

Arizona Administrative CODE

6 A.A.C. 5 Supp. 19-1

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This Chapter contains rule Sections that were filed to be codified in the *Arizona Administrative Code* between the dates of January 1, 2019 through March 31, 2019

Title 6



ARD Office of the Secretary of State
ADMINISTRATIVE RULES DIVISION

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY - SOCIAL SERVICES

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Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

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The release of this Chapter in Supp. 19-1 replaces Supp. 17-1, 1-121 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each chapter.

First Quarter: January 1 - March 31

Second Quarter: April 1 - June 30

Third Quarter: July 1 - September 30

Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2019 is cited as Supp. 19-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate chapters of the *Administrative Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority

note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.



Administrative Rules Division
The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY - SOCIAL SERVICES

(Authority: A.R.S. § 41-1954 et seq.)

Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).

Editor's Note: Sections and Appendices of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005 (A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on these rules (Supp. 98-2).

Editor's Note: Sections of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on these rules. Under Laws 1997, Chapter 300, § 74(B), the Department is required to institute the formal rulemaking process on these Sections on or before December 31, 1997. Because these rules are exempt from the regular rulemaking process, the Chapter is printed on blue paper.

ARTICLE 1. REPEALED

Former Article 1 consisting of Sections R6-5-01 through R6-5-103 repealed effective August 3, 1978.

ARTICLE 2. REPEALED

Former Article 2 consisting of Sections R6-5-201 through R6-5-209 repealed effective August 8, 1978.

ARTICLE 3. REPEALED

Former Article 3 consisting of Sections R6-5-301 through R6-5-308 repealed effective July 6, 1976.

ARTICLE 4. REPEALED

Former Article 4 consisting of Sections R6-5-401 through R6-5-420 repealed effective August 3, 1978.

ARTICLE 5. REPEALED

Former Article 5 consisting of Sections R6-5-501 through R6-5-504 repealed effective July 6, 1976.

ARTICLE 6. REPEALED

Former Article 6 consisting of Sections R6-5-601 through R6-5-622 repealed effective July 6, 1977.

ARTICLE 7. REPEALED

Former Article 7 consisting of Sections R6-5-701 through R6-5-716 repealed effective August 3, 1978.

ARTICLE 8. REPEALED

Former Article 8 consisting of Sections R6-5-801 through R6-5-808 repealed effective September 16, 1976.

ARTICLE 9. REPEALED

Former Article 9 consisting of Sections R6-5-901 through R6-5-904 repealed effective August 3, 1978.

ARTICLE 10. REPEALED

Former Article 10 consisting of Sections R6-5-1001 through R6-5-1003 repealed effective August 3, 1978.

ARTICLE 11. REPEALED

Former Article 11 consisting of Sections R6-5-1101 through R6-5-1109 repealed effective August 11, 1976.

ARTICLE 12. REPEALED

Former Article 12 consisting of Sections R6-5-1201 through R6-5-1206 repealed effective May 17, 1976.

ARTICLE 13. REPEALED

Former Article 13 consisting of Sections R6-5-1301 through R6-5-1309 repealed effective November 23, 1976.

ARTICLE 14. REPEALED

Former Article 14 consisting of Sections R6-5-1401 through R6-5-1413 repealed effective May 24, 1976.

ARTICLE 15. REPEALED

Former Article 15 consisting of Sections R6-5-1501 through R6-5-1504 repealed effective August 11, 1976.

ARTICLE 16. RESERVED

ARTICLE 17. REPEALED

Former Article 17 consisting of Sections R6-5-1701 through R6-5-1704 repealed effective August 11, 1976.

ARTICLE 18. REPEALED

Former Article 18 consisting of Sections R6-5-1801 through R6-5-1804 repealed effective August 11, 1976.

ARTICLE 19. REPEALED

Former Article 19 consisting of Sections R6-5-1901 through R6-5-1906 repealed effective July 6, 1976.

ARTICLE 20. REPEALED

Former Article 20 consisting of Sections R6-5-2001 through R6-5-2006 repealed effective December 17, 1993.

Table with 2 columns: Section and Page. Rows include R6-5-2001 through R6-5-2004, all marked as Repealed and pointing to page 11.

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Former Article 21 consisting of Sections R6-5-2101 through R6-5-2110 repealed effective November 8, 1982.

ARTICLE 22. REPEALED

Former Article 22 consisting of Sections R6-5-2202 through R6-5-2209 repealed effective November 8, 1982.

ARTICLE 23. REPEALED

Article 23, consisting of Sections R6-5-2301 through R6-5-2310, repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

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ARTICLE 24. APPEALS AND HEARINGS

Article 24 consisting of Sections R6-5-2401 through R6-5-2405 adopted effective March 1, 1978.

Former Article 24 consisting of Sections R6-5-2401 through R6-5-2404 repealed effective March 1, 1978.

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ARTICLE 26. REPEALED

Former Article 26, consisting of Sections R6-5-2601 through R6-5-2607, repealed effective June 5, 1997 (Supp. 97-2).

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Former Article 27, consisting of Sections R6-5-2701 through R6-5-2707, repealed effective June 5, 1997 (Supp. 97-2).

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Former Article 28, consisting of Sections R6-5-2801 through R6-5-2804, repealed effective November 8, 1982.

ARTICLE 29. REPEALED

Article 29, consisting of Sections R6-5-2901 through R6-5-2912, repealed effective December 17, 1993 (Supp. 93-4).

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Former Article 30, consisting of Sections R6-5-3001 through R6-5-3007, repealed effective August 29, 1984.

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Former Article 31, consisting of Sections R6-5-3101 through R6-5-3110, repealed effective November 8, 1982.

ARTICLE 32. REPEALED

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ARTICLE 49. CHILD CARE ASSISTANCE

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Former Article 50, consisting of Sections R6-5-5001 through R6-5-5007, repealed effective November 8, 1982 (Supp. 82-6).

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ARTICLE 51. EXPIRED

Article 51, consisting of Sections R6-5-5101 through R6-5-5107, expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

Article 51, consisting of Sections R6-5-5101 through R6-5-5107, adopted effective June 17, 1985.

Former Article 51, consisting of Sections R6-5-5101 through R6-5-5104, repealed effective June 17, 1985.

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Article 52, consisting of Sections R6-5-5201 through R6-5-5211, repealed effective May 11, 1994 (Supp. 94-2).

Article 52, consisting of Sections R6-5-5201 through R6-5-5227, adopted effective May 11, 1994 (Supp. 94-2).

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ARTICLE 53. REPEALED

Former Article 53 consisting of Sections R6-5-5301 through R6-5-5305 repealed effective April 9, 1981.

ARTICLE 54. REPEALED

Former Article 54 consisting of Sections R6-5-5401 through R6-5-5411 repealed effective November 8, 1982.

ARTICLE 55. EXPIRED

Article 55, consisting of Sections R6-5-5501 through R6-5-5516 and Appendices 1 and 2, expired under A.R.S. § 41-1056(J) effective June 30, 2016 (Supp. 17-1).

Article 55, consisting of Sections R6-5-5501 through R6-5-5504, adopted effective December 8, 1983.

Former Article 55, consisting of Sections R6-5-5501 through R6-5-5526, repealed effective December 8, 1983.

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Article 56, consisting of Sections R6-5601 through R6-5-5610, expired at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

Article 56, consisting of new Sections R6-5601 through R6-5-5612, adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

Article 56, consisting of Sections R6-5-5601 through R6-5-5624, recodified to A.A.C. R6-8-201 through R6-8-224 effective February 13, 1996 (Supp. 96-1).

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ARTICLE 57. REPEALED

Article 57, consisting of Sections R6-5-5701 thru R6-5-5709, repealed effective April 9, 1998 (Supp. 98-2).

Article 57, consisting of Sections R6-5-5701 through R6-5-5709, adopted effective November 5, 1984.

Former Article 57, consisting of Sections R6-5-5701 through R6-5-5711, repealed effective November 5, 1984.

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| R6-5-5707. | Repealed | 61 |
| R6-5-5708. | Repealed | 61 |
| R6-5-5709. | Repealed | 61 |

ARTICLE 58. EXPIRED

Article 58, consisting of Sections R6-5-5801 through R6-5-5850, expired effective June 30, 2016 (Supp. 17-1).

Article 58, consisting of Sections R6-5-5801 through R6-5-5850, adopted effective January 10, 1997 (Supp. 97-1).

Former Article 58, consisting of Sections R6-5-5801 through R6-5-5807, repealed effective January 10, 1997 (Supp. 97-1).

Article 58, consisting of Sections R6-5-5801 through R6-5-5807, adopted effective April 1, 1981.

Former Article 58, consisting of Sections R6-5-5801 through R6-5-5811, repealed effective April 1, 1981.

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Article 60, consisting of Sections R6-5-6001 through R6-5-6015, expired effective June 30, 2016 (Supp. 17-1).

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ARTICLE 61. REPEALED

Article 61, consisting of Sections R6-5-6101 through R6-5-6104, repealed effective June 5, 1997 (Supp. 97-2).

Article 61, consisting of Sections R6-5-6101 through R6-5-6104, adopted effective August 29, 1984.

Former Article 61, consisting of Sections R6-5-6101 through R6-5-6108, repealed effective August 29, 1984.

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Former Article 62 consisting of Sections R6-5-6201 through R6-5-6209 repealed effective August 29, 1984.

ARTICLE 63. REPEALED

Former Article 63 consisting of Sections R6-5-6301 through R6-5-6304 repealed effective November 8, 1982.

ARTICLE 64. REPEALED

Former Article 64 consisting of Sections R6-5-6401 through R6-5-6408 repealed effective February 1, 1979.

ARTICLE 65. EXPIRED

Article 65, consisting of Sections R6-5-6501 through R6-5-6511, adopted effective January 2, 1996 (Supp. 96-1).

Article 65, consisting of Sections R6-5-6501 through R6-5-6509, repealed effective January 2, 1996 (Supp. 96-1).

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ARTICLE 66. EXPIRED

Article 66, consisting of Sections R6-5-6601 through R6-5-6624, adopted effective January 2, 1996 (Supp. 96-1).

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Article 66, consisting of Sections R6-5-6601 through R6-5-6610, repealed effective January 2, 1996 (Supp. 96-1).

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ARTICLE 68. REPEALED

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ARTICLE 70. EXPIRED

Article 70, consisting of Sections R6-5-7001 through R6-5-7040, adopted effective January 2, 1996 (Supp. 96-1).

Article 70, consisting of Sections R6-5-7001 through R6-5-7040, repealed effective January 2, 1996 (Supp. 96-1).

Article 70 consisting of Sections R6-5-7001 through R6-5-7040 adopted as permanent rules effective January 23, 1987.

Article 70 consisting of Sections R6-5-7001 through R6-5-7040 adopted as an emergency effective October 17, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.

Article 70 consisting of Sections R6-5-7001 through R6-5-7006 adopted as an emergency effective January 1, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency renewed effective April 1, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.

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ARTICLE 71. REPEALED

Article 71, consisting of Sections R6-5-7101 through R6-5-7104, repealed effective April 9, 1998 (Supp. 98-2).

Article 71, consisting of Sections R6-5-7101 through R6-5-7104, adopted as permanent rules effective July 11, 1986.

Former Article 71, consisting of Sections R6-5-7101 through R6-5-7104, adopted as an emergency effective January 1, 1986 and renewed as an emergency effective April 1, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency effective April 1, 1986 expired.

Former Article 71, consisting of Sections R6-5-7101 through R6-5-7104, repealed effective November 8, 1982.

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ARTICLE 72. REPEALED

Former Article 72 consisting of Sections R6-5-7201 through R6-5-7214 repealed effective July 12, 1984.

ARTICLE 73. REPEALED

Article 73, consisting of Sections R6-5-7301 through R6-5-7306 and R6-5-7309, repealed; Sections R6-5-7307 and R6-5-7308 renumbered to Sections in Article 74, filed with the Secretary of State's Office May 15, 1997; effective July 1, 1997 (Supp. 97-2). Effective date corrected Supp. 98-2.

Article 73 consisting of Sections R6-5-7301 through R6-5-7309 adopted effective January 21, 1985.

Former Article 73, consisting of Sections R6-5-7301 through R6-5-7320, repealed effective February 26, 1979.

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ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS

Article 74, consisting of Sections R6-5-7401 through R6-5-7469, and Appendix 1 adopted; and Sections R6-5-7470 and R6-5-7471 renumbered from Article 73 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Effective date corrected Supp. 98-2.

Former Article 74, consisting of Sections R6-5-7401 through R6-5-7413, repealed effective May 15, 1997 (Supp. 97-2).

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New Article 75, consisting of Sections R6-5-7501 through R6-5-7508, adopted effective June 4, 1998 (98-2).

Former Article 75, consisting of Sections R6-5-7501 through R6-5-7508, repealed effective November 8, 1982.

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ARTICLE 77. REPEALED

Former Article 77 consisting of Sections R6-5-7701 through R6-5-7704 repealed effective November 8, 1982.

ARTICLE 78. REPEALED

Former Article 78 consisting of Sections R6-5-7801 through R6-5-7804 repealed effective November 8, 1982.

ARTICLE 79. REPEALED

Former Article 79 consisting of Sections R6-5-7901 through R6-5-7913 repealed effective November 8, 1982.

ARTICLE 80. EXPIRED

Section
 R6-5-8001. Expired 122
 R6-5-8002. Expired 122
 R6-5-8003. Expired 122
 R6-5-8004. Expired 122
 R6-5-8005. Expired 122
 R6-5-8006. Expired 122
 R6-5-8007. Expired 122
 R6-5-8008. Expired 122
 R6-5-8009. Expired 122
 R6-5-8010. Expired 122

ARTICLE 81. REPEALED

Former Article 81 consisting of Sections R6-5-8101 through R6-5-8104 repealed effective November 8, 1982.

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ARTICLE 82. REPEALED

Former Article 82 consisting of Sections R6-5-8201 through R6-5-8204 repealed effective November 8, 1982.

ARTICLE 83. REPEALED

Article 83, consisting of Sections R6-5-8301 through R6-5-8308, repealed effective December 17, 1993 (Supp. 93-4).

| | |
|-------------|--------------------|
| Section | |
| R6-5-8301. | Repealed 123 |
| R6-5-8302. | Repealed 123 |
| R6-5-8303. | Repealed 123 |
| R6-5-8304. | Repealed 123 |
| R6-5-8305. | Repealed 123 |
| R6-5-8306. | Repealed 123 |
| R6-35-8307. | Repealed 123 |
| R6-5-8308. | Repealed 123 |

ARTICLE 84. REPEALED

Former Article 84 consisting of Sections R6-5-8401 through R6-5-8404 repealed effective November 8, 1982.

ARTICLE 85. REPEALED

Former Article 85 consisting of Sections R6-5-8501 through R6-5-8508 repealed effective November 8, 1982.

ARTICLE 86. REPEALED

Article 86, consisting of Sections R6-5-8601 through R6-5-8604, repealed effective December 17, 1993 (Supp. 93-4).

Article 86 consisting of Sections R6-5-8601 through R6-5-8604 adopted effective March 8, 1979.

Former Article 86 consisting of Sections R6-5-8601 through R6-5-8611 repealed effective March 8, 1979.

| | |
|------------|--------------------|
| Section | |
| R6-5-8601. | Repealed 123 |
| R6-5-8602. | Repealed 123 |
| R6-5-8603. | Repealed 123 |
| R6-5-8604. | Repealed 123 |

ARTICLE 87. REPEALED

Article 87, consisting of Sections R6-5-8701 through R6-5-8704, repealed effective December 17, 1993 (Supp. 93-4).

| | |
|------------|--------------------|
| Section | |
| R6-5-8701. | Repealed 123 |
| R6-5-8702. | Repealed 123 |
| R6-5-8703. | Repealed 123 |
| R6-5-8704. | Repealed 123 |

ARTICLE 88. REPEALED

Former Article 88 consisting of Sections R6-5-8801 through R6-5-8804 repealed effective November 8, 1982.

ARTICLE 89. RESERVED

ARTICLE 90. RESERVED

ARTICLE 91. REPEALED

Article 91, consisting of Sections R6-5-9101 through R6-5-9104, repealed effective December 17, 1993 (Supp. 93-4).

| | |
|------------|--------------------|
| Section | |
| R6-5-9101. | Repealed 123 |
| R6-5-9102. | Repealed 123 |
| R6-5-9103. | Repealed 123 |
| R6-5-9104. | Repealed 123 |

ARTICLE 92. REPEALED

Article 92, consisting of Sections R6-5-9201 through R6-5-9204, repealed effective December 17, 1993 (Supp. 93-4).

| | |
|------------|--------------------|
| Section | |
| R6-5-9201. | Repealed 124 |
| R6-5-9202. | Repealed 124 |
| R6-5-9203. | Repealed 124 |
| R6-5-9204. | Repealed 124 |

ARTICLE 93. REPEALED

Former Article 93 consisting of Sections R6-5-9301 through R6-5-9304 repealed effective November 8, 1982.

ARTICLE 94. REPEALED

Former Article 94 consisting of Sections R6-5-9401 through R6-5-9404 repealed effective November 8, 1982.

ARTICLE 95. REPEALED

Former Article 95 consisting of Sections R6-5-9501 through R6-5-9504 repealed effective November 8, 1982.

ARTICLE 96. REPEALED

Former Article 96 consisting of Sections R6-5-9601 through R6-5-9604 repealed effective November 8, 1982.

ARTICLE 97. REPEALED

Former Article 97 consisting of Sections R6-5-9701 through R6-5-9704 repealed effective November 8, 1982.

ARTICLE 98. REPEALED

Former Article 98 consisting of Sections R6-5-9801 through R6-5-9804 repealed effective November 8, 1982.

ARTICLE 99. REPEALED

Former Article 99 consisting of Sections R6-5-9901 through R6-5-9904 repealed effective November 8, 1982.

ARTICLE 100. REPEALED

Former Article 100 consisting of Sections R6-5-10001 through R6-5-10004 repealed effective November 8, 1982.

ARTICLE 101. REPEALED

Former Article 101 consisting of Sections R6-5-10101 through R6-5-10104 repealed effective November 8, 1982.

ARTICLE 102. REPEALED

Former Article 102 consisting of Sections R6-5-10201 through R6-5-10204 repealed effective November 8, 1982.

ARTICLE 103. REPEALED

Former Article 103 consisting of Sections R6-5-10301 through R6-5-10304 repealed effective November 8, 1982.

ARTICLE 104. REPEALED

Article 104, consisting of Sections R6-5-10401 through R6-5-10404, repealed effective December 17, 1993 (Supp. 93-4).

| | |
|-------------|--------------------|
| Section | |
| R6-5-10401. | Repealed 124 |
| R6-5-10402. | Repealed 124 |
| R6-5-10403. | Repealed 124 |
| R6-5-10404. | Repealed 124 |

ARTICLE 105. REPEALED

Article 105, consisting of Sections R6-5-10501 through R6-5-10504, repealed effective December 17, 1993 (Supp. 93-4).

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R6-5-10501. Repealed 124
R6-5-10502. Repealed 124
R6-5-10503. Repealed 124
R6-5-10504. Repealed 124

ARTICLE 106. REPEALED

Former Article 106 consisting of Sections R6-5-10601 through R6-5-10604 repealed effective November 8, 1982.

ARTICLE 107. REPEALED

Former Article 107 consisting of Sections R6-5-10701 through R6-5-10704 repealed effective November 8, 1982.

ARTICLE 108. REPEALED

Former Article 108 consisting of Sections R6-5-10801 through R6-5-10804 repealed effective November 8, 1982.

ARTICLE 109. REPEALED

Former Article 109 consisting of Sections R6-5-10901 through R6-5-10904 repealed effective November 8, 1982.

ARTICLE 110. REPEALED

Former Article 110 consisting of Sections R6-5-11001 through R6-5-11004 repealed effective November 8, 1982.

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ARTICLE 1. REPEALED

Former Article 1 consisting of Sections R6-5-101 through R6-5-103 repealed effective August 3, 1978.

ARTICLE 2. REPEALED

Former Article 2 consisting of Sections R6-5-201 through R6-5-209 repealed effective August 8, 1978.

ARTICLE 3. REPEALED

Former Article 3 consisting of Sections R6-5-301 through R6-5-308 repealed effective July 6, 1976.

ARTICLE 4. REPEALED

Former Article 4 consisting of Sections R6-5-401 through R6-5-420 repealed effective August 3, 1978.

ARTICLE 5. REPEALED

Former Article 5 consisting of Sections R6-5-501 through R6-5-504 repealed effective July 6, 1976.

ARTICLE 6. REPEALED

Former Article 6 consisting of Sections R6-5-601 through R6-5-622 repealed effective July 6, 1977.

ARTICLE 7. REPEALED

Former Article 7 consisting of Sections R6-5-701 through R6-5-716 repealed effective August 3, 1978.

ARTICLE 8. REPEALED

Former Article 8 consisting of Sections R6-5-801 through R6-5-808 repealed effective September 16, 1976.

ARTICLE 9. REPEALED

Former Article 9 consisting of Sections R6-5-901 through R6-5-904 repealed effective August 3, 1978.

ARTICLE 10. REPEALED

Former Article 10 consisting of Sections R6-5-1001 through R6-5-1003 repealed effective August 3, 1978.

ARTICLE 11. REPEALED

Former Article 11 consisting of Sections R6-5-1101 through R6-5-1109 repealed effective August 11, 1976.

ARTICLE 12. REPEALED

Former Article 12 consisting of Sections R6-5-1201 through R6-5-1206 repealed effective May 17, 1976.

ARTICLE 13. REPEALED

Former Article 13 consisting of Sections R6-5-1301 through R6-5-1309 repealed effective November 23, 1976.

ARTICLE 14. REPEALED

Former Article 14 consisting of Sections R6-5-1401 through R6-5-1413 repealed effective May 24, 1976.

ARTICLE 15. REPEALED

Former Article 15 consisting of Sections R6-5-1501 through R6-5-1504 repealed effective August 11, 1976.

ARTICLE 16. RESERVED**ARTICLE 17. REPEALED**

Former Article 17 consisting of Sections R6-5-1701 through R6-5-1704 repealed effective August 11, 1976.

ARTICLE 18. REPEALED

Former Article 18 consisting of Sections R6-5-1801 through R6-5-1804 repealed effective August 11, 1976.

ARTICLE 19. REPEALED

Former Article 19 consisting of Sections R6-5-1901 through R6-5-1906 repealed effective July 6, 1976.

ARTICLE 20. REPEALED**R6-5-2001. Repealed****Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2001 repealed, new Section R6-5-2001 adopted effective May 17, 1976 (Supp. 76-3). Amended as an emergency effective August 3, 1976 (Supp. 76-4). Former Section R6-5-2001 repealed, new Section R6-5-2001 adopted effective November 8, 1982 (Supp. 82-6). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2002. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2002 repealed, new Section R6-5-2002 adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Former Section R6-5-2002 repealed, new Section R6-5-2002 adopted effective November 8, 1982 (Supp. 82-6). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2003. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2003 repealed, new Section R6-5-2003 adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Former Section R6-5-2003 repealed, new Section R6-5-2003 adopted effective November 8, 1982 (Supp. 82-6). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2004. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2004 repealed, new Section R6-5-2004 adopted effective May 17, 1976 (Supp. 76-3). Amended as an emergency effective August 3, 1976 (Supp. 76-4). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Former Section R6-5-2004 repealed, new Section R6-5-2004 adopted effective November 8, 1982 (Supp. 82-6). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 1, 1983, through June 30, 1984, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 83-3). Exhibit I, Title XX, Social Services Plan, incorporated herein by reference, amended as an emergency effective September 30, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Emergency expired. Permanent amendment adopted effective January 3, 1984 (Supp. 84-1). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 1, 1984, through June 30, 1985, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 84-3). Exhibit I, Title

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XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 1, 1985, through June 30, 1986, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 85-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 2, 1986, through June 30, 1987, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 86-4). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period September 24, 1987, through June 30, 1988, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 87-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period September 22, 1988, through June 30, 1989, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 88-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2), of this rule, is adopted for the program period July 1, 1989, through June 30, 1990, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 89-3). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2005. Repealed**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Former Section R6-5-2005 repealed, new Section R6-5-2005 adopted effective November 8, 1982 (Supp. 82-6). A new Exhibit I, Title XX, Social Services Plan, referred to in subsection (1) of this rule, is adopted for the program period September 22, 1988 through July 30, 1989 (Supp. 88-3). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2006. Repealed**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Repealed effective November 8, 1982 (Supp. 82-6).

ARTICLE 21. REPEALED

Former Article 21 consisting of Sections R6-5-2101 through R6-5-2110 repealed effective November 8, 1982.

ARTICLE 22. REPEALED

Former Article 22 consisting of Sections R6-5-2202 through R6-5-2209 repealed effective November 8, 1982.

ARTICLE 23. REPEALED**R6-5-2301. Repealed****Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2301 repealed, new Section R6-5-2301 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2302. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975

(Supp. 75-1). Former Section R6-5-2302 repealed, new Section R6-5-2302 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2303. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2303 repealed, new Section R6-5-2303 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2304. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2304 repealed, new Section R6-5-2304 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2305. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2305 repealed, new Section R6-5-2305 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2306. Repealed**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2306 repealed, new Section R6-5-2306 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2307. Repealed**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2308. Repealed**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2309. Repealed**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2310. Repealed**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

ARTICLE 24. APPEALS AND HEARINGS

Article 24 consisting of Sections R6-5-2401 through R6-5-2405 adopted effective March 1, 1978.

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Former Article 24 consisting of Sections R6-5-2401 through R6-5-2404 repealed effective March 1, 1978.

R6-5-2401. Expired**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2401 repealed, new Section R6-5-2401 adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2401 repealed, new Section R6-5-2401 adopted effective March 1, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(E) at 18 A.A.R. 607, effective October 31, 2011 (Supp. 12-1).

R6-5-2402. Expired**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2402 repealed, new Section R6-5-2402 adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2402 repealed, new Section R6-5-2402 adopted effective March 1, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(E) at 18 A.A.R. 607, effective October 31, 2011 (Supp. 12-1).

R6-5-2403. Expired**Historical Note**

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2403 repealed, new Section R6-5-2403 adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2403 repealed, new Section R6-5-2403 adopted effective March 1, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(E) at 18 A.A.R. 607, effective October 31, 2011 (Supp. 12-1).

R6-5-2404. Basis for a hearing

- A.** A person will be granted a hearing for any of the following reasons:
1. Right to apply for social services has been denied.
 2. Application is denied in whole or in part.
 3. Action on an application has not been taken by the Department within 30 days of the date of application.
 4. Service is suspended, terminated or reduced when such action has occurred as a result of an eligibility determination.
- B.** Change in law or policy. A hearing shall not be granted when a change in federal or state law or policy requires service adjustments or discontinuance for classes of recipients.

Historical Note

Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2404 repealed, new Section R6-5-2404 adopted effective March 1, 1978 (Supp. 78-2).

R6-5-2405. Hearing process

- A.** Filing of appeal
1. A request for a hearing shall be filed in writing with the Department or provider within 15 calendar days after the mailing date of the decision letter, except that for appeals on denying, revoking or suspending a license of a child welfare agency or foster home the request shall be filed within 20 calendar days.
 2. Except as otherwise provided by statute or by Department regulation, any appeal, application, request, notice, report, or other information or document submitted to the Department shall be considered received by and filed with the Department:

- a. If transmitted via the United States Postal Service or its successor, on the date it is mailed. The mailing date will be as follows:
 - i. As shown by the postmark.
 - ii. In the absence of a postmark the postage-meter mark of the envelope in which it is received;
 - iii. If not postmarked or postage-meter marked, or if the mark is illegible, the date entered on the document as the date of completion.
 - b. If transmitted by any means other than the United States Postal Service or its successor, on the date it is received by the Department.
 - c. The submission of any appeal, application, request, notice, report or other information or document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the Department that the delay in submission was due to Department error or misinformation or to delay or other action of the United States Postal Service or its successor.
 - d. Any notice, determination, decision or other data mailed by the Department shall be considered as having been given to the addressee to whom it is directed on the date it is mailed to the addressee's last known address. The date mailed shall be presumed to be the date of the notice, determination, decision or other data unless otherwise indicated by the facts. Computation of time shall be made in accordance with Rule 6(a) of the Rules of Civil Procedure, 16 A.R.S.
3. Benefits shall not be reduced or terminated prior to a hearing decision unless due to a subsequent change in household eligibility another notice of adverse action is received and not timely appealed.
 4. The local office or provider shall advise the client of any community legal services available and, when requested, shall assist in completing the hearing request.
- B.** Notice of hearing
1. Hearings will be held at the local office or any other place mutually agreed upon by the hearing officer and appellant. They shall be scheduled not less than 20 nor more than 30 days from the date of filing of the request for hearing. The appellant shall be given no less than 15 days notice of hearing, except that the appellant may waive the notice period or request a delay. For appeals on denying, revoking or suspending a license of a child welfare agency or foster home, however, the hearing shall be held within ten days of the date of filing of the request for hearing.
 2. The notice of hearing shall inform the appellant of the date, time, and place of the hearing, the name of the hearing officer, the issues involved, and of his rights to present his case in person or through a representative; examine and copy any documents in his case file and all documents and records to be used by the agency at the hearing at a reasonable time prior to the hearing as well as at the hearing; obtain assistance from the local office in preparing his case; and of his opportunity to make inquiry at the local office about the availability of community legal resources which could provide representation at the hearing.
 3. Appellant, in lieu of a personal appearance, may submit a written statement, under oath or affirmation, setting forth the facts of the case provided that the statement is submitted to the Department prior to or at the time of the hearing. All parties shall be ready and present with all

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witnesses and documents at the time and place specified in the notice of hearing, and shall be prepared at such time to dispose of all issues and questions involved in the appeal.

4. The hearing officer may take such action for the proper disposition of an appeal as he deems necessary, and on his own motion, or at the request of any interested party upon a showing of good cause disqualify himself, or may continue the hearing to a future time or reopen a hearing before a decision is final to take additional evidence. If an interested party fails to appear at a scheduled hearing, the hearing officer may adjourn the hearing to a later date or may make his decision upon record and such evidence as may be presented at the scheduled hearing. If, within ten days of the scheduled hearing, appellant files a written application requesting reopening of the proceedings and establishes good cause for failure to appear at the scheduled hearing, the hearing shall be rescheduled. Notice of the time, place, and purpose of any continued, reopened or rescheduled hearing shall be given to all interested parties.
- C. Prehearing summary**
1. A prehearing summary of the facts and grounds for the action taken shall be prepared and forwarded to the hearing officer no less than four days prior to the hearing.
 2. The summary shall be provided to the appellant prior to the commencement of the hearing.
- D. Subpoena of witnesses.** The hearing officer may subpoena any witnesses or documents requested by the Department or claimant to be present at the hearing. The request shall be in writing and shall state the name and address of the witness and the nature of his testimony. The nature of the witnesses' testimony must be relevant to the issues of the hearing, otherwise the hearing officer may deny the request. The request for the issuance of a subpoena shall be made to give sufficient time, a minimum of three working days, prior to the hearing. A subpoena requiring the production of records and documents shall specifically describe them in detail and further set forth the name and address of the custodian thereof.
- E. Review of file.** In the presence of a Department representative, the appellant and/or his authorized representative shall be permitted to review, obtain or copy any Department record necessary for the proper presentation of the case.
- F. Conduct of the hearing**
1. Hearings shall be conducted in an orderly and dignified manner.
 2. Hearings are opened, conducted and closed by the hearing officer who shall rule on the admissibility of evidence and shall direct the order of proof. He shall have power to administer oaths and affirmations, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses, the production of books, papers, correspondence, memoranda and other records he deems necessary as evidence in connection with a hearing.
 3. Evidence not related to the issue shall not be allowed to become a part of the record.
 4. The hearing officer may, on his own motion, or at the request of the appellant or Department representative, exclude witnesses from the hearing room.
 5. The worker, supervisor or other appropriate person may be designated Department representative for the hearing.
 6. The appellant and Department representative may testify, present evidence, cross-examine witnesses and present arguments.
 7. The appellant may appear for himself or be represented by an attorney or any other person he designates.
8. A full and complete record shall be kept of all proceedings in connection with an appeal, and such records shall be open for inspection by the claimant or his representative at a place accessible to him. A transcript of the proceedings need not, however, be made unless it is required for further proceedings. When a transcript has been made for further proceedings, a copy shall be furnished without cost to each interested party.
- G. Hearing decision**
1. The hearing decision shall be rendered exclusively on the evidence and testimony produced at the hearing, appropriate state and federal law, and Department rules governing the issues in dispute.
 2. The decision shall set forth the pertinent facts involved, the conclusions drawn from such facts, the sections of applicable law or rule, the decision and the reasons thereof. A copy of such decision, together with an explanation of the appeal rights, shall be delivered or mailed to each interested party and their attorneys of record not more than 60 days from the date of filing the request for appeal, unless the delay was caused by the appellant.
 3. In those cases where the local office must take additional action as a result of a decision, such action must be taken immediately.
 4. All decisions in favor of the appellant apply retroactively to the date of the action being appealed, or to the date the hearing officer specifically finds appropriate.
 5. When a hearing decision upholds the proposed action of reducing, suspending or terminating a grant, an overpayment is the result.
 6. All hearing decisions will be made accessible to the public, subject to meeting the provision for safeguarding confidential information relating to the client.
 7. Decision of the hearing officer will be the final decision of the Department unless a reconsideration is requested in accordance with subsection (I).
- H. Withdrawal of appeal.** An appeal may be withdrawn as follows:
1. Voluntary withdrawal. This may be accomplished by completing and signing the proper Department form or by submitting a letter properly signed.
 2. Abandonment or involuntary withdrawal. This occurs when an appellant fails to appear at a scheduled hearing and within ten days thereof fails to request a rescheduled hearing or fails to appear at a rescheduled hearing which he has requested. A hearing may not be considered abandoned if the claimant provides notification up to the time of the hearing that he is unable, due to good cause, to keep the appointment and that he still wishes a hearing.
- I. Reconsideration**
1. An appellant, within ten calendar days after the decision was mailed or otherwise delivered to him, may request the Director to review the decision. The request shall be in writing and should set forth a statement of the grounds for review, and may be filed personally or by mail.
 2. After receipt of an application for leave to appeal, the Director shall:
 - a. Deny the application, or
 - b. Remand the case for rehearing, specifying the nature of any additional evidence required and/or issues to be considered, or
 - c. Grant the application and decide the appeal on the record.
 3. The Director shall promptly adopt his decision which shall be the final decision of the Department. A copy of the decision, together with a statement specifying the

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rights for judicial review, shall be distributed to each interested party.

Historical Note

Adopted effective March 1, 1978 (Supp. 78-2).

ARTICLE 25. REPEALED**R6-5-2501. Repealed****Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-2501 repealed, new Section R6-5-2501 adopted effective February 26, 1979 (Supp. 79-1). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2502. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-2502 repealed, new Section R6-5-2502 adopted effective February 26, 1979 (Supp. 79-1). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2503. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 26. REPEALED**R6-5-2601. Repealed****Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2602. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2603. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2604. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2605. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2606. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2607. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 27. REPEALED**R6-5-2701. Repealed****Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2702. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2703. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2704. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2705. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2706. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2707. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 28. REPEALED

Former Article 28 consisting of Sections R6-5-2801 through R6-5-2804 repealed effective November 8, 1982.

ARTICLE 29. REPEALED**R6-5-2901. Repealed****Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2902. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2903. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2904. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2905. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Repealed effective December 17, 1993 (Supp. 93-4).

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R6-5-2906. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2907. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2908. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2909. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2910. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2911. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2912. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 30. REPEALED

Former Article 30, consisting of Sections R6-5-3001 through R6-5-3007, repealed effective August 29, 1984.

ARTICLE 31. REPEALED

Former Article 31, consisting of Sections R6-5-3101 through R6-5-3110, repealed effective November 8, 1982.

ARTICLE 32. REPEALED**R6-5-3201. Repealed****Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3202. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3203. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3204. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3205. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3206. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3207. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3208. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3209. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3210. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3211. Repealed**Historical Note**

Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 33. ACHIEVING A BETTER LIFE EXPERIENCE**R6-5-3301. Definitions**

The following definitions apply to this Article:

1. "ABLE" means the Achieving a Better Life Experience Act.
2. "Account" means an individual account in the fund established as prescribed for a single designated beneficiary.
3. "Aggregate Account Balance" means the total amount in an account on a particular date.
4. "Applicant" means any individual who applies to open an Account in the Program.
5. "Cash" means personal check, cashier's check, money order, debit card, Automated Clearing House (ACH) payments, or a similar cash equivalent.
6. "Code" means the federal Internal Revenue Code of 1986, as amended (26 U.S.C. 529A).
7. "Committee" means the same as in A.R.S. § 46-901(3).
8. "Department" means the Arizona Department of Economic Security.
9. "Designated Beneficiary" means the same as in A.R.S. § 46-901(5).
10. "Designated Representative" means a person who is authorized to act on behalf of a Designated Beneficiary.
11. "Disability Certification" means the certification described in Section 529A of the Code.
12. "Eligible Individual" means the same as in A.R.S. § 46-901(6).
13. "IRS" means the federal Internal Revenue Service.
14. "Program" means the same as in A.R.S. § 46-901(9).

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15. "Program Manager" means the entity selected by the Department for the Program in accordance with A.R.S. § 46-903(C)(1)-(8).
 16. "Qualified Disability Expenses" means the same as in A.R.S. § 46-901(10).
 17. "Qualified Withdrawal" or "Qualified Distribution" means a withdrawal from an Account to pay Qualified Disability Expenses of the Designated Beneficiary.
 18. "Secretary" means the United States Secretary of the Treasury or his/her delegate.
 19. "SSA" means the Social Security Administration.
- b. The name, address and social security number of the Designated Representative, if the Designated Beneficiary is not the applicant;
 - c. Evidence that the Designated Beneficiary is an Eligible Individual;
 - d. Any additional information required by the Program Manager.
4. Completed applications shall be submitted as specified on the application form.
 5. Applications that are incomplete or fail to meet the requirements established by the Department and the Program Manager shall be rejected. Reapplication is permissible.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

R6-5-3302. Program Manager

Responsibilities of the Program Manager:

1. The Program Manager shall implement the Program, including the administration and management of the Program.
2. The Program Manager shall ensure adequate safeguards to prevent aggregate contributions on behalf of a Designated Beneficiary in excess of the limit established by the Department under section 529(b)(6) of the Code. For purposes of this Section, aggregate contributions include contributions under any prior qualified ABLE program of any state or agency or instrumentality of either.
3. The Program Manager shall compile or cause to be compiled the necessary information to complete any reports.
4. The Program Manager may contract with third parties to assist the Department and Program Manager in the educational and promotional activities for the Program.
5. The Program Manager may use forms provided or promulgated by the SSA, the IRS, or other federal agencies for the purposes of the ABLE Program. The Program Manager may also promulgate its own forms reasonably necessary to implement the ABLE Program.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

R6-5-3303. Fees

1. The Program Manager may impose administrative, maintenance, investment management and investment fees on Designated Beneficiaries.
2. The Program Manager may impose a nonrefundable application fee to review and process paper applications.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

R6-5-3304. Opening an Account

1. To open an Account in the Program, an individual shall submit a completed application form, pay the application fee, if any, and pay an initial minimum contribution to the Account, if any, to the Program Manager at <https://az-able.com/>.
2. The Program Manager may require a minimum initial contribution to open an Account.
3. The content of the application form shall be prescribed by the Program Manager, but shall include at a minimum, the following information:
 - a. The name, address, social security number and birth date of the Designated Beneficiary;

- b. The name, address and social security number of the Designated Representative, if the Designated Beneficiary is not the applicant;
 - c. Evidence that the Designated Beneficiary is an Eligible Individual;
 - d. Any additional information required by the Program Manager.
4. Completed applications shall be submitted as specified on the application form.
 5. Applications that are incomplete or fail to meet the requirements established by the Department and the Program Manager shall be rejected. Reapplication is permissible.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

R6-5-3305. Contributions

1. Any person may make contributions to an Account, subject to the limitations imposed by federal law.
2. Except in the case of program-to-program transfers, contributions may be made in cash or a similar cash equivalent.
3. Annual contributions to an Account from all sources, except contributions received in program-to-program transfers, are limited to the per-beneficiary amount excluded from the federal gift tax under federal law.
4. Excess contributions and excess aggregate contribution shall be returned to contributors.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

R6-5-3306. Statements

1. Account statements shall be provided to Designated Beneficiaries and Designated Representatives in accordance with the Act.
2. Account statements may be provided to other individuals authorized to receive that information under the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 96 et seq.) and the Truth in Lending Act (15 U.S.C. 1601 et seq.).
3. The Account statements may be provided using U.S. Mail or provided electronically via website access or e-mail, as selected by the Designated Beneficiary or Designated Representative.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

R6-5-3307. Program-to-Program Transfers and Rollovers

1. Subject to federal law, the Program shall permit a program-to-program transfer through which a Designated Beneficiary transfers the entire amount of an Account from the AZ ABLE Program to or from a different state's ABLE program, or for the transfer of an Account from a Designated Beneficiary to another Eligible Individual who is a member of the family of the former Designated Beneficiary, without any intervening distribution.
2. Subject to federal law, the Program shall permit rollovers through which a contribution to an Account of a Designated Beneficiary (or an Eligible Individual who is a member of the family of the Designated Beneficiary) of all or a portion of the amount withdrawn from the Designated Beneficiary's Account, provided the contribution is made within 60 days of the date of the withdrawal, and, in

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the case of a rollover to the Designated Beneficiary's Account, no rollover has been made to another account established under an ABLE program within the prior 12 months.

Historical Note

New Section made by final rulemaking at 25 A.A.R. 885, effective May 20, 2019 (Supp. 19-1).

ARTICLE 34. RESERVED**ARTICLE 35. RESERVED****ARTICLE 36. RESERVED****ARTICLE 37. RESERVED****ARTICLE 38. RESERVED****ARTICLE 39. RESERVED****ARTICLE 40. RESERVED****ARTICLE 41. RESERVED****ARTICLE 42. RESERVED****ARTICLE 43. RESERVED****ARTICLE 44. RESERVED****ARTICLE 45. RESERVED****ARTICLE 46. RESERVED****ARTICLE 47. RESERVED****ARTICLE 48. RESERVED****ARTICLE 49. CHILD CARE ASSISTANCE**

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4901. Definitions

The following definitions apply to this Article:

1. "Adequate notice" means written notification that explains the action the Department intends to take, the reason for the action, the specific authority for the action, the client's appeal rights, and right to benefits pending appeal, and that is mailed before the effective date of the action.
2. "Appellant" means an applicant or recipient of assistance who is appealing a negative action by the Department.
3. "Availability" means the portion of time that a parent or caretaker can provide care to their own child, as determined by the Department, because the parent or caretaker is not participating in an eligible activity.
4. "Applicant" means a person who has filed an application for Child Care Assistance.
5. "Authorized" means the specific amount of Child Care Assistance approved by the Department for an eligible family for a specific period of time.
6. "CCA" means the DES Child Care Administration.
7. "Caretaker relative" means a relative who exercises the responsibility for the day-to-day physical care, guidance, and support of a child who physically resides with the relative.
8. "Cash Assistance" means the program administered by the Family Assistance Administration that provides temporary Cash Assistance to needy families.
9. "Cash Assistance participant" means a recipient of Cash Assistance.
10. "Child care" means the compensated service the Department provides to a child who is unaccompanied by a parent or guardian during a portion of a 24-hour day.
11. "Child Care Assistance" means money payments for child care services paid by the Department for the benefit of an eligible family.
12. "Child Care Provider" means a child care facility licensed under A.R.S. Title 36, Chapter 7.1, Article 4, child care home providers, in-home providers, noncertified relative providers, and regulated child care on military installations or federally recognized Indian Tribes.
13. "Client" means a person who has requested, has been referred for, or who is currently receiving Child Care Assistance.
14. "Countable income" means the gross income of individuals included in family size that the Department considers to determine eligibility and calculate an assistance amount.
15. "CPS or Child Protective Services" means the child welfare services administration within the Department's Division of Children, Youth, and Family Services.
16. "Day" means a calendar day unless otherwise specified.
17. "DDD" means the Division of Developmental Disabilities.
18. "Denial" means a formal decision of ineligibility on an application, referral, or request for Child Care Assistance.
19. "Department" means the Arizona Department of Economic Security.
20. "Dependent" child means a person less than age 18, who resides with the applicant and whom the applicant has the legal financial obligation to support.
21. "DES-certified child care provider" means a provider who is certified by the Department of Economic Security under A.R.S. § 46-807 and who provides care in either the child's or the provider's own home.
22. "DHS-certified group home" means a provider who is certified by the Department of Health Services under A.R.S. § 36-897.01.
23. "DHS-licensed child care center" means a provider who is licensed by the Department of Health Services as prescribed in A.R.S. § 36-881.
24. "EITC" means Earned Income Tax Credit and is a federal income tax credit for low-income working individuals and families.
25. "Eligibility criteria" means the requirements an individual or family must meet to receive Child Care Assistance.
26. "Eligible activity" means a specific type of activity that causes an applicant or recipient and any other parent or responsible person in the eligible family to be unavailable to provide care to their children for a portion of a 24-hour day, and that partially determines the amount of Child Care Assistance an eligible family shall receive.
27. "Eligible child" means a child less than 13 years of age.
28. "Eligible family" means a group of persons whose needs, income, and other circumstances are considered as a whole for the purpose of determining eligibility and amount of Child Care Assistance.
29. "Eligible need" means a specific type of need that causes an applicant or recipient, or any other parent or responsible person in the eligible family, to be unavailable or incapable to provide child care to their children for a portion of a 24-hour day, and that partially determines the amount of Child Care Assistance an eligible family shall receive.

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30. "E.S.O.L." means English for Speakers of Other Languages.
31. "Existing client" means an individual who is currently receiving Child Care Assistance or who has an open Child Care Assistance case with the Department.
32. "Family size" means the number of individuals considered when determining income eligibility, and includes the applicant, other parent or responsible person, and their dependent children who reside in the same household, subject to R6-5-4914 (D).
33. "Federal poverty level" (FPL) means the poverty guidelines issued by the United States Department of Health and Human Services under Section 673(2) of the Omnibus Reconciliation Act of 1981; and reported annually in the Federal Register; which are converted into monthly amounts by the Department; which shall become effective for use in determining eligibility for Child Care Assistance on the first day of the state fiscal year immediately following the publication of the annual amount in the Federal Register.
34. "Foster care" means that the Department or an Arizona Tribe placed a child in the custody of a licensed foster parent.
35. "Foster parent" means any person licensed by the Department or an Arizona Tribe to provide for the out of home care, custody, and control of a child.
36. "Gap in employment" means a period of 30 consecutive days of Child Care Assistance that begins the first day after the last day worked and ends the 30th day after the last day worked for an existing client who has lost employment.
37. "G.E.D." means General Equivalency Diploma.
38. "Homebound" means a person who is confined to their home because of physical or mental incapacity.
39. "Homeless shelter" means a public or private nonprofit program that is targeted to assist homeless families and is designed to provide temporary or transitional living accommodations and services to assist such families toward self-sufficiency.
40. "Income" means earned and unearned income combined.
41. "Jobs" means the Department program that assists Cash Assistance participants to prepare for, obtain, and retain employment. "Jobs" Program also includes the Tribal Jobs Program and any other entities that contract with the state to perform this function.
42. "Jobs participant" means a Cash Assistance participant who is participating in the Jobs program as a condition of receiving Cash Assistance.
43. "Local office" means a CCA location that is designated as the location in which Child Care Assistance applications and other documents are filed with the Department and in which eligibility and assistance amounts are determined for a particular geographic area of the state.
44. "Lump sum income" means a single payment of earned or unearned income, such as a retroactive monthly benefit, non-recurring pay adjustment or bonus, inheritance, or personal injury and workers' compensation award.
45. "Mailing date" when used in reference to a document sent first-class, postage prepaid, through the United States mail, means the date:
 - a. Shown on the postmark;
 - b. Shown on the postage meter mark of the envelope, if there is no postmark; or
 - c. Entered on the document as the date of its completion, if there is no legible postmark or postage meter mark.
46. "Minor parent" means a parent less than the age of 18 years.
47. "Negative action" means one of the Department actions described in R6-5-4918, including action to terminate assistance or increase the fee level and copayment for Child Care Assistance.
48. "Noncertified relative provider" means a person who is at least 18 years of age, who is by blood, marriage, or adoption the grandparent, great grandparent, sibling not residing in the same household, aunt, great aunt, uncle or great uncle of the eligible child, who provides child care services to an eligible child, and meets the Department's requirements to be a noncertified relative provider.
49. "Notice date" means the date that appears as the official date of issuance on a document or official written notice the Department sends or gives to an applicant or recipient.
50. "OSI" or "Office of Special Investigations" means the Department office to which CCA refers cases for investigation of certain eligibility information, investigation and preparation of fraud charges, coordination and cooperation with law enforcement agencies and other similar functions.
51. "Other related child" means a child who is related to the applicant or recipient by blood, marriage, or adoption, and who is not the applicant's or recipient's natural, step, or adoptive child.
52. "Overpayment" means a Child Care Assistance payment received by a child care provider or for an eligible family that exceeds the amount to which the provider or family was lawfully entitled.
53. "Parent" means the biological mother or father whose name appears on the birth certificate, the person legally acknowledged as a mother or father, a father who has had an adjudication of paternity, or the adoptive mother or father of the child.
54. "Positive action" means the approval, increase, or resumption of service such as increasing the amount of assistance or decreasing the fee level and copayment.
55. "Recipient" means a person who is a member of an eligible family receiving Child Care Assistance.
56. "Relative" means a person who is by blood, adoption, or marriage a parent, grandparent, great-grandparent, sibling of the whole or half blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-uncle, or first cousin.
57. "Request for Hearing" means a clear written expression by an applicant or recipient, or such person's representative, indicating a desire to appeal a Department decision to a higher authority.
58. "Responsible person" means one or more persons, residing in the same household, who have the legal responsibility to financially support:
 - a. One or more of the children for whom Child Care Assistance is being requested, or
 - b. The applicant or recipient of Child Care Assistance.
59. "Review" means the Department's review of all factors affecting an eligible family's eligibility and assistance amount.
60. "Self-Sufficiency Declaration" means a written statement signed and dated by the child care recipient that lists the specific actions the recipient has taken during the most recent six or 12-month period to maintain or increase self-sufficiency.
61. "Tax Claimant" means a relative more than age 17 who resides with a parent who has applied for or is receiving Child Care Assistance, and who states their intention to

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claim any member of the eligible family as a tax dependent on a federal or state income tax return for the current calendar year, to be filed in the following calendar year.

62. "Tax Dependent" means a member of an eligible family applying for or receiving Child Care Assistance who is included in family size, and who the tax claimant states an intention to claim as a dependent on a federal or state income tax return for the current calendar year, to be filed in the following calendar year.
63. "Time Limit" means that each child in the eligible family may receive no more than 60 cumulative months of Child Care Assistance in a lifetime, unless the parent, caretaker relative, or legal guardian of the child needing care can prove they are making efforts to improve skills and move toward self-sufficiency, under A.R.S. § 46-803(K)(1).
64. "Unit" means a part or full day measurement of Child Care Assistance authorized by the Department to meet the needs of an eligible family based on the participation of parents, caretaker relatives, or legal guardians of the children needing care in an eligible activity.
65. "Waiting List" means the prioritization of applicants by the Department to manage resources within available funding by placing applicants determined eligible for Child Care Assistance on a list, until the Department determines that sufficient funds are available to fund Child Care Assistance for families on the list.
66. "Work" means the performance of duties on a regular basis for wages or salary.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted and repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4902. Repealed**Historical Note**

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section automatically repealed July 31, 1998 (Supp. 98-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4903. Repealed**Historical Note**

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section repealed by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4904. Access to Child Care Assistance

- A. Application for Child Care Assistance.
 1. Any person may apply for Child Care Assistance by filing, either in person or by mail, a Department-approved application form with any CCA office.
 2. The application file date is the date any CCA office receives an identifiable application. An identifiable application contains, at a minimum, the following information:
 - a. The legible name and address of the person requesting assistance; and
 - b. The signature, under penalty of perjury, of the applicant or, if the applicant is incompetent or incapacitated, someone legally authorized to act on behalf of the applicant.
 3. In addition to the identifiable information described in subsection (A)(2), a completed application shall contain:
 - a. The names of all persons living with the applicant and the relationship of those persons to the applicant, and
 - b. All other eligibility information requested on the application form.
- B. Request for Child Care Assistance.
 1. Cash Assistance participants who need Child Care Assistance for employment activities are not required to complete an application.
 2. Child Care Assistance for Cash Assistance participants may begin effective the start date of the eligible activity but not earlier than the date that the participant requests Child Care Assistance from a local CCA office after the Department has verified eligibility criteria.
- C. Referral for Child Care Assistance.
 1. Jobs Participants. Cash Assistance participants in Jobs-approved work participation activities who request child care shall be referred by the Jobs Program for Child Care Assistance.
 2. Child Protective Services Families (CPS). CPS shall refer families that CPS deems eligible for Child Care Assistance on a case-by-case basis.
 3. CPS and DDD Foster Families - CPS or DDD shall determine eligibility for and refer children in the care, custody, and control of DES who need child care services as documented in a foster care case plan.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for

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review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4905. Initial Eligibility Interview

- A. Upon receipt of an identifiable application, the Department shall schedule an initial eligibility interview for the applicant. Upon request, the Department shall conduct the interview at the residence of a person who is homebound.
- B. The applicant shall attend the interview. A person of the applicant's choosing may also attend the interview.
- C. The Department may conduct a telephone interview if the applicant has previously verified citizenship or legal residency status as prescribed in R6-5-4911(E).
- D. During the interview, a Department representative shall:
 1. Assist the applicant in completing the application form;
 2. Witness the signature of the applicant;
 3. Discuss information pertinent to the applicant's child care needs;
 4. Provide the applicant with written information explaining:
 - a. The terms, conditions, and obligations of the Child Care Assistance program;
 - b. Any additional verification information as prescribed in R6-5-4906 which the applicant must provide for the Department to conclude the eligibility evaluation;
 - c. The Department practice of exchanging eligibility and income information among Department programs;
 - d. The coverage and scope of the Child Care Assistance program;
 - e. The applicant's rights, including the right to appeal a negative action; and
 - f. The requirement to report all changes within two work days from the date the change becomes known;
 5. Review the penalties for perjury and fraud, as printed on the application;
 6. Explain to the applicant who is included in family size for the purpose of determining income eligibility, and whose availability is considered in determining the amount of Child Care Assistance authorized for each child needing care as prescribed in R6-5-4914(D);
 7. If the applicant is the parent of the children needing care, explain the tax claimant provision under R6-5-4914(D)(3);
 8. Provide the applicant with the tax claimant declaration form if there is a potential tax claimant in the household;
 9. Provide the following information to assist the family in continuing to move toward self-sufficiency:
 - a. Availability of the Earned Income Tax Credit (EITC). Provide the applicant with the current U.S. Department of Internal Revenue Service (IRS) EITC information if the applicant comes into the office for the initial interview;
 - b. Availability of child support services through the Division of Child Support Enforcement (DCSE) to assist with paternity establishment, establishment of a child support order, or enforcement of an existing child support order. Provide the applicant with written information regarding child support services if the applicant comes into the office for the initial interview; and
 - c. Availability of Department-sponsored or contracted employment services that may assist the applicant and spouse or other parent in finding a job, or pursuing a better job or career. Provide the applicant with

written information regarding employment services if the applicant comes into the office for the initial interview;

10. Explain to the applicant the 60-month per child time limit for Child Care Assistance:
 - a. Describe the child care programs to which the 60-month time limit applies;
 - b. Describe how child care utilization is measured per child to calculate the 60-month limit; and
 - c. Explain the criteria for extensions of the time limit based on continued efforts to improve job skills and move toward self-sufficiency;
11. Discuss the six-child limit for Child Care Assistance:
 - a. Explain that no more than six children in a family may receive Child Care Assistance at any point in time; and
 - b. Explain the child care programs to which the six-child limit applies;
12. Discuss the waiting list for Child Care Assistance:
 - a. Describe the programs to which it applies;
 - b. Explain prioritization for assistance based upon income for families on the waiting list;
 - c. Indicate whether the waiting list is currently in effect; and
 - d. Explain that, based on funding availability, the Department may implement a waiting list at any point in time;
13. Review any verification information already provided;
14. Explain the applicant's duties to:
 - a. Notify the Department regarding initial provider selection or changes in provider in advance of using services or changing providers;
 - b. Pay DES required copayments to the child care provider as assigned by the Department; and
 - c. Pay any additional charges to the provider for the cost of care in excess of the amount paid by the Department; and
15. Review all ongoing reporting requirements, and explain that the applicant may incur overpayments for failure to make timely reports.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

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R6-5-4906. Verification of Eligibility Information

- A. The Department shall obtain independent verification or corroboration of information provided by the client when required by law, or when it is necessary to determine eligibility, fee level and copayment assignment, or service authorization amount.
- B. The Department may verify or corroborate information by any reasonable means including:
 1. Contacting third parties such as employers and educational institutions,

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2. Asking the client to provide written documentation such as pay stubs or school schedules, and
 3. Conducting a computer data match through other Department programs' computer systems.
- C.** The client is responsible for providing all required verification. The Department shall offer to assist a client who has difficulty in obtaining the verification and requests help.
- D.** A client shall provide the Department with all requested verification within 10 calendar days from the notice date of a written request for such information. When a client does not timely comply with a request for information, the Department shall deny the application as provided in R6-5-4908(B).

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4907. Withdrawal of an Application

- A.** An applicant may withdraw an application at any time prior to its disposition by providing the Department with a written request for withdrawal signed by the applicant.
- B.** If an applicant makes an oral request to withdraw an application:
1. The Department shall accept the oral request, provide the applicant with a written withdrawal form, and request that the applicant complete the form and return it to the Department. The Department shall inform the applicant of the consequences of not returning the withdrawal form within 10 days of the notice date.
 2. If the applicant fails to return the completed withdrawal form, the Department shall deny the application for failure to provide information unless the applicant rescinds the oral withdrawal request within 10 days of the date the Department provides the applicant a withdrawal form.
- C.** A withdrawal is effective as of the application file date unless the applicant specifies a different date on the withdrawal form.
- D.** An application that has been withdrawn shall not be reinstated; an applicant who has withdrawn an application shall reapply anew.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4908. Child Care Assistance Approvals and Denials

- A.** The Department shall complete the eligibility determination within 30 calendar days of the application file date or referral receipt date, unless:
1. The application or referral is withdrawn,
 2. The application or referral is rendered moot because the applicant has died or cannot be located, or
 3. There is a delay resulting from a Department request for additional verification information as provided in R6-5-4906(D).
- B.** The Department shall deny Child Care Assistance when the applicant fails to:
1. Complete the application and an eligibility interview, as described in R6-5-4905;
 2. Submit all required verification information within 10 days of the notice date of a written request for verification, or within 30 days of the application file date whichever is later; or
 3. Cooperate during the eligibility determination process as required by R6-5-4911(A).
- C.** When an applicant satisfies all eligibility criteria, the Department shall determine the service authorization amount, the fee level and copayment amount (if applicable), approve Child Care Assistance, and send the applicant an approval notice. The approval notice shall include the amount of assistance, fee level and copayment information, and an explanation of the applicant's appeal rights.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4909. 12-month Review

- A.** The Department shall complete a review of all eligibility factors for each client at least once every 12 months, beginning with the 12th month following the first month of Child Care Assistance eligibility.
- B.** The Department may elect to review eligibility factors more frequently than every 12 months.
- C.** At least 30 days prior to the 12-month review date, the Department shall mail the client a notice advising of the need for a review, and the requirement to submit a completed review application and verification of income and other eligibility factors for the most recent calendar month.
- D.** In response to such notice, the client shall mail or deliver to the Department a completed review application and verification by the date on the notice.
- E.** The Department shall verify the client's income and any eligibility factors that have changed or are subject to change.
- F.** The Department shall terminate Child Care Assistance effective the review date and deny the review application if the client:
1. Fails to submit the review application by the review date, or
 2. Fails to submit requested verification by the review date as required by the Department for a redetermination of eligibility.

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- G. If the client submits the review application and required verification within 30 days after the review date, the Department shall not require the client to appear for an intake interview and shall approve Child Care Assistance effective the date that the application and verification were received if other eligibility criteria are met.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

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R6-5-4910. Reinstatement of Assistance

- A. If the Department has terminated Child Care Assistance, the Department shall not reinstate assistance unless the client files a new application.
- B. Notwithstanding subsection (A), the Department shall reinstate assistance within 10 calendar days when:
1. Termination was due to Department error; the Department shall reinstate assistance effective the date following the date of termination;
 2. The Department receives a court order or administrative hearing decision mandating reinstatement; the Department shall reinstate assistance effective the date prescribed by the court order or hearing decision; or
 3. The recipient files a request for a fair hearing within 10 days of the notice date of the termination notice and requests that assistance be continued pending the outcome of an appeal; the Department shall reinstate assistance effective the date following the date of termination.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4911. General Eligibility Criteria

- A. Applicant and Recipient Responsibility.
1. An applicant for or recipient of Child Care Assistance shall cooperate with the Department as a condition of initial and continuing eligibility. The client shall:
 - a. Give the Department complete and truthful information;
 - b. Within two business days from the date the change becomes known, inform the Department of all changes in:
 - i. Income;
 - ii. Eligible activities as described in R6-5-4912;
 - iii. Work or school schedules;
 - iv. Persons moving in or out of the household;
 - v. Tax claimants moving in or out of the household;
 - vi. Other circumstances affecting eligibility or the amount of assistance authorized; and
- c. Comply with all the Department's procedural requirements.
2. The Department may deny an application for or reduce or terminate assistance, if the client fails or refuses to cooperate with the Department to determine eligibility.
- B. Eligible Applicants.
1. In order to be considered an eligible applicant for Child Care Assistance, a client shall reside with the child needing care and shall be:
 - a. The parent of the child for whom assistance is being requested; or
 - b. The caretaker relative related by blood, adoption, or marriage to the child for whom assistance is requested, including a brother, sister, aunt, uncle, first cousin, grandmother, grandfather, and persons of preceding generations as denoted by "grand," "great," or "great-great."
 - c. A court-appointed legal guardian for the child for whom assistance is requested, or a person who can provide documentation from the court that the process of legal guardianship has been initiated.
 2. When more than one applicant resides in the home, or the child resides with two different caretakers intermittently, the Department shall determine the eligible applicant for Child Care Assistance as follows:
 - a. If both the parent and a caretaker relative are in the home, the parent is the eligible applicant;
 - b. If both a legal guardian and the parent are in the home, the legal guardian is the eligible applicant;
 - c. If a caretaker relative whose legal guardianship has been terminated and the parent are both in the home, the parent is the eligible applicant;
 - d. When the child resides with a caretaker relative or legal guardian who is acting as caretaker at least 51 percent of the time, and the parent either maintains a separate residence and visits the child intermittently, or resides outside of the child's home for an indefinite period of time, the caretaker relative or legal guardian of the child is the eligible applicant for the child.
 - i. An eligible applicant cannot be the noncertified relative provider or certified provider of the child for whom he or she is applying for assistance.
 - ii. The Department shall not consider the tax claimant status of the caretaker relative or legal guardian under R6-5-4914(D) with respect to any member of the eligible family.
 - e. When the child resides with two or more caretaker relatives, the caretaker relative who will be claiming the child as a dependent for income tax purposes is the eligible applicant for Child Care Assistance.
 3. Acceptable verification of guardianship shall include the following court documents:
 - a. Petition for Temporary Appointment of Guardian (date stamped as received by the court);
 - b. Petition for Permanent Appointment of Guardian (date stamped as received by the court);
 - c. Order of Appointment of a Temporary Guardian;
 - d. Order of Appointment of a Permanent Guardian;

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- e. Letters and Acceptance of Permanent Guardianship.
4. If the client has not been appointed as a guardian when the Department authorizes Child Care Assistance, the client shall to continue the legal process for appointment in order to retain eligibility for Child Care Assistance.
 5. The client shall verify relationship or guardianship status as requested by the Department.
- C.** Arizona Residency. The client and the child for whom assistance is requested shall be Arizona residents and shall be physically present within Arizona.
- D.** Age of the Child. An eligible child is birth through 12 years of age only; a child aged 13 or older is ineligible for Child Care Assistance.
- E.** Citizenship and Legal Residency Requirements.
1. The client shall be a United States citizen or shall be a legal resident of the United States.
 2. The client shall verify citizenship or legal residency status as requested by the Department by providing a birth certificate, naturalization documentation, or alien or immigration registration documentation from the U.S. Immigration and Naturalization Service (INS).
- F.** Eligible Activity or Need.
1. The client, and any other parent or responsible person in the household shall be engaged in an eligible activity, or have an eligible need for Child Care Assistance as prescribed in R6-5-4912 that causes each client, parent, or responsible person to be unavailable to provide care to the child for whom assistance is requested.
 2. The Department does not require a tax claimant to be engaged in an eligible activity, unless the tax claimant is the other parent of a child receiving Child Care Assistance.
- G.** Availability of the Client, Parent, and Responsible Person.
1. The Department shall consider the availability of the client, and any other parent or responsible person in the household in determining eligibility and the amount of Child Care Assistance authorized for each individual child needing care.
 2. The client, parent, and any other responsible person in the household shall be unavailable to provide care to the child for whom assistance is being requested for a portion of a 24-hour day due to an eligible activity or need.
 3. In a family with more than one parent or responsible person, the Department shall authorize Child Care Assistance for the period of time that neither the parent nor the responsible person is available due to an eligible activity or need.
 4. The Department shall not consider the availability of a tax claimant in determining eligibility or amount of Child Care Assistance authorized for the client's children, unless the tax claimant is the other parent of a child receiving Child Care Assistance.
- H.** Provider Selection and Arrangements.
1. The Department shall not authorize Child Care Assistance until the applicant has selected a child care provider. An allowable child care provider for DES Child Care Assistance:
 - a. Shall be one of the following:
 - i. A DHS-licensed child care center;
 - ii. A DHS-certified group home;
 - iii. A DES-certified family child care home;
 - iv. A DES-certified in home care provider;
 - v. A DES-noncertified relative provider;
 - vi. A regulated provider meeting requirements established by military installations or federally recognized Indian Tribes.
 - b. Shall have a registration agreement with the Department.
 2. The Department shall not authorize Child Care Assistance with a noncertified relative provider when Child Care Assistance is requested for a CPS referred family, or a CPS or DDD foster family;
 3. The Department shall not authorize Child Care Assistance with a noncertified relative or certified provider when:
 - a. The relative or certified provider is the natural, step, or adoptive parent of the child for whom assistance is requested;
 - b. Child Care Assistance is requested by a Cash Assistance participant and the relative or certified provider is included in the same Cash Assistance grant as the child care applicant; or
 - c. The relative or certified provider is included in family size as prescribed in R6-5-4914(D), is the applicant for Child Care Assistance, or is the applicant's spouse.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

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R6-5-4912. Eligible Activity or Need

- A.** Eligible activities and needs for Child Care Assistance are described in this subsection:
1. Employment. Full or part-time employment for monetary compensation;
 2. Self Employment. Full or part time self employment for monetary compensation.
 3. Education and Training Activities with Minimum Work Requirement. A client who is employed shall be eligible to receive Child Care Assistance for education and training activities as prescribed in subsections (A)(3)(a), (b), and (c).
 - a. Post-secondary education in a college or trade school.
 - i. The client is employed an average of at least 20 hours per week, per calendar month.
 - ii. A self-employed client meets the 20-hour work requirement if the client's monthly net profit, divided by the current minimum wage standard, equates to the average 20-hour weekly work requirement.
 - iii. The education or training activity is related to the client's employment goal.
 - iv. The client's educational level is freshman or sophomore as defined by the educational institution, or the educational activities are in pursuit of an Associate Degree, or the client is in training at a vocational or trade school.
 - v. The client shall maintain satisfactory progress in the educational activity and remain in good

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- standing, as defined by the educational institution.
- vi. The client has not received more than the lifetime limit of 24 months of Child Care Assistance for education and training activities. Child Care Assistance authorized for educational activities before August 1, 1997, does not count toward the 24-month limit.
 - vii. Countable months toward the 24-month limit are those calendar months in which the Department authorized additional child care services for education and training needs; the Department shall not calculate the 24-month limit based on monthly usage.
 - viii. The client assumes full responsibility for employment goals and educational choices made; the Department is under no obligation to provide Child Care Assistance until educational or employment goals are attained.
 - ix. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.
 - x. Correspondence courses, home study courses, and study time are not eligible educational activities for Child Care Assistance.
- b. High School, G.E.D., E.S.O.L., and Remedial Educational Activities for Adults age 20 and Older.
 - i. The client is employed an average of at least 20 hours per week, per month.
 - ii. A self-employed client meets the 20-hour work requirement if the person's monthly net profit, divided by the current minimum wage standard, equates to the average 20-hour weekly work requirement.
 - iii. The educational or training activity is related to the client's employment goal.
 - iv. The client shall maintain satisfactory progress in the educational activity and remain in good standing, as defined by the educational institution.
 - v. The client has not received more than the lifetime limit of 12 months of Child Care Assistance for education and training activities described in this Section. Child Care Assistance authorized for educational activities before August 1, 1997, does not count toward the 12-month limit.
 - vi. Countable months toward the 12-month limit are those calendar months in which the Department authorized additional child care services for education and training needs. The Department shall not calculate the 12-month limit based on monthly usage.
 - vii. The client assumes full responsibility for employment goals and educational choices made; the Department is under no obligation to provide Child Care Assistance until educational and employment goals are attained.
 - viii. Allowable educational activities are attendance at high school, G.E.D. or E.S.O.L. classes, or remedial educational activities as determined allowable by the Department.
 - ix. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.
 - x. Correspondence courses, home study courses, and study time are not allowable educational activities for DES Child Care Assistance.
 - c. Cash Assistance participants who are sanctioned due to Jobs noncompliance are ineligible for Child Care Assistance for education and training activities in any month when a Jobs sanction is applied to the Cash Assistance case, unless the education and training activities are Jobs approved.
4. Teen Parents in Education and Training Activities. Teen parents are eligible for Child Care Assistance for education and training activities according to the following criteria:
 - a. The teen parent is under age 20.
 - b. The teen parent is attending high school, G.E.D., or E.S.O.L. classes, or remedial educational activities in pursuit of a high school diploma.
 - c. Child Care Assistance for teen parents for the educational activities described in this Section is not time-limited. The teen parent shall continue to receive assistance for the educational activity if eligibility criteria are met and until the teen parent:
 - i. Receives a diploma or certificate; or
 - ii. Attains the age of 20 years, whichever occurs first.
 - d. If the teen parent attends post-secondary educational activities, the eligibility criteria outlined under "Post- Secondary Education" in subsection (A)(3)(a) shall apply.
 - e. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.
 - f. Correspondence courses, home study courses, and study time are not allowable educational activities for Child Care Assistance.
 - g. Cash Assistance participants who have been sanctioned due to Jobs noncompliance are ineligible for Child Care Assistance for education and training activities in any month that a Jobs noncompliance sanction is applied to the Cash Assistance case, unless the education and training activities are Jobs approved.
 5. Participation in Jobs Approved Activities. Individuals participating in the Jobs Program and who receive Cash Assistance shall be eligible for Child Care Assistance if the following criteria are met.
 - a. The individual is referred by a Jobs Program Specialist to CCA for Child Care Assistance.
 - b. The individual is required to contact a local DES Child Care Office to notify CCA of the selection of a provider, and to cooperate with CCA to arrange child care services.
 - c. The Child Care service authorization shall be based on the days and hours of the approved Jobs activity as specified by the Jobs Program Specialist in the Jobs referral.
 - d. Jobs participants shall receive Child Care Assistance for Jobs approved educational and training activities only. Educational and training activities that are not Jobs approved are not eligible activities for Child Care Assistance for Jobs participants.
 6. Unable or Unavailable to Provide Care. Clients who are unable or unavailable to care for their own children for a

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portion of a 24-hour day are eligible for Child Care Assistance according to the following criteria.

- a. Clients who are unable to care for their own children due to a physical, mental, or emotional disability are eligible for Child Care Assistance when the diagnosis, inability to care for the children, and anticipated recovery date (or the date of the next medical evaluation) have been verified by a licensed physician, certified psychologist, or certified behavioral health specialist.
 - b. The Department shall authorize Child Care Assistance to cover:
 - i. The amount of time the client is unable to care for the child; and
 - ii. The amount of time needed for ongoing treatment for the specified condition as verified by the physician, certified psychologist, or certified behavioral health specialist.
 - c. Child Care Assistance shall not cover intermittent and routine appointments that are not part of an ongoing treatment plan.
 - d. Clients participating in a drug rehabilitation program are eligible for Child Care Assistance to participate in activities as specified by the drug rehabilitation program.
 - e. Clients participating in a court-ordered community service program are eligible for Child Care Assistance to support required community service participation as specified by the court.
 - f. Clients who are residents of a homeless or domestic violence shelter are eligible for Child Care Assistance based on shelter residency, and on verification provided by an authorized representative at the shelter. Child Care Assistance shall cover:
 - i. The days and hours that the client is unavailable to provide care to their own child due to participation in shelter-directed activities as verified by an authorized representative of the shelter; and
 - ii. The days and hours that the client is unable to provide care to the client's own child due to a physical, mental, or emotional disability as verified by a licensed physician, certified psychologist, or a certified behavioral health specialist.
- B. Gaps In Employment.** Clients receiving Child Care Assistance are eligible for continued assistance during gaps in employment.
1. The Department shall continue Child Care Assistance for each parent, legal guardian, or relative caretaker in the eligible family during no more than two gaps in employment of 30 days in each 12-month period.
 2. The Department shall authorize Child Care Assistance during a 30-day gap in employment beginning the day after the last day worked, after the client provides verification of his or her job termination date.
 3. Gaps in employment may be consecutive (if requested).
 - a. The Department shall continue Child Care Assistance for an additional 30 days upon request of the client, if the client has not already used Child Care Assistance during two gaps in employment in the most recent 12-month period immediately preceding the job termination date.
 - b. The second gap in employment shall begin the day after the last day of the first gap in employment.
 4. The Department shall continue to authorize the same number of units of Child Care Assistance as previously authorized for the employment activity.
 5. The Department shall decrease the client's fee level and copayment under Appendix A, based on the loss of earned income effective the date that terminated employment has been verified, or the day after the last day worked, whichever is the later date.
 6. The Department shall end Child Care Assistance during a gap in employment on the 30th day after the client's last day worked, or on the 60th day after the client's last day worked if two consecutive gaps were authorized, unless the client can verify participation in a new eligible activity.
 7. When a client fails to report job loss timely as described under R6-5-4911(A)(1), and continues to use Child Care Assistance, the Department shall automatically reduce the overpayment period by subtracting any unused gaps in employment in lieu of the corresponding months of overpayment.
 8. Child care utilized during a gap in employment shall count toward the 60 month per child time limit for Child Care Assistance under R6-5-4919.
 9. CPS Referred Families and CPS and DDD Foster Families.
 - a. Child Care Assistance shall be provided to families requiring assistance as documented in a CPS case plan, or to children who are in the care, custody, and control of the Department, and who need Child Care Assistance as documented in a foster care case plan.
 - b. Eligibility for Child Care Assistance under this provision shall be determined by CPS and DDD on a case by case basis.
- C. Verification of Eligible Activity or Need.** The client shall verify eligible activities and needs as requested by the Department. Acceptable verification shall include:
1. Pay stubs for the most recent 30-day period;
 2. Employer's statement verifying start date, hourly rate of pay, work schedule, and frequency of pay including:
 - a. The date of receipt of the first full paycheck if the client is newly employed; and
 - b. The last day worked, if the client's employment has terminated.
 3. Quarterly or annual tax statement for the most recent calendar quarter or year to verify self-employment activities;
 4. Self-employment log to document self-employment activities and income accompanied by receipts for gross sales and business expenses for the most recent calendar month or quarter;
 5. Written verification from an educational institution to verify days and hours of attendance, start and end dates of the activity, educational level, and satisfactory progress;
 6. Written verification from a licensed physician, certified psychologist, or certified behavioral health specialist indicating the diagnosis, inability to care for the child, days and hours that child care is needed, and the anticipated recovery date;
 7. Written verification from a homeless or domestic violence shelter indicating the days, hours, and duration that child care is needed as prescribed in subsection (A)(6)(f).

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

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R6-5-4913. Applicants and Recipients as Child Care Providers

- A.** The client for Child Care Assistance may also be the child care provider for any child for whom assistance is requested when:
1. The client works for but is not the DES contracted party for the provision of Child Care Assistance;
 2. The client receives monetary compensation for work performed as a child care provider;
 3. The client cares for other unrelated children, for whom client does not receive Child Care Assistance, as well as for the child for whom the client has applied for Child Care Assistance; and
 4. The client is unavailable to provide care to the child for whom assistance is requested. When the client is also the child care provider, this is defined as:
 - a. There is no "not for compensation" slot available for the child; and
 - b. Caring for the child as well as for the other children for whom the child care provider receives compensation, would exceed the ratio per state certification or licensing standards pursuant to A.R.S. § 36-897.01 and 6 A.A.C. 5, Article 52.
- B.** If there is no "not for compensation" slot available for the child, and other eligibility criteria described in this Article are met, the client for Child Care Assistance may also be the child care provider for the child for whom assistance is requested.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4914. Income Eligibility Criteria

- A.** Child Care Assistance Without Regard to Income. The Department shall not determine income eligibility for Child Care Assistance for the following:
1. Jobs participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA as prescribed in R6-5-4904(B).
 2. Cash Assistance participants who need Child Care Assistance to maintain employment.
 3. CPS referred families, and CPS or DDD foster families who need Child Care Assistance as documented in a CPS or foster care case plan, and who are referred to CCA as prescribed in R6-5-4904(B).
- B.** Child Care Assistance With Regard to Income. The Department shall determine income eligibility for Child Care Assistance for the following:
1. Former Cash Assistance participants who need Child Care Assistance to maintain employment as prescribed in R6-5-4916(A).
 2. Clients who are not Cash Assistance participants but who need Child Care Assistance to maintain employment.
 3. Teen parents who need Child Care Assistance for educational activities as prescribed in R6-5-4912(A)(4).
 4. Clients who need Child Care Assistance because they are unable or unavailable to care for their own children due to physical, mental or emotional disability, participation in a drug treatment or court-ordered community service program, or residency in a homeless or domestic violence shelter as prescribed in R6-5-4912(A)(6).
- C.** Income Maximum for Child Care Assistance. The Department shall determine income eligibility by calculating the gross monthly income of all family members included in family size unless otherwise excluded as prescribed in subsections (D), (E), (F), and (H).
1. If the gross monthly income for the family is equal to or less than 165% FPL, the family meets the income eligibility requirements for Child Care Assistance.
 2. If the gross monthly income for the family exceeds 165% FPL, the family does not meet the income eligibility requirements for Child Care Assistance.
- D.** Family Size Determination. The Department shall include the countable income of every person included in family size for the purpose of determining income eligibility as prescribed in this subsection.
1. Family size shall consist of:
 - a. The applicant for Child Care Assistance;
 - b. The applicant's natural, adoptive, and step children;
 - c. Any other parent or responsible person living in the household who is legally and financially responsible for either the applicant, or for the children needing care;
 - d. The children of the other parent or responsible person residing in the same household; and
 - e. The tax claimant under subsection R6-5-4914(D)(3).
 2. When a parent applies for Child Care Assistance for a natural, adoptive, or step child, the Department shall:
 - a. If the applicant and other adult in the household are married, or have children in common who need child care, make one family size determination for the family.
 - b. Count the income of both parents.
 3. When a tax claimant resides in the household with a parent who is applying for or receiving Child Care Assistance, the Department shall include the tax claimant in family size if:
 - a. The tax claimant states an intention to claim any of the following members of the eligible family residing in the same household as a dependent on the tax claimant's federal or state income tax return for the current calendar year:
 - i. The parent who is the applicant;
 - ii. The parent's natural, adoptive, or step children less than 18 years of age;
 - iii. The parent's spouse;
 - iv. The other parent of the children for whom assistance is requested, or who are receiving Child Care Assistance; or
 - v. The dependent children of the other parent residing in the household, and who are included in family size.
 - b. The tax claimant signs a declaration stating the intention to claim specific members of the eligible

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- family as tax dependents for the current calendar year.
4. The Department shall include the tax claimant's dependent children under age 18 and spouse residing in the same household in family size.
 5. When the applicant and his or her spouse are legally married and do not reside in the same household, but have the intention of remaining a family, the Department shall include the spouse in family size if the absent spouse is engaged in an eligible activity under R6-5-4912.
 6. When a caretaker relative applies for Child Care Assistance for another related child only:
 - a. Family size shall consist of the other related child or children only; and
 - b. The Department shall exclude both the caretaker relative and his or her spouse from the family size determination.
 7. When the applicant applies for Child Care Assistance for natural, adoptive, or step children, and also for another related child, the Department shall make one family size determination for the family:
 - a. Family size shall consist of the applicant, the applicant's child, any other related eligible children who need care, and any other parent or responsible person in the household.
 - b. Any income received by or for an "other related" child less than 13 years of age shall be counted.
 - c. If there is another relative in the household who states an intention to claim an other related child as a dependent for income tax purposes, this tax claimant must be the applicant for the child. The Department shall determine family size separately for this child under R6-5-4914(D)(6).
 8. When an unwed minor parent applies for Child Care Assistance for his or her own child, and resides with his or her parents:
 - a. The Department shall include the following in family size, unless the minor parent or the minor parent's children are tax dependents as described under subsection (d) below:
 - i. The minor parent; and
 - ii. The minor parent's child.
 - b. The Department shall not include the parents and siblings of the unwed minor parent in family size.
 - c. The Department shall deem a portion of the monthly gross countable income received by the parent of the minor parent to be available to meet the needs of the unwed minor parent and his or her children as described in this subsection, unless the parent of the minor parent is a tax claimant, under subsection (d) below.
 - i. The Department shall calculate the monthly gross countable income of the parents of the unwed minor parent;
 - ii. The Department shall subtract the amount of monthly gross countable income that equates to 165% FPL as specified in Appendix A, for the number of parents and siblings of the unwed minor parent residing in the same household only; and
 - iii. The Department shall count the remaining monthly gross countable income received by the parents of the unwed minor parent as available to meet the needs of the unwed minor parent and his or her children in the income eligibility determination.
 - d. If a parent of the minor parent is a tax claimant who intends to claim the minor parent or the minor parent's child as a tax dependent, the Department shall determine family size as follows:
 - i. The Department shall include the tax claimant, the tax claimant's spouse, and the tax claimant's dependent children residing in the same household in family size with the minor parent, and his or her child; and
 - ii. The Department shall count all countable income received by the tax claimant and the tax claimant's spouse in the income eligibility determination.
 9. When a married, separated, widowed, or divorced minor parent applies for Child Care Assistance for his or her own children:
 - a. The Department shall include the minor parent and his or her own dependent children in family size;
 - b. The Department shall include monthly gross countable income received by the minor parent and the other parent or responsible person residing in the home in the income eligibility determination;
 - c. The Department shall not consider income received by the parent of the minor parent in the income eligibility determination, unless the parent of the minor parent is a tax claimant, under subsection (8)(d); and
 - d. The Department shall not include parents and siblings of the minor parent in family size, unless the parent of the minor parent is a tax claimant, under subsection (8)(d).
 10. If a tax claimant included in family size is also a parent who needs Child Care Assistance for his or her own child, the tax claimant shall submit a separate application.
 - a. The Department shall make a separate eligibility and family size determination for the tax claimant's dependent children less than age 18.
 - b. The Department shall include the parent, spouse or other parent or responsible person, and their dependent children in family size.
 11. When a guardian applies for Child Care Assistance for a child in guardianship only, the Department shall:
 - a. Make one family-size determination for the child in guardianship.
 - b. Include all children in guardianship in family size.
 - c. Exclude the guardian and the guardian's spouse from family size.
 - d. Count the income received by or for the children in guardianship.
 - e. If the parent of the child needing care is also in the household, the Department shall not include the parent in family size; and shall not count his or her income.
 12. When the applicant applies for Child Care Assistance for natural, step, or adoptive children in addition to the children in guardianship, the Department shall:
 - a. Make one family-size determination.
 - b. Include in family size the applicant, the applicant's children, the children in guardianship less than 13 years of age who need care, and any other parent or responsible person in the household.
 - c. Count the applicant's and other parent's or responsible person's income.
 - d. Count the income received by or for the children in guardianship less than 13 years of age.
 13. When a foster parent applies for Child Care Assistance for his or her own children:

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- a. The Department shall include the applicant, other parent or responsible person, and their children in family size; and
- b. The Department shall not include the foster child in family size unless the foster child is a relative.
- E. Verification of Tax Claimant Status**
1. The Department shall verify tax claimant status as described in R6-5-4914(D) by requiring:
 - a. The client to submit a signed and dated declaration stating that no relative 18 years of age or older residing in the same household intends to claim any member of the eligible family as a tax dependent for the current calendar year; or,
 - b. The client and the relative 18 years of age or older residing in the same household who intends to claim a member of the eligible family as a tax dependent for the current calendar year to:
 - i. Submit a signed and dated declaration stating that fact; and,
 - ii. State the name of the family member whom the relative intends to claim as a tax dependent.
 2. The Department shall include the tax claimant, his or her spouse, and dependent children in family size upon receipt of the signed declaration.
 3. If the tax claimant no longer intends to claim a member of the eligible family as a tax dependent, the client must sign and date a new declaration.
 - a. The new declaration shall specify that the tax claimant no longer intends to claim a member of the eligible family as a tax dependent.
 - b. The Department shall remove the tax claimant, tax claimant's spouse, and his or her dependent children from family size after receipt of the signed declaration.
- F. Countable Income.** The Department shall count the gross monthly income of a family as prescribed in subsection (D); countable income shall include:
1. Gross earnings received for work including wages, salary, armed forces pay (with the exception of specifically designated allotments for food and shelter costs), commissions, tips, overtime, piece-rate payments, and cash bonuses earned, before any deductions.
 2. Net income from non-farm self employment including gross receipts minus business expenses. Gross receipts include the value of all goods sold and services rendered. Business expenses include costs of goods and services purchased or produced, rent, heat, light, power, depreciation charges, wages, and salaries paid, business taxes, and other expenses incurred in operating the business. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income. Payments on loans or mortgages obtained to increase capital investments in property or equipment are not allowed as deductible expenses.
 3. Net income from farm self employment which includes gross receipts minus operating expenses. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include costs of feed, fertilizer, seed, and other farming supplies, wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes, and other expenses incurred in operation of the farm. The value of fuel, food, or other farm products used for family living is not included as part of net income. Payments on loans or mortgages obtained to increase capital investments in property or equipment are not allowed as deductible expenses.
 4. Social Security payments prior to deductions for medical insurance including Social Security benefits and "survivors" benefits, and permanent disability insurance payments made by the Social Security Administration.
 5. Railroad retirement insurance income.
 6. Dividends including interest on savings, stocks and bonds, income and receipts from estates or trusts, net rental income or royalties, receipts from boarders or lodgers (net income received from furnishing room and board shall be 1/3 of the total amount charged). Interest on Series H. United States Government Savings bonds.
 7. Mortgage payments received shall be prorated on a monthly basis.
 8. Public assistance payments including payments from the following programs: Cash Assistance, Supplemental Security Income (SSI), State Supplementary Payments (SSP), General Assistance (GA), Bureau of Indian Affairs General Assistance (BIAGA), and Tuberculosis Control (TC).
 9. Pensions and annuities including pensions or retirement benefits paid to a retired person or their survivors by a former employer or by a union, or distributions or withdrawals from an individual retirement account.
 10. Unemployment Insurance payments including compensation received from government unemployment insurance agencies or private companies during periods of unemployment, and any strike benefits received from union funds.
 11. Workers' compensation payments.
 12. Money received from the Domestic Volunteer Act when the adjusted hourly payment is equal to or greater than minimum wage; Action Volunteer Programs include VISTA, Foster Grandparent Program (FGP), Retired Senior Volunteer Program (RSVP), and Senior Companion Program (SCP).
 13. Alimony or spousal maintenance which shall be counted the month received.
 14. Child support which shall be counted the month received.
 15. Veterans' pensions including benefits and disability payments paid periodically by the Veterans Administration to members of the Armed Forces or to a survivor of deceased veterans.
 16. Cash gifts received on a monthly basis from relatives, other individuals, and private organizations, as a direct payment in the form of money.
 17. Money received through the lottery, sweepstakes, contests, or through gambling ventures whether received on an annuity or lump sum basis.
 18. Any other source of income not specifically excluded in subsection (F).
- G. Excluded Income.** The Department shall exclude the items listed in this subsection when determining a family's gross monthly income.
1. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;
 2. Payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under Section 21(a) of the Act;
 3. Money or capital gains received as a lump sum, from the sale of personal or real property, such as stocks, bonds, or a car (unless the person was engaged in the business of

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- selling such property, in which case the net proceeds would be counted as income from self employment);
4. Withdrawals of bank deposits;
 5. Loans; money borrowed;
 6. Tax refunds;
 7. Any monies received through the federal Earned Income Credit (EIC);
 8. One time lump sum awards or benefits, including:
 - a. Inherited funds;
 - b. Insurance awards;
 - c. Damages recovered in a civil suit;
 - d. Monies contributed by a client to a retirement fund that are later withdrawn prior to actual retirement; and
 - e. Retroactive public assistance payments;
 9. The value of U.S. Department of Agriculture (USDA) Food Stamps;
 10. The value of USDA-donated food;
 11. The value of any supplemental food assistance received under the Child Nutrition Act of 1966 and special food service program for children under the National School Lunch Act, the Women, Infant, and Children Program (WIC), Child and Adult Care Food Program (C.A.C.F.P.), and the School Lunch Program;
 12. Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (for example, Navajo/Hopi Relocation Act);
 13. Earnings of a child who is under the age of 18 and attending high school or other training program, and who is not a minor parent who needs Child Care Assistance for his or her own child;
 14. Home produce used for household consumption;
 15. Government-sponsored training program expenses (TRE payments) such as training-related expenses paid to JOBS participants and Job Training Partnership Act (JTPA) training expenses paid directly to the client;
 16. The value of goods or services received in exchange for work;
 17. Interest on Series E, United States Government Savings bonds;
 18. Foster care maintenance payments received for care of foster children;
 19. Adoption subsidy payments received for the care of adopted children;
 20. Educational loans, grants, awards, and scholarships regardless of their source, including Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Bureau of Indian Affairs (BIA) Student Assistance Grants, college work-study income, Carl D. Perkins Vocational and Applied Technology Education Act income, and any other state or local, public, or private educational loans, grants, awards, and scholarships;
 21. Money received from the Domestic Volunteer Act when the adjusted hourly payment is less than minimum wage; Action Volunteer Programs include VISTA, Foster Grandparent Program (FGP), Retired Senior Volunteer Program (RSVP), and Senior Companion Program (SCP);
 22. Housing and Urban Development (HUD) benefits, cash allowances and credits against rent;
 23. Vendor payments including payments made directly to a third party by friends, relatives, charities, or agencies to pay bills for the client;
 24. Vocational Rehabilitation training-related expenses (TRE) which are reimbursements for expenses paid. Subsistence and maintenance allowances, and incentive payments not designated as wages;
 25. Disaster relief funds and emergency assistance provided under the Federal Disaster Relief Act, and comparable assistance provided by a state or local government, or disaster assistance organization;
 26. Energy assistance including all state or federal benefits designated as "energy assistance" or assistance from a municipal utility or non-profit agency;
 27. Agent Orange payments;
 28. Any other income specifically excluded by applicable state or federal law.
- H. Income Deduction.** Child support that is paid for dependents who do not reside in the same household with the eligible family shall be deducted from the monthly gross countable income prior to income calculation and fee level and copayment assignment as prescribed in subsection (I) and R6-5-4915.
- I. Income Calculation.** The Department shall calculate monthly income as prescribed in this subsection.
1. The Department shall include all income of all family members included in the family-size determination, other than income excluded as prescribed in R6-5-4914(F) in the determination of income eligibility.
 2. The Department shall calculate a monthly figure for each source of income separately with the appropriate method used for calculation.
 3. After calculating monthly income for each source of income, the Department shall add the monthly amounts from each source to obtain the total monthly income.
 4. The Department shall convert income received less often than monthly to a monthly figure as provided in this subsection.
 - a. The Department shall prorate the total income over the number of months that the income is intended to cover.
 - b. If the income is received on or after the date of application, a monthly share of income shall be considered beginning with its earliest possible effective date and for a number of months equal to the number of months which the income covers.
 - c. If the family receives the income prior to the date of application, the number of months that the income is intended to cover shall be equal to the number of months of coverage remaining.
 5. The Department shall anticipate income for a current or future month based on the averaged income received in the most recent 30-day period, unless the Department receives new information that indicates that the income has changed, as verified under subsection (J).
 - a. If the income received by the household has increased due to receipt of a new source of income, an increased work schedule, or a raise in salary or wages, the Department shall calculate the gross monthly countable income for the household based on the amount of income anticipated to be received on a monthly basis. The Department shall begin counting the new or increased income as described under subsection (6).
 - b. If the income received by the household has decreased due to loss of a source of income, a decreased work schedule, or a reduction in salary or wages, the Department shall cease counting the income effective the date that the client provides verification of the loss or reduction in income.

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6. When a family receives a new or increased income source that will be received monthly, weekly, bi-weekly, or semi-monthly:
 - a. The income shall not be considered available to the family until the date that the first full payment is received.
 - b. The Department shall not assess a new fee level or ineligibility to the client until the monies are available.
 - c. Once the client has already received the payment that includes the new or increased income source, and a higher fee level or ineligibility results:
 - i. The Department shall increase the fee level or terminate assistance no earlier than 10 days after the first full paycheck has been received; and
 - ii. The Department shall send a 10-day negative action notice prior to increasing the fee level or terminating assistance.
7. The Department shall convert income received more often than monthly, for a period covering less than a month, to a monthly amount by one of the methods listed below.
 - a. If the income amount does not vary and is received monthly, weekly, bi-weekly, or semi-monthly, the conversion to a monthly amount will be obtained by multiplying the pay period amount by:
 - i. 1, if monthly;
 - ii. 4.3, if weekly;
 - iii. 2.15, if bi-weekly; or
 - iv. 2, if semi-monthly.
 - b. This amount shall be applied as income on an ongoing monthly basis until there is a change in the income.
 - c. If the monthly income received varies in amount and frequency, and exact monthly figures are unavailable, the Department shall use an average monthly figure.
8. When the Department calculates the gross monthly income for the family, the whole dollar amount only shall be used to determine income eligibility, and fee level and copayment assignment; any amount that is a fraction of a whole dollar shall be rounded down to the next whole dollar.
- J. Verification of Income. The client shall verify income by providing written documentation of income as requested by the Department such as:
 1. Pay stubs for the most recent calendar month, or for any month of potential overpayment;
 2. Employer's statement verifying work schedule, hourly rate of pay, and frequency of pay;
 3. Benefit award statements for the most recent benefit period;
 4. Statements of account to verify interest income;
 5. Quarterly or annual tax returns for the most recent quarter or year for self-employment income;
 6. Self-employment log accompanied by gross sales receipts and business expense receipts for the most recent calendar month or quarter; and
 7. Other written documentation from the source of the income indicating the amount of income received, source of income, frequency received, and naming the payee.

Historical Note

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R6-5-4915. Fee Level and Copayment Assignment

- A. The Department shall assign a fee level to the family based on family size and monthly gross countable income, as specified in Appendix A.
- B. The Department shall assign individual minimum required copayment amounts for each child in the family based on the fee level assignment, and the number of children needing care, as specified in Appendix A.
- C. The Department shall not assign a fee level or minimum required copayment to Jobs participants, Cash Assistance participants who need Child Care Assistance for employment, or families determined eligible and referred by CPS or DDD.
- D. When a client fails to pay the DES-required copayment, or fails to make satisfactory arrangements for payment of the DES-required copayment with a child care provider, the client is ineligible for Child Care Assistance.
- E. When the Department has determined that an client is ineligible for Child Care Assistance due to nonpayment of the copayment, the client is ineligible for any Child Care Assistance program that requires a copayment until past-due copayments have been paid, or until satisfactory arrangement have been made with the provider for payment.

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R6-5-4916. Special Eligibility Criteria

- A. Transitional Child Care
 1. Former Cash Assistance participants who are attempting to achieve independence from the Cash Assistance program, who need Child Care Assistance for employment, and who are otherwise eligible shall receive up to 24 months of Transitional Child Care Assistance.
 2. The former Cash Assistance participant shall have received Cash Assistance in Arizona in at least one month and shall apply for Child Care Assistance within six months after the Cash Assistance case closure date.
 3. The former Cash Assistance participant and any other parent or responsible person in the household shall need Child Care Assistance to maintain employment.
 4. The most recent Cash Assistance case closure shall not have been due to a sanction for Jobs or Child Support noncompliance, and the Cash Assistance participant shall

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not have been sanctioned due to intentional program violation (IPV) at the time of the most recent Cash Assistance case closure.

- B. Cash Assistance Diversion Participants.**
1. Applicants for Cash Assistance who are diverted from long-term Cash Assistance through the Cash Assistance Diversion program shall be treated as Cash Assistance participants during the three-month period that the Cash Assistance Diversion payment covers.
 2. Cash Assistance Diversion participants shall be eligible for Child Care Assistance for employment activities without regard to income as prescribed in R6-5-4914(A) during the three-month Diversion period.
 3. Cash Assistance Diversion participants shall be eligible for Child Care Assistance for job search activities during the three-month Diversion period.
 4. Cash Assistance Diversion participants shall be eligible for Transitional Child Care after the three-month Diversion period if the income eligibility requirements in R6-5-4914(B) and the TCC requirements in subsection (A) of this provision are met.

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R6-5-4917. Waiting List for Child Care Assistance

- A. Implementation of a Waiting List for Child Care Assistance.**
1. The Department may implement a waiting list for Child Care Assistance whenever it determines that sufficient funding is not available to sustain benefits for all of the applicants requesting assistance.
 - a. The Department may implement a waiting list for all applicants under subsection (B); or,
 - b. The Department may implement a partial waiting list and prioritize access to Child Care Assistance for applicants based on income under subsection (D).
 2. When the waiting list is in effect, the Department shall place applicants determined to be eligible for Child Care Assistance on the waiting list under this subsection, and shall not authorize Child Care Assistance until the Department determines that sufficient funding is available.
- B. Applicants Who Are Subject To the Waiting List.** When the waiting list is in effect, the Department shall place applicants determined to be eligible for Child Care Assistance on the waiting list, including individuals who are reapplying for Child Care Assistance following case closure. The Department shall place the following applicants on the waiting list:
1. Applicants who are not Cash Assistance participants but who need Child Care Assistance to maintain employment under R6-5-4912(A).
 2. Teen parents who need Child Care Assistance for educational activities under R6-5-4912(D).
 3. Applicants who need Child Care Assistance because they are unable or unavailable to care for their own children

due to physical, mental, or emotional disability, participation in a drug treatment or court-ordered community service program, or residency in a homeless or domestic violence shelter under R6-5-4912(F).

- C. Applicants Who Are Not Subject To the Waiting List.** When the waiting list is in effect, the Department shall not place the following applicants determined eligible for Child Care Assistance on the waiting list, and shall proceed to authorize Child Care Assistance under R6-5-4918.
1. Jobs participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA under R6-5-4904(B).
 2. Cash Assistance participants who need Child Care Assistance to maintain employment under R6-5-4904(B).
 3. CPS referred families, and CPS or DDD foster families who need Child Care Assistance as documented in a CPS or foster care case plan, and who are referred to CCA under R6-5-4904(B).
 4. Former Cash Assistance participants who need Child Care Assistance to maintain employment under R6-5-4916(A).
- D. Prioritization of Applicants for Child Care Assistance When the Waiting List Is In Effect.** The Department shall prioritize applicants for authorization of Child Care Assistance when the waiting list is in effect under this subsection.
1. **Prioritization Based On Income.**
 - a. Families with gross monthly incomes at or below 100% of the Federal Poverty Level (FPL) receive the highest priority for assistance;
 - b. The Department shall prioritize the remainder of families applying for Child Care Assistance when the waiting list is in effect in the following order:
 - i. Families with gross monthly incomes between 101% FPL and 110% FPL;
 - ii. Families with gross monthly incomes between 111% FPL and 120% FPL;
 - iii. Families with gross monthly incomes between 121% FPL and 130% FPL;
 - iv. Families with gross monthly incomes between 131% FPL and 140% FPL;
 - v. Families with gross monthly incomes between 141% FPL and 150% FPL;
 - vi. Families with gross monthly incomes between 151% FPL and 160% FPL;
 - vii. Families with gross monthly incomes between 161% FPL and 165% FPL;
 2. **Prioritization Based On Application Date.** The Department shall place clients determined eligible for Child Care Assistance on the waiting list effective the date that the Department receives an identifiable application, under R6-5-4904(A)(2).
- E. Cooperation Requirement for Clients on the Waiting List.**
1. Clients shall cooperate with the Department to maintain eligibility while on the waiting list, under R6-5-4911(A).
 2. If the family's household income changes, the client shall notify the Department of the change in income within 2 workdays.
 3. If someone moves in or out of the household, the client is required to notify the Department within 2 workdays.
 4. The Department shall recalculate gross household income and notify the client of any changes in priority status described under subsection (D) based on the change in income or family size.
- F. Loss of Employment While On the Waiting List.**

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1. If the parent or caretaker of the child loses employment while on the waiting list, the family may remain on the waiting list without an eligible activity.
 2. When the Department selects the family for release from the waiting list under subsection (H), the Department shall require the parent or caretaker of the child to verify participation in an eligible activity under R6-5-4912 before the Department authorizes the family to receive Child Care Assistance.
- G. Determination of Ineligibility While On the Waiting List.**
1. If the family becomes ineligible for Child Care Assistance while on the waiting list, or during release from the waiting list under subsection (J), the Department shall remove the client from the waiting list and close the case.
 2. The client shall submit a new application and verify eligibility for Child Care Assistance in order to be added back onto the list effective the new application date.
- H. Selection from the Waiting List.**
1. The Department shall select clients for release from the waiting list within each level of income priority as described under subsection (D), and in application date order.
 2. When the Department notifies the client that he or she is being released from the waiting list, the Department may require the client to verify income, employment, other household circumstances or provider selection prior to being authorized for Child Care Assistance.
- I. Clients Determined Eligible Upon Selection for Release from the Waiting List.**
1. The Department shall authorize Child Care Assistance effective a date specified by the Department based on the availability of funding, after the client has submitted any requested verification and the Department has determined that the family remains eligible for Child Care Assistance.
 2. If the client is eligible for Child Care Assistance, the Department shall authorize Child Care Assistance, and shall notify the client in writing regarding:
 - a. The start date of Child Care Assistance;
 - b. The amount of assistance authorized for each child under R6-5-4918; and
 - c. The assigned fee level and copayment for each child.
- J. Clients Determined Ineligible Upon Selection for Release from the Waiting List.**
1. If the client is not eligible for Child Care Assistance as described in R6-5-4920, the Department shall notify the client regarding ineligibility under R6-5-4921.
 2. The Department shall require the client to submit a new application and verify eligibility for Child Care Assistance in order to be added back onto the list effective the new application date, if a waiting list remains in effect.
- K. Clients Selected for Release from the Waiting List in Error.**
1. If the Department determines that a client was not eligible for selection from the waiting list, and the waiting list remains in effect, the Department shall proceed as described under this subsection.
 2. If the Department determines that the client is currently at a lower level of priority for assistance under subsection (D)(1) due to a previously unreported change in income or family size, the Department shall not authorize Child Care Assistance.
 3. The Department shall reinstate the client on the waiting list effective the existing application date; and,
 4. Notify the family in writing of reinstatement to the waiting list and the newly assigned level of priority.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-5-4917 renumbered to R6-5-4918; new R6-5-4917 made by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4918. Authorization of Child Care Assistance

- A. Authorization Based on Eligible Activity or Need.** The Department shall authorize Child Care Assistance for a portion of each 24-hour day based on the verified eligible activity or need of the parent and responsible person for the child needing care.
- B. Authorization Based on Unavailability.** The amount of Child Care Assistance authorized by the Department shall be based on the amount of time that the client and any other parent or responsible person in the household are unavailable or incapable to provide care to their own children due to an eligible activity or need as prescribed in R6-5-4911(F) and R6-5-4912. When there are two or more parents or responsible persons in the household, Child Care Assistance shall be authorized for the amount of time that neither parent or responsible person is available due to an eligible activity or need.
- C. Authorization for Self-employment Activities.**
1. The Department shall authorize Child Care Assistance for self-employment activities based on monthly net income divided by the current hourly minimum wage standard.
 2. Authorization of Child Care Assistance for self-employment activities shall not exceed the lesser of:
 - a. The maximum number of Child Care Assistance units that can be authorized as prescribed in subsections (B) and (D), or
 - b. The number of hours calculated by dividing monthly net income from self-employment by the amount of the hourly minimum wage standard, or
 - c. The number of hours of Child Care Assistance needed by the client to perform self employment activities.
- D. Six-child Authorization Limit.**
1. The Department shall authorize no more than six children in the eligible family at any given point in time.
 - a. The six-child authorization limit applies to clients under this subsection.
 - i. Clients who are not Cash Assistance participants but who need Child Care Assistance to maintain employment;
 - ii. Teen parents who need Child Care Assistance for educational activities under R6-5-4912(D); and
 - iii. Clients who need Child Care Assistance because they are unable or unavailable to care for their own children due to physical, mental, or emotional disability, participation in a drug treatment or court-ordered community service program, or residency in a homeless or domestic violence shelter under R6-5-4912(F).

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- b. The six-child authorization limit shall not apply to the following clients:
 - i. Jobs participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA under R6-5-4904(B);
 - ii. Cash Assistance participants who need Child Care Assistance to maintain employment;
 - iii. CPS referred families, and CPS or DDD foster families who need Child Care Assistance as documented in a CPS or foster care case plan, and who are referred to CCA under R6-5-4904(B); and
 - iv. Former Cash Assistance participants who need Child Care Assistance to maintain employment under R6-5-4916(A).
- c. For eligible families who are not subject to the six-child limit, there is no limit to the number of eligible children whom the Department can authorize to receive Child Care Assistance in the eligible family.
- 2. If the eligible family requests Child Care Assistance for more than six children, the family shall select the six children to be authorized to receive Child Care Assistance.
- 3. If the family fails to designate six children to receive Child Care Assistance as requested, the Department shall authorize the six youngest children.
- 4. If the client is already receiving Child Care Assistance for six children and requests assistance for a new child, the Department shall not authorize assistance for the new child until the client notifies the Department which child will no longer receive Child Care Assistance.
- E. Units of Child Care Assistance.
 - 1. The Department shall authorize Child Care Assistance in full- and part-day units;
 - 2. The Department shall not authorize more than 31 units for each child, per child care provider in a calendar month;
 - 3. A part-day unit of Child Care Assistance is less than six hours;
 - 4. A full-day unit of Child Care Assistance is six hours or more;
 - 5. Each child care provider determines the upper limit of what constitutes a full day of care for that provider.
- F. Date of Eligibility. The Department shall approve eligibility for Child Care Assistance effective the application file date or referral receipt date as described in R6-5-4904 if the client satisfies all applicable conditions of eligibility as prescribed in this Article.
- G. Date of Authorization.
 - 1. The Department shall authorize Child Care Assistance to begin effective the start date of the eligible activity or need, but not earlier than application file date, request date, or referral receipt date as described in R6-5-4904.
 - 2. The Department may authorize Child Care Assistance with an effective date that precedes the referral receipt date when the referral is received untimely due to administrative delay and the eligible start date of the activity or need precedes the referral receipt date for clients who are referred for Child Care Assistance as described in R6-5-4904 (B).
- H. Exclusion from Authorization. The Department shall not authorize Child Care for educational services for children enrolled in grades 1 through 12 when such services are provided during the regular school day.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-5-4918 renumbered to R6-5-4920; new

R6-5-4918 renumbered from R6-5-4917 and amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4919. Time Limit for Child Care Assistance

Under A.R.S. § 46-803(K), each child shall receive time-limited Child Care Assistance, unless the child's parents or caretakers qualify for an extension under this Section.

- A. Clients Who Are Subject To the Time Limit.
 - 1. Clients who are not Cash Assistance participants but who need Child Care Assistance to maintain employment;
 - 2. Teen parents who need Child Care Assistance for educational activities under R6-5-4912(D); and
 - 3. Clients who need Child Care Assistance because they are unable or unavailable to care for their own children due to physical, mental, or emotional disability, participation in a drug treatment or court-ordered community service program, or residency in a homeless or domestic violence shelter under R6-5-4912(F).
- B. Clients Who Are Not Subject To the Time Limit.
 - 1. Jobs participants who need Child Care Assistance to participate in the Jobs Program, and who are referred to CCA under R6-5-4904(B);
 - 2. Cash Assistance participants who need Child Care Assistance to maintain employment;
 - 3. CPS referred families, and CPS or DDD foster families who need Child Care Assistance as documented in a CPS or foster care case plan, and who are referred to CCA under R6-5-4904(B); and
 - 4. Former Cash Assistance participants who need Child Care Assistance to maintain employment under R6-5-4916(A).
- C. Effective Date of the Time Limit. The 60-month time limit shall begin:
 - 1. For applicants of Child Care Assistance eligible under any of the categories listed in subsection (A) who file an application on or after January 1, 2007, on the date the application is received by the Department.
 - 2. For clients receiving Child Care Assistance on January 1, 2007 under subsection (A), January 1, 2007.
 - 3. For clients receiving Child Care Assistance on January 1, 2007 under subsection (B), the first date that the Department determines that the existing client is eligible for Child Care Assistance under one of the categories described in subsection (A).
- D. Calculation of the Time Limit.
 - 1. Each child receiving Child Care Assistance under subsection (A) shall receive time-limited assistance for:
 - a. Any combination of 1380 paid full or part day child care units; or
 - b. Child Care Assistance that spans 60 calendar months, whichever is later. A calendar month is one in which the Department pays for at least one full- or part-day unit.
 - 2. Any unit of assistance used by the child, and later identified as a provider or agency caused overpayment shall not count toward the child's time limit.

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3. Any unit of assistance used by the child, and later identified as a client-caused overpayment shall not count toward the child's time limit, if the family repays the overpayment.
 4. The Department shall apply the time limit individually to each child in the family, and not to the parent or caretaker of the child.
 - a. If a different caretaker applies for the child at a later point in time, each child will be entitled to the remaining portion of time-limited Child Care Assistance that has not yet been utilized.
 - b. Any Child Care Assistance utilized by the child as part of an eligible family that was exempt from the time limit under subsection (B) shall not count toward the child's time limit.
- E. Expiration of the Time Limit.**
1. When a child exhausts time-limited of Child Care Assistance under this subsection, the Department shall stop assistance for the child unless the parents or caretakers of the child qualify for an extension under Section (F).
 2. When all of the children in a family have exhausted the time limits of Child Care Assistance, the Department shall terminate assistance for the family unless the parents or caretakers:
 - a. Qualify for an extension under subsection (F); or,
 - b. Are no longer subject to the time limit as described in subsection (B).
- F. Extension of the Time Limit for Child Care Assistance.**
1. The Department shall grant a 6-month extension to the time limit if the parents or caretakers show efforts toward self-sufficiency during the most recent 6-month period. The Department may elect to grant extensions on a 12-month basis. In order to qualify for an extension, the parents or caretakers in the family shall:
 - a. Currently be engaged in an activity that promotes self-sufficiency, which means the parents or caretakers continue to:
 - i. Be employed a monthly average of 20 or more hours per week;
 - ii. Be employed less than 20 hours per week and earning at least minimum wage;
 - iii. Be employed a monthly average of at least 20 hours per week while attending school or training;
 - iv. Remain self-employed with a net profit equating to a monthly average of 20 hours per week times minimum wage;
 - v. Attend high school, G.E.D. classes, or remedial education for the attainment of a high school diploma for a teen parent under 20 years of age;
 - vi. Follow the treatment plan prescribed by a physician, psychiatrist, psychologist for the treatment of a specified mental, physical, or emotional condition, which precludes the parent or caretaker for caring for his or her own child for a portion of a 24-hour day;
 - vii. Participate in a drug/alcohol rehabilitation plan or court-ordered community service plan; or
 - viii. Participate in a homeless or domestic violence case plan while residing in a shelter; and,
 - b. Sign and date the "Self-Sufficiency Statement" and declare that the parents or caretakers have taken at least one of the following actions during the most recent six or 12-month period to promote self-sufficiency:
 - i. Received a job promotion, or an increase in wages, hours, or benefits;
 - ii. Remained consistently employed;
 - iii. Remained self-employed and consistently demonstrated a net profit;
 - iv. Applied for a better job;
 - v. Left one job for a better job (higher pay, more hours, better schedule, or better benefits);
 - vi. Registered with DES Employment Services (e.g., One Stop Career Center or DES Job Service) or another public or private employment agency, or job searched independently;
 - vii. Not requested Cash Assistance;
 - viii. Engaged in activities to pursue or maintain child support payments from an absent parent through DES Child Support Enforcement, the county attorney's office, or a private attorney;
 - ix. Attended work-related school or training, or pursued a degree or certificate that will lead to enhanced career opportunities;
 - x. Attended high school, remedial education for the attainment of a high school diploma or G.E.D. classes;
 - xi. Attended English for Speakers of Other Languages (E.S.O.L.) classes;
 - xii. Attended a trade or vocational school, college or university and made satisfactory progress in the activity;
 - xiii. Continued with a course of treatment under the direction of a physician, psychiatrist, or psychologist;
 - xiv. Followed a shelter case plan while residing in a domestic violence/homeless shelter;
 - xv. Participated in or completed a drug/alcohol rehabilitation or court-ordered community service program;
 - xvi. Participated in other employment-related activities or career-related training activities; or
 - xvii. Any other similar action acceptable to the Department that demonstrates that the parents or caretakers are moving toward self-sufficiency.
 2. If the parents or caretakers do not meet the conditions specified at subsections (1)(a) and (b), the family does not qualify for an extension of the time limit.
 3. If the parents or caretakers meet the conditions specified at subsections (1)(a) and (b), and all other eligibility criteria are met, the family shall qualify for additional six or 12-calendar month extension periods if the parents or caretakers continue to meet the criteria at the end of each extension period.
- G. Extension of the Time Limit after Case Closure.** When a parent or caretaker applies for Child Care Assistance after the time limit for the child in care has been exhausted, the parent or caretaker of the child may qualify for an extension as follows:
1. The parent or caretaker shall be an eligible applicant under R6-5-4911(B), and shall meet the criteria for Child Care Assistance eligibility;
 2. All parents or caretakers shall meet the self-sufficiency criteria prescribed at R6-5-4919(F); and
 3. The parent or caretaker may qualify for successive extensions of the time limit under subsection (F).

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp.

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97-3). Former R6-5-4919 renumbered to R6-5-4921; new R6-5-4919 made by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4920. Denial or Termination of Child Care Assistance

The Department shall deny or terminate Child Care Assistance and provide written notification as prescribed in R6-5-4921 when the client:

1. Is not an eligible applicant as prescribed in R6-5-4911(B);
2. Is not a U.S. citizen or legal resident of the U.S.;
3. Is not a resident of the state of Arizona;
4. Has no children under the age of 13;
5. Has income that exceeds the maximum allowable as prescribed in R6-5-4914(C);
6. Does not have an eligible need, and is not engaged in an eligible activity as prescribed in R6-5-4912;
7. Is available to care for the children for whom assistance is requested (or there is another parent or responsible person in the household who is not engaged in an eligible activity and is available to provide care);
8. Has not provided the information or documentation required for a determination or redetermination of eligibility;
9. Has failed to cooperate in the arrangement of child care services;
10. Has not selected a child care provider who is registered with the Department;
11. Has requested that the application be withdrawn or that assistance be terminated;
12. Is a member of a family that already has an active case or pending application on file for Child Care Assistance;
13. Cannot be located by phone or mail and mail addressed to last known address has been returned;
14. Is deceased, incarcerated, or confined to an institution; or
15. Does not satisfy one or more eligibility criteria listed in R6-5-4904 through R6-5-4916;
16. Has exhausted the 60-month lifetime limit for all children in the eligible family under R6-5-4919(D) and does not qualify for an extension.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-5-4920 renumbered to R6-5-4923; new R6-5-4920 renumbered from R6-5-4918 and amended by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for

review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4921. Notification Requirements

- A. The Department shall mail or deliver written notice to the client as follows:
1. On a decision about an application, within 30 calendar days of the date that the Department receives the completed application.
 2. On a positive action, the Department shall mail adequate notice on or before the date the action will become effective.
 3. On a change in the amount of authorized units based on a change in need, the Department shall mail adequate notice on or before the date the action will become effective.
 4. On a negative action, the Department shall mail the notice at least 10 calendar days in advance of the date the action will become effective.
 5. On changes in law or policy which affect entire classes or groups and concern issues not related to individual questions of fact, the Department shall issue notice of such action at least 10 calendar days in advance of the effective date of the action.
- B. The Department shall not provide notice on a negative action when:
1. Child Care Assistance authorized for a specified period of time is terminated and the individual was informed in writing of the termination date when the Child Care Assistance was initiated;
 2. The applicant, client, or child is deceased; and
 3. There is a loss of contact with the client and mail addressed to the last known address has been returned.
- C. Written notice shall include a statement of the action to be taken, the reasons for the intended action, citation to the specific rule supporting the action, and an explanation of the client's rights regarding a request for a fair hearing.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Former R6-5-4921 renumbered to R6-5-4924; new R6-5-4921 renumbered from R6-5-4919 by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4922. Repealed**Historical Note**

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section repealed by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and

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approval; and the Department was not required to hold public hearings on this Section.

R6-5-4923. Overpayments

- A. Overpayments; Date of Discovery.**
1. The Department shall pursue collection of all client- and provider-caused overpayments.
 2. The Department discovers an overpayment on the date the Department determines that an overpayment exists.
 3. The Department shall write an overpayment report within 90 days of the discovery date.
 4. If the CCA office suspects that an overpayment was caused by fraudulent activity, it shall refer the overpayment report to the Department's Office of Special Investigations for potential prosecution.
 5. The Department shall not attempt to recover an overpayment from a person who is not a current recipient when the overpayment was not the result of fraud, and the Department has exhausted reasonable efforts to collect the overpayment and has determined that it is no longer cost effective to pursue the claim.
- B. Overpayments: Persons Liable.** The Department shall pursue collection of an overpayment from:
1. The client if the overpayment was caused by the client;
 2. Any individual member of the family who was included in family size as prescribed in R6-5-4914 (D) during the overpayment period if the overpayment was caused by the client; or
 3. The child care provider if the overpayment was caused by the provider.

Historical Note

Adopted effective July 1, 1998, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed in the Secretary of State's Office June 30, 1998 (Supp. 98-2). Former R6-5-4923 renumbered to R6-5-4925; new R6-5-4923 renumbered from R6-5-4920 by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

R6-5-4924. Appeals

- A. Entitlement to a Hearing.**
1. An applicant for or recipient of Child Care Assistance is entitled to a hearing to contest the following Department actions:
 - a. Denial of the right to apply for assistance;
 - b. Complete or partial denial of an application for assistance;
 - c. Failure to make an eligibility determination on an application within 30 days of the application file date;
 - d. Suspension, termination, reduction, or withholding of assistance except as provided in subsection (B);
 - e. Increase in the fee level and DES-required copayment amount; or
 - f. The existence or amount of an overpayment attributed to the family or the terms of a plan to repay the overpayment.
 2. Applicants and recipients are not entitled to a hearing to challenge benefit adjustments made automatically as a result of changes in federal or state law, unless the Department has incorrectly applied such law to the individual seeking the hearing.
- B. Request for Hearing; Time Limits.**
1. A person who wishes to appeal a negative action shall file a written request for a fair hearing with a local CCA office, within 10 days of the negative action notice date.
 2. A request for a hearing is deemed filed;
 - a. On the date it is mailed, if transmitted via the United States Postal Service or its successor. The mailing date is as follows:
 - i. As shown by the postmark;
 - ii. As shown by the postage meter mark of the envelope in which it is received, if there is no postmark; or
 - iii. The date entered on the document as the date of its completion, if there is no postmark or no postage meter mark, or if the mark is illegible.
 - b. On the date actually received by the Department, if not sent through the mail as provided in subsection (B)(2)(a).
- C. Hearing Requests; Preparation and Processing.**
1. Within two work days of receiving a request for appeal, the local CCA office shall notify the Office of Appeals of the hearing request.
 2. Within 10 days of receiving a request for appeal, the local CCA office shall prepare and forward to the Office of Appeals a prehearing summary which shall include:
 - a. The appellant's name (and case name, if different);
 - b. The appellant's SSN (or case number, if different);
 - c. The local office responsible for the appellant's case;
 - d. A brief summary of the facts surrounding, and the grounds supporting, the negative action;
 - e. Citations to the specific provisions of this Article or the Department's CCA manual which support the Department's action; and
 - f. The decision notice and any other documents relating to the appeal.
 3. The local office shall mail the appellant a copy of the summary. Upon receipt of a hearing request, the Office of Appeals shall schedule the hearings.
- D. Continuation of Assistance Pending Appeal; Exceptions.**
1. If an appellant files a request for appeal within 10 calendar days of the negative action notice date, the Department shall continue assistance at the current level unless:
 - a. The appellant waives continuation of current assistance,
 - b. The appeal results from a change in federal or state law which mandates an automatic adjustment for all classes of recipients and does not involve a misapplication of the law, or
 - c. The appellant is requesting continuation of TCC benefits for longer than the 24-month eligibility period.
 2. The negative action shall be stayed until receipt of an official written decision in favor of the Department, except in the following circumstances:
 - a. At the hearing and on the record, the hearing officer finds that the sole issue involves application of law, and the Department properly applied the law and computed the assistance due the appellant;

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- b. A change in eligibility or assistance amount occurs for reasons other than those being appealed, and the eligible family receives and fails to timely appeal a notice of negative action concerning such change;
- c. Federal or state law mandates an automatic adjustment for classes of recipients;
- d. The appellant withdraws the request for hearing; or
- e. The appellant fails to appear for a scheduled hearing without prior notice to the Office of Appeals, and the hearing officer does not rule in favor of the appellant based upon the record.
3. Upon receipt of a decision in favor of the Department, the Department shall write an overpayment for the amount of any assistance the family received in excess of the correct amount, while the stay was in effect.

Historical Note

Section R6-5-4924 renumbered from R6-5-4921 by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

R6-5-4925. Maximum Reimbursement Rates For Child Care

The Department shall pay the maximum reimbursement rates for child care as set forth in Appendix B.

Historical Note

Section R6-5-4925 renumbered from R6-5-4923 by exempt rulemaking at 13 A.A.R. 92, effective December 31, 2006 (Supp. 06-4).

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Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

ARIZONA DEPARTMENT OF ECONOMIC SECURITY
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE
Effective October 1, 2015

| FAMILY SIZE | FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL* | FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL* | FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL* | FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL* | FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL* | FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL* |
|-------------|---|--|--|--|--|--|
| 1 | 0 – 834 | 835 – 981 | 982 – 1,325 | 1,326 – 1,423 | 1,424 – 1,521 | 1,522 – 1,619 |
| 2 | 0 – 1,129 | 1,130 – 1,328 | 1,329 – 1,793 | 1,794 – 1,926 | 1,927 – 2,059 | 2,060 – 2,192 |
| 3 | 0 – 1,424 | 1,425 – 1,675 | 1,676 – 2,262 | 2,263 – 2,429 | 2,430 – 2,597 | 2,598 – 2,764 |
| 4 | 0 – 1,718 | 1,719 – 2,021 | 2,022 – 2,729 | 2,730 – 2,931 | 2,932 – 3,133 | 3,134 – 3,335 |
| 5 | 0 – 2,013 | 2,014 – 2,368 | 2,369 – 3,197 | 3,198 – 3,434 | 3,435 – 3,671 | 3,672 – 3,908 |
| 6 | 0 – 2,308 | 2,309 – 2,715 | 2,716 – 3,666 | 3,667 – 3,937 | 3,938 – 4,209 | 4,210 – 4,480 |
| 7 | 0 – 2,602 | 2,603 – 3,061 | 3,062 – 4,133 | 4,134 – 4,439 | 4,440 – 4,745 | 4,746 – 5,051 |
| 8 | 0 – 2,897 | 2,898 – 3,408 | 3,409 – 4,601 | 4,602 – 4,942 | 4,943 – 5,283 | 5,284 – 5,624 |
| 9 | 0 – 3,192 | 3,193 – 3,755 | 3,756 – 5,070 | 5,071 – 5,445 | 5,446 – 5,821 | 5,822 – 6,196 |
| 10 | 0 – 3,486 | 3,487 – 4,101 | 4,102 – 5,537 | 5,538 – 5,947 | 5,948 – 6,357 | 6,358 – 6,645** |
| 11 | 0 – 3,781 | 3,782 – 4,448 | 4,449 – 6,005 | 6,006 – 6,450 | 6,451 – 6,783** | |
| 12 | 0 – 4,076 | 4,077 – 4,795 | 4,796 – 6,474 | 6,475 – 6,922** | | |

MINIMUM REQUIRED COPAYMENTS

| | | | | | | |
|-------------------|---------------------------------------|--|--|--|--|---|
| Per child in care | full day = \$1.00 part day = \$.50 | full day = \$2.00 part day = \$1.00 | full day = \$3.00 part day = \$1.50 | full day = \$5.00 part day = \$2.50 | full day = \$7.00 part day = \$3.50 | full day = \$10.00 part day = \$5.00 |
|-------------------|---------------------------------------|--|--|--|--|---|

For families receiving Transitional Child Care (TCC) there is no co-pay assigned beyond the third child in the family

Full day = Six or more hours; Part day = Less than six hours.

Families receiving Child Care Assistance based on Department of Child Safety Foster Care, the Jobs Program or those who are receiving Cash Assistance (CA) and are employed, do not have an assigned fee level or a minimum required copayment. However, all families may be responsible for charges above the minimum required copayments if a provider’s rates exceed allowable state reimbursement maximums or the provider has other additional charges.

*Federal Poverty Level (FPL) = US Department of Health and Human Services 2015 poverty guidelines. The Arizona state statutory limit for child care assistance is 165 percent of the Federal Poverty Level.

**The Federal Child Care & Development Fund (CCDF) statutory limit for child care assistance is 85 percent of the Low Income Home Energy Assistance Program State Median Income (SMI) Estimates for Federal Fiscal Year (FFY) 2016, October 1, 2015 through September 30, 2016. 80 FR, Page 32958-32959, June 10, 2015.

Historical Note

Appendix A adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Appendix A repealed; new Appendix A adopted effective July 1, 1998, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed with the Office of the Secretary of State June 30, 1998 (Supp. 98-2). Appendix A repealed; new Appendix A adopted by exempt rulemaking at 5 A.A.R. 2379, effective July 1, 1999 (Supp. 99-3). Amended by exempt rulemaking at 6 A.A.R. 2726, effective July 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 3111, effective July 1, 2001 (Supp. 01-2). Amended by exempt rulemaking at 8 A.A.R. 2952, effective July 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3207, effective July 1, 2003 (Supp. 03-3). Amended by exempt rulemaking at 10 A.A.R. 2938, effective July 1, 2004 (Supp. 04-3). Appendix A repealed; new Appendix A made by exempt rulemaking at 11 A.A.R. 2731, effective July 1, 2005 (Supp. 05-2). Appendix A repealed; new Appendix A made by exempt rulemaking at 11 A.A.R. 4137, effective October 1, 2005 (Supp. 05-3). Appendix A repealed; new Appendix A made by exempt rulemaking at 12 A.A.R. 2700, effective July 1, 2006 (Supp. 06-3). Appendix A amended by exempt rulemaking at 13 A.A.R. 2583, effective July 1, 2007 (Supp. 07-2). Appendix A amended by exempt rulemaking at 14 A.A.R. 2859, effective July 1, 2008 (Supp. 08-2). Appendix A amended by exempt rulemaking at 15 A.A.R. 702, effective April 1, 2009 (Supp. 09-1). Appendix A repealed; new Appendix A made by exempt rulemaking at 15 A.A.R. 1222, effective July 1, 2009 (Supp. 09-2). Appendix A repealed; new Appendix A made by exempt rulemaking at 17 A.A.R. 1334, effective July 1, 2011 (Supp. 11-2). Appendix A repealed; new Appendix A made by exempt rulemaking at 18 A.A.R. 2070, effective July 1, 2012 (Supp. 12-3). Appendix A repealed; new Appendix A made by exempt rulemaking at 19 A.A.R. 1988, effective July 1, 2013 (Supp. 13-3). Appendix A repealed; new Appendix A made by exempt rulemaking at 22

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A.A.R. 1603, effective October 1, 2014, with an automatic repeal date of September 30, 2015; filed June 3, 2016, therefore these exempt rules were in effect prior to the release of Supp. 16-1 (Supp. 16-1). Appendix A repealed; new Appendix A made by exempt rulemaking at 22 A.A.R. 1607, effective October 1, 2015; filed June 3, 2016, therefore these exempt rules were in effect prior to the release of Supp. 16-2 (Supp. 16-2).

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Editor's Note: The following Appendix was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit this Appendix to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Appendix.

Appendix B. Maximum Reimbursement Rates for Child Care

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES
CHILD CARE ADMINISTRATION
MAXIMUM REIMBURSEMENT RATES FOR CHILD CARECENTERS
(effective for services provided on or after 7/1/2007)**

| Age Group | District I | District II | District III | District IV | District V | District VI |
|-----------------|------------|-------------|--------------|-------------|------------|-------------|
| Birth < 1 yr: | | | | | | |
| Full day | 31.71 | 28.35 | 23.52 | 22.05 | 31.50 | 33.60 |
| Part day | 23.52 | 20.79 | 19.32 | 19.95 | 26.25 | 26.25 |
| 1 yr < 3 yrs: | | | | | | |
| Full day | 27.93 | 26.25 | 21.84 | 19.95 | 29.40 | 21.84 |
| Part day | 21.00 | 19.07 | 18.90 | 18.90 | 15.75 | 18.48 |
| 3 yrs < 6 yrs: | | | | | | |
| Full day | 24.99 | 23.19 | 21.00 | 18.90 | 21.00 | 19.95 |
| Part day | 17.85 | 16.80 | 15.75 | 16.80 | 13.02 | 13.65 |
| 6 yrs < 13 yrs: | | | | | | |
| Full day | 24.57 | 23.10 | 17.85 | 17.85 | 20.10 | 19.95 |
| Part day | 16.80 | 15.75 | 14.70 | 15.75 | 14.00 | 13.65 |

GROUP HOMES

| Age Group | District I | District II | District III | District IV | District V | District VI |
|-----------------|------------|-------------|--------------|-------------|------------|-------------|
| Birth < 1 yr: | | | | | | |
| Full day | 25.20 | 23.10 | 24.15 | 21.00 | 19.95 | 22.26 |
| Part day | 16.80 | 16.80 | 24.15 | 14.70 | 13.13 | 18.90 |
| 1 yr < 3 yrs: | | | | | | |
| Full day | 23.10 | 23.10 | 23.10 | 18.90 | 19.95 | 22.31 |
| Part day | 15.75 | 16.80 | 15.75 | 12.60 | 12.60 | 17.85 |
| 3 yrs < 6 yrs: | | | | | | |
| Full day | 21.00 | 21.00 | 23.10 | 18.90 | 19.95 | 19.43 |
| Part day | 15.75 | 16.80 | 14.65 | 12.60 | 12.60 | 16.80 |
| 6 yrs < 13 yrs: | | | | | | |
| Full day | 18.90 | 21.00 | 17.85 | 18.90 | 19.95 | 19.42 |
| Part day | 14.70 | 16.60 | 14.65 | 12.60 | 12.60 | 17.85 |

CERTIFIED FAMILY HOMES AND CERTIFIED IN-HOME PROVIDERS

| Age Group | District I | District II | District III | District IV | District V | District VI |
|-----------------|------------|-------------|--------------|-------------|------------|-------------|
| Birth < 1 yr: | | | | | | |
| Full day | 21.00 | 19.95 | 18.90 | 18.90 | 21.00 | 18.90 |
| Part day | 14.70 | 12.60 | 10.50 | 11.03 | 12.60 | 10.50 |
| 1 yr < 3 yrs: | | | | | | |
| Full day | 21.00 | 18.90 | 17.85 | 17.85 | 20.10 | 17.85 |
| Part day | 13.65 | 12.60 | 10.50 | 11.03 | 11.55 | 10.50 |
| 3 yrs < 6 yrs: | | | | | | |
| Full day | 18.90 | 18.90 | 16.80 | 17.85 | 18.90 | 16.80 |
| Part day | 12.60 | 12.60 | 10.50 | 11.03 | 10.50 | 10.50 |
| 6 yrs < 13 yrs: | | | | | | |
| Full day | 17.85 | 18.90 | 16.80 | 16.80 | 18.90 | 16.80 |
| Part day | 12.60 | 11.55 | 10.50 | 10.50 | 10.50 | 10.50 |

The actual reimbursement amount is equal to the reimbursement rate minus any DES designated co-payment. However, in no event shall the amount reimbursed exceed the lesser of the provider's actual charges or the maximum reimbursement rate minus any DES designated co-payment.

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Payment Rates for Non-Certified Relative Providers (NCRPs) will be \$11.03 for Full day and \$6.30 for Part day, minus any DES designated co-payment. This rate will be paid to NCRPs statewide for care provided to children of all ages.

The maximum reimbursement rates may be increased by up to ten percent for child care providers who are nationally accredited.

Full day = six or more hours per day. Part day = less than six hours per day.

Historical Note

Appendix B adopted effective July 1, 1998, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed with the Office of the Secretary of State June 30, 1998 (Supp. 98-2). Appendix B repealed; new Appendix B adopted by exempt rulemaking at 5 A.A.R. 2379, effective July 1, 1999 (Supp. 99-3). "Non-Certified Relative Providers" section amended by exempt rulemaking at 6 A.A.R. 2726, effective July 1, 2000 (Supp. 00-2). "Centers," "Group Homes," and "Certified Family Homes and Certified In-home Providers" sections amended by exempt rulemaking at 7 A.A.R. 4884, effective October 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 9 A.A.R. 3207, effective July 1, 2003 (Supp. 03-3). Appendix B amended by exempt rulemaking at 13 A.A.R. 2443, effective July 1, 2006 (Supp. 07-1). Appendix B amended by exempt rulemaking at 13 A.A.R. 2586, effective July 1, 2007 (Supp. 07-2).

ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM**R6-5-5001. Definitions**

The following definitions apply in this Article.

1. "ADE" means the Arizona Department of Education, which administers the CACFP at the state level.
2. "Alternate approval" means a status the ADE confers on an uncertified, unlicensed provider that demonstrates compliance with CACFP child care standards to the ADE.
3. "Caregiver state licensing ratio requirements" means Arizona Department of Health Services (DHS) regulations that mandate DHS oversight of child care facilities with five or more children in care for compensation where child care is provided for periods of less than 24 hours per day.
4. "Child care" means a compensated service that is provided to a child unaccompanied by a parent or guardian during a portion of a 24-hour day. The service includes supervised and planned care, training, recreation, and socialization.
5. "CACFP" means the Child and Adult Care Food Program, funded and administered at the federal level by the Food and Consumer Services, a program of the U.S. Department of Agriculture.
6. "CCR&R" means child care resource and referral, a service the Department administers under A.R.S. § 41-1967.
7. "Center" means the same as "child care facility" in A.R.S. § 36-881(3).
8. "Certified" or "licensed" means a provider holds a license as prescribed in A.R.S. § 36-882, or is certified under A.R.S. § 46-807 or A.R.S. § 36-897.
9. "Child with special needs" means a child who needs increased supervision, modified equipment, modified activities, or a modified facility, within a child care setting, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child with a disability.
10. "Compensation" means something given or received in return for child care, such as money, goods, or services.
11. "Contractor" means an agency with which the Department contracts for provision of CCR&R services.
12. "Customer" means a person who is requesting information from a CCR&R contractor.
13. "Database" means a computerized collection of CCR&R facts, figures, and information for licensed, certified, and registered providers and customers arranged for ease and speed of retrieval.
14. "Department" or DES means the Arizona Department of Economic Security.
15. "Dropped for cause" means an ADE Sponsoring Organization has terminated a family child care provider from participation in the CACFP.
16. "Exclude" means to refuse to include a particular provider in or to remove a provider from the CCR&R database.
17. "Family child care" means child care provided by a certified or registered provider in the provider's own home.
18. "In-home child care" means child care provided in a child's own home.
19. "Information only listing" means a provider listed on the CCR&R who will receive training information and other information about child care issues and activities, but who will not receive any referrals.
20. "Listing status" means the condition under which a provider may receive a referral (referral listing) or is restricted from receiving a referral (information only listing).
21. "Over-Ratio Referral Form" means a communication tool used to relay to the Department of Health Services (DHS) information concerning a potential violation of caregiver state licensing ratio requirements.
22. "Personally identifiable information" means any information about a person other than a provider, that, when considered alone, or in combination with other information, identifies or permits another person to readily identify the person who is the subject of the information. Personally identifiable information includes:
 - a. Name, address, and telephone number;
 - b. Date of birth or age;
 - c. Physical description;
 - d. School;
 - e. Place of employment; and
 - f. Any unique identifying number, such as driver's license number, a social security number, or regulatory license number.
23. "Program Administrator" means the person who oversees the Child Care Administration, a unit of the Department.
24. "Provider" means an adult who, or a facility that, provides child care services.
25. "Provider type" means a category of provider or program such as a center, family child care, and in-home child care.
26. "Referral" means the information listed in R6-5-5005(C), (D), and (E), that a Contractor gives to a customer.
27. "Referral listing" means that a contractor may refer a provider listed on the CCR&R registry or database to customers, and the provider may receive training and other information about child care issues and activities.
28. "Registered provider" means a family child care provider who is an adult and is not licensed or certified by any

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government agency, but who meets the requirements to be listed in the CCR&R registry.

29. "Registry" means the list of providers that:
 - a. Are not licensed or certified by a government agency,
 - b. Voluntarily list with CCR&R, and
 - c. Meet the requirements under A.R.S. § 41-1967 to receive referrals and training information.
30. "Regulated" means a provider who is required to meet licensing or certification standards set by a government agency, including a federal, state, or tribal government agency.
31. "Revocation" means the permanent removal of a child care provider's license or certificate by a government agency.
32. "SDA" means service delivery area, which is a specific geographic area where CCR&R services are offered.
33. "Sponsoring organization" means a public or non-profit private organization that administers the CACFP on behalf of ADE.
34. "Suspension" means that a regulatory agency has temporarily removed a provider's certificate or license.
35. "Work day" means Monday through Friday, excluding Arizona state holidays.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5002. Provider Participation Requirements

- A. To be considered for inclusion in the CCR&R database, a provider shall submit the following information to the Contractor for the provider's SDA:
 1. Provider's name;
 2. Address;
 3. Phone number;
 4. Days and times the facility is open;
 5. Ages of children accepted;
 6. Capacity;
 7. Regulatory affiliation, if any;
 8. Meals provided to children in care;
 9. Training and experience;
 10. Accreditation;
 11. Fees;
 12. School transportation;
 13. DES Provider ID, if applicable;
 14. The provider's choice of listing status; and
 15. DHS Child Development Center (CDC) or Small Group Home (SGH) number.
- B. Regulated Providers: Before adding a regulated provider to the CCR&R database, the Contractor shall confirm the provider's regulatory affiliation with the appropriate regulatory agency. For the purpose of this subsection, confirmation of the regulatory affiliation is based solely on the accuracy of the information obtained from the regulatory agency.
- C. Registered Providers: The provisions in this subsection govern provider participation requirements for registered family child care providers.
 1. In addition to the information listed in subsection (A), a registered family child care provider shall complete and submit to the Contractor, on Department-approved forms, a notarized sworn statement and a notarized certification statement attesting that the provider is not subject to

exclusion or removal from the CCR&R database under any of the grounds specified in A.R.S. § 41-1967(E).

2. Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall review the provider's sworn statement and certification statement described in subsection (C)(1) and include on the registry only those providers who affirm that they are not subject to exclusion or removal under A.R.S. § 41-1967(E).
3. Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall receive clearance from the Department that neither a provider nor anyone providing care in the provider's home has had a child abuse or neglect investigation that has been substantiated by Child Protective Services (CPS) in this state.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5003. Notification of Changes

- A. A provider listed on the CCR&R database shall notify the Contractor of any changes to the information or statement given under R6-5-5002(A) or (C)(1).
- B. A provider may modify self-initiated changes in listing status at any time by notifying the Contractor.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5004. Referrals Not Guaranteed

- A. A Contractor shall make referrals to participating providers on a random basis based on a family's self-reported needs.
- B. A Contractor shall not:
 1. Guarantee the number or frequency of referrals to a participating provider; or
 2. Guarantee that listing on the CCR&R will result in economic benefit or gain to a participating provider.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5005. Referral Process

- A. To obtain a referral, a customer shall give the contractor the following information, if available, about the customer's child care needs:
 1. Customer name;
 2. Address;
 3. Phone number;
 4. Days and times child care is needed;
 5. Preferred type of child care provider;
 6. Location where care is needed or preferred, and
 7. Age of child.
- B. A Contractor shall give a customer a referral that is consistent with the customer's stated preferences.
 1. The Contractor shall not make a referral unless the Contractor can give the customer the names of at least three

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- potential providers within the customer's search parameters.
2. If the Contractor cannot name at least three potential providers meeting the customer's stated preferences, the Contractor shall ask the customer to expand the search parameters until the Contractor can name at least three potential providers.
- C.** The Contractor shall provide the customer with provider profile information on each referred provider, including the following:
1. Provider's name;
 2. Address or major cross streets;
 3. Phone number;
 4. Days and hours of operation;
 5. Ages of children accepted;
 6. Ratio and capacity;
 7. Regulatory affiliation, if any;
 8. Meal information;
 9. Training and experience;
 10. Accreditation;
 11. Fees and available subsidies;
 12. School transportation.
- D.** As part of a referral, a Contractor shall give each customer written information that includes the following:
1. That the Contractor selects providers based on the customer's stated preferences;
 2. That the Contractor provides referrals and does not recommend, endorse, or guarantee any particular child care provider;
 3. That the Contractor does not regulate, monitor, or verify information supplied by a provider;
 4. That a child's parent or guardian is solely responsible for choosing an appropriate child care provider to meet a family's needs; and
 5. That a provider's listing status may change after their initial placement on the registry or database and that customers are encouraged to call back periodically for updated information.
- E.** As part of a referral, a Contractor shall provide the customer with the following Department-approved educational information:
1. A list of criteria to consider when selecting quality child care;
 2. A description of the types of child care providers in Arizona;
 3. A description of CCR&R services and a list of office locations and phone numbers statewide; and
 4. An explanation of the process for filing a child care related complaint.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5006. Monitoring; Complaint Recording and Reporting Requirements

- A.** Monitoring and Investigation: Neither the Department nor its Contractors monitor or investigate the activities of a provider, or investigate any complaint about a provider, except as otherwise prescribed by law for a family child care provider.
- B.** Regulated Providers: Upon receipt of a complaint about a regulated provider, a Contractor shall refer the complainant to the appropriate regulatory agency, law enforcement agency, or Child Protective Services.

- C.** Registered Providers: The provisions in this subsection govern complaints about a registered provider.
1. Any person may complain about a registered family child care provider on the registry by notifying a Contractor. Upon receipt of a complaint on a registered family child care provider, a Contractor shall:
 - a. Refer the complainant to the appropriate investigative agency (law enforcement or child protective services), if the issue raised in the complaint is suspected child abuse or neglect. The contractor shall forward a complaint involving law enforcement or child protective services to the DES Child Care Administration for resolution;
 - b. Refer the complainant to DHS and forward an over-ratio referral form to DHS if the complaint alleges that the provider is caring for more children than the law allows; or
 - c. Take a complaint made in reference to a CACFP home provider not regulated by any other agency and forward the complaint to ADE for resolution by its sponsoring agencies.
 - d. Take the complaint if it raises an issue other than those described in subsections (C)(1)(a), (b) or (c).
 2. If the Contractor takes the complaint as under subsection (C)(1)(c) or (d), the Contractor shall obtain and record, on a Department approved form, the following information, if available:
 - a. Provider name and address;
 - b. Summary of the complaint, including date and time of incident;
 - c. Name, address, and phone number of the person making the complaint, unless the complainant indicates that the complainant or someone else may come to substantial harm. The Contractor shall document a complainant's claim that substantial harm may result as a result of disclosure of the complainant's name, as prescribed in A.R.S. § 41-1010; and
 - d. If applicable, witness information, such as name, address, and phone number.
 3. The person recording the information shall sign and date the form.
 4. After redacting personally identifiable information, the Contractor shall send the complaint form to the provider for response within three work days.
 5. The provider shall respond to the complaint by completing the provider response portion of the complaint form within 30 days of the complaint mailing date;
 6. The Contractor shall allow the public to inspect the complaint, and the provider's response, if given, with all personally identifiable information redacted. After the 30-day provider response period has expired, the Contractor shall make a complaint available for public inspection at the Contractor's office or the Contractor may mail a copy of the complaint.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5007. Provider Listing Status

- A.** Regulated Providers:
1. When the Department learns that a regulatory agency has suspended a regulated provider's license, certificate, or

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alternate approval, the Department shall direct a Contractor to change the provider's listing status from referral listing to information only listing, using the process in R6-5-5009.

2. If a Contractor has changed a provider to information only listing status under subsection (A)(1), the Department shall direct the Contractor to return the provider to referral listing status if the regulatory agency removes the provider's suspension status.
 3. The Department shall notify the provider in writing when the Department returns the provider to referral status. The Department shall send the notice within 10 work days of the change in status, and shall include the effective date of the change.
- B. Registered Providers:**
1. When the Department receives a complaint or is notified that a registered provider may have failed or may be unable to meet the needs of a family due to one of the following circumstances, the Department shall direct a Contractor to change a registered provider's listing status from referral listing to information listing using the process in R6-5-5009:
 - a. A child has allegedly been abused, neglected, exploited, or abandoned while in the registered provider's care;
 - b. A registered provider has allegedly been involved in activities or circumstances that may threaten the health, safety, or emotional well-being of a child, including, acts of physical violence, domestic disputes, or incidents involving deadly weapons or dangerous or narcotic drugs; or
 - c. As determined by DHS, a registered provider has allegedly violated state law by providing care to more than four children at any one time for compensation.
 2. If a Contractor has changed a registered provider to information only listing status, as prescribed in subsection (B)(1), the Department shall direct the Contractor to return the registered provider to referral listing status if one of the following occurs:
 - a. Child Protective Services or a law enforcement agency determines that the allegation cannot be substantiated;
 - b. Child Protective Services or a law enforcement agency determines that the threat to a child has been eliminated; or
 - c. DHS determines that the registered provider may continue child care activities without obtaining a certificate or license.
 3. As used in subsection (B)(2), substantiation by a law enforcement agency means that law enforcement has referred a case to a prosecutorial agency with a recommendation to file charges.
 4. The Department shall notify the registered provider in writing when the provider is returned to referral status. The Department shall send the notice within 10 work days of the change in status, and shall include the effective date of the change.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5008. Provider Exclusion or Removal

- A. The Department may direct a Contractor to exclude or remove a provider from the database according to the process in R6-5-5009, for the following reasons:
 1. The provider fails or refuses to provide information as requested by the Department or a Contractor;
 2. A regulatory agency or sponsoring organization verifies that the provider's license, certificate, or alternate approval has been denied, revoked, terminated, or dropped for cause;
 3. The Department learns that information in the written, sworn, and notarized statements submitted by the provider under R6-5-5002(C) is false;
 4. The provider is subject to removal or exclusion for any reason listed in A.R.S. § 41-1967(E); or,
 5. The provider fails to comply with these rules.
- B. A Contractor may summarily and without notice remove a provider from the CCR&R database for the following reasons:
 1. The Contractor is unable to contact the provider because:
 - a. The provider's phone is disconnected;
 - b. The provider is no longer at the last known address and has given no forwarding address; or
 - c. The provider has died; or
 2. The provider requests removal.
- C. A provider removed under subsection (B) may request reinstatement by calling the Contractor for the provider's SDA and providing current information.
- D. Upon receipt of a request for reinstatement, the Contractor shall update the information listed in R6-5-5002 and, if applicable, confirm that the provider has submitted information requested by the Department or Contractor.
- E. The Contractor shall reinstate the provider unless there are grounds for removal under subsections (A)(1) through (5).

Historical Note

Adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5009. Administrative Review Process

- A. When the Department receives information indicating that the Department may need to change a provider's listing status or remove or exclude a provider, the Department Program Administrator or designee shall review the information and decide whether grounds exist as listed in R6-5-5007 or R6-5-5008(A).
- B. If the Department decides to change a provider's listing status or to remove or exclude a provider, the Department shall:
 1. Notify the Contractor to change the listing status or to remove or exclude the provider; and
 2. Within 10 work days of the effective date of the change of listing status, removal or exclusion, send the provider written notice via certified mail of the action taken.
- C. The notice shall include the following information:
 1. The effective date of the change in listing status or the removal or exclusion;
 2. The reason for the change in listing status or the removal or exclusion;
 3. The statutory provision requiring the provider's change in listing status or the removal or exclusion;
 4. An explanation of the provider's right to an administrative review; and,
 5. A statement explaining where the provider may file a written request for an administrative review and the time period for doing so.
- D. The Department shall mail the notice to the provider's last known address. The mailing date is presumed to be the date appearing on the notice.

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- E. A provider may request an administrative review by filing a written request for review with the Department, within 15 work days after the mailing date of the Department's notice.
- F. The provider shall mail the written request for administrative review to:
Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005
- G. In the written request, the provider shall include the reason for requesting an administrative review and any documentation supporting the reinstatement request.
- H. A request for an administrative review is timely if:
1. The Department receives it within the 15-day appeal period in subsection (E); or
2. The envelope in which the request was mailed is post-marked or postage-meter marked within the period in subsection (E).
- I. The Program Administrator or designee shall review the Department's decision and all documentation submitted by the provider.
- J. The Program Administrator or designee shall notify the provider and the Contractor of the results of the administrative review within 15 work days from the date the Department receives the request for review.
1. The decision shall be in writing and mailed to the provider's last known address. The date on the decision is presumed to be the mailing date.
2. The decision shall include information about the provider's right to further appeal.
- K. The provider may appeal the Department's decision under R6-5-5010.

Historical Note

Adopted effective November 19, 1996 (Supp. 96-4).
Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5010. Administrative Appeal Process

- A. A provider may appeal the Department's administrative review decision under 6 A.A.C. 5, Article 75 by filing a request for an appeal with the Department within 15 work days after the mailing date of the Department's administrative review decision described in R6-5-5009(J).
- B. A provider shall mail the written request for an appeal to:
Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005
- C. In the written request, the provider shall include the reason for requesting an appeal and any documentation supporting the request.
- D. The Department's actions in reference to removal or exclusion from the database or changes in listing status are not appealable under this Article if the action is based on:
1. Failure to clear a fingerprint or criminal background check; or
2. Failure to clear a Child Protective Services background check
- E. A request for an appeal is timely if:
1. The Department receives it within the 15-day appeal period in subsection (A); or
2. The envelope in which the request is mailed is post-marked or postage-meter marked within the 15-day period prescribed in subsection (A).

Historical Note

Adopted effective November 19, 1996 (Supp. 96-4).
Amended effective June 4, 1998 (Supp. 98-2). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

ARTICLE 51. EXPIRED**R6-5-5101. Expired****Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5101 repealed, new Section R6-5-5101 adopted effective September 30, 1977 (Supp. 77-5). Former Section R6-5-5101 repealed, new Section R6-5-5101 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5102. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5102 repealed, new Section R6-5-5102 adopted effective September 30, 1977 (Supp. 77-5). Amended effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5102 repealed, new Section R6-5-5102 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5103. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5103 repealed, new Section R6-5-5103 adopted effective September 30, 1977 (Supp. 77-5). Former Section R6-5-5103 repealed, new Section R6-5-5103 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5104. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5104 repealed, new Section R6-5-5104 adopted effective September 30, 1977 (Supp. 77-5). Amended effective April 25, 1978 (Supp. 78-2). Amended effective March 26, 1979 (Supp. 79-2). Amended effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5104 repealed, new Section R6-5-5104 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5105. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5105 repealed, new Section R6-5-5105 adopted effective September 30, 1977 (Supp. 77-5). Amended effective April 25, 1978 (Supp. 78-2). Amended paragraph (3) effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5105 repealed, new Section R6-5-5105 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5106. Expired

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Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5106 repealed, new Section R6-5-5106 adopted effective September 30, 1977 (Supp. 77-5). Former Section R6-5-5106 repealed, new Section R6-5-5106 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5107. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5107 repealed, new Section R6-5-5107 adopted effective September 30, 1977 (Supp. 77-5). Amended effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5107 repealed, new Section R6-5-5107 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

ARTICLE 52. CERTIFICATION AND SUPERVISION OF FAMILY CHILD CARE HOME PROVIDERS**R6-5-5201. Definitions**

The following definitions apply in this Article:

1. "Abandonment" has the meaning ascribed to "abandoned" in A.R.S. § 8-201 (1).
2. "Abuse" has the meaning ascribed in A.R.S. § 8-201 (2).
3. "Age" means years of a person's lifetime when used in reference to a number, unless the term "months" is used.
4. "Adult" means a person age 18 or older.
5. "Applicant" means a person who submits a written application to the Department to become certified as a child care provider.
6. "Backup provider" means an adult who, or an entity that, provides child care when a provider is not available.
7. "CACFP" means the Child and Adult Care Food Program.
8. "Certificate" means a document the Department issues to a provider as evidence that the provider has met the child care standards of this Article.
9. "Child" means a person younger than age 18.
10. "Child care" means the compensated care, supervision, recreation, socialization, guidance, and protection of a child who is unaccompanied by a parent.
11. "Child care personnel" means all adults residing in a home facility, an in-home provider, and any backup provider.
12. "Child care registration agreement" means a written contract between a provider and the Department; that establishes the rights and duties of the provider and the Department for provision of child care.
13. "Child care specialist" means a Department child care eligibility and/or certification staff person.
14. "CHILDS" means the Children's Information Library and Data Source, which is a comprehensive, automated system to support child welfare policies and procedures, and includes information on investigations, ongoing case management, and payments.
15. "CHILDS Central Registry" means the Child Protective Services Central Registry, a confidential, computerized database within CHILDS, which the Department maintains according to A.R.S. § 8-804.
16. "Child with special needs" means a child who needs increased supervision, modified equipment, modified activities, or a modified facility, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child who has a physical or mental impairment that substantially limits one or more major life activities; has a record of having a physical or mental impairment that substantially limits one or more of the child's major life activities; or who is regarded as having an impairment, regardless of whether the child has the impairment.
17. "Client" means a person who applies for and meets the eligibility criteria for a child care service program administered by the Department.
18. "Compensation" means something given or received, such as money, goods, or services, as payment for child care services.
19. "Corporal punishment" means any act that is administered as a form of discipline and that either is intended to cause bodily pain, or may result in physical damage or injury.
20. "CPS" means Child Protective Services, a Department administration that operates a program to investigate allegations of child maltreatment and provide protective services.
21. "Department" means the Arizona Department of Economic Security.
22. "Developmentally appropriate" means an action that takes into account:
 - a. A child's age and family background;
 - b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
 - c. The individual child's pattern and timing of growth, personality, and learning style.
23. "DHS" means the Arizona Department of Health Services.
24. "Direct supervision" means within sight and sound.
25. "Exploitation" means an act of taking advantage of, or making use of a child selfishly, unethically, or unjustly for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
26. "Evening care" means child care provided at any time between 6:30 p.m. and midnight.
27. "Heating device" means an instrument designed to produce heat for a room or inside area and includes a non-electric stove, fireplace, freestanding stove, or space heater.
28. "Home facility" means a provider's residence that the Department has certified as a location where child care services may be provided.
29. "Household member" means a person who does not provide child care services and who resides in the home facility of a provider for 21 consecutive days or longer or who resides periodically throughout the year for a total of at least 21 days.
30. "Infant" means:
 - a. A child who is younger than 12 months old; and
 - b. A child who is younger than 18 months old and not walking.
31. "In-home provider" means a provider who cares for a child in the child's home.
32. "Maltreatment" means abuse, neglect, exploitation, or abandonment of a child.
33. "Medication" means any prescribed or over-the-counter drug or medicine.
34. "Mechanical restraint" means a device to restrict a child's movement.

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35. "Neglect" has the same meaning ascribed in A.R.S. § 8-201.
36. "Night-time care" means child care provided at any time between midnight and 6:00 a.m.
37. "Non-parent relative" means a caretaker relative who exercises responsibility for the day-to-day physical care, guidance, and support of a child who physically resides with the relative and who is by affinity, consanguinity, or court decree, a grandparent, great grandparent, sibling of the whole or half-blood, stepbrother, stepsister, aunt, uncle, great aunt, great uncle, or first cousin of the child.
38. "Parent" means the biological or adoptive parent of a child, a court-appointed guardian, or a non-parent relative.
39. "Provider" means an adult who is not the parent or guardian of a child needing care, and to whom the Department has issued a certificate, and includes a backup provider who performs the provider's duties when the provider is unavailable.
40. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement.
41. "Safeguard" means to use reasonable efforts and developmentally appropriate measures to eliminate the risk of harm to a child in care and ensure that a child in care will not be harmed by a particular object, substance, or activity. Safeguarding may include:
- Locking up a particular substance or item;
 - Putting a substance or item beyond the reach of a child who is not mobile;
 - Erecting a barrier that prevents a child from reaching a particular place, item, or substance;
 - Mandating the use of a protective safety device; or
 - Providing direct supervision.
42. "Sanitize" means treatment by a heating or chemical process that reduces the bacterial count, including pathogens, to a safe level.
43. "Time out" means removing a child from a situation by directing the child to remain in a specific chair or place identified as the time out place, for no more than one minute for each year of a child's age, but no more than 10 minutes.
44. "Undue hardship" means significant difficulty or substantial expense concerning the operation of a provider's program. In this subsection, "significant" and "substantial" are measured relative to the level of net income the provider earns from child care services.
45. "Unusual incident" means any accident, injury, behavior problem, or other extraordinary situation involving a provider or a child in care, including suspected child maltreatment.
- D.** An applicant shall designate one or more backup providers from the following list:
- An individual who is age 18 or older and who satisfies the requirements for backup providers outlined in this Article;
 - A DHS-licensed child care center;
 - A DHS-certified child care group home; or
 - A DES-certified family child care home.
- E.** An applicant shall participate in any orientation and training and shall cooperate in conducting any pre-certification interviews and inspections the Department may require.
- F.** An applicant shall give the Department the names of three references who:
- Have known the applicant at least one year,
 - Are unrelated by blood or marriage to the applicant, and
 - Can furnish information regarding the applicant's character and ability to care for a child.
- G.** An applicant and any designated individual backup provider shall furnish a self-statement of physical and mental health on a form provided by the Department.
- H.** An applicant and each designated individual backup provider shall have the physical, mental, and emotional health necessary to perform the duties and meet the responsibilities established by this Article. If the Department has questions about the applicant's health that the applicant cannot satisfactorily answer or explain, the applicant, upon request by the Department, shall submit to a physical or psychological examination by a licensed physician, psychologist, or psychiatrist, and shall provide the Department with a professional opinion addressing the Department's questions. The applicant shall bear the cost of any professional examinations that the Department needs to determine whether the individual is qualified.
- I.** The Department may require an applicant to furnish at least the following information about the applicant, the applicant's spouse, members of the applicant's household, children residing outside of the applicant's home, and the individual backup provider:
- Name;
 - Current address;
 - Telephone number;
 - Date of birth;
 - Social security number;
 - Maiden name, aliases, and nicknames;
 - Relationship to the applicant or backup provider;
 - Marital status and marital history;
 - Educational background;
 - Ethnicity;
 - Gender;
 - Birthplace;
 - Physical characteristics; and
 - Citizenship status.
- J.** Child care personnel shall submit the notarized criminal history certification form required by A.R.S. § 41-1964, and disclose whether they have committed any acts of child maltreatment or have been the subject of a Child Protective Service investigation.
- K.** On a Department form, an applicant, all adult household members, and all individual backup providers shall provide employment histories for the five-year period immediately preceding the application date, beginning with the individual's present or most recent job.
- L.** An applicant shall furnish proof that the applicant, the individual backup provider, and members of the applicant's household who are age 13 or younger are immune from measles, rubella, diphtheria, tetanus, pertussis, polio, and any other dis-

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 22 A.A.R. 3185, effective October 28, 2016 (Supp. 16-4).

R6-5-5202. Initial Application for Certification

- A.** To become a certified child care provider, an applicant shall comply with all requirements of this Article and other applicable requirements of federal, state, or local law.
- B.** An applicant shall be at least age 18.
- C.** An applicant shall submit a complete, signed application form to the Department.

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cases for which routine immunizations are readily and safely available.

1. The Department may waive the requirements of this subsection for a household member if the applicant will be certified as an in-home provider only and submits an affidavit attesting that household members will not be present when child care services are provided.
 2. The Department shall waive the requirements of this subsection if the applicant:
 - a. Submits an affidavit stating that household members are being raised in a religion whose teachings oppose immunization; and
 - b. Affirms, in writing, that families will be notified of the religious exemption before child care services are provided.
- M.** An applicant shall submit evidence of current freedom from pulmonary tuberculosis for the applicant, all household members, and all individual backup providers. If the application is approved, this evidence shall be submitted each succeeding calendar year.
1. Evidence required under this subsection is limited to:
 - a. A report of a negative Mantoux skin test performed within three months of the date or anniversary date of initial certification.
 - b. A physician's written statement based on an examination performed within three months of the date or anniversary date of initial certification.
 2. The Department shall waive the requirements of this subsection for household members if the applicant will be certified as an in-home provider only and submits an affidavit that household members will not be present when child care services are provided.
- N.** An applicant shall provide a statement of services on a Department form. The statement shall describe:
1. The home at which services will be provided, location, and hours of operation;
 2. The applicant's daily rates and fees;
 3. The ages of children the applicant will accept;
 4. The equipment, materials, daily activities, and play areas available to children in care;
 5. Any special child care skills, knowledge, or training the applicant has; and
 6. The behavior, guidance, and discipline methods the applicant uses.
- O.** During an interview with the child care specialist, an applicant shall complete a Department questionnaire describing:
1. The applicant's child rearing philosophy;
 2. The home environment, including intra-family relationships and attitudes toward child care;
 3. The parenting and discipline methods employed by the applicant and the applicant's parents; and
 4. The applicant's child care training and experience.
- P.** Upon Department request, an applicant, all members of the applicant's household, and all individual backup providers shall comply with any additional requirements and requests for interviews, inspections, or information necessary to determine the applicant's fitness to serve as a certified child care provider.
- Q.** A complete application package consists of an applicant's completed application form and evidence that the applicant, all members of the applicant's household, and all individual backup providers have met all requirements and submitted all information and documentation listed in this Section.
- R.** The Department shall send an applicant a notice of administrative completeness or deficiency, as described in A.R.S. § 41-1074, indicating the additional information, if any, that the

applicant must provide for a complete application package. The Department shall send the notice after receiving the application and before expiration of the administrative completeness review time-frame described in R6-5-5205. If the applicant does not supply the missing information listed in the notice, the Department may close the file.

- S.** An applicant whose file is closed may reapply for certification.
- T.** After an applicant submits a complete application for initial certification, the Department shall inspect the applicant's home to determine whether the home meets the regulations of this Article.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 22 A.A.R. 3185, effective October 28, 2016 (Supp. 16-4).

R6-5-5203. Initial Certification: The Home Facility

A provider's home facility shall meet the requirements of this Section.

1. A provider shall maintain the indoor and outdoor premises of the home facility in a safe and sanitary condition, free from hazards and vermin, and in good repair. A mobile home shall have skirting to ensure that a child in care cannot go beneath the mobile home.
2. Any area to be occupied by a child in care shall have heat, light, ventilation, and screening. The provider shall maintain the home facility between 68° and 85° F.
3. A provider shall vent and safeguard all heating devices to protect each child from burns and harmful fumes.
4. A provider shall safeguard all potentially dangerous objects from children, including:
 - a. Household and automotive tools;
 - b. Sharp objects, such as knives, glass objects, and pieces of metal;
 - c. Fireplace tools, butane lighters and igniters, and matches;
 - d. Machinery;
 - e. Electrical boxes;
 - f. Electrical outlets;
 - g. Electrical wires; and
 - h. Chemicals, cleaners, and toxic substances.
5. A provider shall store firearms and ammunition separately from one another, under lock and key or combination lock.
6. A home facility shall have adequate space and equipment to accommodate each child in care, and other household members who are in the home facility at the same time as children in care. In this subsection, "adequate" means sufficient space and equipment to:
 - a. Permit all persons in the dwelling to have safe freedom of movement;
 - b. Permit children in care to be seated together for meals and snacks; and
 - c. Permit all children in care to be engaged in developmentally appropriate activities at the same time and in a room where the provider can keep all children within sight.
7. A provider shall keep outside play areas clean and safe and shall fence the play area if there are conditions that may pose a danger to any child playing outside. The fence shall be at least 4 feet high and free of hazards, including splinters and protruding nails or wires. The

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fence shall have only self-closing, self-latching, lockable gates.

8. A home facility shall have the following equipment:
 - a. A charged, readily accessible, operable, multi-purpose (ABC class) fire extinguisher that the applicant knows how to operate;
 - b. At least one UL-approved, working smoke detector, properly mounted on each level of the dwelling;
 - c. At least two usable outdoor exits;
 - d. A posted written plan or diagram for emergency evacuation;
 - e. A working telephone or other two-way communication device acceptable to the Department; and
 - f. An easily accessible life-saving device if the home facility has a pool or other body of water more than 12 inches deep. A "life-saving device" means a ring buoy with at least 25 feet of 1/2-inch rope attached or a shepherd's crook.
9. If a home facility has a swimming pool or other body of water more than 12 inches deep, the pool or body of water shall be enclosed by a permanent fence that separates it from all other outdoor areas and from doors and windows into the home facility. The fence shall be at least 5 feet high and shall have only self-closing, self-latching, lockable gates. Open spaces between upright or parallel posts and poles on fences and gates shall be no more than 4 inches apart. When the pool or body of water is not in use, the provider shall lock the gates.
10. A provider shall enclose spas and hot tubs with fencing as described in subsection (9), or with a hard, locked cover that prevents access and can support at least 100 pounds.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Amended effective March 5, 1979 (Supp. 79-2). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5204. Initial Certification: Department Responsibilities

- A. Before issuing a certificate, the Department shall:
 1. Conduct at least one face-to-face interview with an applicant;
 2. Contact any other person necessary to determine an applicant's fitness to be a certified provider;
 3. Ensure that an applicant and all individual backup providers have complied with and satisfy the requirements of R6-5-5202;
 4. Inspect the home where an applicant will provide child care, unless it is the child's own home, and ensure that it meets the requirements of R6-5-5203;
 5. Conduct a CHILDS Central Registry check for:
 - a. An applicant;
 - b. The applicant's household members;
 - c. The applicant's emancipated children who live outside the applicant's home, if any; and
 - d. Any individual backup provider.
 6. Find that an applicant has the intent and ability to provide child care that is safe, developmentally appropriate, and in compliance with the requirements of this Article.
- B. The Department shall objectively determine whether to certify an applicant based on the applicant's entire application package, and the information the Department has acquired during the course of the application process.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994

(Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5205. Certification Time-frames

For the purpose of A.R.S. § 41-1073, the Department established the following certification time-frames:

1. Administrative completeness review time-frame: 60 days,
2. Substantive review time-frame: 30 days, and
3. Overall time-frame: 90 days.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5205 renumbered to R6-5-5206 and new Section adopted by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5206. Certificates: Issuance; Non-transferability

- A. A certificate is valid for three years from the date of issuance. The Department may revoke a certificate before expiration as provided in this Article and by law.
- B. A certificate is not transferable and is valid only for the provider and location identified on the certificate.
- C. A provider shall post the certificate in a conspicuous location in the home facility.
- D. A certificate is the property of the state of Arizona. Upon revocation or voluntary closure, a provider shall surrender the certificate issued to the provider to the Department within seven days.
- E. The Department shall designate on the certificate issued to the provider the total number of children to be allowed in child care at any one time. The total shall not exceed the limits set in R6-5-5220.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Amended effective February 24, 1977 (Supp. 77-1). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5206 renumbered to R6-5-5207; new Section R6-5-5206 renumbered from R6-5-5205 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5207. Maintenance of Certification: General Requirements; Training

- A. Child care personnel and all individual backup providers shall be fingerprinted and pay all required fingerprint fees within the time prescribed in A.R.S. § 41-1964.
- B. A provider and all individual backup providers shall maintain the physical, mental, and emotional health necessary to fulfill all legal requirements for child care providers.
- C. No later than 60 days after the date of provider certification, a provider and individual backup providers shall furnish the Department with proof of acceptable first aid training and certification in infant/child cardiopulmonary resuscitation ("CPR"). As used in this Section, "acceptable training" means a classroom or blended-learning course that conforms to the current guidelines of the American Red Cross or the American Heart Association, as confirmed in writing by the training provider. The Department may extend the time for completing this requirement and children may remain in care during an extension, if:
 1. The class was not available within the 60-day time period; or
 2. The provider, individual backup provider, or a dependent was ill, and the provider or backup provider was unable to attend a scheduled class due to the illness.

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- D.** A provider and individual backup providers shall maintain current training and certification in first aid and infant/child CPR through acceptable training courses.
- E.** A certified provider shall attend at least six hours of training each calendar year in any of the following subjects:
1. The Department's child care program, policies, and procedures;
 2. Child health and safety, including recognition, control, and prevention of illness and disease;
 3. Child growth and development;
 4. Child abuse prevention, detection, and reporting;
 5. Positive guidance and discipline;
 6. Child nutrition;
 7. Communication with families; family involvement;
 8. Developmentally appropriate practices; and
 9. Other similar subjects designed to improve the provider's ability to provide child care.
- F.** A provider shall maintain a record of all training, and annually furnish the Department with proof of attendance.
- G.** A provider shall maintain a safe and clean home facility, including furnishings, equipment, supplies, materials, utensils, toys, and grounds, that meets the standards in this Article.
- H.** At all times, a provider shall allow the Department access to all parts of the home facility. The Department shall make at least two onsite visits each year to each home facility and in-home provider. At least one visit shall be unannounced.
- I.** A provider shall allow a parent or a designated representative access to the home facility at all times when the parent's child is present, and shall give parents and designated representatives written notice explaining this right.
- J.** A provider shall directly supervise a visitor to the home facility while the visitor is in an area with a child in care.
- K.** A provider shall not expose a child in care to tobacco products or smoke.
- L.** A provider shall not care for a child while under the influence of alcoholic beverages, medication, or any other substance, that may or does impair the provider's ability to care for a child.
- M.** A provider shall not consume alcoholic beverages while caring for a child.
- N.** A provider shall not refuse to provide care to any child on the basis of color, sex, religion, disability, or national origin.
- O.** If a provider is notified that a child or household member has a communicable disease, the provider shall ensure that a child who lacks written evidence of immunity to the communicable disease is not permitted to be present in the home facility until:
1. A parent provides written evidence of the child's immunity to the disease; or
 2. A local health department notifies the provider that the child may return to the home facility
- ences in the provision of child care services during the current certification period.
- B.** A provider shall demonstrate the continued physical, mental, and emotional health necessary to perform the duties and fulfill the responsibilities in this Article.
- C.** Before recertification, a provider and designated individual backup provider shall furnish a self statement of physical and mental health and freedom from communicable diseases on a form furnished by the Department.
- D.** The Department shall renew a certificate only after a provider demonstrates the intent and ability to provide child care that is safe, developmentally appropriate, and in compliance with the requirements of this Article.
- E.** Unless the Department, in its sole discretion, accepts a provider's written assurance of future compliance with the requirements of this subsection, the Department shall deny recertification or take other enforcement action when the provider does not accept Department-referred children on three separate occasions unless the refusal is for:
1. Illness, accident, or incapacity of the provider;
 2. Illness, accident, or incapacity of any household member, if the existing condition will pose a risk to children in care, or limit the provider's ability to provide child care in accordance with the law;
 3. The provider is not equipped or trained to provide care to the referred child, and the provider cannot acquire the equipment or training without undue hardship;
 4. The provider has no available slots;
 5. The situations listed in R6-5-5222 and a backup provider is unavailable;
 6. A child has not been immunized, and the parent or guardian is unwilling to obtain appropriate immunization, in accordance with R6-5-5219(F); or
 7. The home facility is in temporary disrepair or under construction.
- F.** The Department may obtain any supplemental information needed to determine continuing fitness to serve as a certified child care provider.
- G.** A provider, all household members, and an individual backup provider shall cooperate with the Department in providing all information required for recertification.
- H.** The Department shall determine whether to recertify a provider based on the provider's original application package, all previous monitoring reports, and all additional information the Department receives during the recertification process.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5207 renumbered to R6-5-5209; new Section R6-5-5208 renumbered from R6-5-5207 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5209. Program and Equipment

- A.** A provider shall offer a program that is developmentally appropriate for, and meets the needs of each child in care. The daily program and activity schedule shall include a balance of the following:
1. Indoor and outdoor activities;
 2. Activities that encourage movement and quiet time;
 3. Activities that encourage a child's creativity;
 4. Individual and group activities;
 5. Small and large muscle development activities; and
 6. Activities that include social interaction, problem solving, and negotiating skills.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5207 renumbered to R6-5-5208; new Section R6-5-5207 renumbered from R6-5-5206 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 22 A.A.R. 3185, effective October 28, 2016 (Supp. 16-4).

R6-5-5208. Recertification Requirements

- A.** Before recertifying a provider, the Department shall interview the provider at the location where child care will be provided. The Department Representative may interview an in-home provider at the in-home provider's residence. The interview shall include a discussion and review of the provider's experi-

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- B.** A provider shall incorporate into the program each child's daily routine activities, such as diapering, toileting, eating, dressing, resting, and sleeping, in accordance with the developmental needs of each child.
- C.** A provider shall develop a flexible, developmentally appropriate program that the provider can adjust to accommodate unanticipated events such as the illness of a child or changes in the weather.
- D.** A provider shall have play equipment and materials sufficient to meet the program requirements described in subsections (A) through (C), and to ensure that all children in care can be occupied in developmentally appropriate play at the same time.
- E.** A provider who cares for a child who is younger than age 2 shall have a variety of developmentally appropriate play equipment and supplies available for the child, such as:
1. Touch boards;
 2. Soft puppets;
 3. Soft or plastic blocks;
 4. Simple musical instruments;
 5. Push-pull toys for beginning walkers;
 6. Picture and texture books;
 7. Developmentally appropriate art materials, including crayons, paints, finger paints, watercolors, and paper;
 8. Simple, 2-3 piece puzzles and peg boards; and
 9. Large beads to string or snap.
- F.** A provider who cares for a child age 2 or older shall have a variety of developmentally appropriate play equipment and supplies available for the child, such as:
1. Art supplies;
 2. Blocks and block accessories;
 3. Books and posters;
 4. Dramatic play areas with toys and dress-up clothes;
 5. Large muscle equipment;
 6. Manipulative toys;
 7. Science materials; and
 8. Musical instruments.
- G.** A provider shall have a bed, cot, mat, crib, or playpen for each child in care who requires a daily nap or rest period. Each infant in care shall have a safe crib, port-a crib, bassinet, or playpen.
- G.** A provider shall have written permission from a parent or guardian before allowing a child to engage in water play. In this subsection, "water play" means any activity in which water is likely to get into a child's ears.
- H.** A provider shall directly supervise any child who is in a pool area.
- I.** A provider shall accompany a child who is using a public or semi-public swimming place.
- J.** A provider shall have written permission from a child's parent or designated representative to bathe or shower the child, or to allow the child to bathe or shower independently.
- K.** A provider shall not permit a child younger than age 6 to bathe or shower unsupervised.
- L.** A provider shall report suspected child abuse or neglect to CPS or the local law enforcement department as required by A.R.S. § 13-3620.
- M.** A provider shall use developmentally appropriate precautions to separate a child in care from hazardous areas, including locked doors and safe portable folding gates.
- N.** A provider shall release a child only to the child's parent or to an adult who has been designated in writing by the parent.
- O.** A provider shall not allow a person addicted to or under the influence of illegal drugs or alcohol in the home facility while children in care are present.
- P.** A provider shall not permit a person who is abusive to children, or who uses unacceptable disciplinary methods as described in R6-5-5212, into the home facility when children in care are present.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Amended effective March 5, 1979 (Supp. 79-2). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5210 renumbered to R6-5-5211; new Section R6-5-5210 renumbered from R6-5-5209 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5211. Sanitation

- A.** A provider and each child in care shall wash their hands with soap and running water after playing with animals or using the toilet, and before and after handling, serving, or eating food. If a child cannot reach a sink with running water, due to the child's age or some limiting condition, the provider shall clean that child's hands with an individual, clean, washcloth.
- B.** A provider shall wash, in hot soapy water, and sanitize, all utensils used for eating, drinking, and food preparation.
- C.** A provider shall have a garbage can with a close-fitting lid.
- D.** A provider shall dispose of garbage in the home facility at least once a day.
- E.** A provider shall empty and sanitize wading pools measuring 12 inches deep or less, after each use.
- F.** A provider shall maintain, in a sanitary condition, a swimming pool or other area or container, which is more than 12 inches deep and used for water play.
- G.** A provider shall frequently check the diaper of each child in care and shall immediately change a soiled diaper.
- H.** A provider shall have sanitary arrangements for diaper changing and disposal of soiled diapers, including the following:
1. The diaper changing area shall not be in an area where food is prepared or consumed;
 2. The diapering surface shall be cleaned, sanitized, and dried after each diaper change;
 3. Following bulk stool disposal into a toilet, soiled cloth diapers shall not be rinsed, but shall be bagged in plastic, individually labeled with child's name, stored in a cov-
- R6-5-5210. Safety; Supervision**
- A.** When a provider is unavailable to care for a child for a reason described in R6-5-5222(B), the provider may use only the backup provider designated under R6-5-5202 or R6-5-5222(E).
- B.** A provider shall give parents and guardians written notice of the provider's backup care plan.
- C.** A provider shall not engage in activities that interfere with the ability to supervise and care for children, including other employment, and volunteer or recreational activities. An in-home provider shall not perform housekeeping duties unrelated to the care of the child.
- D.** A provider shall directly supervise each child who is awake.
- E.** A provider shall have unobstructed access to and shall be able to hear each child who is sleeping.
- F.** A provider shall not permit a child in care to use a spa or hot tub.

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- ered container out of reach of children, and returned to the child's parent each day; and
4. Soiled disposable diapers shall be discarded in a tightly covered, lined container out of reach of children.

- I. Before and after each diaper change, a provider shall wash hands with soap and running water in a sink not used for food preparation.
- J. A provider shall sanitize a bathtub before bathing each child in care.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5211 renumbered to R6-5-5212; new Section R6-5-5211 renumbered from R6-5-5210 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5212. Discipline

- A. A certified provider and all individual backup providers shall sign a written agreement to abide by the Department's policy on developmentally appropriate discipline.
- B. Only a provider may discipline a child in care;
- C. A provider may physically restrain a child whose behavior is uncontrolled, only when the physical restraint:
 1. Is necessary to prevent harm to the child or others;
 2. Occurs simultaneously with the uncontrolled behavior;
 3. Does not impair the child's breathing; and
 4. Cannot harm the child.

A provider shall use the minimum amount of restraint necessary to bring the child's behavior under control.
- D. A provider shall not use the following disciplinary measures:
 1. Corporal punishment, including shaking, biting, hitting, or putting anything in a child's mouth;
 2. Placing a child in isolation or in a closet, laundry room, garage, shed, basement, or attic;
 3. Locking a child out of the home facility;
 4. Placing a child in any area where the provider cannot directly supervise the child;
 5. Methods detrimental to the health or emotional needs of a child;
 6. Administering medications;
 7. Mechanical restraints of any kind;
 8. Techniques intended to humiliate or frighten a child;
 9. Discipline associated with eating, sleeping, or toileting; or
 10. Abusive or profane language.
- E. As a disciplinary measure, a provider may place a child in time out. During the time out period, the provider shall keep the child in full view. Time out shall not be used for children less than age 3.
- F. A provider shall maintain consistent, reasonable rules that define acceptable behavior for a child in care.
- G. A provider shall use discipline only to teach acceptable behavior and to promote self-discipline, not for punishment or retribution.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5212 renumbered to R6-5-5213; new Section R6-5-5212 renumbered from R6-5-5211 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5213. Evening And Nighttime Care

- A. A provider who offers evening or nighttime care shall remain awake until each child in care is asleep.

- B. A provider who offers nighttime care shall have a safe and sturdy crib for each infant, and a safe and sturdy bed or cot with mattress for each child. Crib bars or slats shall be no more than 2 3/8 inches apart, and the crib mattress shall fit snugly into the crib frame so that no space remains between the mattress and frame.
- C. A provider may allow siblings to share a bed only if the provider has received written parental permission.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5213 renumbered to R6-5-5214; new Section R6-5-5213 renumbered from R6-5-5212 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5214. Children Younger than Age 2

A provider who cares for a child younger than age 2 shall comply with the following requirements:

1. A provider shall frequently hold a child and give each infant and toddler physical contact and attention throughout the day.
2. A provider shall respond promptly to a child's distress signals and need for comfort.
3. A provider shall get written permission from a parent or guardian to give a child a bedtime or nap-time bottle. If the provider receives permission, the provider shall use only water in the bottles, unless otherwise directed by the child's physician.
4. A provider shall not confine a child in a crib, high chair, swing, or playpen, for more than one consecutive waking hour.
5. A provider shall not feed cereal by bottle, except with the written instruction of a physician.
6. A provider shall hold an infant younger than age 1 for any bottle feeding, and shall not prop bottles with a child in care.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5214 renumbered to R6-5-5215; new Section R6-5-5214 renumbered from R6-5-5213 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5215. Children with Special Needs

- A. When enrolling a child with special needs, a provider shall comply with the requirements of this Section:
 1. A provider shall consult with parents to establish a mutually agreed upon plan regarding services for a child with special needs;
 2. A provider shall have the physical ability and appropriate training to provide the care required by a child with special needs;
 3. A provider shall use best efforts to integrate a child with special needs into the daily activities of the home facility in a manner that is the least restrictive, and that meets the child's individual needs;
 4. If a provider regularly cares for a child with special needs older than age 3 who requires diapering, the home facility shall have a diaper changing area that permits the child to have privacy. Proper sanitation shall be maintained as described in R6-5-5211.
- B. A provider shall make reasonable accommodations in the home facility, equipment, and materials for a child with special needs.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former

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Section R6-5-5215 renumbered to R6-5-5216; new Section R6-5-5215 renumbered from R6-5-5214 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5216. Transportation

- A. A provider shall obtain prior written permission from a child's parent before transporting a child in a privately owned vehicle or on public transportation.
- B. A provider shall ensure that a child in care is transported in a private vehicle by a person who has:
 1. A valid Arizona driver's license;
 2. Automobile insurance that meets the financial responsibility requirement of Arizona law; and
 3. No convictions for driving while intoxicated within three years before the date of transportation.
- C. A provider shall transport a child only in a mechanically safe vehicle. "Mechanically safe" means a vehicle with:
 1. Functioning brakes, signal lights, and headlights;
 2. Tires with tread; and
 3. Structural integrity.
- D. A provider shall not transport a child on a motorcycle or in a vehicle that is not constructed for the purpose of transporting people, such as a truck bed, camper, or any trailered attachment to a motor vehicle.
- E. A provider shall transport a child in a separate car seat, seat belt, or child-restraint device in compliance with A.R.S. § 28-907.
- F. A provider shall never leave a child unattended in a vehicle.
- G. A provider shall maintain first-aid supplies in a privately owned vehicle used to transport children in care.
- H. A provider shall carry a child's emergency-information card when transporting a child in care.
- I. A provider shall sign a form that states that the provider will abide by R6-5-5216.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5216 renumbered to R6-5-5217; new Section R6-5-5216 renumbered from R6-5-5215 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5217. Meals and Nutrition

- A. A provider shall serve a child in care wholesome and nutritious foods and beverages. In this Section, "wholesome and nutritious" means foods and beverages consistent with the requirements of 7 CFR 226.20 (January 1, 1998), which is incorporated by reference and available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona 85007 and in the office of the Secretary of State at 1700 West Washington, Phoenix, Arizona. The incorporated material contains no later amendments or editions.
- B. A provider shall supplement meals and snacks supplied by a parent when the supplied food does not provide a child with a wholesome and nutritious diet.
- C. A provider shall make available to a child in care meals and snacks that satisfy the child's appetite and dietary needs.
- D. A provider shall consult with a parent to identify, in writing, any special dietary needs or instructions for a child in care.
- E. A provider shall give a child any necessary assistance in feeding and shall teach self-feeding skills, but shall not force a child to eat.
- F. A provider shall monitor all perishable foods, including infant formulas and sack lunches. The provider shall ensure that food is individually labeled with a child's name, dated, covered, and properly stored to prevent spoilage at temperatures of 45°F or less.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5217 renumbered to R6-5-5218; new Section R6-5-5217 renumbered from R6-5-5216 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 22 A.A.R. 3185, effective October 28, 2016 (Supp. 16-4).

R6-5-5218. Health Care; Medications

- A. When a provider enrolls a child for care, the provider shall make written arrangements with the child's parent for emergency medical care of the child.
- B. If a child becomes ill while in care, a provider shall:
 1. Make the child comfortable and keep the child in full view; and
 2. Notify the parent or other designated person that the child is ill and must be immediately removed from care.
- C. A provider shall notify the parent of other children in care when a child in care contracts an infectious illness.
- D. A provider shall not provide care while knowingly infected with or presenting symptoms of an infectious disease.
- E. If a child exhibits symptoms of an infectious disease, the child may return to care when fever free and symptom free, or with written permission from the child's medical practitioner that returning will not endanger the health of the child or other children in care.
- F. A provider shall not admit a child in need of professional medical attention to the home facility and shall direct the parent to obtain medical attention for the child.
- G. Only a provider shall administer medication with signed written instructions for administering the medication from the child's parent.
- H. A provider shall not administer:
 1. Medication that is date expired or in something other than its original container; or
 2. Prescription medication that does not bear the date of issue, the child's name, the amount and frequency of dosage, and the doctor's name.
- I. A provider shall maintain a written log of all medications administered. The log shall include:
 1. The name of the child receiving the medication;
 2. The name of the medication;
 3. The date and time of administration; and
 4. The dosage administered.
- J. A provider shall use a sanitary medication measure for accurate dosage.
- K. A provider shall keep all medication in a locked storage container, and refrigerate if necessary.
- L. A provider shall have first-aid supplies available at the home facility, which shall be administered only by the provider.
- M. A provider is responsible for obtaining only emergency medical treatment for a child in care.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5218 renumbered to R6-5-5219; new Section R6-5-5218 renumbered from R6-5-5217 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 22 A.A.R. 3185, effective October 28, 2016 (Supp. 16-4).

R6-5-5219. Recordkeeping; Unusual Incidents; Immunizations

- A. A provider shall maintain a daily attendance log on a Department-approved form and shall require that each child be

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- signed in and out on the log by the parent or other individual designated in writing by the parent.
- B.** On a form approved by the Department, a provider shall promptly log all accidents, injuries, behavior problems, or other unusual incidents at the home facility, including any suspected child abuse or neglect.
- C.** A provider shall immediately report all unusual incidents to a parent or guardian of the child involved and shall report the incidents to the Department within 24 hours of the time of occurrence.
- D.** A provider shall maintain records in accordance with the requirements of the provider's child care registration agreement. The provider shall make the following records readily available for inspection by the Department and shall keep them separate from household and other personal records:
1. Information listed in subsection (E);
 2. Immunization records identified in subsection (F) and R6-5-5202 (L);
 3. Documentary evidence of freedom from communicable tuberculosis as required by R6-5-5202 (M);
 4. The provider's certification, re-certification, and monitoring records;
 5. Health records of child care personnel;
 6. The provider's training records;
 7. Unusual incident reports; and
 8. Daily logs of attendance, accidents, injuries, medications administered, behavior problems, or other unusual incidents.
- E.** A provider shall maintain at least the following information for each child in care:
1. The child's name, home address, telephone number, gender, and date of birth;
 2. The name, home and business addresses, and telephone numbers of the child's parent;
 3. The name, address and telephone number of the child's physician or health care provider and hospital;
 4. Authorization and instructions for emergency medical care when the parent cannot be located; and
 5. Written authorization to release a child to any individual other than the parent and the name, home and work addresses, and telephone numbers of that individual.
- F.** A provider shall maintain an immunization record or exemption affidavit for each child in care.
1. Documentation required under this subsection is limited to:
 - a. An immunization record prepared by the child's health care provider stating that child has received current, age-appropriate immunizations specified in R9-6-702, including immunizations for Diphtheria, Haemophilus influenzae type b, Hepatitis B, Measles, Mumps, Pertussis, Poliomyelitis, Rubella, and Tetanus;
 - b. An affidavit signed by the child's health care provider stating that the child has a medical condition that causes the required immunizations to endanger the child's health; or
 - c. An affidavit signed by the child's parent stating that the child is being raised in a religion whose teachings oppose immunization.
 2. If a child has received all current immunizations but requires further inoculations to be fully immunized, the provider shall require the parent to verify that the parent will have the child complete all immunizations in accordance with the DHS recommended schedule identified in R9-6-702. The provider shall:
 - a. Require the parent to produce documented records from the child's health care provider of the immunizations as they are completed; and
 - b. Maintain the records as required by subsection (F)(1).
3. The provider shall not permit a child in care to remain enrolled for more than 15 days if the parent does not provide proof of current, age-appropriate immunizations, a statement of timely completion of further inoculations, or exemption from immunization.
- G.** Children exempted from immunizations for religious or medical reasons shall be excluded from the home facility if there is an outbreak of an immunizable disease at the home facility.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5219 renumbered to R6-5-52020; new Section R6-5-5219 renumbered from R6-5-5218 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 22 A.A.R. 3185, effective October 28, 2016 (Supp. 16-4).

R6-5-5220. Provider/Child Ratios

- A.** The Department may certify a provider in a home facility to care for a maximum of four children at a time, from birth through age 12, for compensation. A provider in a home facility may care for a maximum of six children at a time, from birth through age 12, or a child age 13 or older who is a child with special needs, when all of the following conditions are met:
1. No more than four children in care are for compensation; and
 2. No more than two of the children in care are younger than age 1, unless a sibling group.
- B.** The Department may certify an in-home provider to provide the following care:
1. An in-home provider may care for a sibling group of no more than six children.
 2. An in-home provider shall care only for the children who live in that home.
 3. An in-home provider may bring the in-home provider's own children to the in-home location with the written permission of the client, and so long as the total number of children at the in-home location does not exceed six children.
- C.** The Department may further limit the ratios allowed in subsections (A) and (B) to protect the well-being of children in care. The Department may impose additional restrictions when:
1. There are more than two children residing in the home facility who are counted in the ratio;
 2. The Department determines that the home facility and the furnishings are inadequate to accommodate four children at a time for compensation, as provided in Section R6-5-5203(6);
 3. The Department has determined that a provider is physically unable to care for four children at a time; for compensation or
 4. A provider requests certification for fewer than four children at a time for compensation.
- D.** For the sole purpose of establishing and monitoring ratios, the Department shall not count any child who is age 13 or older, except as provided in subsection (A) for a child with special needs.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5220 renumbered to R6-5-5221; new Sec-

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tion R6-5-5220 renumbered from R6-5-5219 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5221. Change Reporting Requirements

At least 15 days before the effective date of any scheduled change, or within 24 hours after an unscheduled change, which significantly affects the provision of child care services, a provider shall furnish the Department with written notice of the change. Significant changes include, but are not limited to:

1. Home remodeling;
2. Home repair;
3. Pool installation;
4. Relocating to a new residence;
5. Change in household composition;
6. Telephone number change;
7. Change of backup provider;
8. Voluntarily relinquishing the certificate; and
9. Any other change in the home facility or the provider's personal circumstances that affect the provider's ability to provide stable child care services.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5221 renumbered to R6-5-5222; new Section R6-5-5221 renumbered from R6-5-5220 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5222. Use of A Backup Provider

- A. A provider shall maintain a backup provider, and shall keep clients and the Department apprised of the backup provider's identity and location.
- B. A provider may use a backup provider only in the following circumstances:
 1. When the provider is ill;
 2. When the provider is attending to an emergency related to the provision of child care;
 3. When the provider has an emergency involving the provider or the provider's dependent family members;
 4. When the provider needs to attend a non-emergency appointment for the provider or the provider's dependent family members, and the provider cannot schedule the appointment outside of normal child care hours;
 5. When the provider is attending classes to meet training requirements listed in this Article; or
 6. When the provider is taking a vacation.
- C. At the time of enrollment of a child in care, a provider shall advise the parent of the possible use of a backup provider.
- D. A provider shall notify the Department within 24 hours of the onset of the use of a backup provider.
- E. When a provider designates a new backup provider, the provider shall ensure that the backup provider meets the requirements for backup providers in R6-5-5202.
- F. A provider shall execute a backup provider agreement form furnished by the Department, which identifies the backup provider and contains assurances that the backup provider will be used in accordance with the requirement of this Section.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5222 renumbered to R6-5-5223; new Section R6-5-5222 renumbered from R6-5-5221 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5223. Claims For Payment

- A. A provider shall submit claims for payment in the manner prescribed in the child care registration agreement with the Department.
- B. A provider shall make all financial arrangements with a backup provider. The Department shall not make direct payments to the backup provider.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5223 renumbered to R6-5-5224; new Section R6-5-5223 renumbered from R6-5-5222 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5224. Complaints; Investigations

- A. Any person may register, with the Department, a written or verbal complaint about a provider or the operation of a home facility. Upon receipt of a complaint, or in response to the observations of Department staff, the Department shall investigate the allegations made and any matters related to certification and compliance with the child care registration agreement.
- B. A provider who is the subject of a complaint shall cooperate with the Department in conducting an investigation. The provider shall allow a Department representative to inspect the home facility and all records, and to interview any child care personnel, or household member.
- C. The Department shall maintain a file on all complaints against a provider and shall make information on valid complaints available to parents and to the general public upon request and as permitted by law.
- D. Following an investigation, the Department shall take appropriate administrative action as described in this Article.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5224 renumbered to R6-5-5225; new Section R6-5-5224 renumbered from R6-5-5223 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5225. Probation

- A. The Department may place a provider on probation when a Department representative observes a problem or the Department receives and validates a complaint in an area of noncompliance that does not endanger a child in care.
- B. The Department shall set a term of probation that does not exceed 30 days.
- C. The Department may suspend a provider's child care certificate if the same infraction that resulted in probation is repeated during a provider's current certification period and the Department determines that the provider has not demonstrated either the intent or ability to comply with the requirements of this Article.
- D. The Department shall not authorize any new child for payment to a provider who is on probation. Children already in that provider's care may remain authorized.
- E. Probationary status is not appealable.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5225 renumbered to R6-5-5226; new Section R6-5-5225 renumbered from R6-5-5224 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5226. Certification, Denial, Suspension, and Revocation

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- A. The Department may deny, suspend, or revoke certification when:
1. An applicant or provider violates or fails to comply with any statute or rule applicable to the provision of Child Care Services.
 2. An applicant or provider has a certificate or license to operate a child care home or facility denied, revoked, or suspended in any state or jurisdiction.
 3. An applicant or provider fails to disclose requested information or provides false or misleading information to the Department.
 4. A provider's contract with the Department to furnish child care services expires or is terminated.
 5. Child care personnel fail or refuse to comply with or meet the requirements of A.R.S. § 41-1964.
 6. A provider fails or refuses to correct or repeats a violation that resulted in probation or suspension.
 7. The Department, through its CPS hotline, receives a report of alleged child maltreatment by an applicant, provider, or household member who is under investigation by CPS or a law enforcement agency or is being reviewed in a civil, criminal, or administrative hearing.
 8. An applicant or provider fails or refuses to cooperate with the Department in providing information required by these rules or any information necessary to determine compliance with these rules.
 9. An applicant, provider, or household member engages in any activity or circumstance that may threaten or adversely affect the health, safety, or welfare of children, including inadequate supervision or failure to protect from actual or potential harm.
 10. An applicant or provider is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children.
 11. The Department, through its CPS hotline, receives a report of alleged child maltreatment in a home facility that is under investigation by CPS or a law enforcement agency or is being reviewed in a civil, criminal, or administrative proceeding.
 12. An applicant, provider, or household member is the subject of a substantiated or undetermined report of child maltreatment in any state or jurisdiction. Substantiated child maltreatment includes, but is not limited to, a probable cause finding by CPS or a law enforcement agency.
 13. CPS or a law enforcement agency substantiates a report of child maltreatment in a home facility.
- B. In determining whether to take disciplinary action against a provider, or to grant or renew a certificate, the Department may evaluate the provider's history from other certification periods, both in Arizona and in other jurisdictions, and shall consider multiple violations of statutes or rules applicable to the provision of child care services as evidence that the applicant or provider is unable or unwilling to meet the needs of children.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5226 repealed; new Section renumbered from R6-5-5225 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5227. Adverse Action; Notice Effective Date

- A. When the Department denies, suspends, or revokes certification, it shall mail a written, dated notice of the adverse action to the applicant or the provider at the applicant's or provider's last known address.
- B. A notice of adverse action shall specify:

1. The adverse action taken and date the action will be effective;
 2. The reasons supporting the adverse action; and
 3. The procedures by which the applicant or provider may contest the action taken and the time period in which to do so.
- C. Except as provided in subsection (D), a revocation, suspension, or denial of recertification is effective 20 calendar days from the date on the notice or letter advising the provider of the adverse action.
- D. A suspension, revocation, or denial of recertification is effective on the date of the notice or letter advising the person of the adverse action if:
1. The adverse action is based on the failure of child care personnel to comply with or meet the requirements of A.R.S. § 41-1964; or
 2. The Department bases the adverse action on a determination that the health, safety, or welfare of a child in care is in jeopardy.
- E. The Department shall stop payment authorization for all subsidized children in care on the effective date of a suspension, revocation, or denial of recertification.
- F. The Department shall not authorize the referral of additional children to a provider after mailing a notice of adverse action to the provider's last known address.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Amended effective June 4, 1998 (Supp. 98-2). Former Section R6-5-5227 renumbered to R6-5-5228 and new Section adopted by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5228. Appeals

- A. An applicant or provider may appeal the following Department decisions:
1. Denial of certification or re-certification;
 2. Suspension of a certificate; and
 3. Revocation of a certificate.
- B. A person who wishes to appeal an adverse action shall file a written request for a hearing with the Department within 15 calendar days of the date on the notice or letter advising the provider of the adverse action.
- C. The Department shall conduct a hearing as prescribed in 6 A.A.C. 5, Article 75. Decisions based on failure to clear a fingerprint check or criminal history check are not appealable under this Article.
- D. Matters relating to contractual agreements with the Department, including payment rates and amounts, are not appealable under this Article.
- E. When an adverse action based on R6-5-5226(A)(7) is appealed under this Article, allegations of child maltreatment are not at issue and shall not be adjudicated in an administrative proceeding conducted under subsection (C).

Historical Note

New Section R6-5-5228 renumbered from R6-5-5227 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

ARTICLE 53. REPEALED

Former Article 53 consisting of Sections R6-5-5301 through R6-5-5305 repealed effective April 9, 1981.

ARTICLE 54. REPEALED

Former Article 54 consisting of Sections R6-5-5401 through R6-5-5411 repealed effective November 8, 1982.

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ARTICLE 55. EXPIRED**R6-5-5501. Expired****Historical Note**

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5501 repealed, new Section R6-5-5501 adopted effective December 8, 1983 (Supp. 83-6). Amended by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5502. Expired**Historical Note**

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5502 repealed, new Section R6-5-5502 adopted effective December 8, 1983 (Supp. 83-6). Section repealed, new Section adopted at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Numbering of subsection (C)(3) amended to correct typographical error (Supp. 00-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5503. Expired**Historical Note**

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5503 repealed, new Section R6-5-5503 adopted effective December 8, 1983 (Supp. 83-6). Section repealed, new Section adopted at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5504. Expired**Historical Note**

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5504 repealed, new Section R6-5-5504 adopted effective December 8, 1983 (Supp. 83-6). Section repealed, new Section adopted at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5505. Expired**Historical Note**

Former Section R6-5-5505 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5506. Expired**Historical Note**

Former Section R6-5-5506 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5507. Expired**Historical Note**

Former Section R6-5-5507 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999

(Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5508. Expired**Historical Note**

Former Section R6-5-5508 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5509. Expired**Historical Note**

Former Section R6-5-5509 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5510. Expired**Historical Note**

Former Section R6-5-5510 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5511. Expired**Historical Note**

Former Section R6-5-5511 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5512. Expired**Historical Note**

Former Section R6-5-5512 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5513. Expired**Historical Note**

Former Section R6-5-5513 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5514. Expired**Historical Note**

Former Section R6-5-5514 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5515. Expired**Historical Note**

Former Section R6-5-5515 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999

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(Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5516. Expired**Historical Note**

Former Section R6-5-5516 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5517. Repealed**Historical Note**

Former Section R6-5-5517 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5518. Repealed**Historical Note**

Former Section R6-5-5518 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5519. Repealed**Historical Note**

Former Section R6-5-5519 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5520. Repealed**Historical Note**

Former Section R6-5-5520 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5521. Repealed**Historical Note**

Former Section R6-5-5521 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5522. Repealed**Historical Note**

Former Section R6-5-5522 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5523. Repealed**Historical Note**

Former Section R6-5-5523 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5524. Repealed**Historical Note**

Former Section R6-5-5524 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5525. Repealed**Historical Note**

Former Section R6-5-5525 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5526. Repealed**Historical Note**

Former Section R6-5-5526 repealed effective December 8, 1983 (Supp. 83-6).

Appendix 1. Expired**Historical Note**

New Appendix 1 adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Appendix 1

expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

Appendix 2. Expired**Historical Note**

New Appendix 2 adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Appendix 2 expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

ARTICLE 56. EXPIRED**R6-5-5601. Expired****Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5601 repealed, new Section R6-5-5601 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5601 recodified to A.A.C. R6-8-201 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5602. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5602 repealed, new Section R6-5-5602 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5602 recodified to A.A.C. R6-8-202 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5603. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5603 repealed, new Section R6-5-5603 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5603 recodified to A.A.C. R6-8-203 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5604. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5604 repealed, new Section R6-5-5604 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5604 recodified to A.A.C. R6-8-204 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5605. Expired

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Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5604 renumbered as Section R6-5-5605 effective January 13, 1977 (Supp. 77-1). R6-5-5605 recodified to A.A.C. R6-8-205 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5606. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5605 renumbered as Section R6-5-5606 effective January 13, 1977 (Supp. 77-1). R6-5-5606 recodified to A.A.C. R6-8-206 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Section R6-5-5606 repealed; new Section R6-5-5606 renumbered from R6-5-5607 and amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5607. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5606 renumbered as Section R6-5-5607 effective January 13, 1977 (Supp. 77-1). R6-5-5607 recodified to A.A.C. R6-8-207 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Section R6-5-5607 renumbered to R6-5-5606; new Section R6-5-5607 renumbered from R6-5-5608 and amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5608. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5607 renumbered as Section R6-5-5608 effective January 13, 1977 (Supp. 77-1). R6-5-5608 recodified to A.A.C. R6-8-208 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Section R6-5-5608 renumbered to R6-5-5607; new Section R6-5-5608 renumbered from R6-5-5609 and amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5609. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5608 renumbered as Section R6-5-5609 effective January 13, 1977 (Supp. 77-1). R6-5-5609 recodified to A.A.C. R6-8-209 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Section R6-5-5609 renumbered to R6-5-5608; new Section R6-5-5609 renumbered from R6-5-5610 and amended by

final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5610. Expired**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5609 renumbered as Section R6-5-5610 effective January 13, 1977 (Supp. 77-1). R6-5-5610 recodified to A.A.C. R6-8-210 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Section R6-5-5610 renumbered to R6-5-5609; new Section R6-5-5610 renumbered from R6-5-5612 and amended by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 465, effective January 11, 2017 (Supp. 17-1).

R6-5-5611. Repealed**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5610 renumbered as Section R6-5-5611 effective January 13, 1977 (Supp. 77-1). R6-5-5611 recodified to A.A.C. R6-8-211 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). Section heading corrected at request of the Department, Office File No. M12-330, filed September 4, 2012 (Supp. 12-2). Repealed by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4).

R6-5-5612. Renumbered**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5611 renumbered as Section R6-5-5612 effective January 13, 1977 (Supp. 77-1). R6-5-5612 recodified to A.A.C. R6-8-212 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2). R6-5-5612 renumbered to R6-5-5610 by final rulemaking at 18 A.A.R. 2708, effective December 2, 2012 (Supp. 12-4).

R6-5-5613. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5612 renumbered as Section R6-5-5613 effective January 13, 1977 (Supp. 77-1). R6-5-5613 recodified to A.A.C. R6-8-213 effective February 13, 1996 (Supp. 96-1).

R6-5-5614. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5613 renumbered as Section R6-5-5614 effective January 13, 1977 (Supp. 77-1). R6-5-5614 recodified to A.A.C. R6-8-214 effective February 13, 1996 (Supp. 96-1).

R6-5-5615. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5614 renumbered as Section R6-5-5615 effective January 13, 1977 (Supp. 77-1). R6-5-5615 recodified to A.A.C. R6-8-215 effective February 13, 1996 (Supp.

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R6-5-5616. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5615 renumbered as Section R6-5-5616 effective January 13, 1977 (Supp. 77-1). R6-5-5616 recodified to A.A.C. R6-8-216 effective February 13, 1996 (Supp. 96-1).

R6-5-5617. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5616 renumbered as Section R6-5-5617 effective January 13, 1977 (Supp. 77-1). R6-5-5617 recodified to A.A.C. R6-8-217 effective February 13, 1996 (Supp. 96-1).

R6-5-5618. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5617 renumbered as Section R6-5-5618 effective January 13, 1977 (Supp. 77-1). R6-5-5618 recodified to A.A.C. R6-8-218 effective February 13, 1996 (Supp. 96-1).

R6-5-5619. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5618 renumbered as Section R6-5-5619 effective January 13, 1977 (Supp. 77-1). R6-5-5619 recodified to A.A.C. R6-8-219 effective February 13, 1996 (Supp. 96-1).

R6-5-5620. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5619 renumbered as Section R6-5-5620 effective January 13, 1977 (Supp. 77-1). R6-5-5620 recodified to A.A.C. R6-8-220 effective February 13, 1996 (Supp. 96-1).

R6-5-5621. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5620 renumbered as Section R6-5-5621 effective January 13, 1977 (Supp. 77-1). R6-5-5621 recodified to A.A.C. R6-8-221 effective February 13, 1996 (Supp. 96-1).

R6-5-5622. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5621 renumbered as Section R6-5-5622 effective January 13, 1977 (Supp. 77-1). R6-5-5622 recodified to A.A.C. R6-8-222 effective February 13, 1996 (Supp. 96-1).

R6-5-5623. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5622 renumbered as Section R6-5-5623 effective January 13, 1977 (Supp. 77-1). R6-5-5623 recodified to A.A.C. R6-8-223 effective February 13, 1996 (Supp. 96-1).

R6-5-5624. Recodified**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5623 renumbered as Section R6-5-5624 effective January 13, 1977 (Supp. 77-1). R6-5-5624 recodified to A.A.C. R6-8-224 effective February 13, 1996 (Supp. 96-1).

ARTICLE 57. REPEALED**R6-5-5701. Repealed****Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5701 repealed, new Section R6-5-5701 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5702. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5702 repealed, new Section R6-5-5702 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5703. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5703 repealed, new Section R6-5-5703 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5704. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5704 repealed, new Section R6-5-5704 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5705. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5705 repealed, new Section R6-5-5705 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5706. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5706 repealed, new Section R6-5-5706 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5707. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5707 repealed, new Section R6-5-5707 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5708. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5708 repealed, new Section R6-5-5708 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5709. Repealed

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Historical Note

Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5709 repealed, new Section R6-5-5709 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

ARTICLE 58. EXPIRED**R6-5-5801. Expired****Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5801 repealed, new Section R6-5-5801 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5801 repealed, new Section R6-5-5801 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5802. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5802 repealed, new Section R6-5-5802 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5802 repealed, new Section R6-5-5802 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5803. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Amended effective August 15, 1979 (Supp. 79-4). Former Section R6-5-5803 repealed, new Section R6-5-5803 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5803 repealed, new Section R6-5-5803 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5804. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5804 repealed, new Section R6-5-5804 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5804 repealed, new Section R6-5-5804 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5805. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5805 repealed, new Section R6-5-5805 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5805 repealed, new Section R6-5-5805 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5806. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Amended as an emergency effective May 28, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former Section R6-5-5806 repealed, new Section R6-5-5806 adopted effective April 1, 1981 (Supp. 81-2).

Former Section R6-5-5806 repealed, new Section R6-5-5806 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5807. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5807 repealed, new Section R6-5-5807 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5807 repealed, new Section R6-5-5807 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5808. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5808 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5809. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Amended subsection (G) as an emergency effective March 12, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-2). Amended effective August 15, 1979 (Supp. 79-4). Amended as an emergency effective May 28, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5809 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5810. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5809 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5811. Expired**Historical Note**

Adopted effective March 30, 1977 (Supp. 77-2). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5811 adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5812. Expired**Historical Note**

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5813. Expired**Historical Note**

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5814. Expired

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Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5836. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5837. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5838. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5839. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5840. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5841. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5842. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5843. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5844. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5845. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5846. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5847. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5848. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5849. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5850. Expired

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

ARTICLE 59. EXPIRED

R6-5-5901. Expired

Historical Note

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5902. Expired

Historical Note

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5903. Expired

Historical Note

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5904. Expired

Historical Note

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5905. Expired

Historical Note

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5906. Expired

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Historical Note

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5907. Expired**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Amended effective June 4, 1998 (Supp. 98-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5908. Expired**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5909. Expired**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Amended effective February 21, 1980 (Supp. 80-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5910. Expired**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-5911. Expired**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5912. Expired**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

ARTICLE 60. EXPIRED**R6-5-6001. Expired****Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective March 28, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6002. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6003. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective March 28, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6004. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective March 28, 1978 (Supp. 78-2). Amended effective May 25, 1979 (Supp. 79-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6005. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6006. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective March 28, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6007. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective March 28, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6008. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective March 28, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6009. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6010. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6011. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6012. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-2). Amended effective May 25, 1979 (Supp. 79-3). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6013. Expired**Historical Note**

Adopted effective March 11, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6014. Expired

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Historical Note

Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

R6-5-6015. Expired**Historical Note**

Adopted effective May 15, 1990 (Supp. 90-2). Section expired under A.R.S. § 41-1056(J) at 23 A.A.R. 581, effective June 30, 2016 (Supp. 17-1).

Exhibit 1. Repealed**Historical Note**

Exhibit as filed is incomplete. Exhibit adopted effective March 28, 1978 (Supp. 78-2). Amended by adding Maximum Allowable Anesthesia Fee Schedule effective April 17, 1980 (Supp. 80-2). Amended Medicine - Psychiatric Services; Radiology - Urinary Tract; Dental - Restorative, Endodontics, and Fixed Prosthodontics effective September 17, 1980; Maximum Allowable Anesthesia Fee Schedule not included (Supp. 80-5). Repealed effective May 15, 1990 (Supp. 90-2).

ARTICLE 61. REPEALED**R6-5-6101. Repealed****Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6101 repealed, new Section R6-5-6101 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6102. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6102 repealed, new Section R6-5-6102 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6103. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6103 repealed, new Section R6-5-6103 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6104. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6104 repealed, new Section R6-5-6104 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6105. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

R6-5-6106. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

R6-5-6107. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

R6-5-6108. Repealed**Historical Note**

Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

ARTICLE 62. REPEALED

Former Article 62 consisting of Sections R6-5-6201 through R6-5-6209 repealed effective August 29, 1984.

ARTICLE 63. REPEALED

Former Article 63 consisting of Sections R6-5-6301 through R6-5-6304 repealed effective November 8, 1982.

ARTICLE 64. REPEALED

Former Article 64 consisting of Sections R6-5-6401 through R6-5-6408 repealed effective February 1, 1979.

ARTICLE 65. EXPIRED**R6-5-6501. Expired****Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6502. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6503. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 1722, effective July 29, 2011 (Supp. 11-3).

R6-5-6503.01. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 1722, effective July 29, 2011 (Supp. 11-3).

R6-5-6504. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Amended effective November 22, 1978 (Supp. 78-6). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J)

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at 22 A.A.R. 5267, effective March 31, 2016 (Supp. 16-3).

R6-5-6505. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Amended effective November 22, 1978 (Supp. 78-6). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6506. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6507. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6508. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6509. Expired**Historical Note**

Adopted effective July 6, 1977 (Supp. 77-4). Amended effective November 22, 1978 (Supp. 78-6). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6510. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6511. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

ARTICLE 66. EXPIRED**R6-5-6601. Expired****Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Amended effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-

1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6602. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6603. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Repealed effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6604. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6605. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Amended subsection (C) effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6606. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Amended effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6607. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6608. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6609. Expired

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Historical Note

Adopted effective January 18, 1978 (Supp. 78-1). Amended effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6610. Expired**Historical Note**

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6611. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1006, effective March 18, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6612. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6613. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6614. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6615. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6617. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(E) at 17 A.A.R. 1722, effective July 29, 2011 (Supp. 11-3).

R6-5-6618. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1006, effective March 18, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6620. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6621. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6622. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6623. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6624. Expired**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

ARTICLE 67. EXPIRED**R6-5-6701. Expired****Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6702. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6703. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6704. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6705. Expired

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Historical Note

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6706. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3). Amended by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6707. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3). Amended by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6708. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6709. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-6709 repealed, former Section R6-5-6710 renumbered and amended as Section R6-5-6709 effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6710. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-6710 renumbered and amended as Section R6-5-6709, former Section R6-5-6711 renumbered and amended as Section R6-5-6710 effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6711. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-6711 renumbered and amended as Section R6-5-6710, former Section R6-5-6713 renumbered and amended as Section R6-5-6711 effective June 19, 1979 (Supp. 79-3). Section repealed; new Section made by final rulemaking at 18 A.A.R. 1449, effective August 6,

2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6712. Expired**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Repealed effective June 19, 1979 (Supp. 79-3). New Section made by final rulemaking at 18 A.A.R. 1449, effective August 6, 2012 (Supp. 12-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-6713. Renumbered**Historical Note**

Adopted effective May 17, 1976 (Supp. 76-3). Renumbered and amended as Section R6-5-6711 effective June 19, 1979 (Supp. 79-3).

ARTICLE 68. REPEALED**R6-5-6801. Repealed****Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6802. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6803. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6804. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6805. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6806. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6807. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6808. Repealed**Historical Note**

Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 69. CHILD PLACING AGENCY LICENSING STANDARDS**R6-5-6901. Objectives**

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The objective of this Article is to establish licensing and operating standards to promote quality services for children and unmarried mothers whose needs are not adequately met in their family homes.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6902. Authority

A.R.S. §§ 8-501 through 8-520 and 46-134.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6903. Definitions

- A. "Adult." Any person 18 years of age or older.
- B. "Authorized representative." A designated employee of the Department.
- C. "Casework supervisor." A person who holds a Bachelor's degree from a university or college and has at least three years of casework experience in a certified or licensed family/child welfare agency.
- D. "Caseworker." A person who holds a Bachelor's degree from a university or college and who has training and/or experience in the field of behavioral science.
- E. "Child." Any person under 18 years of age.
- F. "Child placing agency." A child welfare agency which is authorized in its license to place children.
- G. "Department." The Arizona State Department of Economic Security.
- H. "Division." The Arizona State Department of Economic Security.
- I. "Executive Director." The person responsible for overall administration of the child placing agency; also referred to as Administrator, or Director.
- J. "Foster care." A social service which, for a planned period, provides substitute care for a child when its own family cannot care for it for a temporary or extended period of time. Foster care may be in a private family home or a group home.
- K. "Foster child." A child placed in a foster home or child welfare agency.
- L. "Foster home." A home maintained by an individual or individuals having the care or control of children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals (A.R.S. § 8-501(4)).
- M. "License." The legal authorization to operate a child placing agency issued by the Arizona Department of Economic Security.
- N. "Licensed medical practitioner." Any physician or surgeon licensed under the laws of this State to practice medicine pursuant to Title 32, Chapter 13 and 17 (A.R.S. § 36-501(4)).
- O. "Licensing." Includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.
- P. "Parent or parents." The natural or adoptive parent or parents of the child.
- Q. "Provisional license." A temporary license to operate a Child Placing Agency, issued by the Arizona Department of Economic Security for a period not to exceed six months; a provisional license is issued to an agency that is temporarily unable to conform to all licensing standards and where the deficiencies are minor, correctable and not potentially injurious to the safety or welfare of a child and the agency agrees to correct the deficiency or deficiencies, and where there is a demonstrated need for the services. A provisional license is not renewable.
- R. "Receiving foster home." A licensed foster home suitable for immediate placement of children when taken into custody or

pending medical examination and court disposition which is designated as a receiving foster home and it is licensed.

- S. "Regular foster home." A licensed foster home suitable for placement of not more than five minor children.
- T. "Regular license." A license to operate a Child Placing Agency, issued by the Arizona Department of Economic Security; a regular license which may be issued following a provisional license is valid for one year from the date of issuance and must be renewed annually.
- U. "Social worker." A person who holds a Master of Social Work degree from an accredited school of social work.
- V. "Special foster home." A licensed foster home capable of handling not more than five minor children who require special care for physical, mental or emotional reasons or have been adjudicated a delinquent (A.R.S. § 8-501(10)).

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6904. Licensing Requirements

- A. Consultation. Individuals, association, institutions or corporations considering the establishment of a Child Placing Agency shall consult the Social Services Bureau of the department about such plans:
 1. Before a specific program is developed;
 2. Before filing a petition for corporation; and
 3. Before an application is filed.
- B. Application. Individuals, associations, institutions or corporations shall make written application to the Department for a Child Placing Agency license.
- C. Fingerprints
 1. All members of the Child Placing Agency staff having contact with the foster children must be fingerprinted, and the fingerprints submitted to the Department for a criminal records check.
 2. A license for a Child Placing Agency will not be issued, or will be revoked, if any staff member, having contact with foster children has ever been convicted of a sex offense, has been involved in child abuse, child neglect, selling narcotics, or contributing to the delinquency of a minor, or has a substantial criminal record.
- D. Demonstration of need for services in the community. Evidence of need shall consist of:
 1. Communication from community leaders in the field of child welfare indicating a need for the services proposed by the applicant or
 2. Recent research data establishing a need for the services being proposed by the applicant.
- E. Licensing study
 1. A study will be made as required by A.R.S. § 8-505(C) by an authorized representative of the Department to evaluate the potential and actual ability of the Child Placing Agency to provide services to children according to the Standards prescribed in this Article.
 2. To obtain this information, the authorized representative of the Department must make at least one visit to evaluate the agency setting and interview the Director and staff.
 3. In addition, the authorized representative of the Department shall review documentary evidence provided by the Executive Director of the Child Placing Agency regarding agency operation and services to be provided.
- F. Provisional license
 1. A provisional license shall be issued to any Child Placing Agency that is temporarily unable to conform to all licensing standards, and where the deficiencies are minor, correctable and not potentially injurious to the safety or welfare of the children served, and where the agency

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agrees to correct the deficiencies, and where there is a demonstrated need for the services.

2. A provisional license is valid for up to six months and may not be renewed.
3. Prior to the expiration of the provisional license, a review of Standards will be conducted by the Department to determine eligibility for regular licensing. The Child Placing Agency must meet all licensing standards for the issuance of a regular license.

G. Regular license

1. The license is valid for one year from the date of issuance and must be renewed annually.
2. Each license shall state in general terms the kind of child welfare services the licensee is authorized to undertake; and the number of children that can be received or placed and supervised in foster homes, their ages and sex, and the geographical area the agency is equipped to serve (A.R.S. § 8-505(D)).

- H. Supervision by the Department.** The Department shall provide training, consultation and technical assistance to Child Placing Agencies.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6905. Denial, Suspension, or Revocation of a License

- A.** The Department shall deny, suspend or revoke any license when:
1. The Child Placing Agency is not in compliance with the licensing standards of the Department, Arizona state or federal statutes, city or county ordinances or codes; or
 2. The care and/or services needed by children are not provided.
- B.** A license that has been suspended can be reinstated by the correction of the deficiency.
- C.** When a license is revoked, it is necessary to correct the deficiency and make a new application.
- D.** When an initial application, or an application for a renewal of a license is denied, or a license is revoked or suspended, a written notification of the action shall be forwarded by certified mail to the applicant or licensee.
1. The written notice shall state the reasons for the denial, revocation or suspension with references to applicable statutes, regulations and standards.
 2. The Department shall notify the Child Placing Agency of the right to request a hearing within 20 days after receipt of the written notice.
 3. The hearing shall be held within ten days of the request, and at that time the applicant or holder shall have the right to present testimony and confront witnesses.
 4. When a hearing is requested, the denial, suspension or revocation of the license shall not become final until after the hearing decision is published.
 5. The fair hearing process shall be in accordance with A.A.C. Title 6, Chapter 5, Article 24.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6906. License Renewal Requirements

- A.** Every regular license shall expire one year from the date of issuance and may be renewed annually upon application of the Child Placing Agency.
1. License renewal is not automatic.
 2. License renewal requires:
 - a. A consultation;
 - b. An application;
 - c. A written description of services provided; and

- d. Licensing study (see R6-5-6904(E)).
3. For license renewal, each Child Placing Agency must meet all standards for licensing as specified in this Article.

B. An application for the renewal for a Child Placing Agency shall be made in the same manner as the original application.

A licensee shall reapply when:

1. The present license will expire within 30 days to 60 days; or
2. There is a plan to move within 30 days from the address on the current license; or
3. There is substantial material change in the program and/or purpose of the Child Placing Agency.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6907. Standards for Licensing and Operating a Child Placing Agency**A.** Requirements for the staff of a Child Placing Agency

1. Executive Director. The Agency Board shall select an Executive Director.
 - a. If the Executive Director is not directly involved in supervising child placing activities, the Director shall at least have a Bachelor's degree in a field related to social work such as administration, psychology, education or other allied profession, as well as demonstrated satisfactory experience in the area of service provided by the agency.
 - b. If the Executive Director directly supervises child placing activities, he shall have a Master's degree in Social Work or at least a Bachelor's degree and a minimum of three years of experience in child welfare services in a certified or licensed family or child welfare agency.
 2. Casework supervisor. The casework supervisor shall possess above average ability in casework practice and have knowledge of and skills applicable to casework supervision. The supervisor shall have a Bachelor's degree and at least three years of casework experience in a licensed family or child welfare agency.
 3. Social worker. A person shall have a Master of Social Work degree from an accredited school of social work.
 4. Caseworker. A caseworker shall have a Bachelor's degree from a university or college and have training and/or experience in the field of behavioral science.
 5. Office staff. The agency shall have sufficient clerical services to keep correspondence, records, bookkeeping, and files current and in good order.
 6. Consultants
 - a. The agency shall have a consulting Licensed Medical Practitioner who makes recommendations as to the medical aspects of the agency program, coordinates medical care for selected children, and advises staff regarding the health problems of specific children.
 - b. Psychiatric, psychological and legal consultation and/or services shall be available to the agency.
- B.** Requirements for the organization of a Child Placing Agency
1. Type of organization. A Child Placing Agency shall be maintained by the state, or a political subdivision thereof, a person, firm, corporation, association, or organization.
 2. Incorporation
 - a. Incorporated Child Placing Agencies shall provide the Department with a copy of the Articles of Incorporation and Bylaws and the Certificate of Incorporation.

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- ration issued by the Arizona Corporation Commission.
- b. The purpose for which the agency is incorporated shall be stated in its Articles of Incorporation and the agency shall not enter any other fields of service than those provided in its Articles of Incorporation.
3. Board of Directors
 - a. All Child Placing agencies shall have a Board of Directors. The Department shall be provided a current list of all Board members, their address and office held.
 - b. Persons employed by or who receive compensation from a group care agency (see Title 6, Chapter 5, Article 74) may not be Board members of a Child Placing Agency due to a possible conflict of interest.
 - c. The Board of Directors shall:
 - i. Assume responsibility, jointly with the Executive Director, for formulating the plans and policies of the Child Placing Agency.
 - ii. Keep sufficiently informed through Board meetings and through the reports of its Executive Director and committees to ensure that the agency fulfills all of its functions in the best interest of the children.
 - iii. Meet at least quarterly. Its executive committee shall meet as needed.
 - iv. Keep minutes of each meeting which shall be made a permanent part of the records of the Child Placing Agency.
 - v. Refrain from direct administration or operation of the Child Placing Agency, either through individual members or committees, except in emergencies.
 - vi. Select and employ an Executive Director to whom the responsibility for administration of the agency shall be delegated and, when necessary, terminate such employment.
 - vii. Require and approve the Child Placing Agency's annual program and financial reports.
 - d. The Board of Directors should be composed of adult residents who have a genuine interest in child welfare, concern for social conditions in the community, and reflect equitably the ethnic and economic standing of the population served. The Board members should have sufficient time to discharge their obligations and have a variety of interests, talents and points of view so that no single group or profession will have a controlling voice.
 - e. The names, addresses and offices held of all members of the Board of Directors shall be currently filed with the Department. All changes in composition of the Board of Directors or Officers of the Child Placing Agency must be reported to the Department in writing within 30 days of a change.
 - f. Provision should be made for replacement of members who become inactive for six months. Terms for Board members shall be overlapping and election of one-third of the Board membership annually is recommended to ensure continuity of policy, as well as the introduction of new and changing points of view. Administrators and staff of the Child Placing Agencies shall not be members of the Board of Directors. Agencies which do not have overlapping terms or which currently have administrators or staff members on their Board of Directors will have one year from the date of issuance of these standards to bring their Board of Directors into compliance.
 4. Financing
 - a. Requirement for sufficient funding. The agency must furnish evidence that it has sufficient funds to pay all start-up and operating costs through the year of operation for which a license may be issued.
 - b. Budget and financial records
 - i. Child Placing Agency shall operate on a budget which has been approved by its governing board before the beginning of the fiscal year.
 - ii. A Child Placing Agency must maintain financial records of all receipts, disbursements, assets, and liabilities for at least three years. These records should be available for inspection by the Department upon request.
 - c. Solicitation of funds from the public. Each Child Placing Agency shall comply with all local and state laws relating to the solicitation of funds.
 5. Operations manual. Each agency shall compile an operations manual. It shall be available to all agency staff members, and all staff members shall be familiar with the contents. It shall contain:
 - a. The overall philosophy, which guides the agency's services.
 - b. A statement of the primary purpose, services, and goals of the agency.
 - c. A chart of organizational structure.
 - d. The agency's intake policies and procedures.
 - e. The manual of the agency's governing board.
 - f. The operational procedures, which guide the delivery of the agency's services.
 - g. Copies of the agency's forms.
 6. Records and reports
 - a. Files. Case records and financial records shall be kept in a locked, fire-resistant file. Access to records shall be limited to the staff who have need for the data, and to authorized representatives of the Department.
 - b. Case records
 - i. The agency shall maintain up-to-date, confidential and well-organized case records. Each child's record should indicate, from the point of admission to discharge, the service plan and the progress of the child.
 - ii. Records shall include the current information needed to provide services, make service plans, and evaluate each child.
 - iii. The case record should be divided into sections for easy reference, with the material filed under the following headings, as appropriate:
 - (1) Intake -- intake study, including referral material from other agencies, court, or referral sources;
 - (2) Legal -- specific verified information relative to the status of the child's legal guardianship and custody. Statements, agreements, and consents signed by parent(s) or guardian(s) pertaining to the child's placement, financial responsibility, and other data required for protection of the child;
 - (3) Medical -- medical history, including immunizations, physical defects, significant developmental history, illnesses, and hospital care and/or operations. Medical

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releases and/or authorizations for treatment or medical care, including the names of medical personnel involved. Records of all prescription medications consumed;

- (4) Dental -- date of examinations, etc.;
- (5) Psychological -- reports of psychological and/or psychiatric evaluations and examinations;
- (6) Progress -- periodic (not less than every three months) evaluation of the child's progress, adjustment, development and future plans and goals.
- (7) School -- school records indicating attendance and scholastic achievement;
- (8) Correspondence -- letters received or sent concerning the child;
- (9) Each record shall have a face sheet listing the following information which shall be kept up-to-date:
 - (a) Full name of child, including aliases;
 - (b) Date and place of birth (verified);
 - (c) Sex;
 - (d) Religion and race;
 - (e) Names, addresses of parents and siblings;
 - (f) Names, addresses and relationships of other responsible persons;
 - (g) Date referred to the agency;
 - (h) Date service was terminated;
 - (i) Other pertinent identifying information.

c. Reports

- i. Each agency shall maintain and report accurate statistics on children receiving services, and staff employed, on forms provided for that purpose by the Department. These reports shall include:
 - (1) Form FC-005, "Foster Child Placement, Replacement and Discharge Central Registry Form," which must be submitted within five working days of the date action is taken.
 - (2) Form LC-008, "Child Welfare Agency Employee Central Registry," which must be submitted within five days of employment or discharge.
- ii. The Child Placing Agency shall report to the Department any planned change of address, change in program, or other change which significantly affects the services provided. The Department shall be notified 30 days prior to any planned changes.

C. Requirements for the personnel of a Child Placing Agency

1. Personnel practices. An agency shall employ an individual only after careful evaluation of the applicant which will include references as to character, skills, knowledge, and experience.
2. Personnel policies. The agency shall maintain a manual of all personnel policies and procedures including job descriptions and all personnel forms. The written statement of personnel policies outlining personnel practices as they affect both employer and employee should include:
 - a. The conditions of employment and the conditions under which employment may be terminated.
 - b. Salary scales.

- c. Provision for sick leave, time off, and paid vacation.
- d. Information regarding employment benefits, such as retirement and insurance plans.
- e. Provision for periodic assessment of work performance.
- f. Provision for staff development through in-service training.

3. Personnel records

- a. A personnel record shall be maintained for each employee. This shall include identifying and qualifying information; such as, references, previous work history and education, date of employment and evaluation.
- b. When employees resign, retire, or are discharged, the date and reason for termination shall be recorded.

D. Placement services

1. Foster care

a. Types of homes

- i. Boarding Home. A Boarding Home provides temporary or permanent care and compensation to the foster parents for room and board. These Boarding Homes may be either Regular or Special Foster Homes.
- ii. Free home. A free home provides temporary or permanent care without compensation other than special needs.
- iii. Work and Wage Home

- (1) Work and Wage Homes are those in which the child's duties within the home constitute reimbursement for room and board and for which the child may be paid an additional wage. These homes shall be used only as a resource for mature and well adjusted children from 16 to 18 years with good work skills. The Child Placing Agency shall prepare a written statement to be signed by the agency, foster parents and child which will clearly define:
 - (a) The amount of work required; and
 - (b) The remuneration the child is to receive and by whom; and
 - (c) The work schedule which shall permit the child time for school attendance, study, recreation, and other normal activities for a child in this age group.
- (2) The Department shall not place adjudicated dependent children in Work and Wage Homes.

b. Foster care placement procedures

- i. The agency shall follow the preplacement procedures set forth in A.R.S. § 8-511.
- ii. Following the preplacement procedures outlined in A.R.S. § 8-511, if it is determined that the child should be placed in foster care, the agency shall provide appropriate counseling services to the child and his parents to prepare them for the placement.
 - (1) If the family does not explain the reason for placement and prepare the child for this experience, the representative of the Child Placing Agency should do so.
 - (2) The representative of the Child Placing Agency should explain the foster home program to the parents.

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- iii. When a child is placed in foster care, the Child Placing Agency shall comply with the requirements and procedures set forth in A.R.S. § 8-514(B) and (C).
 - 2. Adoption. If authorized in its license to place children for adoption, the agency shall comply with all laws (including but not limited to A.R.S. Title 8, Chapter 1, Article 1) regarding the investigation of potential adoptive parent and the adoption of children. The agency shall comply with the requirements of the following rules of the Department:
 - a. Title 6, Chapter 5, Article 65, Adoption Placement;
 - b. Title 6, Chapter 5, Article 66, Adoption Study;
 - c. Title 6, Chapter 5, Article 67, Adoption Subsidy; and
 - d. Title 6, Chapter 6, Article 68, Relinquishment and Severance Services.
 - 3. Parents
 - a. When there are social and/or emotional problems regarding the pregnancy, social services shall be given in accordance with the needs of mother during pregnancy and to help her with plans for her rehabilitation after delivery.
 - b. Unless inappropriate, the father shall be involved in planning for the mother and child.
 - c. Services to unmarried parents may also include establishing paternity and shall include making suitable plans for the child.
- E. Supervision
 - 1. The licensed Child Placing Agency shall supervise:
 - a. All children placed by the agency in foster homes; and
 - b. All foster homes where children are placed by the agency.
 - 2. The licensed Child Placing Agency's representative shall:
 - a. Visit Receiving Foster Homes at least once per month;
 - b. Visit Regular and Special Foster Homes at least once every three months; and
 - c. Prepare written reports of the visits.
 - 3. A Child Placing Agency may allow a child to participate in activities and functions generally accepted as usual or normal for his/her age group. Permission for a child to participate in activities shall be given in accordance with A.R.S. § 8-513.
 - 4. Following the initial placement, the child placed in a setting other than that of his parent's home shall have medical examinations at periodic intervals, and not less than once every year.
- F. Foster home studies
 - 1. The study. Child Placing Agencies that wish to submit foster homes for licensing shall conduct an investigation of the foster home, meeting the standards established by the Department in Title 6, Chapter 5, Article 58, Family Foster Home Licensing Standards.
 - 2. Fingerprints. Foster parent applicants and members of the household, 18 years of age or older, must be fingerprinted, and the fingerprints submitted to the Department for a criminal records check.
 - 3. Demonstration of health
 - a. The potential foster care application, prior to licensing, shall furnish a report of a physical examination, done within the last six months, demonstrating that the person has good health and is free from any communicable disease.
 - b. Prior to licensing, children of the foster care applicant shall have current immunizations as prescribed by the Arizona Department of Health Services.
 - 4. Sanitation inspection. The Child Placing Agency shall request the local or state health department to conduct a sanitation inspection of the prospective foster home prior to licensing.
 - 5. Licensing. If the foster home meets all requirements set by the Department, the Child Placing Agency shall submit an application stating the foster home's qualifications to the Department. The Child Placing Agency may also recommend the types of licensing and certification to be granted to the foster home. The Department shall review the foster home study, and issue a license for the foster home if all licensing standards have been met.
 - 6. License renewal. Foster home license renewal is required annually by the Department.
 - 7. Homes exempt from licensing by the Department. When a child is placed in a home by a means other than by a court order, and when the home receives no compensation from the state or any political subdivision of the state, licensing by the Department is not required.
- G. Requirements of physical plant and equipment
 - 1. Offices
 - a. There should be sufficient office space for interviewing children and families and for supervisory conferences.
 - b. The Child Placing Agency shall comply with any building, health, fire or other codes in effect in the jurisdiction where it is located.
 - 2. Fire protection. All Child Placing Agencies shall have a written fire evacuation plan posted and should conduct fire drills at least every six months.
 - 3. Telephone. There shall be telephone service in the Child Placing Agency.
 - 4. Vehicle(s). The vehicle(s) for transporting children shall be in a safe operating condition and all drivers shall have a current driver's license. Persons who frequently transport children as a part of their employment shall have a chauffeur's license.
 - 5. Insurance
 - a. The Child Placing Agency shall provide for insurance coverage for adequate protection against accidents.
 - b. Insurance coverage must include liability insurance to cover acts of children or staff, and protection against damages to, or loss of, buildings and other valuable properties.
 - c. There shall be liability insurance on all vehicles transporting children.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6908. Confidentiality

The rules and regulations of the Department for securing and using confidential information concerning the client shall be followed. Refer to Title 6, Chapter 5, Article 23, "Safeguarding of Records and Information."

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6909. Civil Rights

The rules of the Department regarding civil rights shall be followed. Refer to Title 6, Chapter 5, Article 26, Civil Rights.

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Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6910. Fair Labor Standards Act

The hiring and compensation policies of the Child Placing Agency shall comply with the Fair Labor Standards Act.

Historical Note

Adopted effective August 31, 1978 (Supp. 78-4).

ARTICLE 70. EXPIRED**R6-5-7001. Expired****Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7002. Expired**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7003. Expired**Historical Note**

Adopted as an emergency effective January 21, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed and amended effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7004. Expired**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed and amended effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section

adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7005. Expired**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1006, effective March 18, 1999 (Supp. 99-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7006. Expired**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7007. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7008. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7009. Expired

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Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7034. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7035. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7036. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7037. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.P.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7038. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7039. Expired**Historical Note**

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended effective June 4, 1998 (Supp. 98-2). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-7040. Expired**Historical Note**

Adopted as an emergency effective October 17, 1996, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

ARTICLE 71. REPEALED**R6-5-7101. Repealed****Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-7102. Repealed**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-7103. Repealed**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-7104. Repealed**Historical Note**

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

ARTICLE 72. REPEALED

Former Article 72 consisting of Sections R6-5-7201 through R6-5-7214 repealed effective July 12, 1984.

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ARTICLE 73. REPEALED & RENUMBERED

Editor's Note: Article 73 was repealed except for Sections R6-5-7307 and R6-5-7308 which were both renumbered, effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7301. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7302. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7303. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7304. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7305. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7306. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7307. Renumbered**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1). Section R6-5-7307 renumbered to R6-5-7470 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7308. Renumbered**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1). Section R6-5-7308 renumbered to R6-5-7471 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7309. Repealed**Historical Note**

Adopted effective January 21, 1985 (Supp. 85-1).
Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES**OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS****R6-5-7401. Definitions**

In addition to the definitions contained in A.R.S. § 8-501, the following definitions apply in this Article:

1. "Abandonment" has the same meaning ascribed to "abandoned" in A.R.S. § 8-531(1).
2. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to § 8-821 and which is caused by the acts or omissions of an individual having care, [physical] custody and control of a child. Abuse includes:
 - (a) Inflicting or allowing sexual abuse pursuant to § 13-1404, sexual conduct with a minor pursuant to § 13-1405, sexual assault pursuant to § 13-1406, molestation of a child pursuant to § 13-1410, commercial sexual exploitation of a minor pursuant to § 13-3552, sexual exploitation of a minor pursuant to § 13-3553, incest pursuant to § 13-3608 or child prostitution pursuant to § 13-3212.
 - (b) Physical injury to a child that results from abuse as described in § 13-3623, subsection C. A.R.S. § 8-201(2).
3. "Accredited" means the approval and recognition of an institution of learning as maintaining those standards requisite for its graduates to gain admission to other institutions of higher learning or to achieve credentials for professional practice. An example of an accrediting body is the North Central Association of Colleges and Universities.
4. "Administrative completeness review time frame" means the number of days from [the Licensing Authority's] receipt of an application for a license until [the Licensing Authority] determines that the application contains all components required by statute or rule, including all information required to be submitted by other government agencies. The administrative completeness review time frame does not include the period of time during which an agency provides public notice of the license application or performs a substantive review of the application. A.R.S. § 41-1072(1).
5. "Adverse action" means suspension or revocation of a license, denial of a renewal license, or making a material change in licensing status.
6. "After-care" means services provided to a child after the child is discharged from a licensee's care and may also include services for the child's family.
7. "Applicant" means a person who submits a written application to the Licensing Authority to become licensed or to renew a license to operate a child welfare agency or a residential group care facility.
8. "Barracks" means a building that:
 - a. Is designed and constructed or remodeled for the specific purpose of housing large numbers of children of the same gender;
 - b. Has wide, open sleeping areas for children, under one roof;
 - c. Is identified and described as a barracks or dormitory in the agency's promotional and organizational materials; and

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- d. Is made known as a barracks or dormitory to placing agencies and persons considering placement of a child.
9. "Behavior management" means the policies, procedures, and techniques a licensee uses to control conduct as prescribed in R6-5-7456.
10. "Child placing agency" means a person or entity that is licensed or authorized to receive children for care, maintenance, or placement in a foster home, because:
- The Department has licensed the person or entity as a child welfare agency pursuant to A.R.S. § 8-505; or
 - It is an entity with statutory authorization to place children.
11. "Child welfare agency" or "agency"
- Means:
 - Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24-hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.
 - Any institution that provides care for unmarried mothers and their children.
 - Any agency maintained by the state, or a political subdivision thereof, person, firm, corporation, association, or organization to place children or unmarried mothers in a foster home.
 - Does not include state operated institutions or facilities, detention facilities for children established by law, health care institutions that are licensed by the department of health services pursuant to Title 36, Chapter 4 or private agencies that exclusively provide children with social enrichment or recreational opportunities and that do not use restrictive behavior management techniques. A.R.S. § 8-501(A)(1).
12. "Corrective action" means a specific course of conduct an agency will follow to remedy violations of the licensing requirements prescribed in this Article, within a specified period of time.
13. "Corrective action plan" means a written document describing an agency's corrective action, as prescribed in R6-5-7418.
14. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child maltreatment.
15. "CPSCR" means the Child Protective Services Central Registry, a computerized database, which CPS maintains according to A.R.S. § 8-804.
16. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions, that interrupt a child's behavior crisis and calm the child.
17. "Department" or "DES" means the Department of Economic Security.
18. "Developmentally appropriate" means an action that takes into account:
- A child's age and family background;
 - The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
 - A child's individual pattern and timing of growth, personality, and learning style.
19. "DHS" means the Department of Health Services.
20. "Direct care staff" means the facility staff who provide primary personal care, guidance, and supervision to children in care.
21. "Discharge plan" means:
- A written description of:
 - A program of action to prepare a child for release from a facility; and
 - After-care;
 - That is developed by a licensee in cooperation with a child's service team.
22. "Discipline" means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to accepted levels of social behavior.
23. "Document" means to make and retain a permanent written or electronic record of a fact, event, circumstance, observation, contact, or communication.
24. "Exploitation" means the act of taking advantage of, or to make use of a child selfishly, unethically, or unjustly, for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
25. "Facility" or "residential group care facility" means a living environment operated by a child welfare agency, where children are in the care of adults unrelated to the children, 24 hours per day.
- "Facility" does not include a program licensed as a behavioral health service agency by the Department of Health Services under A.R.S. § 36-405 and 9 A.A.C. 20.
 - "Facility" does include an outdoor experience program.
 - When used in reference to an outdoor experience program, "facility" means the campsite at which or the mobile equipment in which children are housed.
26. "File" means a place where information is stored through written, electronic, or computerized means.
27. "Foot candles" means a unit of luminous intensity that can be measured with a light meter.
28. "Governing body" means an individual or group of individuals responsible for the policies, activities, and operations of a facility, as prescribed in R6-5-7424.
29. "Individual education plan" or "IEP" means a written document that describes educational goals for a particular child and the services the child needs to attain those goals.
30. "Institution" as used in A.R.S. § 8-501(A)(1) means an entity meeting two or more of the following criteria:
- Solicits charitable contributions;
 - Is organized as a profit or non-profit corporation with a board of directors and officers;
 - Publishes and distributes information or promotional materials about its program or operations;
 - Requires residents to formally apply for residency through use of application forms or other similar paperwork;
 - Operates a structured program of care pursuant to written policies, procedures, guidelines, or rules; or
 - Advertises itself or holds itself out in the community as an institution that provides care or social services.
31. "Institution for Unwed Mothers and Children" means a child welfare agency, as described in A.R.S. § 8-501(A)(1)(a)(ii), that is licensed to care for unmarried mothers who are under age 18 at the time of admission to the agency and the children of those mothers.

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32. "License" means a document issued by the Licensing Authority to an individual or non-governmental business, which authorizes the individual or business to operate a child welfare agency in compliance with this Article.
33. "Licensee" means the person or entity holding a license. When used in reference to a duty, task, or obligation, the term "licensee" includes the staff who work at an agency or facility and who are responsible for doing the acts necessary to fulfill the requirements of this Article.
34. "Licensed medical practitioner" means a person who holds a current license as a physician, surgeon, nurse practitioner, or physician's assistant pursuant to A.R.S. §§ 32-1401 et seq., Medicine and Surgery; A.R.S. §§ 32-1800 et seq., Osteopathic Physicians and Surgeons; A.R.S. §§ 32-2501 et seq., Physician Assistants; and A.R.S. §§ 32-1601 et seq., Nursing and R4-19-501(A)(1), Registered Nurse Practitioner, respectively.
35. "Licensing Authority" means the Department administrative unit that monitors and makes licensing determinations for agencies and facilities, including issuance, denial, suspension, and revocation of a license or operating certificate, and imposition of corrective action.
36. "Licensing representative" means a person employed by the Licensing Authority to investigate and monitor applicants and licensees.
37. "Licensing year" means a one-year time period that begins on the date an agency obtains its initial license to operate, and ends one year later.
38. "Living unit" means a specific grouping of children who are assigned to and share a distinct and common physical space within a facility.
39. "Maltreatment" means abuse, neglect, abandonment, or exploitation, of a child.
40. "Material change in licensing status" means, for the purpose of A.R.S. § 8-506.01,
- a. Any of the following actions:
 - i. Denial, suspension, or revocation of an operating certificate;
 - ii. At any time following issuance of an initial license, imposition of provisional license status, in lieu of a regular license as prescribed in R6-5-7419; or
 - iii. A change in a term appearing on the face of a license or operating certificate, including: a.) Geographic area served; b.) Age, number, or gender of children served; or c.) Type of services offered;
 - b. But does not include the act of placing an agency on a corrective action plan to bring the agency into compliance with licensing requirements as prescribed in R6-5-7418.
41. "Mechanical restraint" means:
- a. An article, device, or garment that:
 - i. Restricts a child's freedom of movement or a portion of a child's body;
 - ii. Cannot be removed by the child; and
 - iii. Is used for the purpose of limiting the child's mobility;
 - b. But does not include an orthopedic, surgical, or medical device that allows a child to heal from a medical condition or to participate in a treatment program.
42. "Medication" means an agent, such as a drug or remedy, used to prevent or treat disease, illness or injury, including both prescribed and over-the-counter agents.
43. "Mobile dwelling" means a structure, such as a trailer or recreational vehicle as defined in A.R.S. § 41-2142(30). Mobile dwelling does not mean a mobile, manufactured, prefabricated, or modular home as defined in A.R.S. § 41-2142(14), (24), or (26).
44. "Neglect" has the same meaning as A.R.S. § 8-201(21).
45. "Non-ambulatory child" means a child who cannot walk due to a physical disability or impairment, rather than as a result of the child's normal age and developmental level.
46. "Onsite" means located on the physical property operated by the licensee for the purpose of the licensee's residential program and includes the contiguous area within:
 - a. A single structure;
 - b. A cluster of structures;
 - c. A complex containing single or multiple family dwelling units with or without separate entrances for each unit;
 - d. A campus containing any combination of the residences listed in subsections (a)-(c), as approved by the Licensing Authority.
47. "Operating certificate" means a document that the Licensing Authority issues to a particular facility that is run by an agency holding a license, as prescribed in R6-5-7409.
48. "Outdoor experience program" means a child welfare agency that is located in a cabin or portable structure such as a tent or covered wagon and primarily uses the outdoors to provide recreational and educational experiences in group living, either in a fixed campsite or in a program with an unfixd site, such as a wagon train or wilderness hike.
49. "*Out-of-home placement*" means the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to § 8-821, subsection A or B, voluntary placement pursuant to 8-806 or placement due to dependency actions. A.R.S. § 8-501(A)(7).
50. "*Overall time frame*" means the number of days after receipt of an application for a license during which [the licensing authority] determines whether to grant or deny a license. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame. A.R.S. § 41-1072(2).
51. Paid staff means:
 - a. A licensee's paid employees who work at a facility;
 - b. Any temporary worker or independent contractor the licensee uses as a temporary replacement for an employee who is sick, on leave, or unavailable; and
 - c. Any independent contractor that the licensee retains to provide children in care with direct services at the facility.
52. "*Parent or parents*" means the natural or adoptive mother or father of a child. A.R.S. § 8-501(A)(8).
53. "Person" means an individual, partnership, joint stock company, business trust, voluntary association, corporation, or other form of business enterprise, including non-profit or governmental organizations.
54. "Personally identifiable information" means any information which, when considered alone, or in combination with other information, identifies, or permits another person to readily identify the person who is the subject of the information, and includes:
 - a. Name, address, and telephone number;
 - b. Date of birth;
 - c. Photograph;
 - d. Fingerprints;

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- e. Physical description;
 - f. School;
 - g. Place of employment; and
 - h. Unique identifying number, including:
 - i. Social Security number;
 - ii. Driver's license number;
 - iii. License number; and
 - iv. Court case number.
55. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement, but does not include holding a child firmly enough to prevent the child from harming himself or herself, or others, but gently enough so that the child is not harmed by being held.
56. "Placing agency or person" means the child placing agency, parent, or guardian, having legal custody of a child and who makes the decision to send the child to reside at a particular agency.
57. "Potentially hazardous food" means a food that is:
 - a. Natural or synthetic and capable of rapid and progressive growth of infectious or toxigenic microorganisms or the growth and production of *Clostridium botulinum*;
 - b. Of animal origin and is raw or has been heated;
 - c. Of plant origin and is heated or consists of raw seed sprouts;
 - d. A cut melon; or
 - e. A garlic and oil mixture.
58. "Program director" means a person who meets the qualifications listed in R6-5-7432(B).
59. "*Relative*" means a grandparent, great grandparent, brother or sister of whole or half blood, aunt, uncle, or first cousin. A.R.S. § 8-501(A)(12).
60. "Residential environment" means a facility building or any portion of a facility building that is used for living, sleeping, counseling, dining, or academic purposes.
61. "Restrictive behavior management" means a form of behavior control that is subject to limitations as prescribed in R6-5-7456(D)-(F).
62. "Safeguard" means to use reasonable and developmentally appropriate measures to minimize the risk of harm to a child in care and to ensure that a child in care will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Article, safeguarding may include:
 - a. Locking up a particular substance or item;
 - b. Putting a substance or item beyond the reach of a child who is not mobile;
 - c. Erecting a barrier that prevents a child from reaching a particular place, item, or substance;
 - d. Mandating the use of protective safety devices;
 - e. Providing staff supervision; or
 - f. Providing a young adult with safety information and generalized instruction necessary to promote the safe and appropriate use of potentially dangerous objects.
63. "Seclusion" means placing a child alone in a room with closed, locked doors that cannot be opened from the inside as prohibited by R6-5-7456(C)(6).
64. "Service plan," which is sometimes described as a "case plan," means a goal-oriented, time-limited individualized program of action that:
 - a. Describes the plans for treating and providing services to a child and the child's family, and
 - b. Is developed by a licensee in cooperation with a child's service team.
65. "Service team" means the group of persons listed in R6-5-7441(D)(1) who participate in development and review of a child's service plan and discharge plan.
66. "Shelter care facility" means an agency facility that receives children for temporary out-of-home care, 24 hours per day, when children request care, or are placed in care by a placing agency, a law enforcement agency, a parent, a guardian, or a court.
67. "Significant person" means a person who is important or influential in a child's life and may include a family member or close friend.
68. "Sleeping area" means a single bedroom, or a cluster of two or more bedrooms, located in an adjacent area of a dwelling.
69. "Social worker" means a person with a bachelor's, master's, or doctoral degree in a field of organized work called social work, which is intended to advance the social conditions of a community through provision of counseling, guidance, and assistance, especially in the form of social services to individuals.
70. "Staff" means a licensee's paid staff and unpaid staff.
71. "*Substantive review time frame*" means the number of days after the completion of the administrative completeness review time frame during which [the licensing authority] determines whether an application or applicant for a license meets all substantive criteria required by statute or rule. Any public notice and hearings required by law shall fall within the substantive review time frame. A.R.S. § 41-1072(3).
72. "Swimming pool" means any on-grounds, natural or man-made body of water that is used for the purposes of swimming, recreation, or physical therapy, and includes spas and hot tubs.
73. "Threat" means an expression of intent to hurt, destroy, or take action prohibited by this Article or the licensee's policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Article or the licensee's policies.
74. "Transitional program" means services provided to a child who is being emancipated as an adult, or a person who has reached the age of 18 and is considered an adult as a matter of law, in order to assist the child or person in becoming independent.
75. "Unpaid staff" means a licensee's volunteers, students, and interns who work, train, or assist at a facility.
76. "Unusual incident" means one or more of the events listed in R6-5-7434(C), (D), (E), or (G).
77. "Work day" means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Arizona state holidays.
78. "Young adult" means an individual, age 16 to 21, who has been assessed and determined to be appropriate for preparation for adult self-sufficiency. The assessment or determination shall be made by:
 - a. The placing agency, if the young adult is in the care, custody, and control of the state of Arizona;
 - b. A parent or legal guardian of the young adult, if subsection (a) does not apply;
 - c. The licensee, if subsections (a) and (b) do not apply.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7401 repealed; new Section R6-5-7401 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2). Amended by emergency rulemaking at 12 A.A.R. 2233, effective June 1, 2006 for 180 days (Supp. 06-2). Emergency renewed at

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12 A.A.R. 4732, effective November 28, 2006 for 180 days (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 2049, effective May 21, 2007 (Supp. 07-2).

R6-5-7402. Request for Initial Application - New Applicant

- A.** A person who wants to operate a residential group care facility shall initiate the licensing process by contacting the Licensing Authority to request an application for a child welfare agency license.
- B.** Upon request, the Licensing Authority shall send the prospective applicant an application package containing:
1. A cover letter outlining the licensing process and requesting a responsive letter of intent,
 2. An application form,
 3. A statement of requirements for licensure, and
 4. A form the applicant can use to obtain city or county zoning clearance.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7402 repealed; new Section R6-5-7402 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7403. Letter of Intent - New Applicant

- A.** The prospective applicant shall prepare a responsive letter of intent to proceed with licensure, and return it to the Licensing Authority. The letter of intent shall include the following information:
1. The applicant's name, address, and telephone and telefacsimile numbers;
 2. The name of the applicant's chief executive officer or administrator, with a description of that person's qualifications to operate the agency;
 3. A description of community or statewide need for the service or program the applicant intends to provide;
 4. A plan for financing the proposed agency during the first year of operation;
 5. A statement that the applicant has conferred with the school district where the facility will be located to advise the district of any special needs that children likely to be in care at the facility may have; and
 6. A description of the proposed agency's program and services, which shall address the following areas, if applicable:
 - a. Any organization from which the applicant will seek accreditation;
 - b. The form of on-campus educational programs the applicant will offer;
 - c. The characteristics of the children the applicant plans to serve;
 - d. The applicant's primary source of referrals;
 - e. The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;
 - f. Whether the applicant will employ behavioral health practitioners, or contract for behavioral health services; and
 - g. A general description of the number and qualifications of the applicant's professional staff.
- B.** Within 10 work days of receiving a letter of intent, a licensing representative shall contact the applicant.
1. If the Licensing Authority determines that an applicant may require licensure as a behavioral health service agency under A.R.S. § 36-405 and 9 A.A.C. 20, the Licensing Authority shall refer the applicant to the Department of Health Services for evaluation. In determining whether to refer an applicant to DHS, the Licens-

ing Authority shall consider the factors set forth on Appendix 1.

2. For all other applicants, the representative shall schedule an appointment for a licensing consultation. The appointment shall occur within 45 calendar days of the date the Licensing Authority receives the letter of intent, unless the applicant requests a later consultation.
3. If DHS declines to license an applicant as a behavioral health service agency, and refers an applicant to the Department for licensure as a child welfare agency, the applicant shall contact the Licensing Authority to request a licensing consultation. The Licensing Authority shall schedule the consultation within 45 calendar days of the date of the request, unless the applicant requests a later consultation.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Amended subsection (O), paragraph (1) effective January 21, 1985 (Supp. 85-1). Former Section R6-5-7403 repealed; new Section R6-5-7403 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7404. The Licensing Consultation; Time for Completion of Application

- A.** At the licensing consultation, a licensing representative shall review the licensing application form with the applicant. The licensing representative shall explain the requirements for licensure and shall advise the applicant about:
1. The information and documentation the applicant must provide to complete the application or licensing process, as set forth in R6-5-7405;
 2. The fingerprinting and background checks required by A.R.S. § 46-141 and R6-5-7431;
 3. The need for a DHS health and safety inspection of the agency and each facility, and the process for scheduling the inspection;
 4. The need to obtain a fire inspection and zoning clearance for the each facility;
 5. The need to confer with the local school district to discuss any special educational needs that the children to be served may present;
 6. The timelines for submission of application information; and
 7. The need for the Licensing Authority to conduct a site inspection as prescribed in R6-5-7406.
- B.** No later than 60 days after the licensing consultation, the applicant shall provide the Licensing Authority with a complete application package, as prescribed in R6-5-7405(A).
- C.** If the applicant cannot provide the information within 60 days, the applicant shall contact the Licensing Authority to request an extension of time. The Licensing Authority shall allow an extension for a fixed period of time, which shall not exceed 120 days past the original 60 days.
- D.** If the applicant fails to provide the information within the time periods specified in subsections (B) and (C), the Licensing Authority shall close the applicant's file and send the applicant a written notice of closure. An applicant whose file has been closed shall reapply.
- E.** For an initial application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the applicant submits the application form and the required documentation listed in R6-5-7405(A).

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7404 repealed; new Section R6-5-7404

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filed with the Secretary of State's Office May 15, 1997;
adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7405. Complete Application; Initial License - New Applicant

A. A complete application package for an initial license of a new agency shall contain the information and supporting documentation listed in this subsection.

1. Identification and background information: agency, facility, administrators.
 - a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
 - b. Name, title, business address, and telephone and telefacsimile numbers of:
 - i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
 - ii. The person who serves as the program director as prescribed in R6-5-7432(B);
 - iii. The person with delegated authority to act when the CEO is absent;
 - iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
 - v. Persons holding at least a 10% ownership interest in the applicant; and
 - vi. The agency and facility medical directors, if applicable;
 - c. The educational qualifications and work history for each person identified in subsection (A)(1)(b), with that person's attached resume, employment application, or curriculum vitae;
 - d. A list of the members of the agency's governing body described in R6-5-7424, including: name, address, position in the agency, term of membership, and any relationship to the applicant;
 - e. A list of licenses or certificates for provision of medical or social services, currently or previously held by the applicant or persons listed in subsection (A)(1)(b), including those held in this state or another state or country;
 - f. A written description of any proceedings for denial, suspension or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (A)(1)(b), including those held in this state or another state or country; and
 - g. A written description of any litigation in which the applicant or a person listed in subsection (A)(1)(b) has been a party, including, without limitation, collection matters and bankruptcy proceedings during the 10 years preceding the date of application.
2. Business organization.
 - a. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority;
 - b. Business organization documents appropriate to the applicant, including:
 - i. Articles of incorporation, by-laws, annual reports for the preceding three years; or
 - ii. Partnership or joint venture agreement;
 - c. For corporations, a certificate of good standing from the Arizona Corporation Commission or comparable entity from a foreign state; and
 - d. A statement as to whether the applicant is for-profit or not-for-profit if not explained in other documents already provided.

3. Staff.
 - a. A list of the applicant's paid staff, including:
 - i. Name;
 - ii. Position or title;
 - iii. Degrees, certificates, or licenses held;
 - iii. Business address;
 - iv. Date of hire;
 - v. Date of last physical; and
 - vi. Date of submission for fingerprinting and background clearance;
 - b. Evidence that staff have submitted fingerprints and criminal background information, as prescribed in A.R.S. § 46-141 and R6-5-7431 and obtained a physical exam as prescribed in R6-5-7431(F); and
 - c. For any staff whose primary residence is the facility,
 - i. The name and date of birth of any persons residing with the staff member;
 - ii. Evidence that any adult residing with the staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and
 - iii. Evidence that the staff member's children who reside at the facility have current immunizations.
4. Financial Stability.
 - a. A written, proposed operating budget for start up and the first year of operation;
 - b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
 - c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
 - d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining nine months of the licensing year; the resources may include:
 - i. Cash;
 - ii. Contracts for placement;
 - iii. Donations;
 - iv. Grants; and
 - v. Authorization for a line of credit;
 - e. If the applicant or one of the persons listed in subsection (A)(1)(b) has operated any child welfare agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that agency, unless the most recent statement or audit is more than 10 years old; and
 - f. A certificate of insurance, or letter of commitment from an insurer, showing that the applicant has insurance coverage as prescribed in R6-5-7426.
5. Program.
 - a. Informational or advertising material about the agency and its facility;
 - b. For each facility, a written description of:
 - i. All services the applicant intends to provide;
 - ii. The number and type of children the applicant will serve, including: age, gender, special needs, or particular behavior problems;
 - iii. The anticipated sources of placement and referral;

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- iv. Number and qualifications of paid staff who will provide services, including the staff-child ratio, per living unit, during a 24-hour day, for a seven-day week; and
 - c. Program description, including:
 - i. Goals and objectives;
 - ii. Educational activities, with attached copy of Arizona Department of Education approval, if applicable;
 - iii. Recreational activities;
 - iv. Food and nutrition, with sample menus;
 - v. Behavior management practices;
 - vi. Religious practices, if any; and
 - vii. Medical services.
 - 6. Documentation, Forms, and Notices. Samples of all documents, forms, and notices which the applicant will use with or provide to children placed with the agency, the parents and guardians of those children, and the persons and entities who place children, including:
 - a. Agency application for services;
 - b. Agency placement agreement;
 - c. Intake form;
 - d. Child's case file and medical record;
 - e. Forms for reports to courts and placing agencies;
 - f. Statement of client rights;
 - g. Unusual incident reports; and
 - h. Sample medication logs.
 - 7. Policies and Procedures. The applicant's internal policies, procedures, and operations manual.
 - 8. Physical site and environment.
 - a. The floor plan for each facility;
 - b. A DHS health and safety inspection report for each facility;
 - c. Documentation showing that the local zoning authority verifies that each agency facility complies with all applicable zoning requirements;
 - d. Fire safety inspection report from the state fire marshal or a local fire department inspector for each facility;
 - e. Any water supply report as prescribed in R6-5-7458(D);
 - f. Gas equipment inspection report as prescribed in R6-5-7465(D)(1); and
 - g. Any other inspection certificates or reports prescribed in this Article, and any building occupancy certificates.
 - 9. Miscellaneous.
 - a. A statement authorizing the Department to investigate the applicant;
 - b. The signature, under penalty of perjury, of the agency administrator or person submitting the application, attesting to the truthfulness of the information contained in the application; and
 - c. The date of application.
- B.** If an applicant has attached a copy of a policy or procedure which describes the applicant's practice or procedure on a particular issue, the applicant need not separately describe the policy or procedure on the application form, but shall indicate that the description is contained in a particular identified and attached policy.
- C.** If the Licensing Authority needs additional information to determine the applicant's fitness to hold a license or an operating certificate, ability to perform the duties of a licensee as prescribed in this Article, or ability to fulfill the requirements prescribed in the applicant's policies, procedures, and program description, the Licensing Authority may require the applicant to provide additional information, including a signed form permitting a specifically named person or entity to release information to the Licensing Authority.
- D.** An agency which does not have or is unable to obtain all or part of the information or supporting documentation listed in subsection (A) shall so indicate in a written statement filed with the application. The written statement shall explain why the information or documentation is unavailable.
- Historical Note**
Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7405 repealed; new Section R6-5-7405 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).
- R6-5-7406. Site Inspection**
- A.** After receiving a complete application package, the Licensing Authority shall notify the applicant that the application is complete, and shall schedule the applicant for a site inspection, which may require more than one visit to a site.
- B.** The site inspection shall begin no later than 45 days after the Licensing Authority receives the applicant's completed application package.
- C.** During the site inspection, the licensing representative shall:
1. Inspect the facility to ensure that any deficiencies identified in the DHS inspection report have been remedied;
 2. Verify that the facility meets the requirements of this Article;
 3. Review the applicant's policies and procedures;
 4. Review model client files;
 5. Review personnel files;
 6. Inspect the applicant's books, records, and proposed forms;
 7. Interview one or more of the applicant's governing board members, incorporators or organizers, and a representative sampling of staff who have been hired; and
 8. Inspect the applicant's computer security system and review the applicant's confidentiality safeguards.
- D.** For an initial application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 75 days. Before expiration of the time-frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).
- E.** If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.
- Historical Note**
Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7406 repealed; new Section R6-5-7406 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).
- R6-5-7407. Licensing Study**
- A.** The licensing representative shall summarize the results of the site visit, and other information gathered during the licensing process in a written licensing study, which shall be the basis for the licensing decision.
- B.** The licensing study shall describe whether the applicant has:
1. Complied with all application and inspection requirements; and
 2. Demonstrated that it has:
 - a. The capital to pay all start-up costs and the financial ability to meet one year's operating expenses, as prescribed in R6-5-7405(A)(4);

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- b. The staff, expertise, facilities, and equipment to provide the services it plans to offer; and
 - c. The ability and intent to comply with the standards and requirements of this Article.
- C. The applicant may obtain a copy of the licensing study, upon request.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7407 repealed; new Section R6-5-7407 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7408. Licensing Decision: Issuance; Denial; Time-Frames

- A. The Licensing Authority shall issue a written licensing decision within 30 days of concluding the applicant's final site visit. This 30 day period is the substantive review time-frame required by A.R.S. § 41-1072(3).
- B. The licensing decision shall explain whether the Licensing Authority will grant or deny a license, and the terms of the license.
- 1. If the Licensing Authority grants a license, the Licensing Authority shall send the license and any operating certificates with the notification letter.
 - 2. If the Licensing Authority issues a provisional license as prescribed in R6-5-7419 or denies a license, the Licensing Authority shall send the notice by certified mail. The notice shall contain the information listed in R6-5-7421(B) for a notice of adverse action.
- C. The overall time-frame for an initial license is 105 days.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7408 repealed; new Section R6-5-7408 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability

- A. If an agency's administrative office is located separately from an agency facility, the Licensing Authority shall issue a license to the agency and an operating certificate to each facility the agency operates. If the agency and facility occupy the same location, the Licensing Authority shall issue only a license, with the information required for an operating certificate.
- 1. A license shall:
 - a. Identify the agency name, and the geographic area in which the agency is licensed to operate;
 - b. List each facility the agency operates, and the total number of children the agency is authorized to serve; and
 - c. Require the agency to operate each facility in accordance with the operating certificate issued to the particular facility.
 - 2. An operating certificate shall:
 - a. Identify the agency operating the facility;
 - b. Identify the facility name, if different from the agency name, and the geographical area in which the facility is authorized to operate;
 - c. List the type of service or program to be offered at the facility; and
 - d. Specify the number, gender, and ages of children the facility may receive for care.
- B. An operating certificate is not valid unless it has been issued in the name of an agency holding a license. Except as otherwise prescribed in subsection (A) for an agency and facility at the

same location, a facility cannot operate without a current operating certificate.

- C. A license and an operating certificate expire one year from the date of issuance, except as otherwise provided in R6-5-7410 for satellite facilities and in R6-5-7419 for provisional licenses.
- D. An agency shall post its current license in the agency, in a conspicuous location, visible to the public. The agency shall post a facility's current operating certificate in a conspicuous location within the facility.
- E. A license and an operating certificate cannot be transferred or assigned, and shall expire upon a change in ownership. For the purpose of this Section, a "change in ownership" includes any of the following events:
 - 1. Sale or transfer of the agency or facility;
 - 2. Bulk sale or transfer of the agency's or facility's assets or liabilities;
 - 3. Placement of the agency or facility in the control of a court appointed receiver or trustee;
 - 4. Bankruptcy of the agency or facility;
 - 5. Change in the composition of the partners or joint venturers of an agency or facility organized as a partnership;
 - 6. Sale or transfer of a controlling interest in the stock of a corporate agency or facility; or
 - 7. Loss of an agency's or facility's nonprofit status.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Amended effective May 25, 1979 (Supp. 79-3). Amended subsection (H) effective January 2, 1981 (Supp. 81-1). Former Section R6-5-7409 repealed; new Section R6-5-7409 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility

- A. A currently licensed agency that wishes to obtain an operating certificate for an additional satellite facility shall send the Licensing Authority a letter of intent. The letter of intent shall include the following information:
- 1. The applicant's name, address, and telephone and telefacsimile numbers;
 - 2. The name of the applicant's chief executive officer or administrator;
 - 3. The name, address, and telephone and telefacsimile numbers of the additional facility;
 - 4. A request that the Licensing Authority schedule the additional facility for a DHS health and safety inspection;
 - 5. The name of the person who will be in charge of the additional facility, with a description of that person's qualifications;
 - 6. A description of program and services to be offered at the proposed facility, including any policy or procedures unique to the facility;
 - 7. A statement as prescribed in R6-5-7403(A)(5) for the applicable school district; and
 - 8. All of the information listed in R6-5-7405(A) that differs from the information already on file for the agency, including:
 - a. Floor plan,
 - b. Fire inspection,
 - c. Zoning clearance letter,
 - d. Certificate of insurance,
 - e. Evidence of financial stability,
 - f. List of paid staff with the information required by R6-5-7405(A)(3), and
 - g. Facility staffing schedule.

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- B.** Upon receipt of all information listed in subsection (A), and a report of the DHS health and safety inspection, the Licensing Authority shall schedule the facility for a site inspection, as provided in R6-5-7406.
- C.** The Licensing Authority shall prepare a licensing study and issue a licensing decision on the application for the additional operating certificate as prescribed in R6-5-7407 through R6-5-7408. In determining whether to grant an additional operating certificate to an agency operating under a provisional license, the Licensing Authority shall also consider:
1. The nature and extent of the problems giving rise to the deficiency that caused the agency to be placed on provisional license status; and
 2. The agency's progress on its corrective action to resolve the problems.
- D.** An operating certificate for an additional satellite facility expires at the end of an agency's regular licensing year.
- iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
 - v. Persons holding at least 10% ownership interest in the applicant; and
 - vi. The agency and facility medical directors, if applicable;
- c. The educational qualifications and work history for each person listed in subsection (D)(4)(b), with that person's attached resume, employment application, or curriculum vitae;
 - d. A list of the members of the agency's governing body described in R6-5-7424, including name, address, position in the agency, term of membership, and any relationship to the applicant;
 - e. A list of licenses or certificates for provision of medical or social services currently or previously held by the applicant or persons listed in subsection (D)(4)(b), including those held in this state or another state or country; the list shall include the dates the person held the license or certificate;
 - f. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (D)(4)(b), including those held in this state or another state or country; and
 - g. A written description of any litigation in which the applicant or a person listed in subsection (D)(4)(b) has been a party during the 10 years preceding the date of application, including, collection matters and bankruptcy proceedings.
5. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority.
 6. The following information on staff:
 - a. A list of applicant's paid staff, including:
 - i. Name;
 - ii. Position or titles;
 - iii. Degrees, certificates, or licenses held;
 - iv. Business address;
 - v. Date of hire;
 - vi. Date of last physical; and
 - vii. Date of submission for fingerprinting and background clearance;
 - b. For any staff whose primary residence is the facility:
 - i. The name and date of birth of any persons residing with a staff member;
 - ii. Evidence that any adult residing with a staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and
 - iii. Evidence that the staff member's children who reside at the facility have current immunizations.
 7. Copies of any written complaints the agency has received about its performance at its facilities during the expiring license year and the agency's response to the complaints; and
 8. A written description of any changes in program services or locations, or the children served by the agency.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7410 repealed; new Section R6-5-7410 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7411. Application for Renewal of License and Operating Certificates

- A.** No earlier than 90 and no later than 60 days prior to the expiration date of a license, an agency may apply to the Licensing Authority for renewal of its license and any operating certificates. The Licensing Authority does not have a duty to notify the agency of license expiration. The agency shall contact the Licensing Authority to request a renewal application and to schedule a DHS health and safety inspection. The agency shall schedule its own fire inspection. Failure to timely apply or obtain inspections may result in suspension of the agency's license until the renewal process is completed.
- B.** An agency shall apply for renewal on a Department application form containing the information required in this Section.
- C.** An agency shall submit copies of the completed renewal application and supporting documents to the Licensing Authority. If the agency has not amended, changed or updated the information or documentation since the agency last applied for or renewed its license, the agency shall indicate "no change" on the documents submitted with the renewal application.
- D.** With a renewal application, the agency shall also submit the following documentation:
1. A current financial statement prepared by an independent certified public accountant who is not employed by the agency;
 2. A certificate of current insurance coverage as prescribed in R6-5-7426;
 3. A copy of the agency's current budget and the agency's audit report for its preceding fiscal year;
 4. Identification of and the following background information on the agency, facility, and administrators:
 - a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
 - b. Name, title, business address, and telephone and telefacsimile number of:
 - i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
 - ii. The person who serves as the program director as prescribed in R6-5-7432(B);
 - iii. The person with delegated authority to act when the CEO is absent;
- E.** For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins

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when the applicant submits a renewal application form and the required documentation listed in this Section.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7411 repealed; new Section R6-5-7411 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7412. Renewal of License and Operating Certificates: Site Inspection; Time-frames; Standard for Issuance

- A. Upon receipt of a complete renewal application, the Licensing Authority shall schedule the renewal applicant for a DHS health and safety inspection.
- B. Upon receipt of the DHS inspection report and a complete renewal application package, the Licensing Authority shall schedule the applicant for a site inspection of the agency and each agency facility.
- C. At the renewal site inspection, the licensing representative shall investigate the agency and facilities as prescribed in R6-5-7406, and may also:
 1. Interview staff,
 2. Interview clients and references,
 3. Observe staffings,
 4. Review a random sample of client and staff files,
 5. Conduct field visits to agency branch offices and facilities.
- D. For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 45 days. Before expiration of the time-frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).
- E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.
- F. The Licensing Authority shall issue a licensing decision within 25 calendar days of concluding the applicant's final site visit. This 25-day period is the substantive review time-frame under A.R.S. § 41-1072(3). The overall time-frame for a issuance of a renewal license is 70 days.
- G. The Licensing Authority may renew an agency's license and any operating certificate for its facility when the agency and facility:
 1. Demonstrate compliance with the standards set forth in applicable statutes and this Article;
 2. Have complied with applicable statutes and the requirements of this Article during the expiring period of license; and
 3. Have corrected any problems that resulted in imposition of a provisional license.
- H. The Licensing Authority shall issue a renewal licensing decision as prescribed in R6-5-7408(B).

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7412 repealed; new Section R6-5-7412 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes

- A. A licensee shall send the Licensing Authority written notification of any planned change in the licensee's name, ownership,

agency location, facility location, governing board member, chief executive officer, or program director, at least one month before the change. If the change occurs without sufficient time for prior written notice, the licensee shall orally notify the Licensing Authority as soon as the change is known, and shall send the Licensing Authority written confirmation within 48 hours of giving oral notice.

- B. If a licensee wishes to make a substantial change as described in subsection (C), the licensee shall:
 1. Provide the Licensing Authority with prior written notice of the change at least one month before the effective date of the change; and
 2. Apply for an amended license as prescribed in R6-5-7414.
- C. As used in subsection (B), "substantial change" means any of the following:
 1. An event that will cause the licensee to be out of compliance with:
 - a. The terms stated on the face of the license or an operating certificate; or
 - b. A standard prescribed in this Article;
 2. A change in a building or a physical site at the agency or facility if that change will alter the level or nature of care provided to children; or
 3. Substantive revision of the policies and procedures required by this Article.
- D. Within five work days of a paid staff member's hiring or separation, the licensee shall complete and send the Licensing Authority a Department form LC-008, "Child Welfare Agency Employee Central Registry," with the following information on the paid staff member:
 1. Name,
 2. Date of birth,
 3. Social security number,
 4. Date fingerprinted and fingerprinting results,
 5. Position held,
 6. Date of and reason for separation from employment, and
 7. Opportunity for rehire.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7413 repealed; new Section R6-5-7413 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7414. Amended License or Operating Certificate

- A. The Licensing Authority may issue an amended license or operating certificate to reflect a change in an agency or facility name or the terms of a license or an operating certificate if the change does not cause the agency or facility to fall out of compliance with applicable statutes and this Article.
- B. The Licensing Authority shall not issue a license for an agency or an operating certificate for a facility that has moved to a new location until the agency or facility has:
 1. Provided the information listed in R6-5-7405(A)(8),
 2. Passed a DHS health and safety inspection,
 3. Passed a fire inspection,
 4. Passed a Licensing Authority site inspection, and
 5. Submitted any new staff and household members for fingerprinting and criminal background checks as prescribed in A.R.S. § 46-141 and R6-5-7431.
- C. An amended license or operating certificate expires at the end of the agency or facility's regular licensing year.

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Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7415. Alternative Method of Compliance

- A.** The Licensing Authority, with the approval of the Attorney General's Office, may permit a licensee to substitute an alternative method of compliance for a licensing requirement or objective prescribed in this Article and not otherwise required by law, if the following conditions are met:
1. The licensee seeking to achieve compliance through an alternative methodology proposes, to the satisfaction of the Licensing Authority, that the licensee can satisfy the objective of the requirement through the alternative methodology; and
 2. Allowing the licensee to achieve compliance through an alternative method will not jeopardize the health, safety, or well-being of children who are or may be placed in the licensee's care.
- B.** Approval of an alternative methodology expires as prescribed in the written letter authorizing the alternative, or at the end of the licensing year, and must be annually renewed.
- C.** The Licensing Authority is not obligated to permit an alternative method of compliance or to renew approval of the alternative methodology.
- D.** The Licensing Authority shall document the alternative and the findings required by subsection (A) in the licensing file.
- E.** The Licensing Authority may revoke the licensee's permission to comply through an alternative method if the Licensing Authority finds that a condition listed in subsection (A)(1) or (2) is not met.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7416. Monitoring

- A.** The Licensing Authority shall monitor the ongoing operations of agencies and facilities.
- B.** Monitoring activities may include the following:
1. Announced and unannounced inspections of an agency or a facility, including both physical premises and internal operations, books, records, policies, procedures, logs, manuals, files, inspection reports, certificates, and any other document prescribed by this Article;
 2. Interviews with clients, staff, or other persons with information about the agency; and
 3. Observation of program activities.
- C.** A licensee shall cooperate with the Licensing Authority's monitoring functions. Cooperation includes:
1. Making the agency, facility, and program activities available to licensing representatives for inspection and observation;
 2. Providing the Licensing Authority with information or documentation requested;
 3. Making staff available for interview; and
 4. Allowing children in care to be interviewed.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7417. Complaints; Investigations

- A.** If the Licensing Authority receives an oral complaint about a licensee, agency, or facility, the Licensing Authority shall ask the complaining party to submit the complaint in writing, but shall investigate complaints as prescribed in this Section even if the complaining party does not put the complaint in writing.

- B.** The Licensing Authority shall refer all complaints involving allegations of child maltreatment to CPS as required by A.R.S. § 13-3620 for investigation as prescribed in A.R.S. § 8-546.01(C).
- C.** The Licensing Authority shall investigate complaints about a licensee through one or more of the following methods:
1. Telephone contact with the licensee,
 2. Interviews with the complaining party,
 3. Interviews with the licensee's staff,
 4. Interviews with the licensee's clients,
 5. Interviews of witnesses to the matters at issue,
 6. Inspections of records and documents related to the issues raised in the complaint,
 7. Announced and unannounced inspections of the agency or a facility,
 8. Evaluation of a law enforcement or CPS report for evidence of a licensing violation, and
 9. Any other activity necessary to validate or refute the allegations.
- D.** A licensee shall cooperate in any Department investigation as prescribed in R6-5-7416(C).
- E.** Upon completion of an investigation as described in subsection (C), the Licensing Authority shall:
1. Find that the complaint is invalid, document the findings in the agency's licensing file, and close the investigation;
 2. Find that the complaint is valid and take disciplinary action against the licensee as prescribed in R6-5-7419 and R6-5-7420, or require corrective action as prescribed in R6-5-7418; or
 3. Find that the complaint cannot be validated or refuted based on the available evidence and document the finding in the licensing file.
- F.** The Licensing Authority shall provide the licensee with an oral report of any findings made under subsection (E) and, upon the licensee's request, a copy of the written findings placed in the licensee's file. At the time of giving the oral report, the licensing representative shall advise the licensee of the opportunity to obtain a copy of the written findings.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7418. Corrective Action

- A.** If a deficiency is correctable within a specified period of time and does not jeopardize the health or safety of a child, the Licensing Authority may place the agency on a corrective action plan to cure the deficiency in lieu of the disciplinary measures prescribed in R6-5-7419 and R6-5-7420.
- B.** In determining whether to require corrective action in lieu of other disciplinary action, the Licensing Authority shall consider the following criteria:
1. The nature of the deficiency;
 2. Whether the deficiency can be corrected;
 3. Whether the licensee and its affected staff understand the deficiency and show a willingness and ability to participate in corrective action;
 4. The length of time required to implement corrective action;
 5. Whether the same or similar deficiencies have occurred on prior occasions;
 6. Whether the licensee has had prior corrective action plans, and, if so, the licensee's success in achieving the required goals of the plan;
 7. The licensee's history in providing care; and

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8. Other similar or comparable factors demonstrating the licensee's ability and willingness to follow through with a corrective action plan and avoid future deficiencies.
- C. The agency shall prepare a corrective action plan for the review and approval of the Licensing Authority.
1. The plan shall explain:
 - a. How the agency will remedy the non-compliance;
 - b. The time periods for completing all corrective action; and
 - c. The agency staff responsible for carrying out the corrective action plan.
 2. The plan shall provide for the agency to send the Licensing Authority periodic reports on the agency's progress, and a final report when all corrective action is completed.
 3. An authorized representative of the agency shall sign and date the corrective action plan.
- D. In deciding whether to approve a plan, the Licensing Authority shall ensure that the plan:
1. Will correct the identified deficiency within a specified period of time;
 2. Identifies persons responsible for executing the steps listed in the plan; and
 3. Permits the Licensing Authority to monitor the Licensee's progress in completing the plan.
- E. The Licensing Authority may conduct announced and unannounced inspections of the agency or facility to monitor implementation of a corrective action plan. The licensee shall cooperate in any monitoring inspection as prescribed in R6-5-7416(C).

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7419. Provisional License

- A. If an agency or a facility is temporarily unable to conform to the standards prescribed in this Article, the Licensing Authority may issue a provisional license to the agency, or convert a regular license to provisional status, as prescribed in A.R.S. § 8-505(C). For the purpose of this Section, "temporarily unable" means a time period of six months or less.
- B. The Licensing Authority may impose provisional license status on an agency operating multiple facilities even though less than all facilities are out of compliance.
- C. The Licensing Authority may issue a provisional license only when:
1. The non-compliance is correctable; and
 2. The non-compliance does not jeopardize the health, safety, or well-being of children in care.
- D. If the Licensing Authority issues a provisional license, the agency shall cooperate with the Licensing Authority to develop a written corrective action plan that meets the requirements of R6-5-7418(C) and (D) and shall comply with the terms of the plan.
- E. If an agency receives a provisional license at the time of annual renewal and the license is later converted to a regular license during the agency's licensing year, the regular license expires one year from the date the provisional license was issued.
- F. If an agency receives a regular license at the time of annual renewal, and the license is converted to a provisional license during the agency's licensing year, the agency's license expires one year from the date the regular license was issued.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7420. Denial, Suspension, and Revocation of a License or Operating Certificate

- A. The Licensing Authority may deny, suspend, or revoke a license or operating certificate when:
1. An applicant or licensee has violated or is not in compliance with licensing rules and standards, Arizona state or federal statutes, or city or county ordinances or codes;
 2. An applicant or licensee refuses to cooperate with the Licensing Authority in providing information required by these rules or any information required to determine compliance with these rules;
 3. An applicant or licensee misrepresents or fails to disclose information to the Department regarding qualifications, experience, or performance of duties;
 4. A licensee fails to cooperate in developing a corrective action plan after a request by the Licensing Authority, or fails to comply with a corrective action plan; or
 5. An applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children in care.
- B. In determining whether to deny a license, to take disciplinary action against a licensee, or to renew a license, the Licensing Authority may consider the licensee's past history from other licensing periods, both in Arizona and in other jurisdictions, and shall consider a pattern of violations of applicable child welfare statutes or rules, as evidence that an applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children.
- C. The Licensing Authority shall deny, suspend, or revoke a license when an individual applicant or licensee has been convicted of or is awaiting trial on the criminal offenses listed in A.R.S. § 46-141.
- D. The Licensing Authority shall deny, suspend, or revoke a license when an agency or facility:
1. Retains staff who have been convicted of or are awaiting trial on the criminal offenses listed in A.R.S. § 46-141;
 2. Allows an adult other than those described in subsection (D)(1), who has been convicted of or is awaiting trial on the offenses listed in A.R.S. § 46-141, to reside at a facility; or
 3. Allows any staff or other adult at the facility, who has committed an offense listed in A.R.S. § 46-141(D), to have contact with children in care.
- E. The Licensing Authority may deny, suspend, or revoke a license when an applicant or licensee, any staff member, or any other adult who resides at the facility, has been convicted of or found by a court to have committed, or is awaiting trial on any criminal offense, other than those listed in A.R.S. § 46-141. In determining whether a person's criminal history affects an applicant's or licensee's fitness to hold a license, the Licensing Authority shall consider all relevant factors, including the following:
1. The extent of the person's criminal record, if any;
 2. The length of time which has elapsed since the offense was committed;
 3. The nature of the offense and whether the offense was originally classified as a felony or a misdemeanor;
 4. The circumstances surrounding the offense;
 5. The degree to which the person participated in committing the offense;
 6. The extent of the person's rehabilitation; and
 7. The person's role within the agency or facility.

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Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7421. Adverse Action; Procedures; Effective Date

- A.** When the Licensing Authority plans to take adverse action against a licensee, the Licensing Authority shall give the licensee written notice of the adverse action by certified mail.
- B.** The notice shall specify:
1. The action taken;
 2. All reasons supporting the action;
 3. The sections of law justifying the action;
 4. The procedures by which an applicant or licensee may contest the action taken, and the time periods for doing so;
 5. An explanation of the applicant or licensee's right to request an informal settlement conference as prescribed in A.R.S. § 41-1092.03(A); and
 6. If the Licensing Authority summarily suspends a license as provided in A.R.S. § 41-1064(C), the required finding of emergency.
- C.** The following actions are not appealable adverse actions:
1. Imposition of a corrective action plan to bring the licensee into compliance with licensing requirements, absent any material change in licensing status;
 2. Denial or revocation of permission for an alternate method of compliance or operation of a barracks facility as prescribed in R6-5-7461(B) and R6-5-7462(B); and
 3. A staff member's failure to clear the criminal history check prescribed in R6-5-7431(B).
- D.** Except as otherwise provided in A.R.S. § 41-1064 for emergency suspensions, adverse action is effective:
1. If a licensee does not appeal the adverse action, 31 days after the postmark date of the notice prescribed in subsection (A); or
 2. If the licensee appeals the adverse action, when there is a final administrative decision, as prescribed in A.R.S. § 41-1092.08(D), affirming the adverse action.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7422. Appeals

- A.** An applicant may appeal the denial of a license and a licensee may appeal adverse action under A.R.S. § 8-506.01 and A.R.S. Title 41, Chapter 6, Article 10.
- B.** The applicant or licensee shall file a notice of appeal with the Licensing Authority. The notice shall contain the information required by A.R.S. § 41-1092.03(B).

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care

- A.** A licensee shall have a written statement which describes its philosophy, purpose, and program for children in care, and the nature and extent of any family involvement in the program.
- B.** A licensee shall have a written description of all services each facility provides to children in care and their families and the methods of service delivery.
- C.** A licensee shall follow all plans, policies, and procedures the licensee adopts in accordance with this Article.
- D.** A licensee shall annually evaluate whether a facility is achieving the objectives described in R6-5-7405(A)(5)(c)(i). The

licensee shall make a written report of the evaluation and provide a copy to the Licensing Authority at the time of license renewal.

- E.** A licensee shall have a statement of client rights.
- F.** A licensee shall not combine its child welfare program, as defined pursuant to subsection (A), with other forms of care or programming such as child care, nursing or convalescent care for adults, or adult developmental care unless the licensee:
1. Physically separates children in the child welfare program from persons in other programs, and
 2. Prevents interaction between children in the child welfare program and persons in other programs.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7424. Governing Body

- A.** A licensee shall have a governing body to oversee the operations, policies, and practices of the agency and its facilities. The governing body shall be:
1. The board of directors for an agency that is a non-profit corporation, or
 2. The board of directors or individual owner of an agency that is a for-profit organization.
- B.** The governing body shall:
1. Ensure that the licensee provides the services described in the licensee's statement of purpose;
 2. Adopt an annual budget of anticipated income and expenditures necessary to provide the services described in the licensee's statement of purpose;
 3. Approve the licensee's annual financial audit report;
 4. Establish a policy and procedure for selection and retention of staff sufficient to operate the agency and its facilities in accordance with this Article;
 5. Unless the licensee is a sole proprietorship, meet at least four times each year, and maintain records of attendance and minutes of the meetings;
 6. Develop criteria and written procedures for selection of the governing body members, and the chief executive officer as required by R6-5-7432(A);
 7. Employ a chief executive officer who meets the qualifications prescribed in R6-5-7432(A), to whom the governing body shall delegate responsibility for the daily administration and operation of the agency;
 8. Regularly evaluate the chief executive officer's performance; and
 9. Review and approve the agency's policies and procedures, and any amendments to them.
- C.** A licensee shall maintain a list of the governing body's members; the list shall include each member's the name, address, term of membership, and relationship to the licensee, if any.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7425. Business and Fiscal Management; Annual Audit

- A.** A licensee shall maintain complete and accurate accounts, books, and records as prescribed in this Article, and in accordance with generally accepted accounting practice.
- B.** A licensee shall operate on the annual budget approved by its governing board.
- C.** A licensee shall regularly record its financial transactions and maintain, for five years, its financial records including receipts, disbursements, assets, and liabilities.
- D.** A licensee shall have an annual, fiscal year-end, financial audit by an independent certified public accountant who shall con-

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duct the audit in accordance with generally accepted auditing standards. The audit report shall include the following financial information:

1. Income statement,
2. Balance sheet,
3. Statement of cash flow,
4. A statement showing monies or other benefits the licensee has paid or transferred to any of the following:
 - a. Business entities affiliated with the licensee,
 - b. The licensee's directors or officers,
 - c. The licensee's chief executive officer or program director,
 - d. The family member of a person listed in subsections (D)(2)(e)(ii) or (iii), or
 - e. Another agency.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7426. Insurance Coverage

A licensee shall have insurance coverage that provides protection against financial loss as prescribed in this Section.

1. The licensee shall carry liability insurance covering accidents, injuries, errors and omissions in the minimum amount of \$100,000 per person, and \$300,000 per accident or event.
2. The licensee shall ensure that any vehicle the licensee owns or uses to transport children in care has the following insurance coverage:
 - a. Injury per person: \$100,000,
 - b. Injury per accident: \$300,000, and
 - c. Property damage: \$25,000.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7427. Confidentiality

- A. Except as otherwise allowed by law, a licensee's records concerning children in care and their families are confidential, and the licensee shall not disclose or knowingly permit the disclosure of confidential information.
- B. A licensee shall have written policies and procedures for keeping records secure, in a manner that preserves confidentiality and prevents loss, tampering, or unauthorized use. The policies and procedures shall:
 1. Be consistent with any laws applicable to the specific records at issue; and
 2. Cover the following:
 - a. The form in which children's records are maintained and stored;
 - b. Identification of the staff who:
 - i. Supervise the maintenance of records,
 - ii. Have custody of records, and
 - iii. Have access to records;
 - c. The persons to whom records may be released and under what circumstances records may be released, including release of information to custodial and non-custodial parents and guardians;
 - d. Photography, audio or audio-visual recording, and public identification of children; and
 - e. Participation of children or use of children's records in data research.
- C. Before using personally identifiable information for publicity, fundraising, or research, a licensee shall obtain:

1. A written consent to release, as prescribed in subsection (E), from the child who is the subject of the information, if developmentally appropriate; and
 2. A written consent to release, as prescribed in subsection (E), from the child's placing agency or person; or
 3. Written authorization from the court, if the child is a ward of the court.
- D. A licensee may release personally identifiable information about a child or family to persons who require the information to treat or provide services to the child unless the release is prohibited by law.
 - E. A consent to release shall include the following information:
 1. The name of the person or agency to whom the information is to be released;
 2. A description of the information to be disclosed;
 3. The reason for disclosure;
 4. The expiration date of the consent, not to exceed six months from date of signature; and
 5. The dated signature of the person authorizing the release.
 - F. Notwithstanding any other provision of this Article, in a medical emergency, the licensee shall promptly release information from a child's record to persons who require the information to treat the child.
 - G. A licensee may withhold information if, in the judgment of the professional person treating the child, or the agency's program director, the release of information would be contrary to the child's best interests, unless the release is:
 1. Ordered by a court,
 2. Mandated by federal or state law,
 3. Required by the licensee's agreement with the placing agency or person, or
 4. Required by the Department to assess the licensee's compliance with the law.
 - H. If a licensee withholds information pursuant to subsection (G), the licensee shall:
 1. Document, in the child's record, the reason for withholding the information;
 2. Advise the person who requested the information that the person may grieve the withholding pursuant to the licensee's internal grievance process adopted in accordance with R6-5-7429.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7428. Children's Records: Contents, Maintenance, Destruction

- A. A licensee shall maintain a current, separate case record for each child in care. The record shall be readily accessible to persons providing services to the child and shall include at least the following information:
 1. The name, gender, race, religion, birthdate, and birthplace of the child;
 2. The name, address, telephone number, and marital status of the child's parents;
 3. The date of admission and source of referral;
 4. The name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, if other than the child's parent;
 5. All documents related to the child's referral and admission of the child to the facility;
 6. Documentation of the current custody and legal guardianship of the child;
 7. The child's court status, if applicable;
 8. Consent forms signed by the placing agency or person at the time of placement, allowing the licensee to authorize

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- necessary medical care, medications, routine tests, and immunizations;
9. Service plans and all reviews, revisions, notes, and updates reflecting the child's and family's goals, and progress towards achievement of goals;
 10. A plan for permanent placement of the child;
 11. Education records and reports;
 12. Vocational training and employment records, if applicable;
 13. Treatment and clinical records and reports; and
 14. The discharge summary required by R6-5-7442(B).
- B.** A licensee shall have the medical records required by R6-5-7455. While the child is in care, the licensee may keep the child's medical records in a location separate from the records described in this Section. If the licensee keeps medical records in a separate location, the child's main record shall identify the location of the medical record.
- C.** All record entries shall be made in permanent ink or electronically. The licensee shall require personnel to date and legibly sign entries in a child's records.
- D.** If a licensee maintains a child's records in more than one place, the licensee shall:
1. Identify, in one location that is readily accessible to inspection by the Licensing Authority, the location of all parts of the record; and
 2. Consolidate all records and notes into one case file, at one location, within 15 days following either:
 - a. A request for consolidation from the Licensing Authority; or
 - b. The date of the child's discharge from the facility.
- E.** A licensee shall maintain a child's record for the longest of the following time periods:
1. At least five years after the child's last discharge from the licensee's care;
 2. At least three years after the child's 18th birthday; or
 3. Another time period specified by applicable law or contract.
- F.** A licensee shall dispose of expired records in a manner that maintains confidentiality.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7429. Grievances

- A.** A licensee shall have a written policy and written procedures governing the receipt, consideration, and resolution of grievances brought to the licensee by children in care and their parents, regarding the licensee's program and care of children. The procedures shall:
1. Be written in a clear and simple manner that is developmentally appropriate for children in care;
 2. Prohibit reprisal or retaliation against an individual who brings a grievance for the act of bringing the grievance;
 3. Describe a process for fair and expeditious resolution of a grievance; and
 4. Provide a means to tell the grievant about the action taken in response to the grievance.
- B.** A licensee shall maintain written records of grievance decisions for at least 12 months after the resolution.
- C.** The licensee shall maintain a log of grievances filed against the licensee. The licensee may keep a centralized agency log, or can maintain a separate log for each facility. The log shall include the following information:
1. Name of grievant;
 2. Date grievance filed;
 3. Description of the substance of the grievance;
 4. Summary of the grievance resolution;
 5. A copy of the grievance decision required by subsection (B), or a description of where the Licensing Authority can find the decision.
- D.** Copies of the grievance decisions may serve as the grievance log if:
1. The copies are kept in one central location that is readily accessible to the Licensing Authority;
 2. The grievance decisions contain all the information listed in subsection (C), and
 3. The licensee retains the decisions for at least three years following the date of grievance resolution.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Numbering for subsections (C) and (D) amended to correct typographical errors (Supp. 00-3).

R6-5-7430. Staff Management and Staff Records

- A.** A licensee shall have written staff policies and procedures which shall describe:
1. How the licensee recruits, screens, hires, supervises, trains, retains, develops, evaluates, disciplines, and terminates staff;
 2. How the licensee handles staff resignations;
 3. A job title, description and minimum qualifications for each position within the agency and all facilities;
 4. The duties assigned to each position;
 5. How the licensee handles staff grievances;
 6. An organizational chart for the agency and all facilities; and
 7. A method to assure privacy of staff records.
- B.** The licensee shall give all staff a copy of the person's own job description and allow staff access to the licensee's staff policies and procedures.
- C.** A licensee shall maintain a personnel record for all paid staff. The record shall include the following information, if applicable:
1. Application for employment including previous employment history and educational background;
 2. Reference letters and documentation of phone notes on references that are dated and signed;
 3. Documentation of the highest level of education achieved; the documentation may include a copy of a diploma, equivalence certificate, or record of notes of calls to educational institutions;
 4. Medical examination reports on paid staff as required by R6-5-7431(F);
 5. Medical examination reports on any other adult residing at the facility showing that the adult is free from communicable diseases as required by R6-5-7431(H);
 6. Medical and immunization records on children who reside at the facility but are not in care, as required by R6-5-7431(H);
 7. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);
 8. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);
 9. Record of all orientation and training received during employment;
 10. Documentation showing that the paid staff member has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the paid staff member and a witness;

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11. Documentation showing that the paid staff member has a valid driver's license if the paid staff member transports children;
 12. Reports of all performance evaluations;
 13. Documentation of any personnel actions or investigations that result in a written report;
 14. Dates the paid staff member started and separated from employment; and
 15. Reason for separation from employment.
- D.** A licensee shall maintain a personnel record on unpaid staff. The record shall include the following information, if applicable:
1. Application for work or study, including previous employment history and educational background;
 2. Reference letters and documentation of phone notes on references that are dated and signed;
 3. Medical examination reports, as required by R6-5-7431(F);
 4. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);
 5. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);
 6. Record of all orientation and training received while affiliated with the licensee;
 7. Documentation showing that the person has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the person and a witness;
 8. Documentation showing that the person has a valid driver's license if the person transports children;
 9. Reports of all performance evaluations;
 10. Documentation of any personnel actions or investigations that result in a written report;
 11. Dates the person began and ended affiliation with the licensee; and
 12. Reason for ending affiliation with the licensee.
- E.** The licensee shall keep personnel records for at least three years after the staff member's separation from the licensee.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7431. General Qualifications for Staff

- A.** A licensee shall ensure that all staff providing services to children and their families under the licensee's program are currently certified, registered, or licensed as required by state law.
- B.** As prescribed in A.R.S. § 46-141, all staff having direct contact with children, and any persons age 18 or older who live at a facility, excluding children in care, shall be fingerprinted and shall certify on notarized forms provided by the Department whether they:
1. Are awaiting trial on or have ever been convicted of the following criminal offenses in this state or similar offenses in another state or jurisdiction:
 - a. Sexual abuse of a minor;
 - b. Incest;
 - c. First or second degree murder;
 - d. Kidnapping;
 - e. Arson;
 - f. Sexual assault;
 - g. Sexual exploitation of a minor;
 - h. Contributing to the delinquency of a minor;
 - i. Commercial sexual exploitation of a minor;
 - j. Felony offenses involving distribution of marijuana or dangerous or narcotic drugs;

- k. Burglary;
 - l. Robbery;
 - m. A dangerous crime against children as defined in A.R.S. § 13-604.01;
 - n. Child abuse;
 - o. Sexual conduct with a minor;
 - p. Molestation of a child;
 - q. Manslaughter;
 - r. Aggravated assault; and
2. Have ever committed any of the acts listed in subsections (B)(1)(a), (g), (i), (m), (n), (o), and (p).

- C.** A licensee shall not knowingly employ, retain, or allow to reside at a facility, any staff, or person age 18 or above, who is awaiting trial on or has been convicted of any of the criminal offenses listed in subsection (B), or the same or similar offenses in another state or jurisdiction. A licensee shall not knowingly allow a person who has committed any of the offenses listed in subsection (B)(2) to have contact with children in care.
- D.** For all staff, a licensee shall:
1. Verify at least two years immediate, or most recent, past employment through reference checks;
 2. Obtain at least three references from persons not related to the staff member by blood or marriage, who can attest to the staff member's character, knowledge, and skill.
- E.** The licensee shall document verification of the reference information required in subsection (D).
- F.** A licensee shall have staff providing direct care to children obtain a physical examination by a licensed medical practitioner before beginning assigned duties and at least every two years while working.
- G.** All staff shall be free from any communicable disease that poses a danger to children in care and shall have the capacity to perform the essential functions of that person's job.
- H.** Other adults who reside at the facility shall be free from communicable disease that poses a danger to children in care. Children who reside at the facility but are not in care shall have current immunizations and be free from communicable disease that poses a danger to children in care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions

- A.** Chief Executive Officer "CEO": A licensee shall have a chief executive officer for the agency. The CEO:
1. Is responsible for general management, administration, and operation of the agency in accordance with this Article;
 2. Ensures that:
 - a. Each child in care receives necessary professional services;
 - b. Appropriately qualified staff render services to children in care; and
 - c. The services are coordinated;
 3. Shall have management experience and meet any other qualifications prescribed by the Governing Body;
 4. Shall reside in Arizona;
 5. Shall be accessible to staff, representatives of the Licensing Authority, and other governmental agencies; as used in this subsection, "accessible" means readily available to answer questions and to handle problems or emergencies that arise, either personally or through a chain of command; and

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6. Shall designate a qualified person to perform administrative responsibilities whenever the CEO is inaccessible.
- B.** Program Director: A licensee shall have at least one person who is responsible for development, implementation, and supervision of an agency's programs and services. This person shall have at least:
1. A master's degree in social work or a related area of study from an accredited school and at least one year experience in the child welfare or child care services field; or
 2. A bachelor's degree in social work or a related area of study from an accredited school and two years of experience in the child welfare or child care services field.
- C.** Facility Supervisor: If a licensee operates more than one facility, the licensee shall designate a person to supervise the operations of each facility.
- D.** Supervisors: Any staff member who supervises, evaluates, or monitors the work of the direct care staff shall have at least six months paid child care experience and at least 3 1/2 years of any combination of the following:
1. Paid child care or related experience; or
 2. Post-high school education in social work or a related field.
- E.** Direct Care Staff: A person who supervises, nurtures, or cares for a child in care shall have at least:
1. A high school diploma or equivalency degree and one year experience in working with children; or
 2. One year post-high school education in a program leading to a degree in the field of child welfare or human services.
- F.** Program Instructors: A person who supervises, trains, or teaches children in the performance of a physical activity that poses an unusually high risk of harm, such as archery, river rafting, rock climbing, caving, rappelling, and hang gliding, shall:
1. Be currently certified to perform the activity, if applicable;
 2. Have at least three years of experience related to the activity; or
 3. Have at least three letters of reference attesting to skill and experience in the activity.
- G.** CPR and First Aid Certification: A licensee shall ensure that:
1. Direct care staff are certified in pediatric cardiopulmonary resuscitation (CPR) and in first aid by the American Red Cross, the American Heart Association, or the Arizona Chapter of the National Safety Council within three months of being hired and before caring alone for children in care.
 2. At least one staff member per shift, per facility is currently certified in CPR and first aid.
- H.** Multiple Functions: A licensee may allow one person to perform multiple functions or fill more than one position so long as:
1. The person performing multiple functions is qualified for the jobs held; and
 2. The licensee does not violate the requirements of this Article, including R6-5-7437 governing staff-child ratios.
- I.** Exclusions: The educational requirements set forth in this Section do not apply to persons employed with a licensee on the effective date of this Article. These requirements do apply to:
1. Persons hired as employees after the effective date of this Article; and
 2. Persons who:
 - a. Are employed with a licensee on the effective date of this Article;
 - b. Subsequently separate from that employment; and
 - c. Later seek employment with the same or a different licensee.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7433. Orientation and Training for Staff

- A.** A licensee shall have a written plan for orientation and training of all staff. The plan shall include a method for the licensee to evaluate whether the person has actually learned the information that was the subject of orientation or training.
- B.** All staff shall receive initial orientation and training before assignment to solo supervision of children. The initial orientation and training shall include:
1. Acquainting staff with the licensee's philosophy, organization, program, practices, and goals;
 2. Familiarizing staff with the licensee's policies and procedures, including those on confidentiality, client and family rights, grievances, emergencies and evacuations, behavior management, preventing and reporting child maltreatment, recordkeeping, medications, infection control, and treatment philosophy;
 3. Training staff in cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R6-5-7432(G);
 4. Training staff to do the initial health screening prescribed in R6-5-7438(E)(9); the licensee shall have a licensed medical practitioner provide this training;
 5. Training staff in de-escalation and any physical restraint practices used at the facility by an instructor qualified under this subsection. An instructor is qualified to train staff in de-escalation and physical restraint practices if:
 - a. The instructor has a written curriculum that conforms to the requirements of this Article and state law.
 - b. The classroom instruction provided conforms to the requirements of this Article and state law.
 6. Familiarizing staff with the specific child care responsibilities outlined in the person's job description;
 7. Training staff to recognize expected responses to and side effects of medications commonly prescribed for children in care; and
 8. Training staff in the licensee's emergency admissions process if applicable to the licensee's services.
- C.** The licensee's training plan for ongoing training shall satisfy the requirements of this subsection.
1. A full-time support staff member shall receive at least four hours of annual training.
 2. A full-time direct care staff member shall receive at least 24 hours of annual training.
 3. The training shall cover matters related to the person's job responsibilities, and at least the following subjects, as appropriate to the characteristics of the children in care at the facility:
 - a. Child management techniques;
 - b. Discipline, crisis intervention, and behavior management techniques;
 - c. A review of the licensee's policies;
 - d. Health care issues and procedures;
 - e. Maintenance of current certification in CPR and first aid;
 - f. Attachment and separation issues for children and families;

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- g. Sensitivity towards and skills related to cultural and ethnic differences;
- h. Self-awareness, values, and professional ethics; and
- i. Children's need for permanency and how the agency works to fulfill this need.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7434. Notification of Unusual Incidents and Other Occurrences

- A. A licensee shall make a record of any unusual incident on an incident reporting form which shall include the following information:
 - 1. Location of the unusual incident;
 - 2. Name and address of any child involved in or observing the incident;
 - 3. Name of the agency if different from the facility;
 - 4. Name, title, and address of any staff involved in or observing the incident;
 - 5. Name and address of any other person involved in or observing the incident;
 - 6. Date of the incident;
 - 7. Time of the incident;
 - 8. Description of the incident; and
 - 9. Licensee's response to the incident.
- B. The licensee shall maintain a record of all unusual incidents occurring at the facility in a separate log or place, which shall permit the Licensing Authority to easily locate the incident reporting form if the licensee maintains the form in a location separate from the log.
- C. When a child in care dies, the licensee shall notify the child's placing agency or person, and the Licensing Authority within two hours of knowledge of the death.
- D. When a child in care suffers a serious illness, serious injury, or a severe psychiatric episode requiring hospitalization, the licensee shall notify the child's placing agency or person within 24 hours of knowledge of the occurrence.
- E. A licensee shall comply with the statutory obligation to report child maltreatment, as prescribed in A.R.S. § 13-3620.
- F. A licensee shall comply with any reporting requirements set forth in the licensee's contracts with placing agencies or persons.
- G. No later than 5:00 p.m. on the next business day, the licensee shall notify the Licensing Authority when any of the following occurs:
 - 1. Fire or a natural disaster affecting the licensee;
 - 2. Law enforcement involvement in which a formal complaint is filed by or against the licensee, but excluding incidents of children cited solely for absence without leave from the facility;
 - 3. Any incident of alleged child maltreatment of a child in care;
 - 4. When a child in care or any other person suffers any injury from use of restrictive behavior management, and which requires treatment by a licensed medical practitioner;
 - 5. When a child in care suffers any physical injury from an incident involving another child in care and requires treatment by a licensed medical practitioner;
 - 6. When a child in care suffers an injury or psychiatric episode that is severe enough to require hospitalization or external medical intervention for the child; and

7. When a child in care requires external emergency services including a suicide watch.

- H. Within five calendar days, a licensee shall give the Licensing Authority written documentation of an event listed in subsection (G) above. The documentation shall contain at least the information required by subsection (A), and may be a copy of the licensee's unusual incident reporting form.
- I. If a child in care dies, a licensee shall notify the local law enforcement authority and cooperate in any arrangements for examination, autopsy, and burial.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7435. Investigations of Child Maltreatment

- A. A licensee shall have written procedures for handling alleged and suspected incidents of child maltreatment, including at least the following provisions:
 - 1. Reporting suspected incidents of maltreatment to law enforcement or Child Protective Services as required by A.R.S. § 13-3620;
 - 2. Notifying the Licensing Authority, and notifying the child's placing agency or person if so requested;
 - 3. Taking precautions to prevent further risk to the child who allegedly suffered the maltreatment and potential risk to other children in care;
 - 4. Evaluating the retention of any staff who commit or allow child maltreatment; and
 - 5. If the licensee internally investigates incidents, conducting the internal investigation.
- B. A licensee shall require all staff to read and sign a statement describing the duty to report child maltreatment as prescribed in A.R.S. § 13-3620.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7436. Runaways and Missing Children

A licensee shall have a written policy and procedures for handling runaways and missing children. The policy shall include at least the following:

- 1. Procedures for making staff who provide services to a child with a history of or potential for running away, aware of that child's history or potential;
- 2. Procedures for immediately notifying the designated administrator of the child's facility or that person's designee when a child is discovered to be missing;
- 3. Procedures for notifying the local law enforcement agency, the child's placing agency or person, and others as necessary;
- 4. Procedures to prevent runaways; and
- 5. Procedures for submitting a written report to the child's placing agency or person within five days or the time specified in the placement agreement.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7437. Staff Coverage; Staff-child Ratios

- A. A licensee shall have a written plan to minimize the risk of harm to children. The written plan shall describe the staffing for each facility, for 24 hours per day, seven days per week. The staffing plan shall explain:
 - 1. How staff coverage is assured:
 - a. When assigned staff are absent due to illness, vacation, or other leaves of absence; and

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- b. During emergencies when only one staff member is on duty; and
2. The methods the licensee uses to assure adequate communication and support among staff to provide continuity of services to children.
- B.** A licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the staff actually on duty during each shift. The licensee shall retain the schedules in one designated location for at least two years.
- C.** A licensee shall have at least the paid staff to child ratios prescribed in this subsection.
1. Age 12 and above:
 - a. At least one paid staff member for each 10 children when children are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least one paid staff member in each building where children in care are sleeping.
 2. Age 6 through 11:
 - a. At least one paid staff member for each eight children when children are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least one paid staff member in each building where children in care are sleeping.
 3. Age 3 through 5:
 - a. At least one paid staff member for each six children when children are under the licensee's direct supervision and awake.
 - b. At least one paid staff member in each building where children in care are sleeping.
 4. Under age 3:
 - a. At least one paid staff member for each five children when children are under the licensee's direct supervision and awake.
 - b. At least one paid staff member for each six children when children are sleeping.
 5. Nonambulatory children, under age 6: At least one paid staff member for each four children at all times.
 6. Young adults:
 - a. At least one paid staff member onsite for each 10 young adults when young adults are under the licensee's direct supervision and awake.
 - b. During sleep hours, at least one paid staff member onsite for each 20 young adults.
- D.** For the purpose of the paid staff-child ratios in subsection (C):
1. Students and volunteers do not count as staff;
 2. A child who lives at the facility is counted as a child, unless the child is not in the care, custody, and control of the state of Arizona, and the child's parent is:
 - a. In care, residing in the same facility; and
 - b. Determined to be the child's primary caregiver by:
 - i. The placing agency;
 - ii. A court; or
 - iii. The licensee, when subsections (i) and (ii) do not apply;
 3. When a child resides with a parent in a facility licensed under this Article, the licensee shall provide, at the Department's request, documentation of:
 - a. The custodial relationship between parent and child; and
 - b. If applicable, the determination that the parent is an acceptable primary caregiver for the child.
 4. Any paid staff member counted in the ratio shall be someone who is qualified to provide direct child care as prescribed in R6-5-7432(E).
- E.** A licensee shall not fall below the minimum paid staff-child ratios specified in subsection (C), and shall, notwithstanding those ratios, have paid staff:
1. Sufficient to care for children as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies;
 2. That take into account the following factors:
 - a. The ages, capabilities, developmental levels, and service plans of the children in care;
 - b. The time of day and the size and nature of the facility; and
 - c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries.
- F.** A licensee shall have sufficient numbers of qualified staff to perform the fiscal, clerical, food service, housekeeping, and maintenance functions prescribed in this Article and in the licensee's own policies.
- G.** A licensee shall make a good faith effort to employ staff who reflect the cultural and ethnic characteristics of the children in care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3). Amended by emergency rulemaking at 12 A.A.R. 2233, effective June 1, 2006 for 180 days (Supp. 06-2). Emergency renewed at 12 A.A.R. 4732, effective November 28, 2006 for 180 days (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 2049, effective May 21, 2007 (Supp. 07-2).

R6-5-7438. Admission and Intake; Criteria; Process; Restrictions

- A.** Admissions: A licensee shall have a written admissions policy, which shall:
1. Describe the licensee's admission criteria, including:
 - a. Population to be served, including age range, gender, physical development, social behavior, and custody and guardianship status;
 - b. Geographic area of service;
 - c. The needs, problems, and child-related issues best served at the licensee's facility; and
 - d. The method used to assign a child to a particular living unit;
 2. Contain an acknowledgment that the licensee abides by the Interstate Compact on the Placement of Children, the Indian Child Welfare Act, and the Interstate Compact on Juveniles; and
 3. Provide that the licensee shall not refuse admission to any child on the grounds of race, religion, or ethnic origin.
- B.** Age Limit; Continuing Care for Persons in High School: A licensee shall not admit a person who is age 18 or older, except a licensee may continue to care for an individual under age 22 who was a child in care and turned age 18 while in care, as long as the individual is currently enrolled in and regularly attending a high school program or vocational training program. A licensee shall not allow an individual to remain in care after the individual receives a high school degree or certificate of equivalency, or completes the vocational training program.
- C.** Admissions Outside of Criteria: A licensee shall not accept a child who is not within the licensee's admission criteria unless:

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1. The placing agency or person specifically authorizes the admission after reviewing the agency's program description;
 2. The admission is consistent with the terms of the agency's license and will not result in a violation of this Article; and
 3. The child's individual service plan explains:
 - a. The reasons for acceptance, and
 - b. How the facility will meet the child's needs.
- D. Intake Assessment:**
1. A licensee shall not accept a child into care unless:
 - a. The child has a current intake assessment covering the child's social, health, educational, legal, family, behavioral, psychological, and developmental history; or
 - b. The licensee completes such an assessment within seven days following the child's admission.
 2. In this subsection, "current" means within the six months prior to admission.
- E. Admission and Intake Process and Requirements:** The licensee shall have a written policy and procedures describing the process and requirements for both regular and emergency admissions and intake. The policy shall include the provisions listed in this subsection.
1. The licensee shall have a method to allow a child to participate in admission and intake decisions, including selection of a living unit, if developmentally appropriate and consistent with the licensee's program.
 2. The licensee shall provide the placing agency or person with a reasonable opportunity to participate in admission and intake decisions.
 3. Except for emergency admissions as prescribed in subsection (F), the licensee shall not admit a child unless the licensee has, at the time of or prior to admission:
 - a. A written agreement with the child's placing agency;
 - b. A court order; or
 - c. The written consent of the child's custodial parent or guardian.
 4. The licensee shall obtain any available medical information about the child before or at the time of the child's admission. The information may include:
 - a. A report of a medical examination of the child performed within 45 days prior to admission;
 - b. A report of a dental examination of the child performed within six months prior to admission; and
 - c. The child's and family's medical history.
 5. If the information described in subsection (D)(4) is not available, the licensee shall comply with the requirements of R6-5-7452 to obtain an examination.
 6. At the time of or prior to admission, the licensee shall obtain written consent from the child's placing agency or person for the licensee to authorize routine medical and dental procedures for the child.
 7. If a child is taking medication at the time of admission, the licensee shall:
 - a. If the medication is in its original container, labeled by the dispensing pharmacist with a fill date, prescribing physician, and instructions for administration, document the receipt of the medication as prescribed in subsection (E)(7)(c); or
 - b. If the medication is not in its original container, or if the container is not labeled as described in subsection (E)(7)(a), contact the prescribing physician to verify the medication administration schedule and reason for the medication; and
 - c. Document the contact in the child's medical record required by R6-5-7455 and the medication administration schedule as prescribed in R6-5-7453(B).
 8. A licensee shall not refill a prescription that a child brings at admission without having a licensed medical practitioner determine the child's need for the medication and documenting the need as prescribed in subsection (E)(7)(c).
 9. Within 24 hours of a child's admission, a direct care staff member who has the training prescribed in R6-5-7433(B)(4), or a licensed medical practitioner, shall assess the child's general health, by:
 - a. Looking at the child for signs of obvious physical injury and symptoms of disease or illness;
 - b. Assessing the child for evidence of apparent vision and hearing problems; and
 - c. Documenting any conditions or problems and referring the child for immediate or further assessment or treatment, if indicated.
- F. Emergency Admissions:** In an emergency situation requiring immediate placement, a licensee shall:
1. Gather as much information as possible about the child and the circumstances requiring placement;
 2. Record this information in the child's record, within two days of admission, as an emergency admission notation; and
 3. Keep an emergency admission record, which shall include at least the following information about the child:
 - a. Physical health,
 - b. Family history,
 - c. Educational background,
 - d. Legal status, and
 - e. A statement explaining the need for care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7439. Information and Services Provided to the Placing Agency or Person

- A.** No later than the date of a child's admission, a licensee shall provide information about the following subjects to the placing agency or person.
1. The licensee's statement of purpose and program description prescribed in R6-5-7423(A) and (B);
 2. Daily routines at the facility where the child is or will be placed;
 3. The behavior management policies and procedures prescribed in R6-5-7456;
 4. Services and treatment strategies provided or used at the facility;
 5. The visitation and communications policy prescribed by R6-5-7448;
 6. The education program or method for providing a child with education;
 7. Any religious practices observed by the licensee or religious observances required of children.
- B.** The licensee may provide the information in summary form or orally, but shall:
1. Convey the information in a language or form that the placing agency or person can understand;
 2. Advise the placing agency or person that the licensee will provide a copy of the licensee's policies or procedures, upon request.
 3. Provide the name and telephone number of a staff person that the placing agency or person may contact to obtain information about the program, facility, or child.

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- C. The licensee shall provide the placing agency or person with a copy of the licensee's grievance procedures required by R6-5-7429 and the statement of client rights required by R6-5-7423(C).
- D. The licensee shall obtain the dated signature of the placing agency or person indicating receipt of the information listed in subsections (A) through (C).
- E. Before obtaining the signature of a child's parent or guardian on a contract, consent, or release, the licensee shall explain the contents of the documents.
 1. If a child has an existing service plan at the time of admission, the licensee shall:
 - a. Review the plan before or at the time of the child's admission, and
 - b. Assess the existing plan and make any necessary changes to conform to the requirements of this Section.
 2. If a child does not have a service plan at the time of admission, the licensee shall initiate service planning at the time of admission.
 3. Within seven days of a child's admission, a licensee shall document all interim planning efforts identifying the child's needs and initial plans for service.
 4. No later than 30 days after the child's admission to a facility, the licensee shall complete the child's initial service plan and any initial modifications to an existing plan.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7440. Orientation Process for a Child In Care

- A. A licensee shall provide a child admitted into care with the orientation described in this Section in a language and manner that the child can understand and to the extent developmentally appropriate to the child.
- B. During the first full day of a child's placement, a licensee shall:
 1. Explain the facility's emergency procedures,
 2. Show the child where emergency exits are located,
 3. Take the child on a tour of the facility, and
 4. Introduce the child to staff and other residents.
- C. During the first week following a child's admission and as part of each child's orientation, a licensee shall:
 1. Familiarize the child with the licensee's program;
 2. Explain the licensee's expectations and requirements for behavior;
 3. Explain the criteria for successful participation in and completion of or emancipation from the program;
 4. Make available a copy of the behavioral rules prescribed by R6-5-7456(A)(3)(a), (b), (c), (d), and (h);
 5. Make available a copy of the visitation and communication policy prescribed by R6-5-7448; and
 6. Describe and, upon request, make available a copy of the grievance procedures prescribed by R6-5-7429 and the statement of client rights prescribed by R6-5-7423(E).
- D. The licensee shall document the orientation and other information given to a child in the child's case record.
 1. Plan Review: The licensee shall review and update a child's service plan at least every 90 days following completion of the child's service plan described in subsection (B)(4).
 2. Planning Participants:
 1. The licensee shall invite, or delegate the responsibility for inviting, at least the following persons to participate in development of the service plan and periodic review:
 - a. A representative of the facility;
 - b. A representative of the placing agency, if applicable;
 - c. The child, if the child's presence is developmentally appropriate; and
 - d. The child's parent or guardian.
 2. At least one participant on the service team shall have the qualifications listed in R6-5-7432(B)(1) or (2).
 3. Methods of Participation: The licensee shall allow service team members to participate in service planning through the following methods:
 1. Attendance at a planning meeting,
 2. Submission of a written report or documentation,
 3. Review and approval of the plan through signing and dating, or
 4. Audio or audio-visual teleconference.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7442. Discharge; Discharge Summary

- A. Policy and Procedure: A licensee shall have written policy and procedures for planned and unplanned discharges of children.
 1. Before a child's planned discharge, the licensee shall explain the discharge plan to the child and help the child understand the plan.
 2. The licensee shall also explain the discharge plan to the person removing the child.
 3. Before discharging a child to another out-of-home placement, the licensee shall make a reasonable effort to:
 - a. Arrange for the service team to meet or communicate with a representative from the new placement to share information about the child; and
 - b. Arrange for the child to visit the new placement.
 - B. Discharge Summary: Within 15 days of the date a child is discharged, the licensee shall complete a written discharge summary which shall include the following information:
 1. The name, address, telephone number, and relationship of the person to whom the child was discharged;
 2. The planned and actual discharge dates;
 3. A summary of the contacts between the licensee and the facility or person to whom the child was discharged about the child's pending discharge;
 4. A summary of services provided during care;
- B. Timing for Plan Development and Review:

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5. A list of medication provided during care, with a summary of the reasons for prescribing the medication and any outcomes of the medication;
 6. A summary of progress toward service plan goals;
 7. An assessment of the child's unmet needs and alternative services which might meet those needs;
 8. Any after-care plan and identification of any person or agency responsible for follow-up services and after-care; and
 9. For an unplanned discharge, a description of the circumstances surrounding the unplanned discharge, including the licensee's actions.
- C. Notice of Unplanned Discharge: When a child's placing agency or person has not participated in the decision to discharge the child, the licensee shall notify the placing agency or person within one hour of discharge, or document attempts at notification.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7443. Personal Care of Children

- A. A licensee shall provide children in care with:
1. Developmentally appropriate supervision, assistance, and instruction in, good habits of personal care and hygiene and culturally appropriate grooming;
 2. Necessary toiletry items; and
 3. The opportunity to have a daily shower or tub bath in private, as developmentally appropriate, or as otherwise prescribed in program policy.
- B. A licensee shall not allow community use of grooming and hygiene articles such as towels, toothbrushes, soap, hairbrushes, and deodorants.
- C. If a licensee restricts personal care or grooming practices, the licensee shall have a policy describing the restrictions and the reasons for the restrictions.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7444. Children's Clothing and Personal Belongings

- A. A child may bring clothing and personal belongings to the facility and acquire belongings while in care, in accordance with the child's service plan and the facility's policy.
- B. If a licensee limits a child's right to have, wear, or display certain clothes or personal belongings, the licensee shall:
1. Have a written policy explaining the limitations and the reasons for the limitations; and
 2. Explain the limitations to the child in a form and manner that the child can understand.
- C. When a child is admitted, the licensee shall inventory the child's clothing and personal belongings; the licensee shall provide a copy of the inventory to the placing agency or person and keep a copy in the child's file.
- D. The licensee shall either store any restricted possessions or return the possessions to the child's placing agency or person.
- E. The licensee shall ensure that each child has a personal supply of clean and seasonable clothing as required for health, comfort, and physical well-being and as appropriate to the child's age, gender, size, and individual needs.
- F. The licensee shall allow a child to help select his or her own clothing when developmentally appropriate and allowed by programmatic requirements.
- G. The licensee shall have a policy governing retention, return, and disposal of the clothes and personal belongings of a child who has had an unplanned discharge. At the time of a child's

planned discharge, the licensee shall allow the child to take clothing and personal belongings.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7445. Children's Money; Restitution

The licensee shall provide opportunities for children to develop a sense of the value of money through allowances, earnings, spending, giving, and saving. Any practices regarding children's money shall comply with this Section.

1. The licensee shall have a written policy regarding allowances.
2. The licensee shall treat a child's money as that child's personal property.
3. The licensee may limit the amount of money to which a child may have access when the limitations are:
 - a. In the child's best interest and explained in the child's service plan; or
 - b. In accordance with the facility's program description.
4. The licensee shall not deduct sums from a child's allowance as restitution for damages caused by the child unless:
 - a. The licensee has discussed restitution with the child; and
 - b. The deduction is:
 - i. Reasonable in amount,
 - ii. Consistent with the child's ability to pay,
 - iii. In accordance with the licensee's policy, and
 - iv. Explained in the child's service plan.
5. The licensee shall maintain individual accounting records for the money of each child.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7446. Nutrition, Menus, and Food Service

- A. A licensee shall have a written, dated menu of planned meals. The menu shall be available at the facility at least one week before meals are served. The licensee shall post the weekly menu in the dining area or in a location where children may review it. The licensee shall keep a copy of the menu and any menu substitutions on file for one year.
- B. The licensee shall prepare and serve meals in compliance with the written, dated menus.
- C. A registered nutritionist or dietitian shall either prepare or approve the licensee's menus. The licensee shall maintain a record of any approvals for one year, and keep the record in a central location at the agency or facility.
- D. A licensee shall develop and follow a specialized menu for a child with special nutritional needs. The licensee shall make special menus available to nutritional staff, but shall not post special menus in an area that is readily seen by other children in care.
- E. Menus shall reflect the religious, ethnic, and cultural differences of children in care.
- F. When developmentally appropriate, a licensee shall allow children to make menu suggestions.
- G. A licensee shall provide each child with at least three meals daily, with no more than 14 hours between the evening and morning meals. Between meal snacks shall not replace regular meals.
- H. A licensee shall provide meal portions that are consistent with each child's caloric needs.

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- I. A licensee shall serve children meals that are substantially the same as those served to staff unless special dietary needs require differences in diet.
- J. A licensee shall allow children to eat at a reasonable rate; unless otherwise prescribed in agency policy, staff shall encourage social interaction and conversation during meals.
- K. A licensee shall have potable water available at all times.
- L. Staff shall directly supervise children involved in food preparation.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7447. Sleeping Arrangements

A licensee shall comply with the sleeping arrangement provisions in this Section.

1. A child age 6 or older shall not share a bedroom with a child of the opposite gender.
2. A child shall not share a bedroom with an adult unless one of the conditions listed in this subsection is met.
 - a. The child is younger than age 3.
 - b. The child's service plan contains specific reasons and authorization from the placing agency or person for a shared bedroom.
 - c. The child has a temporary need for special adult care during sleeping hours and the need is documented in the child's service plan.
 - d. The child has regularly shared a bedroom with another child in the licensee's care; the other child has reached age 18; and the placing agency and licensee agree that continuing the shared arrangement is in the best interests of both the child and the adult.
 - e. The child is sharing a room with his or her parent.
 - f. The sleeping area at the facility is a barracks that has been approved as described in R6-5-7461(B) and R6-5-7462(B), and a paid staff member sleeps in the same room to supervise the children in care.
3. Only children age 8 or older may sleep on the upper bed of a bunk bed.
4. If a child has a documented record of behavior that poses a risk to other children in care, the licensee, in consultation with the placing agency or person, shall develop special sleeping arrangements for that child, to minimize the risk of harm to other children. The licensee shall document the arrangements in the child's service plan.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by emergency rulemaking at 12 A.A.R. 2233, effective June 1, 2006 for 180 days (Supp. 06-2). Emergency renewed at 12 A.A.R. 4732, effective November 28, 2006 for 180 days (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 2049, effective May 21, 2007 (Supp. 07-2).

R6-5-7448. Visitation, Outings, Mail, and Telephones

- A. The licensee shall have a written policy and procedures regarding visitation, mail, telephone calls, and other forms of communication between children and family, friends, and other persons. The policy and procedures shall conform to the requirements of this Section.
 1. The licensee shall allow a child reasonable privacy during a visit unless the child's service plan requires supervised visitation.

2. A licensee shall have facility visiting hours which meet the needs of the children and their parents.
 3. A licensee shall not deny, monitor, or restrict a child's communication with the child's social worker, attorney, Court Appointed Special Advocate, guardian ad litem, or clergy. The licensee may establish a schedule and rules for communication to prohibit undue interference with programming.
 4. A licensee shall not deny, monitor, or restrict communications between a child and the child's parent, guardian, or friends except as prescribed:
 - a. By court order;
 - b. In the child's service plan, which shall contain specific treatment reasons for the restriction which shall be time limited; or
 - c. In the facility's policy and statement of purpose required by R6-5-7423.
 5. The licensee may require a child to open mail in the presence of staff in order to inspect the mail for contraband.
 6. When a licensee is monitoring a communication as allowed in subsection (A)(4) above, the licensee shall tell the parties to the communication about the monitoring.
- B. The licensee shall have written policy and procedures to govern situations when a child temporarily leaves the facility on a visit or outing with a person other than a staff member. The procedures shall include:
 1. A method for recording the child's location, the duration of the activity, and the anticipated and actual time of the child's return;
 2. The name, address, and telephone number of the person responsible for the child while the child is absent from the facility; and
 3. A procedure for action if a child fails to return.
 - C. Subsection (B) does not apply to regularly scheduled trips to school.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7449. Educational and Vocational Services; Work Assignments

- A. The licensee shall have a written policy regarding its educational program or a plan for ensuring that each child attends an educational program in accordance with state and local laws.
- B. Within 10 local school days of a child's admission to a facility, the licensee shall arrange for the educational needs of the child. The arrangements shall:
 1. Meet the child's individual needs;
 2. Be consistent with the child's Individual Education Plan (I.E.P.) if applicable; and
 3. Comply with federal and state education laws.
- C. The licensee shall communicate with staff at an educational program in which a child in care is enrolled to discuss the child's progress. At a minimum, the licensee shall attend scheduled parent-teacher conferences.
- D. If a child's service plan provides for the child to receive vocational services, the licensee shall comply with the plan requirements.
- E. The licensee shall provide children in care with:
 1. Space for quiet study;
 2. Developmentally appropriate supervision and assistance with homework; and
 3. Access to necessary reference materials.
- F. The licensee may use work assignments to provide an instructional experience for children in care, but shall not use a child as an unpaid substitute for staff.

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- G. A work assignment shall be developmentally appropriate for a child, and scheduled at a time that does not interfere with other routine activities such as school, homework, sleep, and meals.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7450. Recreation, Leisure, Cultural Activities, and Community Interaction

- A. A licensee shall have a written plan for making a variety of cultural, religious, indoor and outdoor recreational and leisure opportunities available for children in care. The plan shall:
1. Reflect the interests and needs of the children in care, including an allotment of time for children to pursue individual interests, and time to address the special needs of the children in the living unit;
 2. Provide for use of community resources such as schools, museums, libraries, parks, recreational facilities, and places of worship; and
 3. Specify procedures for children's participation in community activities and use of community resources.
- B. A licensee shall help children in care learn about the community in which the facility is located and use community resources, as developmentally appropriate.
- C. A licensee shall arrange transportation and supervision so that children in care can attend community activities and maximize use of community resources.
- D. The licensee shall make available recreational equipment that is suitable to the size, age, and developmental level of children in care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7451. Religion, Culture, and Ethnic Heritage

- A. A licensee shall have a written description of:
1. Its religious orientation, if any;
 2. Any religious practices observed at a facility;
 3. Any restrictions on admission based on religion; and
 4. How the licensee provides opportunities for each child to participate in religious activities in accordance with the faith of the child or the child's parent or guardian.
- B. A licensee's program and the service plans of children in care shall reflect consideration of and sensitivity to the racial, cultural, ethnic, and religious backgrounds of children in care.
- C. A licensee may encourage children to participate in religious, cultural, and ethnic activities but shall not require children to participate unless otherwise provided in the licensee's statement of purpose and program description.
- D. If a child asks to change religious affiliation while in care, the licensee shall obtain the written permission of the child's parent or guardian before assisting the child in making the change. A licensee is not required to obtain this permission if a child changes religious affiliation without the licensee's assistance.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7452. Medical and Health Care

- A. General health care.
1. A licensee shall have a written plan for meeting the preventive, routine, and emergency physical and mental health needs of children in care. The plan shall identify where and from whom children at a facility may obtain

qualified health care, 24-hours per day, seven days per week.

2. A licensee shall ensure that children in care receive:
 - a. Preventive health services, including routine medical examinations and dental cleanings and examinations; and
 - b. The following health services, if necessary:
 - i. Evaluation and diagnosis,
 - ii. Treatment, and
 - iii. Consultation.
3. A licensee shall ensure that a child in care receives a developmentally appropriate explanation of any health treatment the child receives, in a language and manner the child can understand.
4. A licensee shall not ignore a child's complaints of pain or illness and shall document persistent complaints and any actions taken in response to the complaints.

B. Medical care.

1. A licensee shall arrange for a physician, physician's assistant, or nurse practitioner to give a child a medical examination within one week of the child's admission unless:
 - a. A licensed medical practitioner examined the child within the 45 days preceding the child's admission; and
 - b. The licensee has a report of the examination as prescribed in R6-5-7438(E)(4)(a).
2. A licensee shall also arrange for a child in care to receive an annual medical exam from a physician, physician's assistant, or nurse practitioner.
3. The initial and annual medical examinations shall include:
 - a. Screening for communicable disease unless restricted by law;
 - b. Vision and hearing screening; and
 - c. For children who wish to participate in sports or physically strenuous activities such as backpacking, an evaluation of the child's capacity to participate.
4. A licensee shall obtain a report of the examination, and, if applicable, a statement signed by the medical practitioner conducting the examination, or the practitioner's designee, regarding the child's capacity, fitness, and clearance to participate in sports or physically strenuous activities.
5. After attempting to determine a child's immunization history, a licensee shall arrange for the child to receive any routine immunizations and booster shots within 30 days of admission.

C. Dental care.

1. A licensee shall arrange for each child to have a dental examination within 60 days of admission unless the licensee is provided the written results of a dental examination conducted within six months prior to admission.
2. A licensee shall arrange for each child age 3 and older to receive a dental examination every six months.
3. In cooperation with the placing agency or person, a licensee shall arrange for a child to receive any prescribed dental care.

D. First aid. A licensee shall equip the residence of each living unit with at least the following first aid supplies:

1. Adhesive strip bandages;
2. Sterile, individually wrapped gauze squares;
3. Roller gauze;
4. Adhesive tape;
5. Individually wrapped non-stick sterile pads;
6. A triangular bandage to be used for a sling;
7. Disposable latex gloves;

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8. A pair of scissors;
9. A pair of tweezers; and
10. A cardiopulmonary resuscitation mouth guard or mouth shield.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7453. Medications

- A. A licensee shall have written policies and procedures governing medications. The policies and procedures shall specify:
 1. The conditions under which medications can be prescribed and administered which shall be in accordance with any applicable laws;
 2. The qualifications of the persons allowed to administer medications;
 3. The qualifications of persons allowed to supervise self-administration of medication;
 4. How a facility will document the prescription and administration of medication, medication errors, and drug reactions; and
 5. How staff will notify a child's attending physician in cases of medication errors and drug reactions.
- B. The licensee shall have a written medication schedule for each child who receives medication. The schedule shall include the following information:
 1. Child's name;
 2. Name of the prescribing physician;
 3. Telephone number at which the prescribing physician can be reached in case of medical emergency;
 4. Reason for prescribing the medication;
 5. Date on which the medication was prescribed;
 6. Generic or commercial name of the medication;
 7. Dosage level and time of day when medication is to be administered, including any special administration instructions;
 8. The date, time, and dosage administered; and
 9. The signature of the person administering each dosage. If the medication is self-administered, the chart shall include the signature of the child and the person supervising the child's self-administration.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7454. Storage of Medications

A licensee shall store medications as prescribed in this Section.

1. Medications shall be kept in securely locked spaces that are not used for any other purpose and to which children do not have access.
2. All medications requiring refrigeration shall be stored separately from food items, in a locked container, in a refrigerator and under temperature ranges recommended by the manufacturer.
3. All prescription medication shall be kept in its original container which shall have a label with the following information:
 - a. Child's name;
 - b. Name of the medication;
 - c. Prescribing physician;
 - d. Date of purchase and, if known, expiration date; and
 - e. Directions for administering.
4. All over-the-counter medication shall be kept in its original container with the manufacturer's label.
5. At least once every 90 days, the licensee shall dispose of all:

- a. Outdated medications;
- b. Medications for children no longer at the facility; and
- c. Medications specifically prescribed for an illness from which a child has recovered.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7455. Children's Medical and Dental Records

A licensee shall maintain health records for each child. The records shall include the information listed in this Section if available to the licensee.

1. The child's past medical history of:
 - a. Immunizations,
 - b. Serious illness or injuries,
 - c. Surgeries,
 - d. Known allergies, and
 - e. Adverse drug reactions.
2. Developmental history.
3. Medication history.
4. History of any alcohol or substance abuse and treatment.
5. Immunizations provided while in care.
6. Medications received while in care and a record of any medication errors.
7. Copies of consents for treatment or care.
8. Authorization to participate in sports or physically strenuous activities, if applicable.
9. Reports of vision and hearing screening and physical and dental examinations.
10. Record of any treatment provided for specific illness or medical emergencies, including the name and location of medical personnel who provided treatment.
11. The name of the person or agency bearing financial responsibility for the child's health care.
12. Documentation showing the licensee's efforts, consistent with the terms of the placing agreement, to obtain glasses, hearing aids, prosthetic devices, corrective physical or dental devices, or any other health equipment recommended by a child's attending physician.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7456. Behavior Management

A. A licensee shall have written behavior management policies and procedures which shall:

1. Be developmentally appropriate for the children in care;
2. Be designed to encourage and support the development of self-control;
3. Describe the following:
 - a. Behavior expectations of children;
 - b. Consequences for violations of the licensee's policies and rules which shall be:
 - i. Reasonably related to the violation; and
 - ii. Administered without prolonged and unreasonable delay;
 - c. Physical restraint and restrictive behavior management techniques used by the licensee;
 - d. The kinds of behaviors warranting use of physical restraints or restrictive behavior management techniques;
 - e. The licensee's methods of documenting use of physical restraints or restrictive behavior management techniques;

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- f. Behavior management techniques which require supervisory authorization or written documentation before being used;
 - g. The licensee's process for supervisory review to evaluate whether staff properly applied the restraints or techniques in a particular case; and
 - h. Behavior management techniques prohibited by the licensee.
- B.** The licensee's staff are responsible for control and discipline of children in care. The licensee shall not allow children to discipline other children.
- C.** The licensee shall not threaten a child or allow any child to be subjected to maltreatment, abuse, neglect, or cruel, unusual, or corporal punishment, including the following practices:
- 1. Spanking or paddling a child;
 - 2. All forms of physical violence inflicted in any manner upon the body;
 - 3. Verbal abuse, ridicule, or humiliation;
 - 4. Deprivation of shelter, bedding, food, water, clothing, sufficient sleep, or opportunity for toileting;
 - 5. Force-feeding, except as prescribed by a licensed medical practitioner;
 - 6. Placing a child in seclusion;
 - 7. Requiring a child to take a painfully uncomfortable position, such as squatting or bending for extended periods of time; and
 - 8. Administration of prescribed medication or medication dosage without specific physician authorization.
- D.** To determine whether a licensee has violated subsection (C)(7), the Licensing Authority shall consider all the circumstances at the time of the action, including the following:
- 1. The child's physical condition;
 - 2. Whether the child was taking any medications that may have affected the child's ability to perform the action, such as psychotropic medications or antibiotics;
 - 3. The climatic conditions under which the child was performing the action, such as intense heat or cold, rain, or snow;
 - 4. The level of force, if any, the licensee used to require the child to perform the activity and whether any use of force resulted in injury to the child; and
 - 5. Whether the activity was consistent with the licensee's program description and procedures.
- E.** The behavior management practices listed in this subsection are restricted. A licensee may use a restricted practice only when the licensee satisfies the conditions listed in subsection (F) and any additional conditions listed in this subsection.
- 1. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:
 - a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program, or as part of a work experience that meets the requirements of R6-5-7449(F) and (G);
 - b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and
 - c. Within sight supervision of staff.
 - 2. Disciplinary measures taken against a group because of the individual behavior of a member of the group.
 - 3. Denial of visitation or communication with significant persons outside the facility solely as a consequence for inappropriate behavior.
 - 4. Use of a mechanical restraint unless:
 - a. The licensee's policy lists the qualifications of staff allowed to use the restraint;
 - b. Staff allowed to use the restraint have received training in the proper use of the restraint;
 - c. The licensee has documentation of the restraint training in the personnel file of the staff member;
 - d. Use of the restraint is authorized in a child's individual service plan; and
 - e. Staff have tried less restrictive measures which have failed.
- 5.** Physical restraint, except:
- a. When the child needs restraint to prevent danger to the child or danger to another; and
 - b. After staff have tried less restrictive measures which have failed.
- F.** A licensee may use a restricted practice only when the practice and the circumstances warranting its use are:
- 1. Consistent with the licensee's program description and purpose;
 - 2. Described in the licensee's behavior management policy;
 - 3. Used as prescribed in this Section; and
 - 4. Not otherwise prohibited by these rules.
- G.** If a licensee cannot use a specific physical restraint or behavior management technique on a particular child, the child's service plan shall describe the restriction.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7457. Body Searches

If a licensee permits a body search of children in care, the licensee shall have a written policy describing the conditions warranting a body search and the procedures for conducting the search.

- 1. When searching a child, staff shall use the minimum amount of physical contact required to determine if the child has contraband.
- 2. The licensee shall not conduct an internal body cavity search on a child.
- 3. The licensee shall not use any instruments to search a child.
- 4. The licensee shall not conduct a strip search beyond underwear.
- 5. Unless a licensed medical practitioner is searching a child, a person of the same gender as the child shall do the search.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7458. Buildings; Grounds; and Water Supply

- A.** Structures and Improvements: A licensee shall maintain a facility's structures and improvements in good repair, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:
- 1. Repair doors, windows and other building features that protect a building from weather damage or pest infestation, within 48 hours of finding that the building part is in disrepair;
 - 2. Document efforts to make or obtain repairs if repairs cannot be completed in 48 hours;
 - 3. Keep buildings free of vermin infestation;
 - 4. Keep exits free of obstruction or impediments to immediate use; and
 - 5. Have barriers appropriate to the developmental needs of children in care to prevent falls from porches and elevated areas, walkways, and stairs.
- B.** Exits: The licensee shall equip each building used by children with exits as prescribed in this subsection.

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1. Each building shall have at least two exterior means of egress on each floor.
 2. Exits above ground level shall have an outside fire escape or a fire-resistant stairwell that has been approved by the state or a local fire inspector.
 3. Exit doors shall have only locks that allow the doors to be opened from the inside without use of a key or knowledge of special or restrictive operating procedures.
- C.** Grounds: A licensee shall maintain a facility's grounds in good condition, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:
1. Store garbage and rubbish in non-combustible, covered containers, separate from play areas;
 2. Remove refuse and recyclables from the building at least once a day;
 3. Remove refuse and recyclables from the facility grounds at least once a week.
 4. Use safeguarding measures to separate children in care from potentially hazardous areas on or near the facility grounds;
 5. Maintain fences and other barriers in good repair; and
 6. Locate and install playground or recreational equipment at the facility in accordance with the manufacturer's instructions and recommendations, and maintain the equipment in good repair and in accordance with the manufacturer's instructions and recommendations.
- D.** Water supply: If a facility's water is from any source other than an approved public water supply, the licensee shall obtain a written water analysis report, showing that the water is potable and meets the applicable requirements for safe drinking water in 18 A.A.C. 4. The licensee shall get the analysis and report from a laboratory certified by the Department of Health Services before initial operation and each annual renewal.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7459. Building Interior

- A.** A licensee shall ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards prescribed in this Article and the licensee's own program description.
- B.** The licensee shall keep a facility clean and sanitary.
- C.** The licensee shall have and maintain furnishings as prescribed in this subsection.
1. All living areas shall have furniture designed to suit the size and capabilities of the children in care.
 2. A licensee shall replace or repair broken, dilapidated, or defective furnishings and equipment.
 3. A licensee shall have mirrors in the facility to permit children in care to examine their personal appearance.
 4. A licensee shall secure the mirrors to walls at heights convenient to the children in care.
- D.** A licensee shall ensure that all spaces used by children have outside ventilation from a window, louvers, air conditioning, or other mechanical equipment. A window or door used for outside ventilation shall have a screen.
- E.** A licensee shall maintain a facility's residential environment at temperatures that do not:
1. Exceed 85° F,
 2. Fall below 65° F during daylight hours, or
 3. Fall below 60° F during sleeping hours.
- F.** A licensee shall use thermometers scaled at no more than 2 degree increments to determine temperature.

- G.** A licensee shall not use free-standing stoves that use wood, sawdust, coal, or pellets, or portable heaters as the primary source of heat for a residential area.
- H.** A licensee shall safeguard hot water radiators or steam radiators and pipes or any other heating device capable of causing a burn.
- I.** A licensee shall maintain and use all electrical equipment, wiring, cords, switches, sockets, and outlets in good working order, under safe conditions, in accordance with the manufacturer's recommendations, and as prescribed in this subsection.
1. Electrical outlets in areas accessible to children younger than 6 shall have safety plugs or plates.
 2. The licensee shall not:
 - a. Use extension cords exceeding 7 feet in length,
 - b. Allow extension cords to be connected together to extend their length, or
 - c. Allow extension cords to run across or through a room or to pass from one room into another.
- J.** A licensee shall provide illumination for a facility's rooms, corridors, and stairways so that children and personnel can perform activities and tasks safely and without eye strain.
- K.** A licensee shall illuminate a facility's outdoor walkways and premises so that children and personnel using areas at night can perform activities and tasks safely.
- L.** A licensee housing more than 10 children shall install and maintain emergency lighting systems in children's living quarters.
1. In this subsection, "emergency lighting system" means a battery or generator operated system that:
 - a. Automatically activates if electrical power fails; and
 - b. Provides sufficient light for persons to exit safely in an emergency.
 2. If a licensee provides written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, the system is presumed adequate to satisfy this subsection.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7460. Kitchens; Food Preparation; and Dining Areas

- A.** A licensee shall maintain a facility's kitchen and dining areas, and shall handle food, as prescribed in this Section.
- B.** The licensee shall:
1. Equip a facility kitchen used for meal preparation with the fixtures, appliances, equipment, tools, and utensils ("kitchen equipment") necessary for the safe and sanitary preparation, storage, service, and cleanup of food;
 2. Keep kitchen equipment clean and in good working order;
 3. Not use defective, damaged, tin, or aluminum dishes or utensils;
 4. Not use disposable dinnerware or flatware on a daily basis unless the licensee provides evidence, at the time of initial licensure and at each renewal, that disposable items are necessary to protect the health or safety of children in care;
 5. Maintain the temperature of potentially hazardous food at or below 45° F or above 140° F, except when the food is being handled or served;
 6. Cover all food that is to be transported outside of the kitchen and dining areas of the facility; and
 7. Not use home canned foods.

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- C. If a facility has more than 20 children, the licensee shall comply with the requirements in A.A.C. R9-8-132 through R9-8-137.
- D. If a facility has less than 21 children, the licensee shall comply with A.A.C. R9-8-113, R9-8-115, R9-8-116, R9-8-117, and R9-8-121 through R9-8-127, and shall have:
1. One refrigerator for each 10 children at a facility; and
 2. A three-compartment sink; or
 3. A National Sanitation Foundation (NSF)-listed dishwasher; or
 4. A domestic dishwasher with a sanitizer cycle.
- E. A facility shall have clean dining areas and tables which allow children, staff, and guests to eat together.
- and a designated space for hanging clothing in or near the child's bedroom.
- B. The square footage area prescribed in subsection (A)(2)(c) is presumed adequate. If a licensee operates a barracks type facility that does not meet these square footage requirements, the licensee shall present a written plan showing how the licensee's square footage provides enough space for sleeping, rest, study, recreation, ingress, and egress in an emergency. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.
- C. A licensee shall not have bedroom doors that can be locked.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7461. Sleeping Areas and Furnishings

- A. A licensee shall provide each child in care with a designated area for rest and sleep as prescribed in this Section.
1. A licensee shall not use mobile dwellings, trailers, or vehicles as sleeping quarters.
 2. The licensee shall provide children in care with bedroom space that:
 - a. Has a direct source of natural light;
 - b. Has a window that:
 - i. Opens to the outside without a grill or other impediment to immediate, emergency exit;
 - ii. Can be easily opened from the inside;
 - iii. Measures at least 22 inches on each side; and
 - iv. Has a bottom sill that is no more than 48 inches from the floor; and
 - c. Is at least:
 - i. A 74 square foot floor area for a single occupant;
 - ii. A 50 square foot floor area for each occupant in a multiple sleeping area; or
 - iii. A 40 square foot floor area for each crib.
 3. The licensee shall provide each child in care with a bed that:
 - a. Is proportional to the child's height,
 - b. Is at least 30 inches wide,
 - c. Has a solidly constructed bed frame, and
 - d. Has safety railings if developmentally appropriate for the child using the bed.
 4. If a licensee uses a bunk bed, the bed shall be limited to a double bunk, and shall have sufficient head room to allow the upper occupant to sit up.
 5. A licensee shall use only cribs that have:
 - a. Bars or slats no more than 2 3/8 inches apart;
 - b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame; and
 - c. No openings through which a child could place his or her head.
 6. A licensee shall provide sheets, pillow cases, and blankets for each child and shall maintain bedding in good repair, without tears or stains.
 - a. The licensee shall ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary.
 - b. The licensee shall use water resistant bedding when necessary.
 7. A licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings

R6-5-7462. Bathrooms

- A. A licensee shall maintain bathrooms and bathroom fixtures in good operating and sanitary condition, and as prescribed in this Section.
1. The licensee shall have facility bathrooms equipped with:
 - a. At least one wash basin and one toilet for every six children in care;
 - b. At least one bathtub or shower for every eight children in care;
 - c. Cold and hot running water, with enough hot water to allow each child a daily bath or shower;
 - d. Bathtubs and showers that are slip-resistant; and
 - e. Toilets and bathtubs or showers which allow a child to have privacy, as developmentally appropriate, or as otherwise prescribed in written program policy.
 2. The licensee shall not permit children age 5 or older who are of different genders to share a bathroom at the same time.
 3. The licensee shall equip bathrooms to facilitate maximum self-help by children through one or more of the following methods:
 - a. Providing children with step-stools to reach a sink,
 - b. Providing smaller sized bathroom fixtures,
 - c. Providing training toilets,
 - d. Placing towel racks and dispensers at lower heights, or
 - e. Other similar or comparable methods.
 4. A licensee shall have bathrooms large enough to permit staff to help children who require it.
 5. A licensee shall provide bathrooms with sufficient toilet paper, towels, soap, and other items required to maintain good personal hygiene, or shall provide children with personal supplies of these items.
- B. The bathroom fixture requirements prescribed in subsections (A)(1)(a) and (b) are presumed adequate. If a licensee operates a barracks type facility which does not meet these requirements, the licensee shall present a written plan showing how the licensee's bathroom facilities permit children in care to maintain adequate hygiene. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7463. Other Facility Space; Staff Quarters

- A. A licensee shall ensure that a facility has:

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1. A place other than children's living areas to serve as an administrative office for records, secretarial work, and bookkeeping; and
 2. Space for private discussions and counseling sessions between individual children and staff.
- B.** If a licensee has staff who reside at the facility, the licensee shall provide those staff with living and sleeping space that is separate from children's areas, including a separate bathroom. The licensee shall provide the children of these staff, who also reside at the facility, with a residential environment that meets the requirements of this Article for children in care.
- C.** A licensee operating a barracks type facility that has been approved as described in R6-5-7461(B) and R6-5-7462(B) is not required to provide separate space as described in subsection (B).

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7464. Fire, Emergency, and Fire Prevention

- A.** Emergency Procedures: A licensee shall have written procedures for staff and children to follow in case of emergency or disaster (natural, medical, or human-caused). The procedures shall include the following:
1. Provisions for the evacuation of buildings, including the evacuation of children with physical disabilities;
 2. Assignment of staff to specific tasks and responsibilities;
 3. Instructions on the use of alarm systems and signals;
 4. Specification of evacuation routes and procedures, with clearly marked diagrams; and
 5. Notification as prescribed in R6-5-7434.
- B.** Emergency Practices and Drills: A licensee shall prepare staff and children to respond to emergencies as prescribed in this subsection.
1. The licensee shall train all staff to perform assigned tasks during emergencies, including the location and use of fire fighting equipment.
 2. The licensee shall train staff and children to report fires and other emergencies in accordance with written emergency procedures.
 3. The licensee shall post evacuation procedures in conspicuous locations throughout all buildings.
 4. The licensee shall train staff and children in evacuation procedures and conduct emergency drills at least once a month as prescribed in this subsection.
 - a. Practice drills shall include actual evacuation of children to safe areas.
 - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
 - c. All persons in the building at the time of a drill shall participate in the drill.
 5. A licensee shall maintain a record of all emergency drills. The record shall include:
 - a. Date and time of drill,
 - b. Total evacuation time,
 - c. Exits used,
 - d. Problems noted, and
 - e. Measures taken to ensure that children understand the purpose of a drill and their responsibilities during a drill.
- C.** Fire Prevention and Control: A licensee shall have and maintain fire prevention and safety equipment as prescribed in this subsection.
1. In a facility's residential environment, the licensee shall install and maintain smoke detectors according to the

manufacturer's instructions, recommendations, and test specifications and shall maintain smoke detectors in good working order. Each smoke detector shall have a signal to indicate that batteries are low or are not working properly.

2. The licensee shall put a smoke detector in each separate sleeping area.
3. The licensee shall clean and test smoke detectors at least every three months. The licensee shall keep a written record of the cleaning and testing at the facility.
4. A licensee shall install and maintain portable fire extinguishers appropriate in number and size to the area to be protected.
5. A licensee shall have a qualified person inspect and, if necessary, recharge fire extinguishers at least once a year and immediately after use.
6. A licensee shall:
 - a. Document the dates that a fire extinguisher is charged and the person or agency responsible for charging it; and
 - b. Attach the documentation to the extinguisher.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7465. General Safety

- A.** Ground Floor: A licensee shall house non-ambulatory children and children younger than 6 only on the ground floor.
- B.** Licensees that provide services to young adults:
1. A licensee that provides services to young adults shall provide adequate safety information and individualized instruction to promote the safe use of a substance or item that is:
 - a. Required to be safeguarded under this Section; and
 - b. Necessary for the young adult's self-sufficiency, such as laundry and cleaning supplies, tools, and kitchen knives.
 2. A licensee that provides services to young adults placed in care with their own children shall safeguard substances and items in a manner appropriate to protect the youngest child in residence.
- C.** Dangerous objects: A licensee shall safeguard all potentially dangerous objects, including:
1. Firearms and ammunition;
 2. Recreation and hunting equipment;
 3. Household and automotive tools;
 4. Sharp objects such as knives, glass objects, and pieces of metal;
 5. Fireplace tools, matches, and other types of lighters;
 6. Machinery;
 7. Electrical wires, boxes, and outlets;
 8. Gas appliances;
 9. Chemicals, cleaners, and toxic or flammable substances;
 10. Swimming pools, ponds, spas, and other natural or artificial bodies of water; and
 11. Motorized vehicles.
- D.** Water Temperature: A licensee shall maintain water that is accessible to children for personal use at a temperature at or below 120° F.
- E.** Gas appliances:
1. A licensee shall have a licensed and bonded heating and cooling technician annually inspect all gas-fired devices at a facility. The licensee shall get a written report of the inspection for submission to the Licensing Authority at the time of license renewal.

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2. A licensee shall equip all gas-fired devices with an automatic pilot gas shut-off control.
 3. A licensee shall remove the valves from unused gas outlets and cap the disconnected gas line with a standard pipe cap.
 4. A licensee shall not use unvented water heaters.
 5. A licensee shall not use kerosene or gasoline for lighting, cooking, or heating.
 6. If a licensee uses a natural or propane gas burning device inside a facility, the licensee shall:
 - a. Install, test, and check carbon monoxide monitoring equipment in a facility's residential environment according to the manufacturer's instructions;
 - b. Maintain the monitoring equipment in good working condition; and
 - c. At the facility, keep a copy of the manufacturer's instructions, and, for one year, a record of the tests.
- F. Finishes and surfaces:**
1. A licensee shall not surface walls or ceilings with materials that contain lead except as allowed by law for protection from wood, pellet, or peat burning stoves.
 2. A licensee shall not have any walls, equipment, furnishings, toys, or decorations surfaced with lead paint.
 3. A licensee that accepts children who are under age 6, developmentally disabled, or severely emotionally disturbed, shall maintain the facility free of lead paint hazards, including permanent removal of any paint that a child may ingest.
- G. Toxic and Flammable Substances:**
1. A licensee shall ensure that any poisons and toxic or flammable substances used at a facility are used in a manner and under conditions that will not contaminate food or be hazardous to children.
 2. A licensee shall ensure that containers of poisons and toxic or flammable substances are prominently and distinctly marked or labeled for easy identification of contents.
 3. A licensee may burn trash only when:
 - a. Local authorities and ordinances allow burning;
 - b. The fire is at least 50 feet from any building used for children's residences; and
 - c. An adult supervises any child involved in the burning.
 4. A licensee shall not use charcoal or gas grills indoors or on covered porches.
- H. Firearms, Weapons, and Recreational and Hunting Equipment:**
1. A licensee shall ban firearms, explosives, and ammunition from a facility and grounds, except a licensee may allow the following:
 - a. Firearms maintained and used exclusively by trained security guards; and
 - b. Non-functional, permanently disabled firearms used for ceremonial purposes if such use is documented in the licensee's policy and procedures.
 2. A licensee shall keep bows and arrows, knives, and other potentially hazardous hunting and recreational equipment in locked secure storage that is not accessible to children.
- I. Tools and Equipment:** A licensee shall maintain lawn and garden equipment and maintenance tools and equipment safe and in good repair, and shall allow children to use them only under the supervision of staff. Depending on the developmental level of the child, the supervision need not be direct supervision.
- J. Telephone service:**
1. A licensee shall equip each living unit that does not house young adults with 24-hour telephone service or an intercom system linked to an outside telephone service, or
2. A licensee that provides services to young adults shall provide a device in each living unit that allows a young adult to immediately summon on-duty staff or emergency services. In addition, the licensee shall provide a telephone onsite. The licensee shall provide written and verbal information to each young adult explaining how to summon assistance in the event of an emergency.
 3. A licensee shall conspicuously post, adjacent to the telephone:
 - a. The address and telephone number of the facility; and
 - b. Emergency telephone numbers, including fire, police, physician, poison control, Child Protective Services, and ambulance.
- K. Smoking:**
1. A licensee shall not expose a child in care to tobacco products or smoke.
 2. A licensee shall not allow any person to use tobacco products inside buildings.
 3. A licensee shall not allow a child in care to use or possess tobacco products.
- L. Animals:**
1. The licensee shall not maintain, at a facility, any animal that poses a danger to children in care.
 2. The licensee shall have written evidence that dogs kept at a facility have current vaccinations against rabies.
- Historical Note**
- Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by emergency rulemaking at 12 A.A.R. 2233, effective June 1, 2006 for 180 days (Supp. 06-2). Emergency renewed at 12 A.A.R. 4732, effective November 28, 2006 for 180 days (Supp. 06-4). Amended by final rulemaking at 13 A.A.R. 2049, effective May 21, 2007 (Supp. 07-2).
- R6-5-7466. Swimming Areas**
- A.** A licensee shall fence an outdoor swimming pool to separate it from all buildings, with a fence that:
1. Is at least 5 feet high, as measured on the exterior side of the fence; and
 2. Has a self-closing, self-latching gate that opens away from the swimming pool. The licensee shall maintain the latching equipment in good working order.
- B.** If the licensee accepts children younger than 6, the fence shall:
1. Have no opening through which a spherical object of 4 inches in diameter can pass;
 2. Have horizontal components which:
 - a. Are spaced at least 45 inches apart, measured vertically; or
 - b. Do not have any openings greater than 1 3/4 inches, measured horizontally; or
 3. Not have any openings for handholds or footholds, or any horizontal components, that can be used to climb the fence from the outside.
- C.** Subsections (A) and (B) do not apply to outdoor swimming pools that are entirely surrounded by permanent walls or buildings with doors that can be locked, so long as the walls or building meet the requirements for fencing set forth in subsections (A) and (B).
- D.** A licensee shall lock all entrances to a swimming pool when the pool is not in use.
- E.** A licensee shall maintain the following life-saving equipment in good repair and readily accessible to the swimming pool:
1. A ring buoy with 1/2-inch width rope that is at least half the distance of the pool measured at its longest point, plus 10 feet; and

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2. A shepherd's crook attached to its own pole.
- F.** At least one of the staff members supervising children in a pool, shall remain out of the water.
- G.** When a pool is in use, a licensee shall keep a daily log to record water quality test results of an on-grounds swimming pool and shall maintain the pool free from contamination in accordance with 9 A.A.C. 8, Article 8.
- H.** The licensee shall, when chlorination is used, maintain a free chlorine residual of between 0.1 and 4.0 parts per million, and a pH range of 7.0 to 8.0. A licensee may add dry or liquid chemical sources directly to pool water only when enough time exists for dispersal before use.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7467. Access; Transportation; Outings

- A.** Access.
1. A facility shall be accessible by public or private motor vehicle.
 2. If the facility cannot be accessed by a road that is passable by motor vehicle 12 months of the year the licensee shall have alternative transportation arrangements to provide access to the facility.
- B.** Transportation.
1. A licensee shall provide, arrange, or negotiate responsibility for arranging, with the placing agency or person, transportation required to implement a child's service plan.
 2. A licensee shall provide staff supervision in any vehicle the licensee uses to transport a child in care.
- C.** Outings.
1. For every facility sponsored outing which is not part of the daily routine, such as a recreational trip of four hours or more, or an outing where emergency medical services cannot respond within 12 minutes, a licensee shall maintain, at the facility, a record of the following information:
 - a. A list of children participating in the outing;
 - b. Departure time and anticipated return time;
 - c. License plate numbers of every vehicle used for the outing; and
 - d. Name, location, and, if known, telephone number of the destination.
 2. The licensee shall give the driver of a vehicle written emergency information on each child who is participating in the outing and riding with that particular driver.
 3. The person supervising the child shall keep the information during the outing. The information shall include:
 - a. Each child's medication requirements, if any;
 - b. Common and known potential adverse reactions a child may have to a medication;
 - c. Adverse reactions a child may have as the result of delay in administration of medication; and
 - d. Any other adverse reaction a child is likely to have due to the child's special needs, including allergic reactions to particular substances or insects.
 4. The licensee shall tell the driver about a child's particular needs or problems which may reasonably cause difficulties during transportation, including seizures, tendency toward motion sickness, disability, anxiety, or other phobias.
- D.** Extended outings: If a licensee takes children in care on an outing that lasts more than 30 consecutive days, the licensee shall:
1. Obtain court permission for any children who are court wards;

2. Comply with the requirements in R6-5-7469 through R6-5-7471 governing outdoor experience programs.
- E.** Vehicles.
1. A licensee shall ensure that all vehicles used for the transportation of children in care:
 - a. Are mechanically sound and in good repair,
 - b. Conform to applicable motor vehicle laws, and
 - c. Have equipment appropriate to the terrain and the weather.
 2. The licensee shall not allow the number of individuals in a vehicle used to transport children in care to exceed the number of available seats and seat belts in a vehicle other than a bus. If the vehicle is a bus, the licensee shall not exceed the maximum stated occupancy on the bus inspection certificate.
 3. A licensee serving nonambulatory children or children with disabilities shall provide access to transportation that accommodates the children's special needs and disabilities.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7468. Special Provisions for Shelter Care Facilities

- A.** General Requirements: A licensee operating a shelter care facility shall comply with all requirements prescribed in this Article, unless otherwise provided in this Section.
- B.** Admission Policy and Practice:
1. If a child has already been in shelter care for more than 42 days, a licensee shall not admit the child into shelter care at the licensee's facility, or permit the child to continue residing at the licensee's facility, unless the licensee has:
 - a. Asked the child's placing agency or person to have a multidisciplinary team:
 - i. Assess the child through a review of the child's records or in person; and
 - ii. Develop a service plan for the child; and
 - b. Documented the request in the child's record.
 2. When a child self-refers to a shelter care facility, the licensee shall, within 24 hours of the child's arrival:
 - a. Notify the Department or the child's guardian; and
 - b. Document the placing agency or person's consent for the child's continued placement in a written agreement with the placing agency or person, or by obtaining a court order.
 3. A licensee does not have to obtain medical information and consents before or at the time of a child's admission to a shelter care facility as prescribed in R6-5-7438(E)(4) and (5), but shall document attempts to obtain the medical consents from the placing agency or person within two days of the child's admission.
 4. At the time of a child's admission, the licensee is not required to obtain the comprehensive intake assessment required by R6-5-7438(D), but shall work with the placing agency or person to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status, as applicable to the child.
- C.** Staff-child ratio: A shelter care facility shall comply with the staff-child ratios prescribed in R6-5-7437, except that a licensee who accepts six or more children in care at a shelter facility shall have at least one awake staff member on duty during sleeping hours.
- D.** Staff development: In addition to the training requirements prescribed in R6-5-7433, a licensee shall train staff members

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who work at a shelter care facility to recognize the signs and effects of:

1. Substance use and abuse,
 2. Common childhood illness, and
 3. Communicable disease.
- E.** Medical care: A shelter care facility does not have to provide or arrange a medical examination as required by R6-5-7452(B)(1) unless the general health assessment required by R6-5-7438(E)(9) indicates a need for further medical attention.
- F.** Service planning: Unless a child remains in continuous shelter care for more than 42 consecutive days, a licensee operating a shelter care facility is not required to comply with the R6-5-7441 regarding service planning.
- G.** Children's records: A licensee shall maintain a record for each child in a shelter care facility as prescribed in R6-5-7428 except the licensee need not:
1. Comply with R6-5-7441, except as otherwise provided in subsection (F) above; or
 2. Maintain treatment or clinical records and reports or progress monitoring notes as required by R6-5-7428(9) and (13).

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs

- A.** A licensee operating an outdoor experience program shall comply with the requirements in 6 A.A.C. 5, Article 74, except as otherwise provided in this Section.
- B.** An outdoor experience program shall not accept children younger than age 8.
- C.** An outdoor experience program is exempt from the requirements set forth in the following rules:
1. R6-5-7458. Buildings; Grounds; Water Supply;
 2. R6-5-7459. Building Interior;
 3. R6-5-7460. Kitchens; Food Preparation; and Dining Areas;
 4. R6-5-7461. Sleeping Areas and Furnishings;
 5. R6-5-7462. Bathrooms;
 6. R6-5-7463. Other Facility Space; Staff Quarters;
 7. R6-5-7464. Fire, Emergency, and Fire Prevention;
 8. R6-5-7465. General Safety;
 9. R6-5-7466. Swimming Areas;
 10. R6-5-7467. Access; Transportation; Outings; and
 11. R6-5-7468. Special Provisions for Shelter Care Facilities.
- D.** An outdoor experience program shall comply with the requirements in R6-5-7470 and R6-5-7471.
- E.** If there is a conflict between the requirements set forth in R6-5-7401 through R6-5-7468 and the requirements set forth in R6-5-7469 through R6-5-7471, the latter requirements govern.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7470. Planning Requirements for Outdoor Experience Programs

- A.** Definitions. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.
- B.** Trip itinerary. The agency shall develop a tentative day-to-day itinerary and a trip map for each trip prior to departure. One copy each of the itinerary and map shall be distributed as follows: to the agency for its office files; to the mobile program staff; when appropriate, to local authorities at each point on the itinerary before departure; to the child placing agency repre-

sentative for each child who will be departing on the trip, and to the Department licensing representative. When major amendments to the itinerary are necessary due to unforeseen circumstances on the trip, written notification to the designated individuals shall be made. The itinerary shall reflect the following:

1. The travel schedule shall allow for daily periodic rest stops, relaxation, exercise, and personal time.
 2. The travel schedule shall not exceed five consecutive days without at least two full intervening non-traveling days, unless emergency conditions such as storms force travel to safer sites.
 3. The travel schedule shall specify the number of days of the trip, including departure and return dates and times, and mileage to be covered each day.
 4. The travel schedule shall specify the route, specific tentatively planned locations of overnight stops, and activities in which children will participate.
 5. The travel schedule shall specify the mode of transportation.
- C.** Trip plans. The agency shall develop written plans prior to the departure of each trip. These plans shall include:
1. The name, age, sex, address, and emergency phone number of each staff participant and of each child's parent or guardian and placing agency;
 2. The exact location and access route for emergency rescue, search, fire, and medical assistance and law enforcement authorities at each program stop or location including the names, addresses, telephone numbers of other alternative means of communication with such authorities in case of an emergency. This information shall be included and identified on the trip map;
 3. Contingency plans to deal with medical problems, fire, natural disasters, lost children, and other emergencies;
 4. Plans for the care of any person who, for any reason, must be excluded from the program for a period of time;
 5. Provision for and storage within ready access of the program staff, documents which fully identify the group, its leadership, ownership of equipment, purpose, insurance coverage, home base, and which contain completed health history forms and emergency treatment release forms;
 6. Identification of appropriate sources or locations for water, food, doing laundry, bathing, liquid and solid waste, and garbage disposal;
 7. A scheduled progress and condition report system between the mobile program and the agency administrator;
 8. The maintenance by staff of a trip log which details each day's operation including travel time, mileage covered, and occurrences of the day;
 9. The safe storage for all supplies and equipment while in transit as well as at the campsites.
- D.** Pre-departure procedures
1. The appropriate permissions shall be secured, if possible prior to departure, for traveling on roads and properties, using sites, and building fires.
 2. Prior to departure, each child shall receive medical clearance from a physician in order to participate in the mobile portion of the program.
 3. Prior to departure, all children and staff shall receive instruction in the safe and proper use of all equipment to be used on the trip.
 4. Prior to departure, all children and staff shall be oriented as to safety regulations, emergency procedures, and transportation to emergency facilities or personnel, or both.

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5. Prior to departure, the route, activities and logistics shall be approved in writing by the agency administrator.
 6. An emergency liaison coordinator shall be appointed prior to departure. This coordinator or the coordinator's designee shall be available on a 24-hour basis. This person shall be located at the agency administrative office, and shall be at least 21 years of age and shall possess the following information about the program:
 - a. Names of individuals on the trip, including the staff member in charge;
 - b. Exact trip itinerary;
 - c. Number of days, including departure and return dates and times;
 - d. Rescue and evacuation plans and locations;
 - e. Pertinent medical information about program participants.
- This warning shall be on a sign or stenciled directly on the shelter.
- g. Sleeping areas shall have direct exit access to the outside which is free of all obstruction or impediments to immediate use in the case of fire or other emergency.
2. Sleeping equipment
 - a. Sleeping equipment shall be provided by the agency and shall be clean, comfortable, non-toxic and fire-retardant.
 - b. Sleeping equipment shall provide reasonable insulation from cold and dampness. In addition to sleeping bag or blankets, insulation from the ground such as with a waterproof ground cloth or air or foam mattress shall be provided. A waterproof sleeping bag is not satisfactory.
 - c. All sleeping equipment shall be laundered, dry cleaned, and otherwise sanitized between assignment to different children or staff. Bedding shall be aired at least once every five days and laundered, dry cleaned, and sanitized once every 30 days.
 - d. Each child shall have a place for personal own sleeping equipment, clothes, and personal belongings. Such items shall be labeled or marked as to which child is using or owns such items.
 3. Outdoor toilet areas
 - a. The agency with outdoor toilet areas shall provide facilities which allow for individual privacy.
 - b. Toilet areas shall be constructed, located and maintained so as to prevent any nuisance or public health hazard. Facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner as prescribed by the Department of Health Services in A.A.C. R9-8-301 through R9-3-308, and the Department of Environmental Quality in 18 A.A.C. 8, Article 6.
 - c. Toilet areas which do not have plumbing shall be located at least 75 feet from but within 300 feet of any living or sleeping area, or both, and shall be located at least 100 feet from any lake, stream, or water supply.
 - d. Toilets, outhouses, or portable shacks shall be adequate in number based on one seat for every 10 children in care.
 - i. There shall be a minimum of two seats if there are more than five children.
 - ii. If the agency serves physically disabled children, toilet facilities shall provide one seat for every eight persons.
 - e. Toilet facilities shall be well ventilated, allow for air circulation, be screened and periodically treated to deter insects, and be in good repair. An adequate supply of toilet paper shall be provided.
 - f. Toilets, outhouses, and portable shacks shall be cleaned and disinfected at least daily. Portable shacks shall be dumped daily in an approved dump station.
 - g. Toilet seats shall be constructed of nonporous materials. Wood is not acceptable.
 - h. Handwashing facilities shall be adjacent to the toilet area and shall be separate and apart from sinks and areas used for food preparation or washing pots, pans, kitchen, and eating utensils. Individual soaps and hand-drying devices shall be available.
 4. Food preparation and serving

Historical Note

Renumbered from R6-5-7307 to R6-5-7470 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7471. Special Physical Environment and Safety Requirements for Outdoor Experience Programs

- A. Definition. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.
- B. Campsite location
 1. General. The agency shall conduct activities on sites appropriate for the children in terms of individual needs, program goals, and access to service facilities.
 2. Hazards
 - a. When selecting a campsite, the agency shall consider supervision of children, security, evacuation routes, animal hazards, and weather conditions, including the possibilities of lightning or flood.
 - b. A campsite shall be located on land that provides good drainage. A campsite shall not be located in a river bed or desert wash.
 - c. A campsite shall be free of debris, poisonous vegetation, and uncontrolled weeds or brush.
 - d. Children shall be warned and protected from hazardous areas such as traffic, cliffs, sinkholes, pits, falling rock or debris, abandoned excavations and poisonous vegetation. Hazardous areas shall be guarded or posted to reduce the possibility of accidents.
- C. Physical environment
 1. Sleeping shelters
 - a. All tents, teepees, or other sleeping shelters made of cloth shall be fire retardant or, if purchased after January 1985, shall be of the fiber-impregnated flame-retardant variety. Plastic sleeping enclosures of any type are prohibited.
 - b. Tents or other shelters used for sleeping areas shall be easily cleanable and in good repair, shall be structured and maintained in safe condition and shall afford adequate protection against inclement weather.
 - c. Tents or other types of temporary shelters shall provide sleeping space of not less than 15 square feet per person.
 - d. Campfires and open flames of any type are prohibited within 21 feet of any tent, teepee, or other sleeping shelter.
 - e. Smoking is prohibited within any sleeping shelter.
 - f. All sleeping shelters shall be posted with a permanent warning "No open flame in or near this shelter."

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- a. Menus. Menus shall be planned at least one week in advance and shall then be dated, posted, and kept on file for one year.
 - b. Food
 - i. All food and drink shall be stored to prevent spoilage. Only the foods which can be maintained in a wholesome condition with the equipment available shall be used.
 - ii. All milk and milk products utilized by the agency shall be obtained from sources approved by the State Department of Health Services.
 - iii. Only pasteurized milk and U.S. Government-inspected meat shall be served to the children. Powdered milk may only be used for cooking or when no refrigeration is available on a wilderness trip.
 - iv. Spoiled or contaminated foods shall not be used.
 - v. Raw fruits and vegetables shall be washed before use.
 - c. Preparation
 - i. All persons handling food shall wear clean outer garments and keep their hands and fingernails clean at all times while handling food, drink, utensils, or equipment.
 - ii. Smoking in the food preparation area is prohibited.
 - iii. Handwashing areas, including water, soap, and approved sanitary towels or other approved hand-drying devices, shall be provided adjacent to food preparation areas.
 - iv. Areas in which food and drink are stored, prepared or served, or in which utensils are washed, shall be rodent proof, rodent free, and rubbish free. They shall be cleaned after the serving of each meal. Any floors, walls, shelves, tables, utensils, and equipment in these areas shall be of such construction as to be easily cleaned, and shall be well lighted and ventilated.
 - v. All food preparation and service shall comply with applicable Department of Health Services food service rules in 9 A.A.C. 8, Article 1.
 - vi. No dish, receptacle, or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, or broken.
 - vii. Prepared food shall be maintained at temperatures below 45° F or above 140° F; leftovers shall be reheated to 165° F.
 - d. Serving
 - i. Meal time shall be structured to make it a pleasant experience with sufficient time allowed for the children to eat at a reasonable, leisurely rate.
 - ii. Normal conversation shall be allowed and encouraged during meals.
 - e. Dish and utensil washing
 - i. Disposable or single-use dishes, utensils, receptacles or towels used in handling or preparing food shall be discarded after one use.
 - ii. Non-disposable food service dishes and utensils shall be cleaned and disinfected after each use in accordance with the following:
 - (1) A three-compartment sink or vat shall be used. Dishes and utensils shall be thoroughly scraped, washed with soap or detergent in hot water, kept clean, then rinsed free of detergents in clear water and then immersed for a period of at least two minutes in a warm or hot chlorine solution containing at no time less than 50 parts per million of available chlorine or such other solution as may be approved by the state or local health authority.
 - (2) Sinks shall be large enough to thoroughly immerse pots and pans.
 - (3) Dish towels shall not be used.
 - (4) Dishes and utensils shall be air dried. Drain boards shall be provided for draining dishes and utensils.
- D. Equipment**
1. Tools. Power tools, garden tools, and repair equipment shall be kept in a locked area and used by children only under adult supervision.
 2. Protective clothing/equipment. Appropriate protective clothing/equipment shall be provided to children by the agency, when children are participating in potentially hazardous activities.
 3. Program equipment
 - a. The agency shall use program equipment that is maintained in good repair, stored in such a manner as to safeguard the effectiveness of the equipment, and is given a complete safety check periodically and immediately prior to each use. Equipment shall be discarded after a period of time designated by the manufacturer.
 - b. The agency shall use program equipment appropriate to the age, size, and ability of each child in the activity.
- E. Storage.** The agency shall provide sufficient and appropriate storage facilities.
1. Toxic substances
 - a. The agency shall have securely locked storage spaces for all harmful materials. The keys to such storage spaces shall be available only to authorized staff members.
 - b. House and garden insecticides and other poisonous materials and all corrosive materials shall be kept in locked storage out of reach of children. Such storage shall not be in or near kitchen or food preparation or storage areas.
 - c. The agency shall have only those poisonous or toxic materials needed to maintain the program.
 2. Drugs
 - a. A special cabinet shall be designated for medicine only. The medicine cabinet shall be kept locked and periodically cleaned. All outdated medications and those prescribed for past illnesses or for children discharged from the agency shall be destroyed.
 - b. All prescription medicines, drugs, etc., requiring refrigeration shall be marked with the required temperature range and stored in a refrigerator with a thermometer separate from food items and maintained under temperature ranges recommended by the manufacturer.
 3. Flammable materials. Flammable liquids and gases shall be stored in metal containers only. The storage area must be separated from the rest of the living/program area.
 4. Food
 - a. All food and drink shall be stored so as to be protected from dust, flies, vermin, rodents, and other

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contamination. No live animals shall be allowed in any area in which food or drink is stored.

- b. Food and nontoxic cleaning supplies must be stored separately. Clean dishes and utensils shall be stored on properly covered shelves or in containers which are cleaned once a week with a chlorine solution (1 tablespoon of bleach to one gallon of water or an acceptable equivalent).
- c. All perishable food items shall be kept refrigerated except during the time of preparation and service.
- d. The temperature of refrigerated food must be maintained within a range from 38°F to 45°F.
- e. A thermometer shall be located in each refrigerator, including ice boxes and ice chests, as well as electric or gas refrigerators. Where ice and ice boxes or chests are used, adequate ice shall be provided, meats and other highly perishable foods shall not be stored over 24 hours and ice chests shall be drained to prevent accumulation of water from melted ice.

F. Water

1. Approved source. The agency must have a sufficient water supply which is potable and from an approved source or purified for drinking, brushing teeth, and cooking.
2. Water purification. Water purification tablets or other means of disinfecting water shall be available at all times. The agency shall have a written policy on effective purification methods to be employed according to the water sources utilized and possible types of contamination.
3. Bathing. Warm water facilities shall be planned for and available for each child to bathe at least once a week.
4. Washing and laundering. Personal washing and laundering is not permitted in any body of water. Water used for these purposes shall be taken in a container from the lake, river or pond, and after use, shall be dumped on land at least 50 yards from the water source.
5. Drinking water
 - a. Cool, potable drinking water shall be available for all children at all times.
 - b. The use of a common drinking utensil is prohibited.

G. Sanitation

1. Health and Environmental requirements
 - a. The disposal of sewage, garbage, and other wastes shall be done in accordance with local health and applicable state requirements, as provided in 18 A.A.C. 8, Article 6 and 18 A.A.C. 9, Article 8.
 - b. The agency shall obtain sanitation inspections of mobile kitchens or mobile toilet facilities, or both, prior to each trip by state or county authorities. Written reports of the sanitary inspections shall be kept on file at the agency. The agency shall meet all local, state, and federal health rules and regulations.
2. Garbage and rubbish
 - a. Garbage and rubbish shall be stored securely in durable, noncombustible, leakproof, non-absorbent containers covered with tight-fitting lids. Such containers shall be provided with a waterproof liner or thoroughly cleaned after each emptying.
 - b. Garbage and rubbish storage shall be separate from living/sleeping areas.
 - c. Garbage, rubbish and other solid wastes shall be disposed of twice weekly at an approved sanitary land-fill or similar disposal facility. In areas where no facilities are immediately available, solid wastes shall be packed out or disposed of in a manner in accordance with the regulations governing the area.

3. Sewage and wastes
 - a. Sewage and other liquid wastes shall be disposed of in a public sewage system or, in the absence thereof, in a manner approved by the local health authority.
 - b. Where possible, adequate and safe sewage facilities with flush toilets shall be provided.
4. Insects and rodents. Methods utilized in control of insects and rodents shall be used in a safe, cautious manner to avoid poisonous or toxic contamination to human beings.

H. Safety

1. Emergency procedures
 - a. The agency shall have and follow written procedures for staff and children in case of emergency. These procedures shall be developed with the assistance of qualified fire, safety, and rescue personnel and shall include provisions for the evacuation of all program areas and assignment of staff.
 - b. The agency shall train staff and children to report fires and other emergencies appropriately. Children and staff shall be trained in fire prevention.
 - c. The agency shall conduct emergency drills which shall include actual evacuation of children to safe areas at least monthly. The agency shall provide training for personnel on all shifts in performing assigned tasks during emergencies and making personnel familiar with the use of agency fire-fighting equipment.
 - i. Emergency drills shall be held at unexpected times and under varying conditions to simulate the possible conditions of fire or other disasters.
 - ii. All persons in the program area shall participate in emergency drills.
 - iii. A record of such emergency drills shall be maintained.
 - iv. The agency shall make special provisions for the evacuation of any physically handicapped children in the program.
 - v. The agency shall help emotionally disturbed or perceptually handicapped children understand the nature of such drills.
2. General program safety
 - a. The agency shall have written operating procedures, safety regulations, and emergency procedures for special program activities in which children participate, including aquatics, diving, lifesaving, instructional swimming, recreational swimming, water skiing, skin diving, scuba diving, boating, canoeing, rowing, sailing, crafts, bicycling, farming, horse-back riding, mountaineering, rock climbing, rappelling, caving, outdoor living skills, physical fitness, snow and ice activities, archery, gymnastics, riflery, contact sports, backpacking, expedition travel, and animal handling.
 - b. The agency shall provide the written operating procedures, safety regulations, and emergency procedures to the Department licensing staff for review and approval.
 - c. All children and staff shall receive instruction in the safe and proper use of all equipment and animals to be used by the program.
 - d. All children and staff shall be oriented as to safety regulations, emergency procedures and transportation to emergency facilities and/or personnel.
3. Electrical

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- a. Electrical wiring and electrical appliances shall be installed in accordance with the Arizona State Fire Code at A.A.C. R4-36-201.
 - b. Electrical wires extending over activity areas shall be fully insulated and located at least 12 feet above the activity area.
 - c. All exposed wiring shall be fully insulated.
4. Gas appliances
 - a. The installation of gas appliances for lighting, cooking, space heating, and water heating shall conform to state and local codes. Where no code applies, the provisions of A.R.S. §§ 36-1621 through 36-1626, together with the standards for the installation of gas appliances and gas piping, shall be followed.
 - b. All unused gas outlets shall have the valves removed and shall be capped off with a standard pipe cap.
 - c. Gasoline shall not be used for lighting, cooking, or heating.
 5. Fire safety equipment
 - a. Portable fire extinguishers shall be available and maintained for emergency fire protection. The number and type shall depend on the area to be protected.
 - b. All fire extinguishers shall be inspected at least monthly by staff members for proper location and to determine whether they are accessible, fully charged, and operable.
 - c. All fire extinguishers shall be inspected by an authorized fire extinguisher company at least once a year from the date of last charge and recharged immediately after use, or as otherwise necessary, showing the date of charging and the agency or company performing the work.
 - d. A dependable method of sounding a fire alarm shall be maintained in every agency area where children are located.
 - e. A written fire evacuation plan shall be posted.
- I. Water safety**
1. Water activities supervision
 - a. A water activities program operated by the agency shall at all times be under the immediate supervision of a person holding current certification as a Red Cross Water Safety Instructor, a YMCA Instructor in swimming and life saving, or an Aquatic Instructor Boy Scouts of America. A water-activities program includes recreational and instructional swimming in a pool, on a beach, or other approved water areas, rowing, canoeing, sailing, boating, water skiing, snorkeling and scuba diving.
 - b. The water activities supervisor shall provide pre-service training programs for participating children, supervise qualified lifeguards for water activities and maintain water activities equipment in safe working order.
 - c. There shall be a minimum of one guard currently certified in Red Cross Advanced Lifesaving, YMCA Lifesaving, or a Lifeguard Boy Scouts of America on duty for each 25 persons in or on the water, and in addition one staff member directly watching every 10 or less persons in or on the water.
 2. Swimming procedures
 - a. American Red Cross, YMCA, or Boy Scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to an area equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.
 - b. A method of supervising and checking bathers shall be established and enforced. The system used shall be supervised during swimming periods by a member of the aquatics staff and checks shall be conducted not less than every 10 minutes. A written "lost swimmer" plan shall be established and all staff shall know exactly what their duties are in case of an emergency.
 - c. Children shall swim only in areas designated by the water activities supervisor as safe.
 - d. Swimming is prohibited during the hours of darkness except in lighted pools.
3. Swimming areas
 - a. A swimming area shall be maintained in a clean and safe condition, free from holes, sharp edges, and hidden dangers. The agency shall post notice of any known hazard in the vicinity and shall properly safeguard children.
 - b. The swimming area shall have a delineation of areas for non-swimmers, intermediates, and swimmers in accordance with the standards of the American Red Cross, YMCA, Boy Scouts of America.
 - c. Lifesaving equipment shall be provided at a swimming area and placed so it is immediately available in case of an emergency. The equipment shall be kept in good working order and include a bell or whistle, two assist poles, and a ring buoy.
 - d. The water of a natural swimming area shall be free from contamination by garbage, refuse, sewage pollution, or foreign material.
 4. Watercraft and water-skiing
 - a. Any watercraft activities shall be conducted during daylight hours and supervised by the aquatics program instructor. A U.S. Coast Guard-approved life preserver shall be provided for each occupant of a watercraft. A non-swimmer shall wear a vest-type Coast Guard-approved life preserver and not be permitted in a watercraft unless accompanied by a staff member. A child shall wear a vest-type Coast Guard-approved life preserver before entering and while in white water or on a lake when the water is rough or while water-skiing.
 - b. During a watercraft activity period, a lifeguard shall patrol the watercraft area in a lifeboat. A watercraft docking area shall not be in the swimming area.
 - c. The swimming area shall not be used for the launching or stopping of water-skiers.
 - d. The agency which requires or permits children to use watercraft shall have special coverage for such activities included in the agency's liability insurance.
- J. Communications.** The agency shall have a plan for emergency communication and communication equipment available with each mobile program unit, which may include:
1. Telephone in camp units and outposts;
 2. Two-way radio or walkie-talkie;
 3. Knowledge of phone or radio locations on backpack, horseback, canoe or car trips, such as Ranger stations in remote areas;
 4. Simple code by flag, smoke, or mirror or other means if planned in advance.
- K. Transportation**
1. Vehicles

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- a. The agency shall provide or arrange transportation necessary for implementing the child’s service plan.
- b. Vehicles used in transporting children in care of the agency shall be licensed and inspected in accordance with Arizona state law.
- c. Vehicles used for the transportation of children shall be maintained in a safe condition and be equipped in a fashion appropriate for the season.
- d. The agency shall maintain written evidence that all vehicles owned, leased, borrowed, or rented by the agency to transport children are serviced regularly and maintained safely.
- e. Vehicles used for the transportation of children shall be equipped with a first-aid kit and emergency accessories including tools, a fire extinguisher and flares or reflectors.
- f. The agency shall not allow the number of persons in any vehicle used to transport children to exceed the number of available seats in the vehicle.
- g. The agency shall not transport children in open truck beds or in trailers.
- h. The agency shall ensure that any vehicle used to transport children has the following minimum amounts of liability insurance:
 Injury per person: \$300,000
 Injury per accident: \$1,000,000
- 2. Drivers
 - a. Any person transporting children in care of the agency shall be licensed to operate that class of vehicle according to Arizona state law.
 - b. The agency shall provide adequate supervision in any vehicle used by the agency to transport children in care.
 - c. The agency shall ascertain the nature of any need or problem of a child which might cause difficulties during transportation, such as seizures, a tendency towards motion sickness, or a disability. The agency shall communicate such information to the operator of any vehicle transporting children in care.
- 3. Transportation of nonambulatory children. The following additional arrangements are required for agencies serving handicapped, nonambulatory children.
 - a. A ramp device to permit entry and exit of a child from the vehicle must be provided for all vehicles except automobiles used to transport physically handicapped children. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.
 - b. In all land vehicles except automobiles, wheelchairs shall be securely fastened to the floor.
 - c. In all land vehicles except automobiles, the arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.
- 4. Emergency transportation
 - a. The agency shall have means of transporting children in cases of emergency.
 - b. The agency shall have a written plan for transportation of injured persons to emergency medical services.
- L. Animals
 - 1. Safety. The agency shall be responsible for the care and behavior of pets or any animals allowed or used in the program. Animals shall have had necessary rabies shots.
 - 2. Insurance. The agency which requires or permits children to ride horses or other domesticated animals shall have specific coverage for such activities included in the agency’s liability insurance.
 - 3. Sanitation. A temporary, shelter, corral, tie-rail, or hitching post shall be located beyond 50 feet of an area where food is prepared, cooked, or served. Fly repellents and daily removal of manure shall be used to prevent such a location from becoming an attraction for or breeding place for flies.

Historical Note

Renumbered from R6-5-7308 and amended effective July 1, 1997; filed with the Secretary of State’s Office May 15, 1997 (Supp. 97-2).

Appendix 1.

| FACTOR | INDICIA OF A BEHAVIORAL HEALTH AGENCY | INDICIA OF A CHILD WELFARE AGENCY |
|-----------------------------------|---|---|
| 1. Primary purpose | To provide mental health treatment | To provide a safe & healthy living environment |
| 2. Accreditation | JCAHO; COA; CARF | COA; Never JCAHO for this specific facility seeking licensure |
| 3. Nursing Services | Integrated into services | Occasional use |
| 4. On-campus educational services | Primarily seriously emotionally disturbed (SED); occasional regular education | Primarily regular education & learning disabilities; occasional SED |
| 5. Population served | Described as psychiatrically disordered; seriously emotionally disturbed; psychologically disturbed | Described as behavior disordered, delinquent, dependent, neglected, undersocialized |

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| | | |
|--|--|---|
| 6. Self-description | Behavioral Health Program Psychiatric Facility Psychosocial orientation | Child Welfare Agency; Social Services Agency; |
| Educational | | orientation; Re-education |
| 7. Primary source of referrals | Psychologists; psychiatrists; Insurance companies; CHAMPUS; RBHA's | DES; Juvenile courts; Juvenile Corrections; RBHA's as transition or with wrap-around |
| 8. Counseling, psychological, psychiatric services | Routinely provided to all clients | Provided only on an "as-needed" basis |
| 9. Location of behavioral health services | Within the program | Usually in office of contracted practitioner |
| 10. Behavioral health practitioners | Employees or contractors | Usually contracted services; may be contractor from another program or agency |
| 11. Case work services | Social workers, if any, are only part of professional staff | Social workers are primary part of professional staff |
| 12. Staff titles; direct care workers | Behavioral health technicians; psychiatric technicians; psychiatric nurses | House parents; child care workers; teaching parents |

Historical Note

Appendix 1 adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

ARTICLE 75. APPEAL AND HEARING PROCEDURES FOR ADVERSE ACTION AGAINST FAMILY FOSTER HOMES, ADOPTION AGENCIES, FAMILY CHILD CARE HOME PROVIDERS, AND PERSONS LISTED ON THE CHILD CARE RESOURCE AND REFERRAL SYSTEM

R6-5-7501. Definitions

The following definitions apply in this Article.

1. "Adverse action" means:
 - a. Denial, suspension, or revocation of a child care provider's certification, an adoption agency license, or a foster home license; and
 - b. Exclusion from the child care resource and referral system described in A.R.S. § 41-1967.
2. "Administration" means the Department organizational unit responsible for taking adverse action which is the subject of an appeal. "Administration" includes the Division of Children, Youth, and Families and the Child Care Administration.
3. "Adoption agency" has the meaning ascribed to "agency" in A.R.S. § 8-101(2).
4. "Appeals Board" means the Department's independent, quasi-judicial, administrative appellate body, established under A.R.S. § 23-672, and authorized to review administrative decisions issued by hearing officers as prescribed in A.R.S. § 41-1992(D).
5. "Appellant" means a person who seeks a hearing with the Office of Appeals to challenge adverse action taken by the Department.
6. "Child Care Administration" means the administrative unit within the Department which is responsible for certification and supervision of family child care home providers and administration of the Child Care Resource and Referral System.
7. "Child Care Resource and Referral System," which is sometimes referred to as "CCR&R," means the child care provider information system which the Department administers under A.R.S. § 41-1967.
8. "Department" means the Arizona Department of Economic Security.
9. "Division of Children, Youth, and Families" means the administrative unit in the Department responsible for licensing foster homes and adoption agencies.
10. "Family child care home provider" has the meaning prescribed in R6-5-5201(29).
11. "Foster parent" has the meaning prescribed in A.R.S. § 8-501(A)(5).
12. "Hearing officer" means an individual appointed by the Department Director under A.R.S. § 41-1992(A) to conduct hearings when an appellant challenges adverse action.
13. "Licensee" means a person:
 - a. Applying for a license as, or currently licensed as, a foster parent or an adoption agency;
 - b. Applying for certification as, or certified as, a family child care home provider; or
 - c. Listed on the Child Care Resource and Referral System.
14. "Office of Appeals" means the Department's independent, quasi-judicial, administrative hearing body which includes hearing officers appointed under A.R.S. § 41-1992(A).

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15. "Person" means a natural person, partnership, joint venture, company, corporation, firm, association, society, or institution.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7502. Entitlement to a Hearing; Appealable Action

- A.** A licensee who disputes adverse action may obtain an administrative hearing to challenge the action as provided in this Article.
- B.** The following actions are not appealable:
1. An adverse action resulting from a uniform change in federal or state law, unless the Department has misapplied the law to the person seeking the hearing;
 2. Failure to clear a fingerprint check or criminal history check;
 3. Imposition of noncompliance status as prescribed in R6-5-7035;
 4. Imposition of a corrective action plan as prescribed in R6-5-5818;
 5. Removal of a child from a placement;
 6. Failure to enter into a contract with a particular licensee or to place a child with a particular licensee; and
 7. Imposition of a provisional license as prescribed in A.R.S. § 8-509(D).
- C.** Findings made in a Child Protective Services ("CPS") investigation are not appealable under this Article. A person may appeal findings made in a CPS investigation of a licensee as prescribed in A.R.S. § 8-546.12.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7503. Computation of Time

- A.** In computing any time period,
1. The term "day" means a calendar day;
 2. The term "work day" means Monday through Friday, excluding Arizona state holidays;
 3. The date of the act, event, notice, or default from which a designated time period begins to run is not counted as part of the time period; and
 4. The last day of the designated time period is counted, unless it is a Saturday, Sunday, or Arizona state holiday.
- B.** A document mailed by the Department is deemed given to the addressee on the date mailed to the addressee's last known address. The mailing date is presumed to be the date shown on the document, unless the facts show otherwise.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7504. Request for Hearing; Form; Time Limits; Presumptions

- A.** Except as otherwise provided in R6-5-5010(A) and R6-5-5227, a person who wishes to appeal an adverse action shall file a written request for hearing with the Administration within 20 days of the date on the notice or letter advising the person of the adverse action. The Administration shall provide a form for this purpose, and, upon request, shall help an appellant fill out the form.
- B.** An appellant shall include the following information in the request for hearing:
1. Name, address, and telephone number, and, if applicable, telefacsimile number of the person subject to the adverse action;
 2. Identification of the Administration initiating the adverse action;

3. A description of the adverse action which is the subject of the appeal;
4. The date of the notice of adverse action; and
5. A statement explaining why the adverse action is unauthorized, unlawful, or an abuse of discretion.

- C.** The Department shall not deny an appeal solely because the request does not include all the information listed in subsection (B), so long as the request contains sufficient information for the Department to determine the identity of the appellant and the issue on appeal.
- D.** A request for hearing is deemed filed:
1. On the mailing date, as shown by the postmark, if sent first-class mail, postage prepaid, through the United States Postal Service to the Department; or
 2. On the date actually received by the Department, if not mailed as provided in subsection (D)(1).
- E.** The Department may determine that a document was timely filed if the sender of the document can demonstrate that the delay in submission was due to any of the following reasons:
1. Department error or misinformation,
 2. Delay or other action by the United States Postal Service, or
 3. Delay caused by the appellant changing mailing addresses at a time when the appellant had no duty to notify the Administration of the change.
- F.** When the Office of Appeals receives a request for hearing that was not timely filed, the Office of Appeals shall schedule a hearing to determine whether the delay in submission is excused as provided in subsection (E).
- G.** An appellant whose appeal is denied as untimely may petition for review as provided in R6-5-7518.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7505. Administration: Transmittal of Appeal

An Administration that receives a request for appeal shall send the Office of Appeals a copy of the request and the adverse action notice within two work days of receipt of the request.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7506. Stay of Adverse Action Pending Appeal

- A.** The Department shall not carry out the adverse action until the time for appeal has run, except as otherwise provided in subsection (C), and in the following circumstances:
1. The appellant expressly waives the delay of action; or
 2. The appellant
 - a. Is subject to the same adverse action for reasons other than those that are the subject of the current adverse action notice, and
 - b. Received notice of and failed to timely appeal the adverse action being imposed for reasons other than those that are the subject of the current notice.
- B.** If an appellant timely appeals an adverse action as provided in R6-5-7504, the Department shall not carry out the adverse action until a hearing officer issues a decision affirming the adverse action, except as otherwise provided in subsection (C), and in the following circumstances:
1. The appellant expressly waives the delay of action;
 2. The appellant
 - a. Is subject to the same adverse action for reasons other than those that are the subject of the current adverse action notice; and
 - b. Received notice of and failed to timely appeal the adverse action being imposed for reasons other than those that are the subject of the current notice;

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3. The appeal challenges an action that is not appealable according to R6-5-7502(B);
 4. The appellant withdraws the request for hearing; or
 5. The appellant fails to appear for the hearing.
- C. The Department may summarily suspend a license, a certificate, or registration on the CCR & R, as provided in A.R.S. § 41-1064(C).

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7507. Hearings: Location; Notice; Time

- A. The Office of Appeals shall schedule the hearing. The Office of Appeals may schedule a telephonic hearing or permit a witness to appear telephonically.
- B. Unless the parties stipulate to another hearing date, the Office of Appeals shall schedule the hearing as follows:
1. For appeals of adverse action against a foster parent, within 10 days of the date the Department receives the appellant's request for hearing, as required by A.R.S. § 8-506; and
 2. For all other appeals, no earlier than 20 days from the date the Department receives the appellant's request for hearing.
- C. The Office of Appeals shall mail a notice of hearing to all interested parties at least 20 days before the scheduled hearing date, except where the hearing is scheduled within the 10-day period specified in subsection (B)(1). For hearings scheduled within the 10-day period, the Office of Appeals shall notify the parties telephonically and send written notice at the earliest date practicable.
- D. The notice of hearing shall be in writing and shall include the following information:
1. The date, time, and place of the hearing;
 2. The name of the hearing officer;
 3. A general statement of the issues involved in the case;
 4. A statement listing the parties' rights, as specified in R6-5-7511; and
 5. A general statement of the hearing procedures.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7508. Rescheduling the Hearing

- A. An appellant may ask for postponement of a hearing by calling or writing the Office of Appeals and providing good cause as to why the hearing should be postponed. Good cause exists where circumstances beyond the appellant's reasonable control make it difficult or burdensome for the appellant to attend the hearing on the scheduled date.
- B. Except in emergency circumstances, the appellant shall ensure that the Office of Appeals receives the request for postponement at least five work days before the scheduled hearing date. The Office of Appeals may deny an untimely request. Emergency circumstances mean circumstances
1. Beyond the reasonable control of the party;
 2. Which did not arise until after the five-day period; and
 3. Which could not reasonably have been anticipated.
- C. When the Office of Appeals reschedules a hearing under this Section or R6-5-7514, the Office of Appeals shall notify all interested parties, in writing, prior to the hearing. The 20-day notice requirement in R6-5-7507(C) does not apply to rescheduled hearings.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7509. Hearing Officer: Duties and Qualifications

- A. An impartial hearing officer in the Office of Appeals shall conduct all hearings.
- B. The hearing officer shall:
1. Administer oaths and affirmations;
 2. Regulate and conduct hearings in an orderly and dignified manner that avoids unnecessary repetition and affords due process to all participants;
 3. Ensure that all relevant issues are considered;
 4. Exclude irrelevant evidence from the record;
 5. Request, receive, and incorporate into the record, relevant evidence;
 6. Upon compliance with the requirements of R6-5-7511, subpoena witnesses or documents needed for the hearing;
 7. Open, conduct, and close the hearing;
 8. Rule on the admissibility of evidence offered at the hearing;
 9. Direct the order of proof at the hearing;
 10. Upon the request of a party, or on the hearing officer's own motion, and for good cause shown, take action the hearing officer deems necessary for the proper disposition of an appeal, including the following:
 - a. Disqualify himself or herself from the case;
 - b. Continue the hearing to a future date or time;
 - c. Prior to the entry of a final decision, reopen the hearing to take additional evidence;
 - d. Deny or dismiss an appeal or request for hearing in accordance with the provisions of this Article; and
 - e. Exclude non-party witnesses from the hearing room; and
 11. Issue a written decision resolving the appeal.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7510. Change of Hearing Officer; Challenges for Cause

- A. A party may request a change of hearing officer as prescribed in A.R.S. § 41-1992(B) by filing an affidavit which shall include:
1. The case name and number;
 2. The hearing officer assigned to the case; and
 3. The name and signature of the party requesting the change.
- B. The party requesting the change shall file the affidavit with the Office of Appeals and send a copy to all other parties at least five days before the scheduled hearing date.
- C. Unless a party is challenging a hearing officer for cause as provided in subsection (D), a party may request only one change of hearing officer.
- D. At any time before a hearing officer renders a decision, a party may challenge a hearing officer on the grounds that the hearing officer is not impartial or disinterested in the case.
- E. A party who brings a challenge for cause shall file a request as provided in subsection (A) and send a copy of the request to all other parties. The request shall explain the reason why the assigned hearing officer is not impartial or disinterested.
- F. The hearing officer being challenged for cause may hear and decide the challenge unless:
1. A party specifically requests that another hearing officer make the determination, or
 2. The assigned hearing officer disqualifies himself or herself from the decision.
- G. The Office of Appeals shall transfer the case to another hearing officer when:
1. A party requests a change as provided in subsections (A) through (C), or
 2. A hearing officer is removed for cause as provided in subsections (D) through (F).

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- H. The Office of Appeals shall send the parties written notice of the new hearing officer assignment.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7511. Subpoenas

- A. A party who wishes to have a witness testify at a hearing, or to offer a particular document or item in evidence, shall first attempt to obtain the witness or evidence by voluntary means. Department documents are available to the appellant as prescribed in R6-5-7512(2).
- B. If the party cannot procure the voluntary attendance of the witness or production of the evidence, the party may ask the hearing officer assigned to the case to issue a subpoena for a witness, document, or other physical evidence.
- C. The party seeking the subpoena shall send the hearing officer a written request for a subpoena. The request shall include:
1. The case name and number;
 2. The name of the party requesting the subpoena;
 3. The name and address of any person to be subpoenaed, with a description of the subject matter of the witness's anticipated testimony;
 4. A description of any documents or physical evidence to be subpoenaed, including the title, appearance, and location of the item, and the name and address of the person in possession of the item; and
 5. A description of the party's efforts to obtain the witness or evidence by voluntary means.
- D. A party who wants a subpoena shall ask for the subpoena at least five days before the scheduled hearing date.
- E. The hearing officer shall deny the request if the witness's testimony or the physical evidence is not relevant to an issue in the case or is cumulative.
- F. The Office of Appeals shall prepare all subpoenas and serve them by certified mail, return receipt requested, except that the Office of Appeals may serve subpoenas to state employees who are appearing in the course of their state employment, by regular mail, hand-delivery, or state courier service.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7512. Parties' Rights

A party to a hearing has the following rights:

1. The right to request a postponement of the hearing, as provided in this Article;
2. The right to copy, before or during the hearing, any documents in the Department's file on the appellant, and documents the Department may use at the hearing, except documents shielded by the attorney-client or work-product privilege, or as otherwise prohibited by federal or state confidentiality laws;
3. The right to request a change of hearing officer as provided in A.R.S. § 41-1992(B) and R6-5-7510;
4. The right to request subpoenas for witnesses and evidence as provided in R6-5-7511;
5. The right to present the case in person or through an authorized representative, subject to any limitations prescribed in the Rules of the Supreme Court of Arizona, Rule 31(a);
6. The right to present evidence and to cross-examine witnesses; and
7. The right to further appeal, as provided in R6-5-7518 and R6-5-7520, if dissatisfied with an Office of Appeals' decision.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7513. Withdrawal of an Appeal

- A. An appellant may withdraw an appeal at any time prior to the scheduled hearing by signing a written statement expressing the intent to withdraw. The Department shall make a withdrawal form available for this purpose. An appellant may also orally withdraw an appeal on the open record.
- B. Upon receipt of a withdrawal request signed by the appellant or the appellant's representative, or a statement of withdrawal made on the record, the Office of Appeals shall dismiss the appeal.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7514. Failure to Appear; Default; Reopening

- A. If an appellant fails to appear at the scheduled hearing, the hearing officer shall:
1. Enter a default and issue a decision dismissing the appeal, except as provided in subsection (B);
 2. Rule summarily on the available record; or
 3. Adjourn the hearing to a later date and time.
- B. The hearing officer shall not enter a default if the appellant notifies the Office of Appeals, before the scheduled time of hearing, that the appellant cannot attend the hearing, due to good cause, and still desires a hearing or wishes to have the matter considered on the available record.
- C. No later than 10 days after a scheduled hearing date at which a party failed to appear, the non-appearing party may file a request to reopen the proceedings. The request shall be in writing and shall demonstrate good cause for the party's failure to appear.
- D. The hearing officer may decide the issue of good cause on the available record or may set the matter for briefing or for hearing.
- E. If the hearing officer finds that the party had good cause for non-appearance, the hearing officer shall reopen the proceedings and schedule a de novo hearing with notice to all interested parties as prescribed in R6-5-7508(C).
- F. Good cause exists where the non-appearing party demonstrates excusable neglect for both the failure to appear and the failure to timely notify the hearing officer. "Excusable neglect" has the meaning applied to "excusable neglect" as that term is used in Arizona Rules of Civil Procedure, Rule 60(c).

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7515. Hearing Proceedings

- A. The hearing is a de novo proceeding. The Department has the initial burden of going forward with evidence to support the adverse action being appealed.
- B. To prevail, the appellant shall prove, by a preponderance of the evidence, that the Department's action was unauthorized, unlawful, or an abuse of discretion.
- C. The Arizona Rules of Evidence do not apply at the hearing. The hearing officer may admit and give probative effect to evidence as prescribed in A.R.S. § 23-674(D).
- D. The Office of Appeals shall tape record all hearings or record the hearing by other stenographic means. The Department need not transcribe the proceedings unless a transcription is required for further administrative or judicial proceedings.
- E. The Office of Appeals charges a fee of 15¢ per page for providing a transcript. A party may obtain a waiver of the fee by

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submitting an affidavit stating that the party cannot afford to pay for the transcript.

- F. A party may, at his or her own expense, arrange to have a court reporter present to transcribe the hearing.
- G. The hearing officer shall call the hearing to order and dispose of any pre-hearing motions or issues.
- H. With the consent of the hearing officer, the parties may stipulate to factual findings or legal conclusions.
- I. Upon request and with the consent of the hearing officer, a party may make opening and closing statements. The hearing officer shall consider any statements as argument and not evidence. Unless the hearing officer allows a longer period of time, a statement shall not exceed three minutes.
- J. A party may testify, present evidence, and cross-examine adverse witnesses. The hearing officer may also take witness testimony or admit documentary or physical evidence on his or her own motion.
- K. The hearing officer shall keep a complete record of all proceedings in connection with an appeal and shall exclude any irrelevant evidence.
- L. The hearing officer may require the parties to submit memoranda on issues in the case if the hearing officer finds that the memoranda would assist the hearing officer in deciding the case. The hearing officer shall establish a briefing schedule for any required memoranda.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7516. Hearing Decision

- A. No later than 60 days after the date the appellant files a request for hearing with the Department, the hearing officer shall render a decision based solely on the evidence and testimony produced at the hearing, and the applicable law. The 60-day time limit is extended for any delay caused by the appellant.
- B. The hearing decision shall include:
 1. Findings of fact concerning the issue on appeal;
 2. Citations to the law and authority applicable to the issue on appeal;
 3. A statement of the conclusions derived from the controlling facts and law, and the reasons for the conclusions;
 4. The name of the hearing officer;
 5. The date of the decision; and
 6. A statement of further appeal rights and the time period for exercising those rights.
- C. The Office of Appeals shall mail a copy of the decision to each party's representative, or to the party if the party is unrepresented.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7517. Effect of the Decision

- A. If the hearing officer affirms the adverse action against the appellant, the adverse action is effective on the mailing date of the hearing officer's decision. The adverse action remains effective until the appellant appeals and obtains a higher administrative or judicial decision reversing or vacating the hearing officer's decision.
- B. If the hearing officer reverses the Administration's decision to take adverse action, the Administration shall not take the action unless and until the Appeals Board or Arizona Court of Appeals issues a decision affirming the adverse action.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7518. Further Administrative Appeal

- A. A party may appeal an adverse decision issued by a hearing officer to the Department's Appeals Board, as prescribed in

A.R.S. § 41-1992(C) and (D), by filing a written petition for review with the Office of Appeals within 15 days of the mailing date of the hearing officer's decision.

- B. The petition for review shall:
 1. Be in writing,
 2. Describe why the party disagrees with the hearing officer's decision, and
 3. Be signed and dated by the party or the party's representative.
- C. The party petitioning for review shall mail a copy of the petition to all other parties.
- D. The Office of Appeals shall have the proceedings of the hearing below transcribed for the Appeals Board.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7519. Appeals Board

- A. The Appeals Board shall conduct proceedings in accordance with A.R.S. § 41-1992(D) and A.R.S. § 23-672.
- B. Following notice to the parties, the Appeals Board may receive additional evidence or hold a hearing if the Appeals Board finds that additional information would help in deciding the appeal. The Board may also remand the case to the Office of Appeals for rehearing, specifying the nature of the additional evidence required, or any further issues to be considered.
- C. The Appeals Board shall decide the appeal based solely on the record of proceedings before the hearing officer and any further evidence or testimony presented to the Board.
- D. The Appeals Board shall issue, and mail to all parties, a final written decision affirming, reversing, setting aside, or modifying the hearing officer's decision. The Board's decision shall specify the parties' rights to further review and the time for filing a request for review.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7520. Judicial Review

Any party adversely affected by an Appeals Board decision may seek judicial review as prescribed in A.R.S. § 41-1993.

Historical Note

Adopted effective June 4, 1998 (Supp. 98-2).

ARTICLE 76. REPEALED**R6-5-7601. Repealed****Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7602. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7603. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7604. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).

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R6-5-7631. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7632. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7633. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7634. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7635. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7636. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7637. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7638. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7639. Repealed**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 77. REPEALED

Former Article 77 consisting of Sections R6-5-7701 through R6-5-7704 repealed effective November 8, 1982.

ARTICLE 78. REPEALED

Former Article 78 consisting of Sections R6-5-7801 through R6-5-7804 repealed effective November 8, 1982.

ARTICLE 79. REPEALED

Former Article 79 consisting of Sections R6-5-7901 through R6-5-7913 repealed effective November 8, 1982.

ARTICLE 80. EXPIRED**R6-5-8001. Expired****Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8002. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8003. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8004. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8005. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8006. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8007. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8008. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8009. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

R6-5-8010. Expired**Historical Note**

Adopted effective September 16, 1976 (Supp. 76-4). Section expired under A.R.S. § 41-1056(J) at 22 A.A.R. 2567, effective March 31, 2016 (Supp. 16-3).

ARTICLE 81. REPEALED

Former Article 81 consisting of Sections R6-5-8101 through R6-5-8104 repealed effective November 8, 1982.

ARTICLE 82. REPEALED

Former Article 82 consisting of Sections R6-5-8201 through R6-5-8204 repealed effective November 8, 1982.

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ARTICLE 83. REPEALED**R6-5-8301. Repealed****Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8302. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8303. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8304. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8305. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8306. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-35-8307. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8308. Repealed**Historical Note**

Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 84. REPEALED

Former Article 84 consisting of Sections R6-5-8401 through R6-5-8404 repealed effective November 8, 1982.

ARTICLE 85. REPEALED

Former Article 85 consisting of Sections R6-5-8501 through R6-5-8508 repealed effective November 8, 1982.

ARTICLE 86. REPEALED**R6-5-8601. Repealed****Historical Note**

Adopted effective February 24, 1977 (Supp. 77-1). Former Section R6-5-8601 repealed, new Section R6-5-8601 adopted effective March 8, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8602. Repealed**Historical Note**

Adopted effective February 24, 1977 (Supp. 77-1). Former Section R6-5-8602 repealed, new Section R6-5-8602 adopted effective March 8, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8603. Repealed**Historical Note**

Adopted effective February 24, 1977 (Supp. 77-1). Former Section R6-5-8603 repealed, new Section R6-5-8603 adopted effective March 8, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8604. Repealed**Historical Note**

Adopted effective February 24, 1977 (Supp. 77-1). Former Section R6-5-8604 repealed, new Section R6-5-8604 adopted effective March 8, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 87. REPEALED**R6-5-8701. Repealed****Historical Note**

Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8702. Repealed**Historical Note**

Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8703. Repealed**Historical Note**

Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8704. Repealed**Historical Note**

Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 88. REPEALED

Former Article 88 consisting of Sections R6-5-8801 through R6-5-8804 repealed effective November 8, 1982.

ARTICLE 89. RESERVED**ARTICLE 90. RESERVED****ARTICLE 91. REPEALED****R6-5-9101. Repealed****Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9102. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9103. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9104. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

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ARTICLE 92. REPEALED**R6-5-9201. Repealed****Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9202. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9203. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9204. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 93. REPEALED

Former Article 93 consisting of Sections R6-5-9301 through R6-5-9304 repealed effective November 8, 1982.

ARTICLE 94. REPEALED

Former Article 94 consisting of Sections R6-5-9401 through R6-5-9404 repealed effective November 8, 1982.

ARTICLE 95. REPEALED

Former Article 95 consisting of Sections R6-5-9501 through R6-5-9504 repealed effective November 8, 1982.

ARTICLE 96. REPEALED

Former Article 96 consisting of Sections R6-5-9601 through R6-5-9604 repealed effective November 8, 1982.

ARTICLE 97. REPEALED

Former Article 97 consisting of Sections R6-5-9701 through R6-5-9704 repealed effective November 8, 1982.

ARTICLE 98. REPEALED

Former Article 98 consisting of Sections R6-5-9801 through R6-5-9804 repealed effective November 8, 1982.

ARTICLE 99. REPEALED

Former Article 99 consisting of Sections R6-5-9901 through R6-5-9904 repealed effective November 8, 1982.

ARTICLE 100. REPEALED

Former Article 100 consisting of Sections R6-5-10001 through R6-5-10004 repealed effective November 8, 1982.

ARTICLE 101. REPEALED

Former Article 101 consisting of Sections R6-5-10101 through R6-5-10104 repealed effective November 8, 1982.

ARTICLE 102. REPEALED

Former Article 102 consisting of Sections R6-5-10201 through R6-5-10204 repealed effective November 8, 1982.

ARTICLE 103. REPEALED

Former Article 103 consisting of Sections R6-5-10301 through R6-5-10304 repealed effective November 8, 1982.

ARTICLE 104. REPEALED**R6-5-10401. Repealed****Historical Note**

Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10402. Repealed**Historical Note**

Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10403. Repealed**Historical Note**

Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10404. Repealed**Historical Note**

Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 105. REPEALED**R6-5-10501. Repealed****Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10502. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10503. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10504. Repealed**Historical Note**

Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 106. REPEALED

Former Article 106 consisting of Sections R6-5-10601 through R6-5-10604 repealed effective November 8, 1982.

ARTICLE 107. REPEALED

Former Article 107 consisting of Sections R6-5-10701 through R6-5-10704 repealed effective November 8, 1982.

ARTICLE 108. REPEALED

Former Article 108 consisting of Sections R6-5-10801 through R6-5-10804 repealed effective November 8, 1982.

ARTICLE 109. REPEALED

Former Article 109 consisting of Sections R6-5-10901 through R6-5-10904 repealed effective November 8, 1982.

ARTICLE 110. REPEALED

Former Article 110 consisting of Sections R6-5-11001 through R6-5-11004 repealed effective November 8, 1982.