

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 56

SENATE BILL 1104

AN ACT

AMENDING SECTIONS 36-446.03 AND 36-446.12, 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 36-446.03, Arizona Revised Statutes, is amended to
3 read:

4 36-446.03. Powers and duties of the board; fees

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

8 B. The board by rule may adopt nonrefundable fees ~~that do not exceed~~
9 FOR the following:

10 1. ~~For Initial application for certification as an assisted living~~
11 ~~facility manager, one hundred dollars.~~

12 2. ~~For Examination for certification as an assisted living facility~~
13 ~~manager, one hundred dollars.~~

14 3. ~~For Issuance of a certificate as an assisted living facility~~
15 ~~manager, one hundred dollars prorated monthly.~~

16 4. ~~For Biennial renewal of a certificate as an assisted living~~
17 ~~facility manager, one hundred dollars.~~

18 5. ~~For the Issuance of a temporary certificate as an assisted living~~
19 ~~facility manager, fifty dollars.~~

20 6. ~~For Readministering an examination for certification as an assisted~~
21 ~~living facility manager, one hundred dollars.~~

22 7. ~~For Issuance of a duplicate certificate as an assisted living~~
23 ~~facility manager, fifty dollars.~~

24 8. ~~For Reviewing the sponsorship of continuing education programs,~~
25 ~~twenty dollars FOR EACH CREDIT HOUR.~~

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

29 9. LATE RENEWAL OF AN ASSISTED LIVING FACILITY MANAGER CERTIFICATE.

30 10. REVIEWING AN INDIVIDUAL'S REQUEST FOR CONTINUING EDUCATION CREDIT
31 HOURS, FOR EACH CREDIT HOUR.

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

33 D. The board shall apply appropriate techniques, including
34 examinations and investigations, ~~for determining whether~~ TO DETERMINE IF a
35 person meets the qualifications ~~set forth~~ PRESCRIBED in section 36-446.04.

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

41 F. In connection with an investigation or administrative hearing, the
42 board may administer oaths and affirmations, subpoena witnesses, take
43 evidence and require by subpoena the production of documents, records or
44 other information in any form concerning matters the board deems relevant to
45 the investigation or hearing. If any subpoena issued by the board is

1 disobeyed, the board may invoke the aid of any court in this state in
2 requiring the attendance and testimony of witnesses and the production of
3 evidence.

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

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

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

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

18 K. The board shall adopt rules for the examination and licensure of
19 nursing care institution administrators and the examination and certification
20 of assisted living facility managers.

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

24 M. The board must provide the senate and the house of representatives
25 health committee chairmen with copies of all board minutes and executive
26 decisions.

27 N. THE BOARD BY RULE SHALL LIMIT BY PERCENTAGE THE AMOUNT IT MAY
28 INCREASE A FEE ABOVE THE AMOUNT OF A FEE PREVIOUSLY PRESCRIBED BY THE BOARD
29 PURSUANT TO THIS SECTION.

30 Sec. 2. Section 36-446.12, Arizona Revised Statutes, is amended to
31 read:

32 36-446.12. Fees

33 A. The board BY RULE shall establish nonrefundable fees and penalties
34 ~~that do not exceed~~ FOR the following for nursing care institution
35 administrators:

- 36 1. ~~For~~ Initial application, ~~one hundred dollars.~~
- 37 2. ~~For~~ Examination for licensure as a nursing care institution
38 administrator, ~~five hundred dollars.~~
- 39 3. ~~For~~ A license as a nursing care institution administrator, ~~two~~
40 ~~hundred sixty dollars.~~
- 41 4. ~~For~~ Renewing an active biennial license, ~~three hundred dollars.~~
- 42 5. ~~For~~ Renewing an inactive biennial license, ~~one hundred dollars.~~
- 43 6. ~~For~~ A temporary license as a nursing care institution
44 administrator, ~~two hundred fifty dollars.~~

- 1 7. For Readministering the state examination, ~~one hundred fifty~~
2 dollars.
3 8. For Readministering the national examination, ~~three hundred~~
4 dollars.
5 9. For A duplicate license, ~~fifty dollars.~~
6 10. For Late renewal of a license, ~~a penalty of fifty dollars.~~
7 11. For Certifying licensure status, ~~ten dollars.~~
8 12. For Reviewing the sponsorship of continuing education programs,
9 ~~twenty dollars~~ FOR EACH CREDIT HOUR.
10 13. REVIEWING AN INDIVIDUAL'S REQUEST FOR CONTINUING EDUCATION CREDIT
11 HOURS, FOR EACH CREDIT HOUR.
12 B. The board shall prorate on a monthly basis fees paid for an initial
13 license as a nursing care institution administrator.
14 C. THE BOARD BY RULE SHALL LIMIT BY PERCENTAGE THE AMOUNT IT MAY
15 INCREASE A FEE ABOVE THE AMOUNT OF A FEE PREVIOUSLY PRESCRIBED BY THE BOARD
16 PURSUANT TO THIS SECTION.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.

Passed the House June 26, 20 09,

by the following vote: 39 Ayes,

12 Nays, 9 Not Voting

Alan B. Goldmark
Speaker of the House
Pro Tempore

Norman L. Moore
Chief Clerk of the House

Passed the Senate June 15, 20 09,

by the following vote: 20 Ayes,

8 Nays, 2 Not Voting

Robert L. Bennett
President of the Senate

Charmain Bellinger
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. 1104

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate June 29, 20 09

by the following vote: 19 Ayes,

9 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of July, 20 09

at 8:53 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 10th day of

July 2009

at 9:51 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10 day of July, 20 09

at 12:30 o'clock P. M.

[Signature]
Secretary of State