

House Engrossed

nursing facilities; records; surveys; timelines

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2195

AN ACT

AMENDING SECTION 36-406, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-447.03; AMENDING SECTION 36-2402, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-406, Arizona Revised Statutes, is amended to
3 read:

4 36-406. Powers and duties of the department; access to
5 personnel records

6 A. In addition to its other powers and duties:

7 1. The department shall:

8 (a) Administer and enforce this chapter and the rules, regulations
9 and standards adopted pursuant ~~thereto~~ TO THIS CHAPTER.

10 (b) Review, and may approve, plans and specifications for
11 construction or modification OF or additions to health care institutions
12 regulated by this chapter.

13 (c) EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, have access
14 to books, records, accounts and any other information of any health care
15 institution THAT ARE reasonably necessary for the purposes of this
16 chapter.

17 (d) Require as a condition of licensure that nursing care
18 institutions and assisted living facilities make vaccinations for
19 influenza and pneumonia available to residents ~~on-site~~ ON-SITE on a yearly
20 basis. The department shall prescribe the manner by which the NURSING
21 CARE institutions and ASSISTED LIVING facilities ~~shall~~ MUST document
22 compliance with this subdivision, including documenting residents who
23 refuse to be immunized. The department shall not impose a violation on a
24 licensee for not making a vaccination available if there is a shortage of
25 that vaccination in this state as determined by the director.

26 2. The department may:

27 (a) Make or cause to be made inspections consistent with standard
28 medical practice of every part of the premises of health care institutions
29 ~~which THAT~~ are subject to ~~the provisions of~~ this chapter as well as those
30 ~~which THAT~~ apply for or hold a license required by this chapter.

31 (b) Make studies and investigations of conditions and problems in
32 health care institutions, or any class or subclass thereof, as they relate
33 to compliance with this chapter and rules, regulations and standards
34 adopted pursuant ~~thereto~~ TO THIS CHAPTER.

35 (c) Develop manuals and guides relating to any of the several
36 aspects of physical facilities and operations of health care institutions
37 or any class or subclass thereof for distribution to the governing
38 authorities of health care institutions and to the general public.

39 B. THE DEPARTMENT'S ACCESS TO THE PERSONNEL RECORDS OF A NURSING
40 CARE INSTITUTION IS LIMITED TO THE FOLLOWING INFORMATION FOR EACH
41 PERSONNEL MEMBER, EMPLOYEE OR VOLUNTEER:

42 1. THE INDIVIDUAL'S NAME, DATE OF BIRTH AND CONTACT TELEPHONE
43 NUMBER.

44 2. THE INDIVIDUAL'S STARTING DATE OF EMPLOYMENT OR VOLUNTEER
45 SERVICE AND, IF APPLICABLE, THE ENDING DATE.

1 3. DOCUMENTATION OF ALL OF THE FOLLOWING AS PERTAINING TO THE
2 INDIVIDUAL:

3 (a) QUALIFICATIONS, INCLUDING SKILLS AND KNOWLEDGE APPLICABLE TO
4 THE INDIVIDUAL'S JOB DUTIES.

5 (b) EDUCATION AND EXPERIENCE APPLICABLE TO THE INDIVIDUAL'S JOB
6 DUTIES.

7 (c) COMPLIANCE WITH THE REQUIREMENTS OF SECTION 36-411.

8 (d) ORIENTATION AND IN-SERVICE EDUCATION AS REQUIRED BY POLICIES
9 AND PROCEDURES.

10 (e) LICENSURE OR CERTIFICATION, IF THE INDIVIDUAL IS REQUIRED TO BE
11 LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE OR POLICIES AND PROCEDURES.

12 (f) IF THE INDIVIDUAL IS A BEHAVIORAL HEALTH TECHNICIAN, CLINICAL
13 OVERSIGHT AS REQUIRED BY RULE.

14 (g) CARDIOPULMONARY RESUSCITATION TRAINING, IF REQUIRED FOR THE
15 INDIVIDUAL BY RULE.

16 (h) FIRST AID TRAINING, IF REQUIRED FOR THE INDIVIDUAL PURSUANT TO
17 THIS ARTICLE OR POLICIES AND PROCEDURES.

18 (i) EVIDENCE OF FREEDOM FROM INFECTIOUS TUBERCULOSIS, IF REQUIRED
19 FOR THE INDIVIDUAL BY RULE.

20 (j) IF THE INDIVIDUAL IS A NUTRITION AND FEEDING ASSISTANT, BOTH:

21 (i) COMPLETION OF THE NUTRITION AND FEEDING ASSISTANT TRAINING
22 COURSE AS REQUIRED BY RULE.

23 (ii) A NURSE'S OBSERVATIONS AS REQUIRED BY RULE.

24 Sec. 2. Title 36, chapter 4, article 7, Arizona Revised Statutes,
25 is amended by adding section 36-447.03, to read:

26 36-447.03. Surveys; statement of deficiencies; initiation of
27 complaint investigations; time frames; record
28 retention

29 A. THE DEPARTMENT SHALL ISSUE ANY STATEMENT OF DEFICIENCIES TO A
30 NURSING CARE INSTITUTION WITHIN TEN BUSINESS DAYS AFTER COMPLETING THE
31 STATE SURVEY.

32 B. THE DEPARTMENT MAY NOT INITIATE A COMPLAINT INVESTIGATION
33 RELATING TO A NURSING CARE INSTITUTION MORE THAN TWELVE MONTHS AFTER THE
34 ALLEGED BASIS OF THE INCIDENT OCCURRED UNLESS THE COMPLAINT INVOLVES
35 ALLEGATIONS OF CRIMINAL ABUSE OR NEGLECT AND A FAILURE BY A PERSON WHO HAS
36 A DUTY TO REPORT THE POSSIBLE ABUSE OR NEGLECT PURSUANT TO SECTION 13-3620
37 OR 46-454. IF RECORDS THAT ARE MAINTAINED PURSUANT TO ARTICLE 4 OF THIS
38 CHAPTER HAVE BEEN LAWFULLY DESTROYED PURSUANT TO RETENTION REQUIREMENTS,
39 THE DEPARTMENT MAY NOT CITE THE LICENSEE FOR FAILURE TO PRODUCE THE
40 RECORDS FOR AN INVESTIGATION INITIATED MORE THAN TWELVE MONTHS AFTER THE
41 ALLEGED BASIS OF THE INCIDENT OCCURRED.

42 C. THE DEPARTMENT SHALL INITIATE COMPLAINT INVESTIGATIONS RELATING
43 TO NURSING CARE INSTITUTIONS CONSISTENT WITH THE CENTERS FOR MEDICARE AND
44 MEDICAID SERVICES TIME FRAMES BASED ON THE TRIAGED SEVERITY LEVEL OF EACH
45 COMPLAINT.

