

Conference Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 283

SENATE BILL 1358

AN ACT

AMENDING SECTIONS 32-3201, 36-446.02, 36-446.03 AND 36-446.04, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3005.16, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3006.27; RELATING TO THE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 32-3201, Arizona Revised Statutes, is amended to
3 read:

4 32-3201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Health profession regulatory board" means any board that regulates
7 one or more health professionals in this state.

8 2. "Health professional" means a person who is certified or licensed
9 pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25,
10 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title 36, CHAPTER 4, ARTICLE
11 6, TITLE 36, chapter 6, article 7 or title 36, chapter 17.

12 Sec. 2. Section 36-446.02, Arizona Revised Statutes, is amended to
13 read:

14 36-446.02. Board of examiners; terms; meetings; quorum; effect
15 of vacancies; compensation

16 A. ~~There is established a~~ THE board of examiners of nursing care
17 institution administrators and assisted living facility managers ~~which shall~~
18 ~~consist~~ IS ESTABLISHED CONSISTING of nine ELEVEN members appointed by the
19 governor.

20 B. The board shall include one administrator of a nonprofit FAITH
21 BASED skilled nursing facility, one administrator of a proprietary skilled
22 nursing facility, ~~one manager~~ TWO MANAGERS of an assisted living center as
23 defined in section 36-401, ~~one manager~~ WHO ARE NOT CURRENTLY AFFILIATED WITH
24 A NURSING CARE INSTITUTION, TWO MANAGERS of an assisted living home as
25 defined in section 36-401, WHO ARE NOT CURRENTLY AFFILIATED WITH A NURSING
26 CARE INSTITUTION, one administrator ~~or manager~~ at large NOT CURRENTLY
27 AFFILIATED WITH A NURSING CARE INSTITUTION, two members representative of the
28 professions concerned with the care and treatment of the chronically ill or
29 infirm elderly patients, ~~one lay member representing consumers of nursing~~
30 ~~care institution services and one lay member representing consumers of~~
31 ~~assisted living facility services.~~ AND TWO PUBLIC MEMBERS NOT CURRENTLY
32 AFFILIATED WITH A NURSING CARE INSTITUTION OR AN ASSISTED LIVING FACILITY.

33 C. The noninstitutional administrative members of the board shall have
34 no direct financial interest in nursing care institutions or assisted living
35 facilities.

36 D. A BOARD MEMBER SHALL NOT SERVE ON ANY OTHER BOARD RELATING TO
37 LONG-TERM CARE DURING THE MEMBER'S TERM WITH THE BOARD.

38 E. THE TERM OF A BOARD MEMBER AUTOMATICALLY ENDS WHEN THAT MEMBER NO
39 LONGER MEETS THE QUALIFICATIONS FOR APPOINTMENT TO THE BOARD. THE BOARD
40 SHALL NOTIFY THE GOVERNOR OF THE BOARD VACANCY.

41 ~~D.~~ F. Members shall be appointed for ~~three-year~~ TWO-YEAR terms. No
42 member shall serve for more than two consecutive ~~three-year~~ TWO-YEAR terms.

43 ~~E.~~ G. The board shall meet at least twice a year.

44 ~~F.~~ H. A majority of the board members constitutes a quorum.

1 ~~G.~~ I. Members of the board are eligible to receive compensation as
2 determined pursuant to section 38-611 for each day actually spent performing
3 their duties under this chapter.

4 ~~H.~~ J. A board member who is absent from three consecutive regular
5 meetings or who fails to attend more than fifty per cent of board meetings
6 over the course of one calendar year vacates ~~his~~ THE BOARD MEMBER'S
7 position. The board shall notify the governor of the vacancy.

8 Sec. 3. Section 36-446.03, Arizona Revised Statutes, is amended to
9 read:

10 36-446.03. Powers and duties of the board

11 A. The board may adopt, amend or repeal reasonable and necessary rules
12 and standards for the administration of this article in compliance with title
13 XIX of the social security act, as amended.

14 B. The board by rule may adopt nonrefundable fees that do not exceed
15 the following:

16 1. For initial application for certification as an assisted living
17 facility manager, one hundred dollars.

18 2. For examination for certification as an assisted living facility
19 manager, one hundred dollars.

20 3. For issuance of a certificate as an assisted living facility
21 manager, one hundred dollars prorated monthly.

22 4. For biennial renewal of a certificate as an assisted living
23 facility manager, one hundred dollars.

24 5. For the issuance of a temporary certificate as an assisted living
25 facility manager, fifty dollars.

26 6. For readministering an examination for certification as an assisted
27 living facility manager, one hundred dollars.

28 7. For issuance of a duplicate certificate as an assisted living
29 facility manager, fifty dollars.

30 8. For reviewing the sponsorship of continuing education programs,
31 twenty dollars.

32 9. As a penalty for failure to renew a certificate as an assisted
33 living facility manager as required by this article in a timely fashion,
34 fifty dollars per year.

35 C. The board may elect officers it deems necessary.

36 D. The board shall apply appropriate techniques, including
37 examinations and investigations, for determining whether a person meets the
38 qualifications set forth in section 36-446.04.

39 E. On its own motion or in response to any complaint against or report
40 of a violation by an administrator of a nursing care institution, or a
41 manager of an assisted living facility, the board may conduct investigations,
42 hearings and other proceedings concerning any violation of the provisions of
43 this article or of rules adopted by the board or by the department.

1 F. In connection with an investigation or administrative hearing, the
2 board may administer oaths and affirmations, subpoena witnesses, take
3 evidence and require by subpoena the production of documents, records or
4 other information in any form concerning matters the board deems relevant to
5 the investigation or hearing. If any subpoena issued by the board is
6 disobeyed, the board may invoke the aid of any court in this state in
7 requiring the attendance and testimony of witnesses and the production of
8 evidence.

9 G. The board may employ persons to provide investigative, professional
10 and clerical assistance as required to perform its powers and duties under
11 this article. Compensation for board employees shall be as determined
12 pursuant to section 38-611. The board may contract with other state or
13 federal agencies as required to carry out the provisions of this article.

14 H. The board may appoint review committees to make recommendations
15 concerning enforcement matters and the administration of this article.

16 I. The board by rule may establish a program to monitor licensees and
17 certificate holders who are chemically dependent and who enroll in
18 rehabilitation programs that meet board requirements. The board may take
19 disciplinary action if a licensee or a certificate holder refuses to enter
20 into an agreement to enroll in and complete a board approved rehabilitation
21 program or fails to abide by that agreement.

22 J. The board shall adopt and use an official seal.

23 K. The board shall adopt rules for the examination and licensure of
24 nursing care institution administrators and the examination and certification
25 of assisted living facility managers.

26 L. The board shall adopt rules governing payment to a person for the
27 direct or indirect solicitation or procurement of assisted living facility
28 patronage.

29 M. THE BOARD MUST PROVIDE THE SENATE AND THE HOUSE OF REPRESENTATIVES
30 HEALTH COMMITTEE CHAIRMEN WITH COPIES OF ALL BOARD MINUTES AND EXECUTIVE
31 DECISIONS.

32 Sec. 4. Section 36-446.04, Arizona Revised Statutes, is amended to
33 read:

34 36-446.04. Qualifications; period of validity; exemption

35 A. The board shall issue a license as a nursing care institution
36 administrator pursuant to its rules to any person who meets the following
37 qualifications:

38 1. Is of good character.

39 2. Has satisfactorily completed a course of instruction and training
40 approved by the board that:

41 (a) Is designed and sufficiently administered to give the applicant
42 knowledge of the proper needs to be served by nursing care institutions.

1 (b) Includes a thorough background in the laws and rules governing the
2 operation of nursing care institutions and the protection of the interests of
3 the patients in nursing care institutions.

4 (c) Includes thorough training in elements of good health care
5 facilities administration.

6 3. Has passed an examination administered by the board designed to
7 test for competency in the subject matter referred to in this subsection.

8 B. The board shall issue a certificate as an assisted living facility
9 manager pursuant to its rules to a person who meets the following
10 qualifications:

11 1. Is of good character.

12 2. Has satisfactorily completed a course of instruction and training
13 approved by the department.

14 3. Has passed an examination administered by the board.

15 4. Provides documentation satisfactory to the board that the applicant
16 has completed ~~twelve months~~ TWO THOUSAND EIGHTY HOURS of PAID work experience
17 in a health related field within the preceding five years as prescribed by
18 board rule.

19 C. In lieu of the requirements contained in subsection A, paragraph 2
20 or subsection B, paragraph 2, an applicant may present satisfactory evidence
21 to the board of sufficient education and training in the areas listed in that
22 paragraph.

23 D. A license is nontransferable and remains in effect until the
24 following June 30 of an even numbered year at which time the license may be
25 renewed if the licensee otherwise complies with this article and unless the
26 license has been surrendered, suspended or revoked.

27 E. A certificate is nontransferable and remains in effect until the
28 following June 30 of an odd numbered year at which time the certificate may
29 be renewed if the certificate holder otherwise complies with this article and
30 the certificate has not been surrendered, suspended or revoked.

31 F. This section does not apply to managers of adult foster care as
32 defined in section 36-401.

33 Sec. 5. Repeal

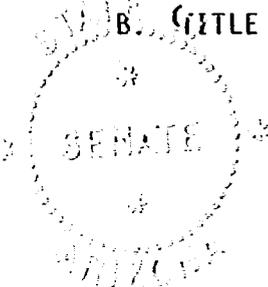
34 Section 41-3005.16, Arizona Revised Statutes, is repealed.

35 Sec. 6. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
36 amended by adding section 41-3006.27, to read:

37 41-3006.27. Board of examiners of nursing care institution
38 administrators and assisted living facility
39 managers; termination July 1, 2006

40 A. THE BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS
41 AND ASSISTED LIVING FACILITY MANAGERS TERMINATES ON JULY 1, 2006.

42 B. TITLE 36, CHAPTER 4, ARTICLE 6 IS REPEALED ON JANUARY 1, 2007.



1 Sec. 7. Purpose

2 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
3 the legislature continues the board of examiners of nursing care institution
4 administrators and assisted living facility managers to promote the safe and
5 professional regulation of nursing care institutions and assisted living
6 facilities in this state.

7 Sec. 8. Retroactivity

8 Sections 5 and 6 of this act are effective retroactively to July 1,
9 2005.

APPROVED BY THE GOVERNOR MAY 11, 2005.

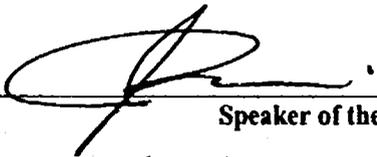
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2005.



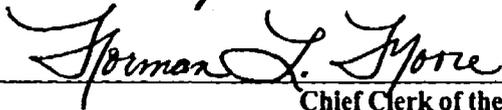
Passed the House April 13, 20 05,

by the following vote: 52 Ayes,

7 Nays, 1 Not Voting



Speaker of the House

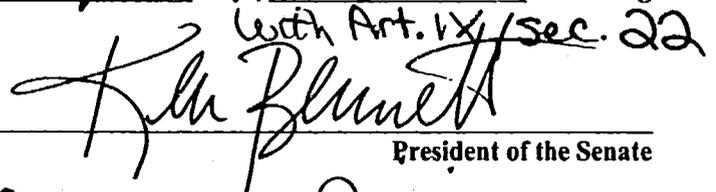


Chief Clerk of the House

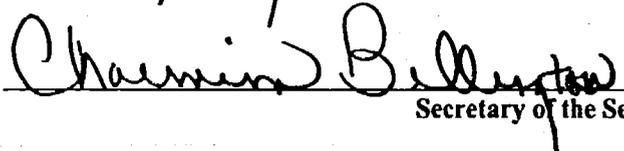
Passed the Senate March 14, 20 05,

by the following vote: 21 Ayes,

7 Nays, 2 Not Voting

With Art. IX/sec. 22


President of the Senate



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

S.B. 1358

**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 FINAL PASSAGE
as per Joint Conference

Passed the House May 4, 2005,

by the following vote: 39 Ayes,

19 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 3, 2005,

by the following vote: 26 Ayes,

4 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 5th day of May, 2005

at 3:45 o'clock P M.

Secretary to the Governor

Approved this 11 day of

May, 2005,

at 5⁰⁰ o'clock 7- M.

Governor of Arizona

S.B. 1358

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of May, 2005,

at 9:10 o'clock A. M.

Secretary of State