

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

CHAPTER 70

SENATE BILL 1206

AN ACT

AMENDING SECTION 36-402, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE INSTITUTIONS.

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

2 Section 1. Section 36-402, Arizona Revised Statutes, is amended to
3 read:

4 36-402. Exemptions

5 Nothing in this chapter or the rules adopted by the director pursuant
6 to the provisions of this chapter authorizes the licensure, supervision,
7 regulation or control of:

8 1. The remedial care or treatment of residents or patients in any home
9 or institution conducted only for those who rely solely upon treatment by
10 prayer or spiritual means in accordance with the creed or tenets of any well
11 recognized church or religious denomination.

12 2. Establishments, such as motels, hotels and boarding houses, which
13 provide domiciliary and ancillary commercial services, but do not provide
14 adaptive, medical, hospital, nursing, health-related or supervisory care
15 services.

16 3. Private offices and clinics of health care providers licensed under
17 title 32 unless patients are kept overnight as bed patients or treated
18 otherwise under general anesthesia except where treatment by general
19 anesthesia is regulated by title 32, chapter 11.

20 4. Dispensaries and first aid stations located within business or
21 industrial establishments maintained solely for the use of employees if the

1 facility does not contain inpatient beds and is under the supervision of a
2 physician.

3 5. The collection, processing or distribution of whole human blood,
4 blood components, plasma, blood fractions or derivatives procured, processed
5 or distributed by federally licensed and regulated blood banks.

6 6. Adult foster care homes certified by the county or the department
7 pursuant to section 11-293.01 or 36-410.

8 7. Places where four or fewer adults not related to the administrator
9 or owner receive adult day health services for compensation on a regular
10 basis.

11 8. Places wherein persons receive health-related services only from
12 relatives or from legal guardians.

13 9. The Arizona pioneers' home. However, the department of health
14 services shall evaluate the health and sanitation conditions at the Arizona
15 pioneers' home annually using the standards applicable to licensed nursing
16 care institutions. Reports of such visits shall be prepared and disseminated
17 to the president of the senate, the speaker of the house of representatives
18 and the governor within thirty days of such visits. Reports shall include
19 information as to the extent of compliance with applicable standards as
20 compared to licensed nursing care institutions and recommendations for the
21 improvement of care and services provided.

22 10. The personal residence of a terminally ill person, or the personal
23 residence of that person's relative or guardian, where that person receives
24 hospice services from a hospice service agency.

25 11. ALL MEDICAL AND HEALTH RELATED FACILITIES AND SERVICES THAT ARE
26 PROVIDED TO INMATES WHO ARE CONFINED IN A STATE PRISON. THE STATE DEPARTMENT
27 OF CORRECTIONS SHALL ANNUALLY EVALUATE THE MEDICAL AND HEALTH RELATED
28 FACILITIES AND SERVICES THAT ARE PROVIDED TO INMATES TO DETERMINE THAT THE
29 FACILITIES AND SERVICES MEET THE APPLICABLE STANDARDS THAT ARE ADOPTED BY THE
30 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES. THE STATE DEPARTMENT OF
31 CORRECTIONS SHALL REPORT THE RESULTS OF ITS ANNUAL EVALUATION AND THE ACTUAL
32 FINDINGS, INCLUDING A PLAN OF CORRECTION FOR ANY DEFICIENCIES, TO THE
33 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES. THE DEPARTMENT OF HEALTH
34 SERVICES SHALL CONDUCT VALIDATION SURVEYS ON A PERCENTAGE OF THE MEDICAL AND
35 HEALTH RELATED FACILITIES, THE NUMBER OF WHICH SHALL BE DETERMINED BY THE
36 STATE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HEALTH SERVICES. THE
37 DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS SHALL MAINTAIN THE ANNUAL
38 EVALUATION REPORTS. THIS PARAGRAPH DOES NOT APPLY TO LICENSED BEHAVIORAL OR
39 MENTAL HEALTH TREATMENT FACILITIES THAT THE STATE DEPARTMENT OF CORRECTIONS
40 OPERATES.

APPROVED BY THE GOVERNOR APRIL 1, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 1996