



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

PREAMBLE

[R15-21]

- 1. Articles, Parts, and Sections Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
3. The effective date for the rules:
4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
5. The agency's contact person who can answer questions about the rulemaking:



Fax: (602) 542-8316
E-mail: allen.imig@aznciaboard.us
Web site: www.aznciaboard.us

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board is making the changes identified in a Five-year-Review Report approved by Council on August 5, 2014. Additionally, the Board is establishing new standards regarding being appointed to administer multiple nursing care institutions or manage multiple assisted living facilities. These new standards are necessary to ensure that a licensed administrator or certified manager is actually providing the supervision needed to protect the vulnerable populations that rely on services from a nursing care institution or assisted care facility.

In an e-mail from Ted Vogt, Chief of Operations in the Governor's Office, dated February 27, 2015, an exemption from Executive Order 2015-01 was provided for this rulemaking.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review or rely on a study in its evaluation of or justification for any of the rules in this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The rulemaking will have economic impact on individuals who have previously been appointed to administer more than one nursing care institution or manage more than two assisted living facilities. The Board has determined this restriction is necessary to ensure proper supervision needed to protect the vulnerable populations that rely on services from a nursing care institution or assisted care facility.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

In the Notice of Proposed Rulemaking published in the Arizona Administrative Register on November 21, 2014, the Board made non-substantive changes to R4-33-106 to make the rule more clear, concise, and understandable. Because the exemption provided by Mr. Vogt on February 27, 2015, did not clearly indicate that the amendment of R4-33-106 was included within the terms of the exemption, the Board removed R4-33-106 from the Notice of Final Rulemaking.

To make the rule more understandable, R4-33-212(C)(2) was changed to be consistent with the language in the R4-33-212(C)(1). A similar change was made between R4-33-411(B)(2) and (B)(3).

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

The Board received no comments regarding the rulemaking. No one attended the oral proceeding on December 22, 2014.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

R4-33-203, R4-33-401, and R4-33-402 require permits that regulate activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

No federal law applies to the rules. Federal law makes receipt of federal funding contingent on a state licensing and regulating nursing care institution administrators. The specifics of the licensure and regulation are matters of state law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.



13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

No materials are incorporated by reference.

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

ARTICLE 1. GENERAL

Section

- R4-33-101. Definitions
- R4-33-108. Display of License or Certificate

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

Section

- R4-33-203. Requirements for Temporary License
- R4-33-208. Standards of Conduct; Disciplinary Action
- R4-33-212. ~~Renumbered~~ Appointment as Administrator of Multiple Nursing Care Institutions

ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM

- R4-33-302. Standards for an AIT Program

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

Section

- R4-33-401. Requirements for Initial Certification by Examination
- R4-33-402. Requirements for a Temporary Certificate
- R4-33-407. Standards of Conduct; Disciplinary Action
- R4-33-408. Referral Requirements
- R4-33-411. ~~Repeated~~ Appointment as Manager of Multiple Assisted Living Facilities

ARTICLE 1. GENERAL

R4-33-101. Definitions

The definitions in A.R.S. § 36-446 apply to this Chapter. Additionally, in this Chapter, unless otherwise specified:

“Accredited” means approved by the North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

“ACHCA certified” means written evidence of completing the Professional Certification Program administered by the American College of Health Care Administrators.

“Administrator” has the meaning prescribed at A.R.S. § 36-446 and means an individual licensed under this Chapter to supervise a nursing care institution.

“Administrator in training” or “AIT” means an individual who is taking an AIT program to be licensed as an administrator for a nursing care institution.

“AIT program” means a training that the Board approves after determining that the training meets the standards at R4-33-302.

“Applicant” means an individual who applies to the Board to be licensed as an administrator of a nursing care institution, to be certified as a manager of an assisted living facility, or for approval of a continuing education.

“Application package” means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant’s behalf.



“Arizona examination” means a measure of an applicant’s knowledge of Arizona statutes and rules regarding nursing care institution administration or assisted living facility management.

“Biennial period” means July 1 of an even-numbered year through June 30 of the next even-numbered year for an administrator and July 1 of an odd-numbered year through June 30 of the next odd-numbered year for a manager.

“Contact hour” means an hour during which an administrator or manager is physically present at a continuing education or a manager is physically present at a required initial training.

“Continuing education” means a planned educational course or program that the Board approves under R4-33-502.

“Good standing” means that an individual licensed by the state is not subject to any disciplinary action or consent order, and not currently under investigation for alleged unprofessional conduct.

“Health care institution” means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice services agencies. A.R.S. § 36-401.

“Manager” means an assisted living facility manager, as defined at A.R.S. § 36-446, who is certified under this Chapter to supervise an assisted living facility.

“NAB” means the National Association of Board of Examiners for Nursing Home Administrators.

“Party” has the same meaning as prescribed in A.R.S. § 41-1001.

“Preceptor” means a practicing nursing care institution administrator who helps to develop a new professional in the field of long-term care administration by tutoring the new professional.

“Qualified instructor” means a person who meets one or more of the following criteria:

A registered nurse, licensed under A.R.S. Title 32, Chapter 15;

An instructor employed by an accredited college or university, or health care institution to teach a health-care related course; or

A person or entity that has sufficient education and training to be qualified to teach a health-care related course.

“Work experience in a health-related field” means employment in a health care institution or in the professional fields of medicine, nursing, social work, gerontology, or other closely related field.

R4-33-108. Display of License or Certificate

- A. An administrator shall display the administrator’s original license and current renewal receipt in a conspicuous place in the nursing care institution at which the administrator is appointed.
- B. A manager shall display the manager’s original certificate and current renewal receipt in a conspicuous place in the assisted care facility at which the manager is ~~employed~~ appointed.

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

R4-33-203. Requirements for Temporary License

- A. To be eligible for a temporary license as a nursing care institution administrator, an individual shall:
 1. Meet the requirements specified in R4-33-201 or R4-33-202 except for the requirement at R4-33-201(2) or R4-33-202(2)(b);
 2. Have the owner of a nursing care institution that intends to ~~employ~~ appoint the applicant as administrator if the applicant is successful in obtaining a temporary license submit to the Board a Letter of Intent to ~~Employ~~ Appoint on a form that is available from the Board. The owner of the nursing care institution shall include the following in the Letter of Intent to ~~Employ~~ Appoint:
 - a. Name of the owner of the nursing care institution,
 - b. Name and address of the nursing care institution,
 - c. Name of the applicant,
 - d. An affirmation of intent to ~~employ~~ appoint the applicant,
 - e. Reason for requesting a temporary license for the applicant,
 - f. License number of the nursing care institution, and
 - g. Notarized signature of the owner of the nursing care institution;
 3. Not have held an Arizona temporary license as a nursing care institution administrator within the past three years; and
 4. Not have failed the Arizona or NAB examination before applying for a temporary license.
- B. At the Board’s request, an applicant for a temporary license shall appear or be available by telephone for an interview with the Board.
- C. A temporary license is valid for 150 days and is not renewable. Before expiration of the temporary license, the temporary licensee shall become licensed under A.R.S. § 36-446.04 and this Article or discontinue as administrator of the nursing care institution.



D. If a temporary licensee fails the Arizona or NAB examination during the term of the temporary license, the temporary license is automatically revoked and the former licensee shall discontinue as administrator of the nursing care institution.

R4-33-208. Standards of Conduct; Disciplinary Action

- A. An administrator shall know and comply with all federal and state laws applicable to operation of a nursing care institution.
- B. An administrator shall not:
 1. Engage in unprofessional conduct as defined at A.R.S. § 36-446;
 2. Be addicted to or dependent on the use of narcotics or other drugs, including alcohol;
 3. Directly or indirectly permit an owner, officer, or employee of a nursing care institution to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to patients of the institution unless the resulting economic benefit is directly passed to the patients;
 4. Directly or indirectly permit an owner, officer, or employee of a nursing care institution to solicit, offer, or receive any premium, rebate, or other valuable consideration for referring a patient to another person or place unless the resulting economic benefit is directly passed to the patient;
 5. Willfully permit the unauthorized disclosure of information relating to a patient or a patient’s records;
 6. Discriminate against a patient or employee on the basis of race, sex, age, religion, disability, or national origin;
 7. Misrepresent the administrator’s qualifications, education, or experience;
 8. Aid or abet another person to misrepresent that person’s qualifications, education, or experience;
 9. Defend, support, or ignore unethical conduct of an employee, owner, or other administrator;
 10. Engage in any conduct or practice contrary to recognized community standards or ethics of a nursing care institution administrator;
 11. Engage in any conduct or practice that is or might constitute incompetence, gross negligence, repeated negligence, or negligence that might constitute a danger to the health, welfare, or safety of a patient or the public;
 12. Procure or attempt to procure by fraud or misrepresentation a license or renewal of a license as a nursing care institution administrator;
 13. Violate a formal order, condition of probation, or stipulation issued by the Board;
 14. Commit an act of sexual abuse, misconduct, harassment, or exploitation; ~~or~~
 15. Retaliate against any person who reports in good faith to the Board alleged incompetence or illegal or unethical conduct of any administrator; ~~or~~
 16. Accept an appointment as administrator of a nursing care institution in violation of R4-33-212.
- C. The Board shall consider a final judgment or conviction for a felony, an offense involving moral turpitude, or direct or indirect elder abuse as grounds for disciplinary action under A.R.S. § 36-446.07 including denial of a license or license renewal.
- D. An administrator who violates any provision of A.R.S. Title 36, Chapter 4, Article 6 or this Chapter is subject to discipline under A.R.S. § 36-446.07.

R4-33-212. Renumbered Appointment as Administrator of Multiple Nursing Care Institutions

- A. Except as provided in subsection (B), an individual licensed under R4-33-201 or R4-33-202 shall not be appointed as administrator of more than one nursing care institution.
- B. An individual licensed under R4-33-201 or R4-33-202 may be appointed as administrator of a second nursing care institution if:
 1. Neither nursing care institution is operating under a provisional license;
 2. The two nursing care institutions are no more than 25 miles apart; and
 3. The appointment at the second institution is for no more than 90 days.
- C. A licensed administrator who is appointed as administrator of a second nursing care institution under subsection (B) shall:
 1. For both nursing care institutions, designate in writing an individual who is on the nursing care institution premises and accountable for the services provided at the nursing care institution when the licensed administrator is not on the nursing care institution premises. The designated individual shall:
 - a. Be at least 21 years old;
 - b. Be qualified through education and experience to fulfill the responsibilities of a nursing care institution administrator; and
 - c. Never have had licensure or certification suspended or revoked by the Board;
 2. Ensure that the name of the designated individual is conspicuously displayed at all times in a manner that informs those seeking assistance who is accountable for the services provided;
 3. Place the written notice of designation required under subsection (C)(1) in the personnel file of the individual designated; and
 4. Be available to the individual designated under subsection (C)(1) by telephone or electronically within 60 minutes.

ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM

**R4-33-302. Standards for an AIT Program**

For an AIT program to be approved by the Board, the provider of the AIT program:

1. Shall be:
 - a. An accredited college or university,
 - b. An institution licensed by the Board of Private Postsecondary Education under A.R.S. § 32-3001 et seq.,
 - c. ACHCA or the Arizona chapter of ACHCA, or
 - d. Another nationally recognized organization of long-term care administrators;
2. Shall ensure that the AIT program:
 - a. Provides at least 1,000 hours of full-time educational experience to the AIT in not less than six months and not more than 12 months in the following subject areas:
 - i. Federal and state law regarding nursing care institutions,
 - ii. Nursing care institution administration and policy,
 - iii. Health care quality assurance,
 - iv. Communications skills,
 - v. Health economics,
 - vi. Financial management of a nursing care institution,
 - vii. Personnel management,
 - viii. Resident care,
 - ix. Facility operation and management,
 - x. Safety and environmental management, and
 - xi. Community resources;
 - b. Allows the AIT to work only with a preceptor who meets the standards in subsection (4) and is responsible for supervising the AIT while the AIT participates in the program,
 - c. Is implemented at the nursing care institution of which the preceptor is administrator,
 - d. Measures the AIT's success in acquiring the knowledge and skills necessary to be a competent nursing care institution administrator, and
 - e. Provides the AIT with a certificate of completion that indicates:
 - i. The AIT's name,
 - ii. The preceptor's name and license number,
 - iii. The name and address of the facility at which the AIT program was implemented,
 - iv. The beginning and ending dates of the AIT program, and
 - v. The preceptor's signature affirming that the AIT successfully completed the AIT program;
3. Shall develop a procedure to monitor the AIT program, assess the AIT's progress through the AIT program, and make adjustments necessary to ensure that the AIT acquires the knowledge and skills necessary to be a competent nursing care institution administrator;
4. Shall ensure that an individual who serves as an AIT preceptor:
 - a. Has been licensed by the Board for at least two years,
 - b. Is ~~employed~~ appointed full-time as a nursing care institution administrator at a facility that the Department determines is in compliance with applicable standards,
 - c. Is in good standing and has no disciplinary actions against the individual's license in the last three years, and
 - d. Completes a training course regarding the role and responsibilities of a preceptor; and
5. Shall develop a written policy and procedures manual that includes at least the following:
 - a. Procedure and forms required to apply to be an AIT;
 - b. Procedure and forms required to apply to be a preceptor;
 - c. Procedure for matching an AIT applicant with a preceptor;
 - d. Goals of the AIT program related to each of the subject areas listed in subsection (2)(a);
 - e. Learning experiences to achieve each goal;
 - f. Estimated time to accomplish each goal;
 - g. Responsibilities of a preceptor;
 - h. Responsibilities of an AIT;
 - i. Procedures for deviating from the goals of the AIT program, changing the facility at which the AIT program is implemented, changing preceptor, and extending the AIT program; and
 - j. Procedure for evaluating the preceptor.

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION**R4-33-401. Requirements for Initial Certification by Examination**

~~A. To be eligible~~ Except as provided in subsection (B), an individual who wishes to receive an initial certificate by examination as an assisted living facility manager, ~~an individual~~ shall:

1. Education:
 - a. Earn a high school diploma or G.E.D., and



- b. Complete, ~~within one year before the date of application for certification, a training program in personal, supervisory, and directed care and management of an assisted living facility that is:~~
 - i. ~~Approved by the Department under A.A.C. R9-10-724, and~~
 - ii. ~~Provided by an institution licensed by the Board of Private Postsecondary Education under A.R.S. Title 32, Chapter 30 or exempt from licensing by the Board of Private Postsecondary Education, an assisted living facility caregiver training program that is approved by the Board under A.A.C. R4-33-701, and~~
- c. ~~Complete an assisted living facility manager training program that is approved by the Board under A.A.C. R4-33-601, or~~
- e.d. Hold a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2;
- 2. Work experience. Complete at least 2,080 hours of paid work experience in a health-related field within the five years before application;
- 3. Examination. Obtain a score of at least 75 percent on the Arizona examination;
- 4. Training. Complete an adult cardiopulmonary resuscitation and basic first-aid training program;
- 5. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
- 6. Submit all applicable information required under R4-33-403.

B. An individual who holds a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2 is exempt from the requirements specified in subsections (A)(1)(b) and (4).

R4-33-402. Requirements for a Temporary Certificate

- A.** To be eligible for a temporary certificate as an assisted living facility manager, an individual shall:
- 1. Meet the requirements under R4-33-401 except for the requirement at R4-33-401(3);
 - 2. Have the owner of an assisted living facility that intends to employ appoint the applicant as manager if the applicant is successful in obtaining a temporary certificate submit to the Board a Letter of Intent to Employ Appoint on a form that is available from the Board. The owner of the assisted living facility shall include the following in the Letter of Intent to Employ Appoint:
 - a. Name of the owner of the assisted living facility;
 - b. Name and address of the assisted living facility;
 - c. Name of the applicant;
 - d. An affirmation of intent to employ appoint the applicant;
 - e. Reason for requesting a temporary certificate for the applicant;
 - f. License number of the assisted living facility; and
 - g. Notarized signature of the owner of the assisted living facility;
 - 3. Not have held an Arizona temporary certificate as an assisted living facility manager within the past three years; and
 - 4. Not have failed the Arizona examination before applying for the temporary certificate.
- B.** At the Board’s request, an applicant for a temporary certificate shall appear or be available by telephone for an interview with the Board.
- C.** A temporary certificate is valid for 150 days and is not renewable. Before expiration of the temporary certificate, the temporary certificate holder shall obtain a certificate under A.R.S. § 36-446.04 and this Article or discontinue as manager of the assisted living facility.
- D.** If a temporary certificate holder fails the Arizona examination during the term of the temporary certificate, the temporary certificate is automatically revoked and the former temporary certificate holder shall discontinue as manager of the assisted living facility.

R4-33-407. Standards of Conduct; Disciplinary Action

- A.** A manager shall know and comply with all federal and state laws applicable to the operation of an assisted living facility.
- B.** A manager shall not:
- 1. Engage in unprofessional conduct as defined at A.R.S. § 36-446;
 - 2. Be addicted to or dependent on the use of narcotics or other drugs, including alcohol;
 - 3. Directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to residents unless the resulting economic benefit is directly passed to the residents;
 - 4. Directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration for referring a resident to another person or place unless the resulting economic benefit is directly passed to the resident;
 - 5. Willfully permit the unauthorized disclosure of information relating to a resident or a resident’s records;
 - 6. Discriminate against a resident or employee on the basis of race, sex, age, religion, disability, or national origin;
 - 7. Misrepresent the manager’s qualifications, education, or experience;
 - 8. Aid or abet another person to misrepresent that person’s qualifications, education, or experience;
 - 9. Defend, support, or ignore unethical conduct of an employee, owner, or other manager;



10. Engage in any conduct or practice contrary to recognized community standards or ethics of an assisted living facility manager;
 11. Engage in any conduct or practice that is or might constitute incompetence, gross negligence, repeated negligence, or negligence that might constitute a danger to the health, welfare, or safety of a resident or the public;
 12. Procure or attempt to procure by fraud or misrepresentation a certificate or renewal of a certificate as an assisted living facility manager;
 13. Violate a formal order, condition of probation, or stipulation issued by the Board;
 14. Commit an act of sexual abuse, misconduct, harassment, or exploitation;
 15. Retaliate against any person who reports in good faith to the Board alleged incompetence or illegal or unethical conduct of any manager;
 16. Allow the manager's certificate to be displayed as required under R4-33-108(B) unless the manager has been appointed as specified in R4-33-410; or
 17. Manage an assisted living facility in violation of R4-33-411.
- C. The Board shall consider a final judgment or conviction for a felony, an offense involving moral turpitude, or direct or indirect elder abuse as grounds for disciplinary action under A.R.S. § 36-446.07, including denial of a certificate or certificate renewal.
- D. A manager who violates any provision of A.R.S. Title 36, Chapter 4, Article 6 or this Chapter is subject to discipline under A.R.S. § 36-446.07.

R4-33-408. Referral Requirements

- A. A manager who is ~~employed~~ appointed by an assisted living facility that pays a fee to an individual or entity for referral of a resident to the assisted living facility shall ensure that the assisted living facility:
1. Has on file a contract with the individual or entity making the referral;
 2. Maintains a file of the names of the residents referred by the individual or entity; and
 3. Obtains at the time of admission and maintains a statement, signed by the resident or the resident's representative or legal guardian, which discloses that:
 - a. A fee was paid for referring the resident to the assisted living facility;
 - b. The resident or the resident's representative or legal guardian was informed of the fee arrangement; and
 - c. The resident or the resident's representative or legal guardian was informed of any ownership interest between the assisted living facility and the individual or entity making the referral.
- B. A manager shall maintain the records required under subsection (A)(1) for five years and shall maintain the records required under subsections (A)(2) and (A)(3) for five years after the resident ceases to reside in the assisted living facility.
- C. A manager shall make the records required under this Section available for review upon request by the Board.

R4-33-411. ~~Repealed~~ Appointment as Manager of Multiple Assisted Living Facilities

- A. An individual certified under R4-33-401 shall not be appointed to manage more than two assisted living facilities at one time.
- B. A individual certified under R4-33-401 who is appointed to manage two assisted living facilities shall:
1. Ensure that the two assisted living facilities are no more than 25 miles apart;
 2. Designate in writing one or more individuals who are on the assisted living facility premises and accountable for the services provided at the assisted living facility when the appointed certified manager is not on the assisted living facility premises. A designated individual shall:
 - a. Be at least 21 years old;
 - b. Be a caregiver with at least three years' experience as a caregiver or hold a temporary certificate issued under R4-33-402; and
 - c. Never have had licensure or certification suspended or revoked by the Board;
 3. Ensure that the name of the designated individual is conspicuously displayed at all times in a manner that informs those seeking assistance who is accountable for the services provided;
 4. Place the written notice of designation required under subsection (B)(2) in the personnel file of the individual designated; and
 5. Be available to the individual designated under subsection (B)(2) by telephone or electronically within 60 minutes.