

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 109  
**HOUSE BILL 2128**

AN ACT

AMENDING SECTION 36-402, 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 36-402, Arizona Revised Statutes, is amended to  
3 read:

4 36-402. Exemptions

5 This chapter ~~or~~ AND the rules adopted by the director pursuant to this  
6 chapter do not authorize the licensure, supervision, regulation or control  
7 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 on 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 THAT provide domiciliary and ancillary commercial services, but do not  
14 provide adaptive, medical, hospital, nursing, health-related or supervisory  
15 care services.

16 3. Private offices and clinics of health care providers licensed under  
17 title 32 that are not freestanding urgent care centers, unless:

18 (a) Patients are kept overnight as bed patients or treated otherwise  
19 under general anesthesia except where treatment by general anesthesia is  
20 regulated by title 32, chapter 11.

21 (b) The office or clinic is an abortion clinic. For the purposes of  
22 this subdivision, "abortion clinic" has the same meaning prescribed in  
23 section 36-449.01.

24 4. Dispensaries and first aid stations located within business or  
25 industrial establishments maintained solely for the use of employees if the  
26 facility does not contain inpatient beds and is under the supervision of a  
27 physician.

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

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

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

36 8. Places at which persons receive health related services only from  
37 relatives or from legal guardians or places that do not purport to be  
38 establishments that regularly provide health related services and at which  
39 one or two persons receive health related services on a twenty-four hour  
40 basis.

41 9. The Arizona pioneers' home. However, the department of health  
42 services shall evaluate the health and sanitation conditions at the Arizona  
43 pioneers' home annually using the standards applicable to licensed nursing  
44 care institutions. The department shall prepare and distribute reports of  
45 these visits to the president of the senate, the speaker of the house of

1 representatives and the governor within thirty days of each visit. Reports  
2 shall include information as to the extent of compliance with applicable  
3 standards as compared to licensed nursing care institutions and  
4 recommendations for the improvement of care and services provided.

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

8 11. All medical and health related facilities and services that are  
9 provided to inmates who are confined in a state prison. The state department  
10 of corrections shall annually evaluate the medical and health related  
11 facilities and services that are provided to inmates to determine that the  
12 facilities and services meet the applicable standards that are adopted by the  
13 director of the department of health services. The state department of  
14 corrections shall report the results of its annual evaluation and the actual  
15 findings, including a plan of correction for any deficiencies, to the  
16 director of the department of health services. The department of health  
17 services shall conduct validation surveys on a percentage of the medical and  
18 health related facilities, the number of which shall be determined by the  
19 state department of corrections and the department of health services. The  
20 director of the state department of corrections shall maintain the annual  
21 evaluation reports. This paragraph does not apply to licensed behavioral or  
22 mental health inpatient treatment facilities that the state department of  
23 corrections operates.

24 12. A FACILITY THAT PROVIDES MEDICAL AND HEALTH SERVICES TO INMATES WHO  
25 ARE CONFINED IN A COUNTY JAIL. THE SHERIFF SHALL ANNUALLY EVALUATE THE  
26 FACILITY TO DETERMINE IF IT MEETS THE APPLICABLE STANDARDS THAT ARE ADOPTED  
27 BY EITHER A NATIONAL CORRECTIONS COMMISSION ON HEALTH CARE OR AN AMERICAN  
28 CORRECTIONAL ASSOCIATION OR THE SHERIFF SHALL ANNUALLY SUBMIT THE FACILITY  
29 TO A SIMILAR SEPARATE INSPECTION BY AN OUTSIDE AGENCY WITH MEDICAL STANDARDS.  
30 THE SHERIFF MUST SUBMIT THE CERTIFICATE OF ACCREDITATION OR PROOF OF  
31 SUCCESSFUL INSPECTION TO THE DEPARTMENT ANNUALLY AND KEEP A COPY OF THE  
32 CERTIFICATE OR PROOF OF INSPECTION.

APPROVED BY THE GOVERNOR APRIL 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2003.

Passed the House February 24, 2003

Passed the Senate April 8, 2003

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

Jake Flake  
Speaker of the House

Ken Fulk  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Cherine Bellenger  
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

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 23, 2003,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake  
Speaker of the House  
Norman L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23 day of April, 2003,

at 11:44 o'clock A M.

Sandra Ramirez  
Secretary to the Governor

Approved this 28 day of

April, 2003,

at 3<sup>00</sup> o'clock P. M.

J. J. Arizpe  
Governor of Arizona

H.B. 2128

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2003,

at 4:51 o'clock P M.

Janice K. Sawyer  
Secretary of State