

House Engrossed Senate Bill

FILED

**MICHELE REAGAN
SECRETARY OF STATE**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 158

SENATE BILL 1283

AN ACT

AMENDING SECTION 36-405, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-405, Arizona Revised Statutes, is amended to
3 read:

4 36-405. Powers and duties of the director

5 A. The director shall adopt rules to establish minimum standards and
6 requirements for the construction, modification and licensure of health care
7 institutions necessary to assure the public health, safety and welfare. The
8 standards and requirements shall relate to the construction, equipment,
9 sanitation, staffing for medical, nursing and personal care services, and
10 record keeping pertaining to the administration of medical, nursing,
11 behavioral health and personal care services, in accordance with generally
12 accepted practices of health care. The director shall use the current
13 standards adopted by the joint commission on accreditation of hospitals and
14 the commission on accreditation of the American osteopathic association or
15 those adopted by any recognized accreditation organization approved by the
16 department as guidelines in prescribing minimum standards and requirements
17 under this section.

18 B. The director, by rule, may:

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

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

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

31 4. Prescribe standards for the selection of health care related
32 demonstration projects.

33 5. Establish and collect nonrefundable fees for health care
34 institutions for license applications, initial licenses, renewal licenses and
35 architectural drawing reviews.

36 C. The director, by rule, ~~may~~ SHALL adopt licensing provisions that
37 facilitate the colocation and integration of outpatient treatment centers
38 that provide medical, nursing and health-related services with behavioral
39 health services, ~~including provisions for avoiding duplicative requirements~~
40 ~~for construction, record keeping, ancillary services, equipment and operation~~
41 ~~for a facility at a single location that operates with more than one license~~
42 CONSISTENT WITH ARTICLE 3.1 OF THIS CHAPTER.

43 D. ~~Ninety per cent~~ PERCENT of the fees collected pursuant to this
44 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
45 health services licensing fund established by section 36-414 and ~~ten per cent~~

1 PERCENT of the fees collected pursuant to this section shall be deposited,
2 pursuant to sections 35-146 and 35-147, in the state general fund.

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

6 Sec. 2. Title 36, chapter 4, Arizona Revised Statutes, is amended by
7 adding article 3.1, to read:

8 ARTICLE 3.1. COLOCATION AT OUTPATIENT TREATMENT CENTERS

9 36-439. Definitions

10 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 1. "ASSOCIATED LICENSED PROVIDER" MEANS ONE OR MORE LICENSED
12 OUTPATIENT TREATMENT CENTERS OR ONE OR MORE LICENSED COUNSELING FACILITIES
13 THAT SHARE COMMON AREAS PURSUANT TO A WRITTEN AGREEMENT WITH A COLLABORATING
14 OUTPATIENT TREATMENT CENTER AND THAT ARE LIABLE AND RESPONSIBLE FOR THE
15 TREATMENT AREAS THAT ARE USED BY THE RESPECTIVE ASSOCIATED LICENSED PROVIDER
16 PURSUANT TO WRITTEN POLICIES.

17 2. "COLLABORATING OUTPATIENT TREATMENT CENTER" MEANS A LICENSED
18 OUTPATIENT TREATMENT CENTER THAT HAS A WRITTEN AGREEMENT WITH ONE OR MORE
19 OUTPATIENT TREATMENT CENTERS OR EXEMPT HEALTH CARE PROVIDERS OR LICENSED
20 COUNSELING FACILITIES THAT REQUIRES THE COLLABORATING OUTPATIENT TREATMENT
21 CENTER TO BE LIABLE AND RESPONSIBLE PURSUANT TO WRITTEN POLICIES FOR ALL
22 COMMON AREAS THAT ONE OR MORE COLOCATORS USE.

23 3. "COLOCATOR" MEANS AN EXEMPT HEALTH CARE PROVIDER OR A GOVERNING
24 AUTHORITY OPERATING AS AN OUTPATIENT TREATMENT CENTER OR A LICENSED
25 COUNSELING FACILITY THAT MAY SHARE COMMON AREAS AND NONTREATMENT PERSONNEL
26 WITH ANOTHER COLOCATOR PURSUANT TO AN AGREEMENT AS PRESCRIBED IN THIS
27 ARTICLE.

28 4. "COMMON AREAS":

29 (a) MEANS THE LICENSED PUBLIC OR NONPUBLIC PORTIONS OF OUTPATIENT
30 TREATMENT CENTER PREMISES THAT ARE NOT USED FOR TREATMENT AND THAT ARE SHARED
31 BY ONE OR MORE LICENSEES OR EXEMPT HEALTH CARE PROVIDERS.

32 (b) INCLUDES HALLWAYS, ENTRANCES, ELEVATORS, STAIRCASES, RESTROOMS,
33 RECEPTION AREAS, CONFERENCE AREAS, EMPLOYEE BREAK ROOMS, RECORDS RETENTION
34 AREAS AND OTHER NONTREATMENT AREAS OF AN OUTPATIENT TREATMENT CENTER.

35 5. "EMERGENCY HEALTH CARE SERVICES" MEANS TREATMENT FOR A MEDICAL OR
36 BEHAVIORAL HEALTH CONDITION, INCLUDING LABOR AND DELIVERY, THAT MANIFESTS
37 ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING SEVERE PAIN, SUCH
38 THAT A PRUDENT LAYPERSON WHO POSSESSES AN AVERAGE KNOWLEDGE OF HEALTH AND
39 MEDICINE COULD REASONABLY EXPECT THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION
40 TO RESULT IN ANY OF THE FOLLOWING:

41 (a) PLACING THE PATIENT'S HEALTH, INCLUDING MENTAL HEALTH, IN SERIOUS
42 JEOPARDY.

43 (b) SERIOUS IMPAIRMENT TO A BODILY FUNCTION OF THE PATIENT.

44 (c) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART OF THE PATIENT.

45 (d) HARM TO THE PATIENT OR OTHERS.

Passed the House March 24, 2015,

Passed the Senate March 3, 2015,

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

0 Nays, 4 Not Voting

0 Nays, 0 Not Voting

with emergency

with Emergency

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Assistant
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1283

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 10, 20 15

by the following vote: 89 Ayes,

0 Nays, 1 Not Voting

ASB with Emergency
President of the Senate

Charmine Belletto
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of March, 20 15

at 4:28 o'clock P. M.

Mista Lynema
Secretary to the Governor

Approved this 1st day of

April

at 3:25 o'clock P. M.

Janet L. Ducey
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of April, 20 15

at 9:00 o'clock A M.

Michelle Reagan
Secretary of State