERSON IS NOTIFIED OF THE EXECUTIVE DIRECTOR'S
12 ACTION BY PERSONAL DELIVERY OR, IF THE NOTIFICATION IS MAILED TO THAT
13 PERSON'S LAST KNOWN RESIDENCE OR PLACE OF BUSINESS, WITHIN THIRTY-FIVE
14 DAYS AFTER THE DATE ON THE NOTIFICATION. AT THE NEXT REGULAR BOARD
15 MEETING, THE BOARD SHALL REVIEW THE EXECUTIVE DIRECTOR'S ACTION. ON
16 REVIEW, THE BOARD SHALL APPROVE, MODIFY OR REJECT THE EXECUTIVE DIRECTOR'S
17 ACTION.

18 Sec. 3. Section 36-446.04, Arizona Revised Statutes, is amended to
19 read:

20 36-446.04. Qualifications; period of validity; exemption

21 A. The board shall issue a license as a nursing care institution
22 administrator pursuant to its rules to any person who meets the following
23 qualifications:

24 1. Has satisfactorily completed a course of instruction and
25 training approved by the board that:

26 (a) Is designed and sufficiently administered to give the applicant
27 knowledge of the proper needs to be served by nursing care institutions.

28 (b) Includes a thorough background in the laws and rules governing
29 the operation of nursing care institutions and the protection of the
30 interests of the patients in nursing care institutions.

31 (c) Includes thorough training in elements of good health care
32 facilities administration.

33 2. Has passed an examination administered by the board designed to
34 test for competency in the subject matter referred to in this subsection.

35 3. Has met one of the following fingerprinting requirements:

36 (a) Has a valid fingerprint clearance card issued pursuant to title
37 41, chapter 12, article 3.1 and has not been convicted of any felony
38 involving violence or financial fraud.

39 (b) Has provided proof of the submission of an application for a
40 fingerprint clearance card. An applicant who has been denied a
41 fingerprint clearance card must also provide proof that the applicant
42 qualifies for a good cause exception hearing pursuant to section 41-619.55
43 and has not been convicted of any felony involving violence or financial
44 fraud.

1 4. HAS OBTAINED AN ASSOCIATE DEGREE IN NURSING OR A RELATED HEALTH
2 PROFESSION OR IS LICENSED AS A HEALTH PROFESSIONAL IN AN INPATIENT HEALTH
3 CARE INSTITUTION.

4 B. A person who is licensed pursuant to this section must maintain
5 a valid fingerprint clearance card during the valid period of the person's
6 license.

7 C. The board shall issue a certificate as an assisted living
8 facility manager pursuant to its rules to a person who meets the following
9 qualifications:

10 1. Has satisfactorily completed a course of instruction and
11 training approved by the board that:

12 (a) Is designed and sufficiently administered to give the applicant
13 knowledge of the proper needs to be served by an assisted living facility.

14 (b) Includes a thorough background in the laws governing the
15 operation of assisted living facilities and the protection of the
16 interests of the patients in assisted living facilities.

17 (c) Includes thorough training in elements of assisted living
18 facility administration.

19 2. Has passed an examination administered by the board that is
20 designed to test for competency in the subject matter prescribed in this
21 subsection.

22 3. Provides documentation satisfactory to the board that the
23 applicant has completed two thousand eighty hours of paid work experience
24 in a health related field within the preceding five years as prescribed by
25 board rule.

26 4. Has met one of the following fingerprinting requirements:

27 (a) Has a valid fingerprint clearance card issued pursuant to title
28 41, chapter 12, article 3.1 and has not been convicted of any felony
29 involving violence or financial fraud.

30 (b) Has provided proof of the submission of an application for a
31 fingerprint clearance card. An applicant who has been denied a
32 fingerprint clearance card must also provide proof that the applicant
33 qualifies for a good cause exception hearing pursuant to section 41-619.55
34 and has not been convicted of any felony involving violence or financial
35 fraud.

36 D. Notwithstanding any other provision of this article, beginning
37 July 1, 2021, all new licenses and certifications issued by the board must
38 be approved by both the board and the department of health services.

39 E. A person who is certified pursuant to this section must maintain
40 a valid fingerprint clearance card during the valid period of the person's
41 certificate.

42 F. In lieu of the requirements contained in subsection A, paragraph
43 1 or subsection C, paragraph 1 of this section, an applicant may present
44 satisfactory evidence to the board of sufficient education and training in
45 the areas listed in the respective paragraph.

G. A license is nontransferable and remains in effect until thirty days after the licensee's birthday ~~of~~ **IN** an even-numbered year, at which time the license may be renewed if the licensee otherwise complies with this article and the license has not been surrendered, suspended or revoked.

H. A certificate is nontransferable and remains in effect until thirty days after the certificate holder's birthday ~~of~~ **IN** an odd-numbered year, at which time the certificate may be renewed if the certificate holder otherwise complies with this article and the certificate has not been surrendered, suspended or revoked.

I. This section does not apply to managers of adult foster care homes as defined in section 36-401.

Sec. 4. Section 36-446.05, Arizona Revised Statutes, is amended to read:

36-446.05. Reciprocity; present administrators

The board may issue a nursing care institution administrator's license, without examination or with partial examination, to any person who holds a current license from another state or territory of the United States ~~provided~~ **IF BOTH OF THE FOLLOWING APPLY:**

1. The standards for licensure in ~~such~~ **THE** other state or territory of the United States are at least substantially equivalent to those prevailing in this state, ~~and provided that~~ the applicant is otherwise qualified.

2. **THE APPLICANT HAS NOT BEEN DISCIPLINED OR HAD AN EQUIVALENT LICENSE REVOKED WITHIN ONE YEAR BEFORE APPLYING FOR A LICENSE PURSUANT TO THIS ARTICLE.**

Sec. 5. Section 36-446.06, Arizona Revised Statutes, is amended to read:

36-446.06. Temporary licenses and certificates; renewal

A. The board may issue a temporary nursing care institution administrator's license or temporary assisted living facility manager's certificate to individuals who are determined to meet standards established by the board and may revoke or suspend temporary licenses or certificates previously issued by the board in any case in which the individual holding a license or certificate is determined to have substantially failed to conform to the requirements of such standards during the term of the temporary license or certificate.

~~B. A temporary license or certificate is automatically revoked if the licensee or certificate holder fails either the state or national examination during the term of the license or certificate.~~

~~C.~~ **B.** Temporary licenses or certificates may be issued without examination, for a single ~~nonrenewable~~ period of one hundred fifty days, to a qualified individual for the purpose of enabling the individual to fill a nursing care institution administrator or assisted living facility manager position. Qualifications for a temporary license or certificate

1 shall include the ability to meet such other standards as are established
2 by the board.

3 ~~D. An applicant for a temporary license or certificate shall not~~
4 ~~have failed a state or national examination either before or after~~
5 ~~applying for the temporary license or certificate.~~

6 C. A TEMPORARY LICENSE OR CERTIFICATE MAY BE RENEWED ONE TIME FOR
7 AN ADDITIONAL SIXTY DAYS.

8 Sec. 6. Section 36-446.07, Arizona Revised Statutes, is amended to
9 read:

10 36-446.07. Disciplinary actions; grounds for disciplinary
11 action; renewal; continuing education; inactive
12 status; hearings; settlement; judicial review;
13 admission by default; military members

14 A. The board may suspend or revoke the license of any nursing care
15 institution administrator, censure or place on probation any licensed
16 nursing care institution administrator or deny a license as a nursing care
17 institution administrator to any person for any of the following reasons:

- 18 1. Conviction of a felony or conviction of any misdemeanor
19 involving moral turpitude.
- 20 2. Obtaining or renewing a license by fraud or deceit.
- 21 3. Unprofessional conduct.
- 22 4. Practicing without biennial licensure.
- 23 5. Addiction to or dependency on drugs or alcohol.
- 24 6. Wrongful transfer of a license or falsely impersonating another
25 licensee.
- 26 7. Unauthorized disclosure of information relating to a patient or
27 a patient's records.
- 28 8. Payment to any person for solicitation or procurement, either
29 directly or indirectly, of nursing home patronage.
- 30 9. Violation of this article or a rule adopted pursuant to this
31 article.

32 B. The board may suspend or revoke the certificate of an assisted
33 living facility manager, censure or place on probation an assisted living
34 facility manager or deny a certificate as an assisted living facility
35 manager to a person for any of the following reasons:

- 36 1. Conviction of a felony or conviction of a misdemeanor involving
37 moral turpitude.
- 38 2. Obtaining or renewing a certificate by fraud or deceit.
- 39 3. Unprofessional conduct.
- 40 4. Practicing without biennial certification.
- 41 5. Addiction to or dependency on drugs or alcohol.
- 42 6. Wrongful transfer of a certificate or falsely impersonating
43 another certificate holder.
- 44 7. Unauthorized disclosure of information relating to a resident or
45 a resident's records.

1 8. Violation of this article or a rule adopted pursuant to this
2 article.

3 C. The board may impose a civil penalty in an amount of not ~~to~~
4 ~~exceed five hundred dollars~~ MORE THAN \$500 on any nursing care institution
5 administrator or assisted living facility manager who violates this
6 article or any rule adopted pursuant to this article. Actions to enforce
7 the collection of these penalties shall be brought in the name of this
8 state by the attorney general or the county attorney in the justice court
9 or the superior court in the county in which the violation occurred.
10 Penalties imposed under this section are in addition to and not in
11 limitation of other penalties imposed pursuant to this article.

12 D. The board may file a letter of concern if, in the opinion of the
13 board, while there is insufficient evidence to support direct action
14 against the license of the administrator or the certificate of the
15 manager, there is sufficient evidence for the board to notify the
16 administrator or manager of its concern. THE BOARD MAY ISSUE A
17 NONDISCIPLINARY ORDER TO A LICENSEE OR CERTIFICATE HOLDER WHO FAILS TO
18 COMPLETE CONTINUING EDUCATION REQUIREMENTS. A DISCIPLINARY OR
19 NONDISCIPLINARY ORDER OF THE BOARD MAY INCLUDE A REQUIREMENT TO REIMBURSE
20 THE BOARD'S INVESTIGATIVE COSTS.

21 E. EXCEPT AS PROVIDED IN SUBSECTION V OF THIS SECTION, every holder
22 of a nursing care institution administrator's license shall renew ~~it~~
23 ~~biennially~~ THE LICENSE EVERY TWO YEARS by ~~making application~~ APPLYING to
24 the board. The renewals shall be granted as a matter of course if the
25 holder has successfully completed at least fifty hours of continuing
26 education every two years as established by the board in its rules, unless
27 the applicant has acted or failed to act in ~~such~~ a manner or under ~~such~~
28 circumstances ~~as~~ THAT would constitute grounds for taking any of the
29 disciplinary actions ~~permitted~~ ALLOWED by this section. The board shall
30 maintain a log of each complaint substantiated by the board or A
31 deficiency report concerning an administrator and shall retain in the
32 administrator's file a copy of each ~~such~~ complaint or report and the
33 action taken on it, if any. The board shall review and consider the
34 administrator's file in determining whether to renew the administrator's
35 license.

36 F. Except as provided in subsection ~~R~~ V of this section, every
37 holder of an assisted living facility manager's certificate shall renew ~~it~~
38 ~~biennially~~ THE CERTIFICATE EVERY TWO YEARS by ~~making application~~ APPLYING
39 to the board. The renewals shall be granted as a matter of course if the
40 holder has successfully completed continuing education every two years as
41 established by the board in its rules, unless the applicant has acted or
42 failed to act in a manner or under circumstances that constitute grounds
43 for taking disciplinary action ~~permitted~~ ALLOWED by this section. The
44 board shall maintain a log of each complaint substantiated by the board or
45 A deficiency report concerning a manager and shall retain in the manager's

1 file a copy of each complaint or report and the action taken on it, if
2 any. The board shall review and consider the manager's file in
3 determining whether to renew the manager's certificate.

4 G. Except as provided in subsection ~~R~~ V of this section, failure
5 on the part of any licensed nursing care institution administrator or
6 certified assisted living facility manager to furnish evidence of having
7 attended the required continuing education hours during the preceding two
8 years shall preclude renewal of the license or certificate unless the
9 continuing education requirement is fulfilled within one hundred twenty
10 days.

11 H. On written request to the board, a nursing care institution
12 administrator in good standing may cause the administrator's name and
13 license to be transferred to an inactive list. Any nursing care
14 institution administrator on inactive license status shall pay a license
15 renewal fee. On written request to the board, and subsequent approval by
16 the board, a nursing care institution administrator on inactive license
17 status may resume active license status on meeting twenty-five hours of
18 continuing education requirements within six months and ~~payment of~~ PAYING
19 the current fee.

20 I. On written request to the board, the board shall transfer an
21 assisted living facility manager in good standing to an inactive list. An
22 assisted living facility manager on inactive certificate status shall pay
23 a certificate renewal fee prescribed by the board of not more than ~~one~~
24 ~~hundred dollars~~ \$100 every two years. On written request to the board,
25 and subsequent approval by the board, an assisted living facility manager
26 on inactive certificate status may resume active certificate status on
27 meeting requirements for six hours of continuing education within six
28 months and ~~payment of~~ PAYING the current fee.

29 J. Suspension, revocation or denial of renewal of a license or
30 certificate or censure or probation of a licensee or certificate holder by
31 the board becomes effective only on the board's first giving the licensee
32 or certificate holder prior written notice and affording the licensee or
33 certificate holder the right to request a hearing within thirty-five days
34 ~~of~~ AFTER the receipt of notice. A hearing is not required before the
35 denial of an original application for a license or a certificate. All
36 hearings shall be conducted pursuant to title 41, chapter 6, article 10.

37 K. Any person wishing to make a complaint against a licensee or
38 certificate holder under this article shall file a written complaint with
39 the board within one year ~~from~~ AFTER the date of the action causing the
40 complaint. If the board determines that the charges made in the complaint
41 are sufficient, if true, to warrant suspension or revocation of a license
42 or certificate issued under this article or censure or probation of a
43 licensee or certificate holder under this article, it shall issue an order
44 fixing the time and place for a hearing and requiring the licensee or
45 certificate holder complained against to appear and answer the complaint.

1 The order shall have affixed to it a copy of the complaint, and both shall
2 be served on the licensee or certificate holder either personally or by
3 certified mail sent to the licensee's or the certificate holder's last
4 known address at least thirty-five days before the date set for the
5 hearing. All hearings shall be conducted pursuant to title 41, chapter 6,
6 article 10.

7 L. The board and an administrator or manager may enter into a
8 settlement of any matter under investigation either before or after a
9 notice of the hearing has been issued if the board determines that the
10 proposed settlement adequately protects the public safety, health and
11 welfare. The board shall record the terms of each settlement entered into
12 and shall make the record available for public inspection.

13 M. Except as provided in section 41-1092.08, subsection H, final
14 decisions of the board are subject to judicial review pursuant to title
15 12, chapter 7, article 6.

16 N. If the board has initiated an investigation pursuant to this
17 section, the board may continue the investigation and discipline the
18 person under investigation even if that person resigns from practice after
19 the board has initiated the investigation.

20 O. A licensee or certificate holder shall respond in writing to the
21 board within thirty-five days after the board serves the complaint and
22 notice of a formal hearing by certified mail. Service is complete on the
23 date the board places the notice in the mail. The board shall consider a
24 licensee's or certificate holder's failure to respond to the notice within
25 thirty-five days as an admission by default to the allegations stated in
26 the complaint. The board may then take disciplinary action against the
27 licensee or certificate holder without conducting a formal hearing.

28 P. IF AFTER COMPLETING ITS INVESTIGATION THE BOARD BELIEVES THAT
29 THE INFORMATION PROVIDED UNDER SUBSECTION K OF THIS SECTION IS OR MAY BE
30 TRUE, THE BOARD MAY REQUEST A FORMAL INTERVIEW WITH THE LICENSEE OR
31 CERTIFICATE HOLDER. IF THE LICENSEE OR CERTIFICATE HOLDER REFUSES THE
32 INVITATION FOR A FORMAL INTERVIEW OR ACCEPTS AND THE RESULTS INDICATE THAT
33 GROUNDS MAY EXIST FOR REVOCATION OR SUSPENSION OF THE LICENSE OR
34 CERTIFICATE FOR MORE THAN TWELVE MONTHS, THE BOARD SHALL ISSUE A FORMAL
35 COMPLAINT AND ORDER THAT A HEARING BE HELD PURSUANT TO TITLE 41, CHAPTER
36 6, ARTICLE 10. IF AFTER COMPLETING A FORMAL INTERVIEW THE BOARD FINDS
37 THAT THE PROTECTION OF THE PUBLIC REQUIRES EMERGENCY ACTION, THE BOARD MAY
38 ORDER A SUMMARY SUSPENSION OF THE LICENSE OR CERTIFICATE PENDING FORMAL
39 REVOCATION PROCEEDINGS OR OTHER ACTION AUTHORIZED BY THIS SECTION.

40 Q. IF AFTER COMPLETING THE FORMAL INTERVIEW THE BOARD FINDS THE
41 INFORMATION PROVIDED UNDER SUBSECTION K OF THIS SECTION IS NOT OF
42 SUFFICIENT SERIOUSNESS TO MERIT SUSPENSION FOR MORE THAN TWELVE MONTHS OR
43 REVOCATION OF THE LICENSE OR CERTIFICATE, THE BOARD MAY TAKE ANY OF THE
44 FOLLOWING ACTIONS:

1 1. DISMISS IF, IN THE OPINION OF THE BOARD, THE COMPLAINT IS
2 WITHOUT MERIT.

3 2. REQUIRE THE LICENSEE OR CERTIFICATE HOLDER TO COMPLETE
4 DESIGNATED CONTINUING EDUCATION COURSES.

5 3. FILE A LETTER OF CONCERN. THE LICENSEE OR CERTIFICATE HOLDER
6 MAY FILE A WRITTEN RESPONSE WITH THE BOARD WITHIN THIRTY DAYS AFTER THE
7 LICENSEE OR CERTIFICATE HOLDER RECEIVES THE LETTER OF CONCERN. A LETTER
8 OF CONCERN IS A PUBLIC DOCUMENT.

9 4. ENTER INTO AN AGREEMENT WITH THE LICENSEE OR CERTIFICATE HOLDER
10 TO RESTRICT OR LIMIT THE LICENSEE'S OR CERTIFICATE HOLDER'S PROFESSIONAL
11 ACTIVITIES OR TO REHABILITATE, RETRAIN OR ASSESS THE LICENSEE OR
12 CERTIFICATE HOLDER IN ORDER TO PROTECT THE PUBLIC. THE BOARD MAY ALSO
13 REQUIRE THE LICENSEE OR CERTIFICATE HOLDER TO SUCCESSFULLY COMPLETE A
14 BOARD-APPROVED REHABILITATIVE, RETRAINING OR ASSESSMENT PROGRAM AT THE
15 LICENSEE'S OR CERTIFICATE HOLDER'S OWN EXPENSE.

16 5. FILE A LETTER OF REPRIMAND.

17 6. ISSUE A DECREE OF CENSURE. A DECREE OF CENSURE IS AN OFFICIAL
18 ACTION AGAINST THE LICENSE OR CERTIFICATE AND MAY INCLUDE A REQUIREMENT
19 FOR RESTITUTION OF FEES TO A PATIENT RESULTING FROM ANY VIOLATION OF THIS
20 ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE.

21 7. FIX A PERIOD AND TERMS OF PROBATION BEST ADAPTED TO PROTECT THE
22 PUBLIC HEALTH AND SAFETY AND REHABILITATE OR EDUCATE THE LICENSEE OR
23 CERTIFICATE HOLDER. PROBATION MAY INCLUDE TEMPORARY SUSPENSION FOR NOT
24 MORE THAN TWELVE MONTHS, A RESTRICTION OF THE LICENSE OR CERTIFICATE OR
25 EDUCATION OR REHABILITATION AT THE LICENSEE'S OR CERTIFICATE HOLDER'S OWN
26 EXPENSE. IF A LICENSEE OR CERTIFICATE HOLDER FAILS TO COMPLY WITH THE
27 TERMS OF PROBATION, THE BOARD SHALL SERVE THE LICENSEE OR CERTIFICATE
28 HOLDER WITH A WRITTEN NOTICE THAT STATES THAT THE LICENSEE OR CERTIFICATE
29 HOLDER IS SUBJECT TO A FORMAL HEARING BASED ON THE INFORMATION CONSIDERED
30 BY THE BOARD AT THE FORMAL INTERVIEW AND ON ANY OTHER ACT OR CONDUCT
31 ALLEGED TO BE IN VIOLATION OF THIS ARTICLE OR RULES ADOPTED BY THE BOARD
32 PURSUANT TO THIS ARTICLE, INCLUDING NONCOMPLIANCE WITH THE TERMS OF
33 PROBATION, A CONSENT AGREEMENT OR A STIPULATED AGREEMENT. THE LICENSEE OR
34 CERTIFICATE HOLDER SHALL PAY THE COSTS ASSOCIATED WITH PROBATION
35 MONITORING EACH YEAR DURING WHICH THE LICENSEE OR CERTIFICATE HOLDER IS ON
36 PROBATION. THE BOARD MAY ADJUST THIS AMOUNT ON AN ANNUAL BASIS. THE BOARD
37 MAY ALLOW A LICENSEE OR CERTIFICATE HOLDER TO MAKE PAYMENTS ON AN
38 INSTALLMENT PLAN IF A FINANCIAL HARDSHIP OCCURS. A LICENSEE OR
39 CERTIFICATE HOLDER WHO DOES NOT PAY THESE COSTS WITHIN THIRTY DAYS AFTER
40 THE DUE DATE PRESCRIBED BY THE BOARD VIOLATES THE TERMS OF PROBATION.

41 R. IF THE BOARD FINDS THAT THE INFORMATION PROVIDED UNDER
42 SUBSECTION K OF THIS SECTION WARRANTS SUSPENSION OR REVOCATION OF A
43 LICENSE OR CERTIFICATE ISSUED UNDER THIS ARTICLE, THE BOARD SHALL INITIATE
44 FORMAL PROCEEDINGS PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

1 S. IN A FORMAL INTERVIEW PURSUANT TO SUBSECTION P OF THIS SECTION
2 OR IN A HEARING PURSUANT TO SUBSECTION P, SUBSECTION Q, PARAGRAPH 7 OR
3 SUBSECTION R OF THIS SECTION, THE BOARD IN ADDITION TO ANY OTHER ACTION
4 MAY IMPOSE A CIVIL PENALTY IN THE AMOUNT OF AT LEAST \$1,000 AND NOT MORE
5 THAN \$10,000 FOR EACH VIOLATION OF THIS ARTICLE OR A RULE ADOPTED UNDER
6 THIS ARTICLE.

7 ~~P.~~ T. The board may set aside an admission by default if a
8 licensee or certificate holder shows good cause. A licensee or certificate
9 holder who applies to the board to set aside an admission by default shall
10 demonstrate the following to the satisfaction of the board:

11 1. The failure to respond to the notice of the board was due to
12 excusable neglect.

13 2. The licensee or certificate holder has a meritorious defense.

14 3. The licensee or certificate holder made prompt application to
15 the board for relief.

16 ~~Q.~~ U. The board shall not consider an application to set aside an
17 admission by default filed later than one hundred eighty days after the
18 board's entry of the admission by default.

19 ~~R.~~ V. A license or certificate issued pursuant to this chapter to
20 any member of the Arizona national guard or the United States armed forces
21 reserves shall not expire while the member is serving on federal active
22 duty and shall be extended one hundred eighty days after the member
23 returns from federal active duty, ~~provided that~~ IF the member, or the
24 legal representative of the member, notifies the board of the federal
25 active duty status of the member. A license or certificate issued
26 pursuant to this chapter to any member serving in the regular component of
27 the United States armed forces shall be extended one hundred eighty days
28 ~~from~~ AFTER the date of expiration, ~~provided that~~ IF the member, or the
29 legal representative of the member, notifies the board of the federal
30 active duty status of the member. If the license or certificate is
31 renewed during the applicable extended time period, the member is
32 responsible only for normal fees and activities relating to renewal of the
33 license and shall not be charged any additional costs such as late fees or
34 delinquency fees. The member, or the legal representative of the member,
35 shall present to the board a copy of the member's official military
36 orders, a redacted military identification card or a written verification
37 from the member's commanding officer before the end of the applicable
38 extended time period in order to qualify for the extension.

39 ~~S.~~ W. A license or certificate issued pursuant to this chapter to
40 any member of the Arizona national guard, the United States armed forces
41 reserves or the regular component of the United States armed forces shall
42 not expire and shall be extended one hundred eighty days ~~from~~ AFTER the
43 date the military member is able to perform activities necessary under the
44 license or certificate if the member both:

45 1. Is released from active duty service.

1 2. Suffers an injury as a result of active duty service that
2 temporarily prevents the member from being able to perform activities
3 necessary under the license, certificate or registration.

4 Sec. 7. Section 36-446.12, Arizona Revised Statutes, is amended to
5 read:

6 36-446.12. Fees

7 A. The board by rule shall establish nonrefundable fees and
8 penalties for the following for nursing care institution administrators:

9 1. Initial application.

10 2. Examination for licensure as a nursing care institution
11 administrator.

12 3. A license as a nursing care institution administrator.

13 4. Renewing an active biennial license.

14 5. Renewing an inactive biennial license.

15 6. A temporary license as a nursing care institution administrator.

16 7. Readministering the state examination.

17 8. Readministering the national examination.

18 9. A duplicate license.

19 10. Late renewal of a license.

20 11. Certifying licensure status.

21 12. Reviewing the sponsorship of continuing education programs, for
22 each credit hour.

23 13. Reviewing an individual's request for continuing education
24 credit hours, for each credit hour.

25 14. A DUPLICATE LICENSE AS A NURSING CARE INSTITUTION ADMINISTRATOR.

26 B. The board shall prorate on a monthly basis fees paid for an
27 initial license as a nursing care institution administrator.

28 C. The board by rule shall limit by percentage the amount it may
29 increase a fee above the amount of a fee previously prescribed by the
30 board pursuant to this section.