

## NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

### NOTICE OF PROPOSED EXEMPT RULEMAKING

#### TITLE 9. HEALTH SERVICES

#### CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

*Editor's Note: The following Notice of Exempt Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1591.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 4, 2011.*

[R11-102]

#### PREAMBLE

- 1. Sections Affected**

R9-22-210	<b><u>Rulemaking Action</u></b>
R9-22-217	Amend
	Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 36-2903.01  
Implementing statute: A.R.S. § 36-2907 as amended by Laws 2011, Ch. 31, § 13 ("the 2011 Act")
- 3. The proposed effective date of the rules:**

October 1, 2011
- 4. A list of all previous notices appearing in the Register addressing the proposed exempt rule:**

None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Please submit comments by mail or e-mail to the contact below. The public comment period closes at 5:00 p.m. on August 21, 2011.

Name: Mariaelena Ugarte  
Address: AHCCCS  
Office of Administrative and Legal Services  
701 E. Jefferson St., Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
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E-mail: AHCCCSrules@azahcccs.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

The Governor's Medicaid Reform Plan, as announced on March 15, 2011, includes proposals to reduce nonfederal expenditures for the AHCCCS program by approximately \$500 million during state fiscal year 2012. To achieve some of these reductions, the AHCCCS Administration is proposing the exclusion coverage of facility services for adults 21 years and older for claims containing CPT code 99281. CPT codes refer to Current Procedural Technology codes which are developed, maintained, and copyrighted by the American Medical Association. CPT codes assign a number for medical, surgical, and diagnostic services provided by medical practitioners. CPT code 99281 describes emergency department visits for which the presenting problem(s) are usually minor or self-limited. Therefore, claims for facility services containing CPT code 99281 will be denied.

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A.R.S. § 36-2907(D) states that AHCCCS shall adopt rules necessary to limit, to the extent possible, the scope, duration and amount of services, that are consistent with federal regulations for the Medicaid program. Those federal regulations require (1) that the State Plan for Medicaid must specify the amount, duration, and scope of each covered service, (2) that services must be sufficient in amount, duration, and scope to reasonably achieve its purpose, and (3) allow each state to place appropriate limits or exclusions on a service based on such criteria as medical necessity or on utilization control procedures. This proposed rule implements the statutory provision consistent with federal regulations. The limitations or exclusions to services included in the Arizona State Plan for Medicaid as described in this rule will be included in a State Plan Amendment submitted to the federal government in accordance with requirements for the Medicaid program.

At this time, the AHCCCS Administration is proposing to exclude facility coverage for adults age 21 years and older where a claim is submitted for an emergency department visit with code 99281.

In Arizona Laws 2011, Ch. 31, § 13, the Legislature authorized the agency to adopt rules, including rules relating to limit, to the extent possible, the scope, duration and amount of services, including maximum limitation for inpatient services.

Arizona Laws 2011, Ch. 31, § 34 authorizes the Administration to adopt rules necessary to implement the AHCCCS program within the available appropriations and exempts the Administration from the formal rulemaking requirements of A.R.S. Title 41, Chapter 6.

Arizona Law 2011, Ch. 31, § 34, requires public notice with an opportunity for public comment of at least 30 days. Public notice of this rulemaking will be accomplished through publication of this rulemaking on the agency web site on July 21, 2011. A supplemental notice will also appear in the *Arizona Administrative Register* in advance of the close of the comment period. In addition, notice will be directed to those individuals who, prior to this proposed rulemaking have notified the agency of their desire to receive such notices directly pursuant to A.R.S. § 36-2903.01(B)(6).

**7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

No studies were relied upon for the implementation of this rulemaking, but analysis of the member utilization of Emergency Department visits reported through claims and encounters for dates of service during SFY 2010, has assisted the AHCCCS Administration in arriving at the proposed limitations. Prior to proposing this rule, AHCCCS reviewed historical information regarding utilization of the services limited by the proposed rule. Based on that review, AHCCCS determined that approximately 90% of utilizing members would remain unaffected if these limitations are implemented.

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

AHCCCS estimates that the exclusion of CPT code 99281 for facility services provided in the emergency department will reduce total expenditures by approximately \$3.7 million in combined state and federal funds of the state fiscal year 2012. The excluded CPT code 99281 reimbursement rate is \$91.92 per unit.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Not applicable

**11. A summary of the comments made regarding the rule and the agency response to them:**

Public comment period closes at 5:00 p.m. on August 21, 2011.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

No

**15. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION

Notices of Exempt Rulemaking

ARTICLE 2. SCOPE OF SERVICES

Section

R9-22-210. Emergency Medical Services for Non-FES Members

R9-22-217. Services Included in the Federal Emergency Services Program

ARTICLE 2. SCOPE OF SERVICES

**R9-22-210. Emergency Medical Services for Non-FES Members**

**A. General provisions.**

1. **Applicability.** This Section applies to emergency medical services for non-FES members. Provisions regarding emergency behavioral health services for non-FES members are in R9-22-210.01. Provisions regarding emergency medical and behavioral health services for FES members are in R9-22-217.
2. **Definitions.**
  - a. For the purposes of this Section, “contractor” has the same meaning as in A.R.S. § 36-2901. Contractor does not include ADHS/DBHS, or a subcontractor of ADHS/DBHS, or Children’s Rehabilitative Services.
  - b. For the purposes of this Section and R9-22-210.01, “fiscal agent” means a person who bills and accepts payment for a hospital or emergency room provider.
3. **Verification.** A provider of emergency medical services shall verify a person’s eligibility status with AHCCCS, and if eligible, determine whether the person is enrolled with AHCCCS as non-FES FFS or is enrolled with a contractor.
4. **Prior authorization.**
  - a. **Emergency medical services.** Prior authorization is not required for emergency medical services for non-FES members.
  - b. **Non-emergency medical services.** If a non-FES member’s medical condition does not require emergency medical services, the provider shall obtain prior authorization as required by the terms of the provider agreement under R9-22-714(A) or the provider’s subcontract with the contractor, whichever is applicable.
5. **Prohibition against denial of payment.** The Administration and a contractor shall not limit or deny payment for emergency medical services for the following reasons:
  - a. On the basis of lists of diagnoses or symptoms,
  - b. Prior authorization was not obtained, or
  - c. The provider does not have a subcontract.
6. **Grounds for denial.** The Administration and a contractor may deny payment for emergency medical services for reasons including but not limited to:
  - a. The claim was not a clean claim;
  - b. The claim was not submitted timely; and
  - c. The provider failed to provide timely notification under subsection (B)(4) to the contractor or the Administration, as appropriate, and the contractor does not have actual notice from any other source that the member has presented for services.

**B. Additional requirements for emergency medical services for non-FES members enrolled with a contractor.**

1. **Responsible entity.** A contractor is responsible for the provision of all emergency medical services to non-FES members enrolled with the contractor.
2. **Prohibition against denial of payment.** A contractor shall not limit or deny payment for emergency medical services when an employee of the contractor instructs the member to obtain emergency medical services.
3. **Notification.** A contractor shall not deny payment to a hospital, emergency room provider, or fiscal agent for an emergency medical service rendered to a non-FES member based on the failure of the hospital, emergency room provider, or fiscal agent to notify the member’s contractor within 10 days from the day that the member presented for the emergency medical service.
4. **Contractor notification.** A hospital, emergency room provider, or fiscal agent shall notify the contractor no later than the 11th day after presentation of the non-FES member for emergency inpatient medical services. A contractor may deny payment for a hospital’s, emergency room provider’s, or fiscal agent’s failure to provide timely notice.

**C. Post-stabilization services for non-FES members enrolled with a contractor.**

1. After the emergency medical condition of a member enrolled with a contractor is stabilized, a provider shall request prior authorization from the contractor for post-stabilization services.
2. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that have been prior authorized by the contractor.
3. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain the member’s stabilized condition within one hour of a request to the contractor for prior authorization of further post-stabilization services;
4. The contractor is financially responsible for medical post-stabilization services obtained within or outside the network that are not prior authorized by the contractor, but are administered to maintain, improve, or resolve the member’s stabilized condition if:

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- a. The contractor does not respond to a request for prior authorization within one hour;
- b. The contractor authorized to give the prior authorization cannot be contacted; or
- c. The contractor representative and the treating physician cannot reach an agreement concerning the member's care and the contractor physician is not available for consultation. In this situation, the contractor shall give the treating physician the opportunity to consult with a contractor physician. The treating physician may continue with care of the member until the contractor physician is reached or:
  - i. A contractor physician with privileges at the treating hospital assumes responsibility for the member's care;
  - ii. A contractor physician assumes responsibility for the member's care through transfer;
  - iii. The contractor's representative and the treating physician reach agreement concerning the member's care;or
  - iv. The member is discharged.
5. Transfer or discharge. The attending physician or practitioner actually treating the member for the emergency medical condition shall determine when the member is sufficiently stabilized for transfer or discharge and that decision shall be binding on the contractor.

**D.** Facility services provided in an Emergency Department (ED) setting, with claims containing the CPT code 99281, for members age 21 and older are excluded. Claims for facility services for members age 21 and older submitted with CPT code 99281 will be denied.

**D.E.** Additional requirements for FFS members.

1. Responsible entity. The Administration is responsible for the provision of all emergency medical services to non-FES FFS members.
2. Grounds for denial. The Administration may deny payment for emergency medical services if a provider fails to provide timely notice to the Administration.
3. Notification. A provider shall notify the Administration no later than 72 hours after a FFS member receiving emergency medical services presents to a hospital for inpatient services. The Administration may deny payment for failure to provide timely notice.

**R9-22-217. Services Included in the Federal Emergency Services Program**

- A.** Definition. For the purposes of this Section, an emergency medical or behavioral health condition for a FES member means a medical condition or a behavioral health condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:
  1. Placing the member's health in serious jeopardy,
  2. Serious impairment to bodily functions,
  3. Serious dysfunction of any bodily organ or part, or
  4. Serious physical harm to another person.
- B.** Services. "Emergency services for a FES member" mean those medical or behavioral health services provided for the treatment of an emergency condition. Emergency services include outpatient dialysis services for an FES member with End Stage Renal Disease (ESRD) where a treating physician has certified that in his opinion the absence of receiving dialysis at least three times per week would reasonably be expected to result in:
  1. Placing the patient's health in serious jeopardy, or
  2. Serious impairment of bodily function, or
  3. Serious dysfunction of a bodily organ or part.
- C.** Covered services. Services are considered emergency services if all of the criteria specified in subsection (A) are satisfied at the time the services are rendered and timely notification as specified in subsection (E) is given. The Administration shall determine whether an emergency condition exists on a case-by-case basis.
- D.** Prior authorization. A provider is not required to obtain prior authorization for emergency services for FES members. Prior authorization for outpatient dialysis services is met when the treating physician has completed and signed a monthly certification as described in subsection (B).
- E.** Notification. A provider shall notify the Administration no later than 72 hours after a FES member receiving emergency medical or behavioral health services presents to a hospital for inpatient services. The Administration may deny payment for failure to provide timely notice.
- F.** Services rendered through the Federal Emergency Services Program are subject to all exclusions and limitation on services in this Article including but not limited to the limitations on inpatient hospital services and emergency department services in R9-22-204 and R9-22-210.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION

*Editor's Note: The following Notice of Exempt Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1591.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 4, 2011.*

[R11-103]

**PREAMBLE**

- 1. Sections Affected**  
R9-22-1205
- Rulemaking Action**  
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 36-2903.01  
Implementing statute: A.R.S. § 36-2907 as amended by Laws 2011, Ch. 31, § 13 ("the 2011 Act")
- 3. The proposed effective date of the rules:**  
October 1, 2011
- 4. A list of all previous notices appearing in the Register addressing the proposed exempt rule:**  
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Please submit comments by mail or e-mail to the contact below. The public comment period closes at 5:00 p.m. on August 21, 2011.  
Name: Mariaelena Ugarte  
Address: AHCCCS  
Office of Administrative and Legal Services  
701 E. Jefferson St., Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: AHCCCSrules@azahcccs.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**  
The Governor's Medicaid Reform Plan, as announced on March 15, 2011, includes proposals to reduce nonfederal expenditures for the AHCCCS program by approximately \$500 million during state fiscal year 2012. To achieve some of these reductions, the AHCCCS Administration is proposing limitations to covered respite services.  
At this time, the AHCCCS Administration is proposing an approximate 15 percent reduction in the annual limit for respite hours. Respite services are provided to members receiving Behavioral Health services in an Acute care setting and to members in the ALTCS program. The respites services are not delineated under the State Plan, however, they are a covered service under the 1115 Waiver.  
In Arizona Laws 2011, Ch. 31, § 13, the Legislature authorized the agency to adopt rules pursuant to A.R.S. § 36-2907(D), including rules relating to limit, to the extent possible, the scope, duration and amount of services, including maximum limitation for inpatient services.  
Arizona Laws 2011, Ch. 31, § 34 authorizes the Administration to adopt rules necessary to implement the AHCCCS program within the available appropriations and exempts the Administration from the formal rulemaking requirements of A.R.S. Title 41, Chapter 6.  
Arizona Law 2011, Ch. 31, § 34, requires public notice with an opportunity for public comment of at least 30 days. Public notice of this rulemaking will be accomplished through publication of this rulemaking on the agency web site on July 21, 2011. A supplemental notice will also appear in the *Arizona Administrative Register* in advance of the close of the comment period. In addition, notice was directed to those individuals who, prior to this proposed rule-

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making have notified the agency of their desire to receive such notices directly pursuant to A.R.S. § 36-2903.01(B)(6).

7. **A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
No studies were relied upon for the implementation of this rulemaking, but analysis of the member utilization of respite services reported through claims and encounters for dates of service during SFY 2010, has assisted the AHCCCS Administration in arriving at the proposed limitations. Prior to proposing this rule, AHCCCS reviewed historical information regarding utilization of the services limited by the proposed rule. Based on that review, AHCCCS determined that at least 75% of utilizing members would remain unaffected if these limitations are implemented.
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
9. **The summary of the economic, small business, and consumer impact:**  
AHCCCS estimates that the limitations on respite hours will reduce total expenditures by approximately \$5.2 million in combined state and federal funds for the state fiscal year 2012.
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
Not applicable
11. **A summary of the comments made regarding the rule and the agency response to them:**  
Public comment period closes at 5:00 p.m. on August 21, 2011.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
13. **Incorporations by reference and their location in the rules:**  
None
14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**  
No
15. **The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION

ARTICLE 12. BEHAVIORAL HEALTH SERVICES

Section

R9-22-1205. Scope and Coverage of Behavioral Health Services

ARTICLE 12. BEHAVIORAL HEALTH SERVICES

**R9-22-1205. Scope and Coverage of Behavioral Health Services**

- A. Inpatient behavioral health services. The following inpatient services are covered subject to the limitations and exclusions in this Article.
  1. Covered inpatient behavioral health services include all behavioral health services, medical detoxification, accommodations and staffing, supplies, and equipment, if the service is provided under the direction of a physician in a Medicare-certified:
    - a. General acute care hospital, or
    - b. Inpatient psychiatric hospital.
  2. Inpatient service limitations:
    - a. Inpatient services, other than emergency services specified in this Section, are not covered unless prior authorized.
    - b. Inpatient services and room and board are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
      - i. A licensed psychiatrist,
      - ii. A certified psychiatric nurse practitioner,

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- iii. A licensed physician assistant,
  - iv. A licensed psychologist,
  - v. A licensed clinical social worker,
  - vi. A licensed marriage and family therapist,
  - vii. A licensed professional counselor,
  - viii. A licensed independent substance abuse counselor, and
  - ix. A behavioral health medical practitioner.
  - c. A member age 21 through 64 is eligible for behavioral health services provided in a hospital listed in subsection (A)(1)(b) that meets the criteria for an IMD up to 30 days per admission and no more than 60 days per ~~contract~~ benefit year as allowed under the Administration's Section 1115 Waiver with CMS.
- B. Level 1 residential treatment center services.** Services provided in a Level 1 residential treatment center as defined in A.A.C. R9-20-101 are covered subject to the limitations and exclusions under this Article.
- 1. Level 1 residential treatment center services are not covered unless provided under the direction of a licensed physician in a licensed Level 1 residential treatment center accredited by an AHCCCS-approved accrediting body as specified in contract.
  - 2. Covered residential treatment center services include room and board and treatment services for behavioral health and substance abuse conditions.
  - 3. Residential treatment center service limitations.
    - a. Services are not covered unless prior authorized, except for emergency services as specified in this Section.
    - b. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
      - i. A licensed psychiatrist,
      - ii. A certified psychiatric nurse practitioner,
      - iii. A licensed physician assistant,
      - iv. A licensed psychologist,
      - v. A licensed clinical social worker,
      - vi. A licensed marriage and family therapist,
      - vii. A licensed professional counselor,
      - viii. A licensed independent substance abuse counselor, and
      - ix. A behavioral health medical practitioner.
  - 4. The following may be billed independently if prescribed by a provider as specified in this Section who is operating within the scope of practice:
    - a. Laboratory services,
    - b. Radiology services, and
    - c. Psychotropic medication.
- C. Covered Level 1 sub-acute agency services.** Services provided in a Level 1 sub-acute agency as defined in A.A.C. R9-20-101 are covered subject to the limitations and exclusions under this Article.
- 1. Level 1 sub-acute agency services are not covered unless provided under the direction of a licensed physician in a licensed Level 1 sub-acute agency that is accredited by an AHCCCS-approved accrediting body as specified in contract.
  - 2. Covered level 1 sub-acute agency services include room and board and treatment services for behavioral health and substance abuse conditions.
  - 3. Services are reimbursed on a per diem basis. The per diem rate includes all services, except the following licensed or certified providers may bill independently for services:
    - a. A licensed psychiatrist,
    - b. A certified psychiatric nurse practitioner,
    - c. A licensed physician assistant,
    - d. A licensed psychologist,
    - e. A licensed clinical social worker,
    - f. A licensed marriage and family therapist,
    - g. A licensed professional counselor,
    - h. A licensed independent substance abuse counselor, and
    - i. A behavioral health medical practitioner.
  - 4. The following may be billed independently if prescribed by a provider specified in this Section who is operating within the scope of practice:
    - a. Laboratory services,
    - b. Radiology services, and
    - c. Psychotropic medication.
  - 5. A member age 21 through 64 is eligible for behavioral health services provided in a ~~level~~ Level 1 sub-acute agency

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that meets the criteria for an IMD for up to 30 days per admission and no more than 60 days per ~~contract benefit~~ year as allowed under the Administration's Section 1115 Waiver with CMS. These limitations do not apply to a member under age 21 or age 65 or over.

- D.** Level 2 behavioral health residential agency services. Services provided in a ~~level~~ Level 2 behavioral health residential agency are covered subject to the limitations and exclusions in this Article.
1. Level 2 behavioral health residential agency services are not covered unless provided by a licensed Level 2 behavioral health residential agency as defined in A.A.C. R9-20-101.
  2. Covered services include all services except room and board.
  3. The following licensed or certified providers may bill independently for services:
    - a. A licensed psychiatrist,
    - b. A certified psychiatric nurse practitioner,
    - c. A licensed physician assistant,
    - d. A licensed psychologist,
    - e. A licensed clinical social worker,
    - f. A licensed marriage and family therapist,
    - g. A licensed professional counselor,
    - h. A licensed independent substance abuse counselor, and
    - i. A behavioral health medical practitioner.
- E.** Level 3 behavioral health residential agency services. Services provided in a licensed Level 3 behavioral health residential agency as defined in A.A.C. R9-20-101 are covered subject to the limitations and exclusions under this Article.
1. Level 3 behavioral health residential agency services are not covered unless provided by a licensed Level 3 behavioral health residential agency.
  2. Covered services include all non-prescription drugs as defined in A.R.S. § 32-1901, non-customized medical supplies, and clinical supervision of the ~~level~~ Level 3 behavioral health residential agency staff. Room and board are not covered services.
  3. The following licensed and certified providers may bill independently for services:
    - a. A licensed psychiatrist,
    - b. A certified psychiatric nurse practitioner,
    - c. A licensed physician assistant,
    - d. A licensed psychologist,
    - e. A licensed clinical social worker,
    - f. A licensed marriage and family therapist,
    - g. A licensed professional counselor,
    - h. A licensed independent substance abuse counselor, and
    - i. A behavioral health medical practitioner.
- F.** Partial care. Partial care services are covered subject to the limitations and exclusions in this Article.
1. Partial care services are not covered unless provided by a licensed and AHCCCS-registered behavioral health agency that provides a regularly scheduled day program of individual member, group, or family activities that are designed to improve the ability of the member to function in the community. Partial care services include basic, therapeutic, and medical day programs.
  2. Partial care services. Educational services that are therapeutic and are included in the member's behavioral health treatment plan are included in per diem reimbursement for partial care services.
- G.** Outpatient services. Outpatient services are covered subject to the limitations and exclusions in this Article.
1. Outpatient services include the following:
    - a. Screening provided by a behavioral health professional or a behavioral health technician as defined in R9-22-1201;
    - b. A behavioral health evaluation provided by a behavioral health professional or a behavioral health technician;
    - c. Counseling including individual therapy, group, and family therapy provided by a behavioral health professional or a behavioral health technician;
    - d. Behavior management services as defined in R9-22-1201; and
    - e. Psychosocial rehabilitation services as defined in R9-22-102.
  2. Outpatient service limitations.
    - a. The following licensed or certified providers may bill independently for outpatient services:
      - i. A licensed psychiatrist;<sub>2</sub>
      - ii. A certified psychiatric nurse practitioner;<sub>2</sub>
      - iii. A licensed physician assistant as defined in R9-22-1201;<sub>2</sub>
      - iv. A licensed psychologist;<sub>2</sub>
      - v. A licensed clinical social worker;<sub>2</sub>
      - vi. A licensed professional counselor;<sub>2</sub>



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- vii. A licensed marriage and family therapist;
  - viii. A licensed independent substance abuse counselor;
  - ix. A behavioral health medical practitioner; and
  - x. An outpatient clinic or a Level IV transitional agency licensed under 9 A.A.C. 20, Article 1, that is an AHCCCS-registered provider.
- b. A behavioral health practitioner not specified in subsection (G)(2)(a)(i) through ~~(G)(2)(a)(x)~~ (x), who is contracted with or employed by an AHCCCS-registered behavioral health agency shall not bill independently.
- H.** Emergency behavioral health services are covered subject to the limitations and exclusions under this Article. In order to be covered, behavioral health services shall be provided by qualified service providers under R9-22-1206. ADHS/DBHS shall ensure that emergency behavioral health services are available 24 hours per day, seven days per week in each GSA for an emergency behavioral health condition for a non-FES member as defined in R9-22-102.
- I.** Other covered behavioral health services. Other covered behavioral health services include:
- 1. Case management as defined in R9-22-1201;
  - 2. Laboratory and radiology services for behavioral health diagnosis and medication management;
  - 3. Psychotropic medication and related medication;
  - 4. Monitoring, administration, and adjustment for psychotropic medication and related medications;
  - 5. Respite care as described within subsection (K);
  - 6. Behavioral health therapeutic home care services provided by a RBHA in a professional foster home defined in 6 A.A.C. 5, Article 58 or in a behavioral health adult therapeutic home as defined in 9 A.A.C. 20, Article 1;
  - 7. Personal care services, including assistance with daily living skills and tasks, homemaking, bathing, dressing, food preparation, oral hygiene, self-administration of medications, and monitoring of the behavioral health recipient's condition and functioning level provided by a licensed and AHCCCS-registered behavioral health agency or a behavioral health professional, behavioral health technician, or behavioral health paraprofessional as defined in 9 A.A.C. 20, Article 1; and
  - 8. Other support services to maintain or increase the member's self-sufficiency and ability to live outside an institution.
- J.** Transportation services. Transportation services are covered under R9-22-211.
- K.** Limited Behavioral Health services. Respite services are limited to no more than 600 hours per benefit year.

**NOTICE OF PROPOSED EXEMPT RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ARIZONA LONG-TERM CARE SYSTEM**

*Editor's Note: The following Notice of Exempt Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1591.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 4, 2011.*

[R11-104]

**PREAMBLE**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b><u>1. Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R9-28-204                          | Amend                           |
| R9-28-205                          | Amend                           |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 36-2903.01  
Implementing statute: A.R.S. § 36-2907 as amended by Laws 2011, Ch. 31, § 13 ("the 2011 Act")
- 3. The proposed effective date of the rules:**  
October 1, 2011
- 4. A list of all previous notices appearing in the Register addressing the proposed exempt rule:**  
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Please submit comments by mail or e-mail to the contact below. The public comment period closes at 5:00 p.m. on August 21, 2011.

Notices of Exempt Rulemaking

Name: Mariaelena Ugarte  
Address: AHCCCS  
Office of Administrative and Legal Services  
701 E. Jefferson St., Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: AHCCCSrules@azahcccs.gov

**6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

The Governor's Medicaid Reform Plan, as announced on March 15, 2011, includes proposals to reduce nonfederal expenditures for the AHCCCS program by approximately \$500 million during state fiscal year 2012. To achieve some of these reductions, the AHCCCS Administration is proposing limitations to respite services.

At this time, the AHCCCS Administration is proposing an approximate 15 percent reduction in the annual limit for respite hours. Respite services are provided to members receiving Behavioral Health services in an Acute care setting and to members in the ALTCS program. The respites services are not delineated under the State Plan, however, they are a covered service under the 1115 Waiver.

In Arizona Laws 2011, Ch. 31, § 13, the Legislature authorized the agency to adopt rules pursuant to A.R.S. § 36-2907(D), including rules to limit, to the extent possible, the scope, duration and amount of services, including maximum limitation for inpatient services.

Arizona Laws 2011, Ch. 31, § 34 authorizes the Administration to adopt rules necessary to implement the AHCCCS program within the available appropriations and exempts the Administration from the formal rulemaking requirements of A.R.S. Title 41, Chapter 6.

Arizona Law 2011, Ch. 31, § 34, requires public notice with an opportunity for public comment of at least 30 days. Public notice of this rulemaking will be accomplished through publication of this rulemaking on the agency web site on July 21, 2011. A supplemental notice will also appear in the *Arizona Administrative Register* in advance of the close of the comment period. In addition, notice was directed to those individuals who, prior to this proposed rule-making have notified the agency of their desire to receive such notices directly pursuant to A.R.S. § 36-2903.01(B)(6).

**7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

No studies were relied upon for the implementation of this rulemaking, but analysis of the member utilization of respite services reported through claims and encounters for dates of service during SFY 2010, has assisted the AHCCCS Administration in arriving at the proposed limitations. Prior to proposing this rule, AHCCCS reviewed historical information regarding utilization of the services limited by the proposed rule. Based on that review, AHCCCS determined that at least 75% of utilizing members would remain unaffected if these limitations are implemented.

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

AHCCCS estimates that the limitations on respite hours will reduce total expenditures by approximately \$5.2 million in combined state and federal funds for the state fiscal year 2012.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Not applicable

**11. A summary of the comments made regarding the rule and the agency response to them:**

Public comment period closes at 5:00 p.m. on August 21, 2011.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

No

Notices of Exempt Rulemaking

**15. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ARIZONA LONG-TERM CARE SYSTEM**

**ARTICLE 2. COVERED SERVICES**

Section

R9-28-204. Institutional Services

R9-28-205. Home and Community Based Services (HCBS)

**ARTICLE 2. COVERED SERVICES**

**R9-28-204. Institutional Services**

- A.** Institutional services are provided in:
1. A NF;
  2. An ICF-MR; or
  3. A facility identified in R9-28-1105(A)(1)(b), (B), or (C).
- B.** The Administration and a contractor shall include the following services in the per diem rate for a facility listed in subsection (A):
1. Nursing care services;
  2. Rehabilitative services prescribed as a maintenance regimen;
  3. Restorative services, such as range of motion;
  4. Social services;
  5. Nutritional and dietary services;
  6. Recreational therapies and activities;
  7. Medical supplies and non-customized durable medical equipment under 9 A.A.C. 22, Article 2;
  8. Overall management and evaluation of a member's care plan;
  9. Observation and assessment of a member's changing condition;
  10. Room and board services, including supporting services such as food and food preparation, personal laundry, and housekeeping;
  11. Non-prescription and stock pharmaceuticals; and
  - ~~12. Respite care services not to exceed 30 days per contract year.~~
  - ~~12. Respite care services not to exceed 600 hours per benefit year.~~
- C.** Each facility listed in subsection (A) is responsible for coordinating the delivery of at least the following auxiliary services:
1. Under 9 A.A.C. 22, Article 2:
    - a. Attending physician, practitioner, and primary care provider services;
    - b. Pharmaceutical services;
    - c. Diagnostic services under A.A.C. R9-22-208;
    - d. Emergency medical services; and
    - e. Emergency and medically necessary transportation services.
  2. Therapy services under R9-28-206.
- D.** Limitations. The following limitations apply:
1. A private room in a NF, ICF-MR, or facility identified in R9-28-1105(A)(1)(b), (B), or (C) is covered only if:
    - a. The member or has a medical condition that requires isolation, and
    - b. The member's primary care provider or attending physician provides written authorization;
  2. Each ICF-MR shall meet the standards in A.R.S. § 36-2939(B)(1), and in 42 CFR 483, Subpart I, February 28, 1992, incorporated by reference and on file with the Administration and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments;
  3. Bed hold days as authorized by the Administration or its designee for a fee-for-service provider shall meet the following criteria:
    - a. Short-term hospitalization leave for a member age 21 and over is limited to 12 days per AHCCCS ~~contract year~~ benefit year, and is available if a member is admitted to a hospital for a short stay. After the short-term hospitalization, the member is returned to the institutional facility from which leave is taken, and to the same bed if the level of care required can be provided in that bed; and
    - b. Therapeutic leave for a member age 21 and older is limited to nine days per AHCCCS ~~contract year~~ benefit year.

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- A physician order is required for therapeutic leave from the facility for one or more overnight stays to enhance psycho-social interaction, or as a trial basis for discharge planning. After the therapeutic leave, the member is returned to the same bed within the institutional facility;
- c. Therapeutic leave and short-term hospitalization leave are limited to any combination of 21 days per ~~contract year~~ benefit year for a member under age 21;
  4. The Administration or a contractor shall cover services that are not part of a per diem rate but are ALTCS covered services included in this Article, and deemed necessary by a member's case manager or the case manager's designee if:
    - a. The services are ordered by the member's primary care provider; and
    - b. The services are specified in a case management plan under R9-28-510;
  5. A member age 21 through 64 is eligible for behavioral health services provided in a facility under subsection (A)(3) that has more than 16 beds, for up to 30 days per admission and no more than 60 days per ~~contract year~~ benefit year as allowed under the Administration's Section 1115 Waiver with CMS and except as specified by 42 CFR 441.151, May 22, 2001, incorporated by reference and on file with the Administration and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments; and
  6. The limitations in subsection (D)(5) do not apply to a member:
    - a. Under age 21 or age 65 or over, or
    - b. In a facility with 16 beds or less.

**R9-28-205. Home and Community Based Services (HCBS)**

- A. Subject to the availability of federal funds, HCBS are covered services if provided to a member residing in the member's own home or an alternative residential setting. Room and board services are not covered in a HCBS setting.
- B. The case manager shall authorize and specify in a case management plan any additions, deletions, or changes in home and community based services provided to a member or in accordance with R9-28-510.
- C. Home and community based services include the following:
  1. Home health services provided on a part-time or intermittent basis. These services include:
    - a. Nursing care;
    - b. Home health aide;
    - c. Medical supplies, equipment, and appliances;
    - d. Physical therapy;
    - e. Occupational therapy;
    - f. Respiratory therapy; and
    - g. Speech and audiology services;
  2. Private duty nursing services;
  3. Medical supplies and durable medical equipment, including customized DME, as described in 9 A.A.C. 22, Article 2;
  4. Transportation services to obtain covered medically necessary services;
  5. Adult day health services provided to a member in an adult day health care facility licensed under 9 A.A.C. 10, Article 5, including:
    - a. Supervision of activities specified in the member's care plan;
    - b. Personal care;
    - c. Personal living skills training;
    - d. Meals and health monitoring;
    - e. Preventive, therapeutic, and restorative health related services; and
    - f. Behavioral health services, provided either directly or through referral, if medically necessary;
  6. Personal care services;
  7. Homemaker services;
  8. Home delivered meals, that provide at least one-third of the recommended dietary allowance, for a member who does not have a developmental disability under A.R.S. § 36-551;
  - ~~9. Respite care services for no more than 720 hours per contract year;~~
  9. Respite care services for no more than 600 hours per benefit year;
  10. Habilitation services including:
    - a. Physical therapy;
    - b. Occupational therapy;
    - c. Speech and audiology services;
    - d. Training in independent living;
    - e. Special development skills that are unique to the member;
    - f. Sensory-motor development;
    - g. Behavior intervention; and
    - h. Orientation and mobility training;
  11. Developmentally disabled day care provided in a group setting during a portion of a 24-hour period, including:

Notices of Exempt Rulemaking

- a. Supervision of activities specified in the member's care plan;
  - b. Personal care;
  - c. Activities of daily living skills training; and
  - d. Habilitation services; and
12. Supported employment services provided to a member in the ALTCS transitional program under R9-28-306 who is developmentally disabled under A.R.S. § 36-551.

**NOTICE OF EXEMPT RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 3. DEPARTMENT OF HEALTH SERVICES**

**CHILD CARE GROUP HOMES**

*Editor's Note: The following Notice of Exempt Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1591.)*

[R11-105]

**PREAMBLE**

**1. Sections Affected**

**Rulemaking Action**

R9-3-101	Amend
R9-3-102	Amend
Table 1	Renumber
Table 1.1	Renumber
Table 1.1	Amend
R9-3-103	Amend
R9-3-201	Amend
R9-3-202	Amend
R9-3-204	Renumber
R9-3-204	Amend
R9-3-205	Renumber
R9-3-205	Amend
R9-3-206	Renumber
R9-3-206	Amend
R9-3-207	Renumber
R9-3-207	Amend
Article 3	Amend
R9-3-301	Amend
R9-3-302	Amend
R9-3-303	Repeal
R9-3-303	Renumber
R9-3-303	Amend
R9-3-304	Repeal
R9-3-304	Renumber
R9-3-304	Amend
R9-3-305	Repeal
R9-3-305	Renumber
R9-3-305	Amend
R9-3-306	Repeal
R9-3-306	New Section
R9-3-307	Renumber
R9-3-307	Amend
R9-3-308	Renumber
R9-3-308	Amend
R9-3-309	Repeal
R9-3-309	Renumber
R9-3-309	Amend
R9-3-310	Renumber
R9-3-310	Amend
R9-3-311	Renumber
Table 2	Repeal

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R9-3-312	Renumber
R9-3-313	Renumber
R9-3-314	Renumber
R9-3-315	Repeal
R9-3-401	Amend
R9-3-402	Amend
R9-3-403	Amend
R9-3-404	Repeal
R9-3-404	Renumber
R9-3-404	Amend
R9-3-405	Repeal
R9-3-405	Renumber
R9-3-405	Amend
R9-3-406	Renumber
R9-3-406	Amend
R9-3-407	Repeal
R9-3-407	Renumber
R9-3-407	Amend
R9-3-408	Repeal
R9-3-408	Renumber
R9-3-408	Amend
R9-3-409	Renumber
R9-3-410	Renumber
Table 3	Repeal
Table 4	Repeal
Table 4.1	New Section
Table 4.2	New Section
R9-3-411	Renumber
R9-3-412	Renumber
R9-3-413	Repeal
R9-3-501	Amend
R9-3-502	Amend
R9-3-503	Amend
R9-3-504	Amend
R9-3-505	Amend
R9-3-506	Amend
R9-3-507	Amend
R9-3-508	Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. § 36-136(F)

Implementing statutes: A.R.S. §§ 36-897.01, 36-897.02, 36-897.03, 36-897.05, 36-897.06, and 36-897.08

Statutes or session laws authorizing the exemption: Laws 2010, Ch. 248, § 5

**3. The effective date of the rules:**

September 30, 2011

**4. A list of all previous notices appearing in the Register addressing the exempt rule:**

Notice of Public Information: 17 A.A.R. 629, April 22, 2011

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Lourdes Ochoa, State Licensing Manager

Address: Department of Health Services  
Division of Licensing Services  
Bureau of Child Care Licensing  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007

Telephone: (602) 364-2539

Fax: (602) 364-4768

E-mail: ochoal@azdhs.gov

or

Notices of Exempt Rulemaking

Name: Thomas Salow, Manager  
Address: Department of Health Services  
Office of Administrative Counsel and Rules  
1740 W. Adams St., Suite 203  
Phoenix, AZ 85007  
Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: salowt@azdhs.gov

**6. An explanation of the rule, including the agency's reasons for the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

Laws 2010, Ch. 248, § 3, requires the Department to amend the rules for the regulation of child care group homes on or before October 1, 2011. The purpose of this rulemaking is to streamline the rules regulating child care group homes by eliminating obsolete, inefficient, or ineffective requirements; and by amending and updating the remaining certification requirements consistent with current statutory authority, industry standards, and Department policies for child care group homes certified under A.R.S. Title 36, Chapter 7.1, Article 4. The rules are also reorganized to make the rules more clear, concise, and understandable. Laws 2010, Ch. 248, § 5, provides an exemption from the requirements in A.R.S. Title 41, Chapter 6, for this rulemaking.

The Department provided an opportunity for public comment on the rules by posting a draft of the rules on the Department's web site from April 28, 2011 to June 13, 2011 and by holding two public hearings, one in Phoenix and one on Tucson. During the public comment period, the Department received both written and oral comments, which were considered by the Department in developing the Notice of Exempt Rulemaking.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study and other supporting material:**

None

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

Not applicable

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules, (if applicable):**

Not applicable

**11. A summary of the comments made regarding the rule and the agency response to them:**

Not applicable

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

No

**15. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 3. DEPARTMENT OF HEALTH SERVICES  
CHILD CARE GROUP HOMES

ARTICLE 1. GENERAL

Section  
R9-3-101. Definitions  
R9-3-102. Time-frames

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Table 4. 1.1 Time-frames (in days)  
R9-3-103. Individuals to Act for Applicant or Certificate Holder

ARTICLE 2. CERTIFICATION

Section  
R9-3-201. Application for a Certificate  
R9-3-202. Fingerprinting Requirements  
~~R9-3-207~~R9-3-204. Invalid Certificate  
~~R9-3-204~~R9-3-205. Changes Affecting a Certificate  
~~R9-3-205~~R9-3-206. Inspections; Investigations  
~~R9-3-206~~R9-3-207. Denial, Revocation, or Suspension of a Certificate

ARTICLE 3. ~~ADMINISTRATION~~ OPERATING A CHILD CARE GROUP HOME

Section  
R9-3-301. Certificate Holder and Provider Responsibilities  
R9-3-302. ~~Provider Qualifications and Responsibilities~~ Staff Training  
~~R9-3-303~~. ~~Staff Member Qualifications~~  
~~R9-3-304~~. ~~Resident Qualifications~~  
~~R9-3-305~~. ~~Recordkeeping Requirements~~  
~~R9-3-306~~. ~~Staffing~~  
~~R9-3-307~~R9-3-303. Enrollment of Children  
~~R9-3-308~~R9-3-304. Enrolled Child Immunization Requirements  
~~R9-3-310~~R9-3-305. Admission and Release of Enrolled Children  
R9-3-306. Pesticides  
~~R9-3-311~~R9-3-307. Illness and Infestation  
Table 2. ~~Exclusion of an Enrolled Child from the Child Care Group Home~~ Repealed  
~~R9-3-312~~R9-3-308. Suspected Abuse or Neglect of an Enrolled Child  
~~R9-3-309~~. ~~Insurance Requirements~~  
~~R9-3-313~~R9-3-309. ~~Administration of Medication~~ Medications  
~~R9-3-314~~R9-3-310. ~~First Aid Kit~~ Accident and Emergency Procedures  
R9-3-311. Renumbered  
R9-3-312. Renumbered  
R9-3-313. Renumbered  
R9-3-314. Renumbered  
R9-3-315. ~~Accident, Emergency, or Serious Injury Procedure~~ Repealed

ARTICLE 4. PROGRAM AND EQUIPMENT STANDARDS

Section  
R9-3-401. General Program, ~~and Equipment,~~ and Health and Safety Standards  
R9-3-402. Supplemental Standards for ~~Resting~~ Napping or Sleeping  
R9-3-403. Supplemental Standards for Care of an Enrolled Infant or 1- or 2-Year-Old Child  
~~R9-3-404~~. ~~Supplemental Standards for Care of an Enrolled 3-, 4-, or 5-Year Old Child~~  
~~R9-3-405~~. ~~Supplemental Standards for Care of an Enrolled School-Age Child~~  
~~R9-3-406~~R9-3-404. Supplemental Standards for Care of an Enrolled Child with Special Needs ~~Child~~  
R9-3-407. Supplemental Standards for Evening and Nighttime Care  
~~R9-3-408~~. ~~Toilet Training~~  
~~R9-3-409~~R9-3-405. Discipline and Guidance  
~~R9-3-410~~R9-3-406. General Nutrition and Menu Standards  
Table 3. ~~Meals and Snacks Required to Be Served to Enrolled Children~~ Repealed  
Table 4. ~~Meal Pattern for Children~~ Repealed  
Table 4.1. Meals and Snacks Required to Be Served to Enrolled Children  
Table 4.2. Meal Pattern Requirements for Children  
~~R9-3-411~~R9-3-407. General Food Service and Food Handling Standards  
~~R9-3-412~~R9-3-408. ~~Transportation of Enrolled Children~~ Field Trips and Other Trips Away from the Child Care Group Home  
R9-3-409. Renumbered  
R9-3-410. Renumbered  
R9-3-411. Renumbered  
R9-3-412. Renumbered  
R9-3-413. ~~Field Trips~~ Repealed



**ARTICLE 5. PHYSICAL ENVIRONMENT STANDARDS**

Section

- R9-3-501. General Physical Environment Standards
- R9-3-502. Outdoor Activity Area Standards
- R9-3-503. Swimming Pool Standards
- R9-3-504. Fire Safety, Gas Safety, and Emergency Standards
- R9-3-505. General Safety Standards
- R9-3-506. General Cleaning and Sanitation Standards
- R9-3-507. Diaper-Changing Standards
- R9-3-508. Pet and Animal Standards

**ARTICLE 1. GENERAL**

**R9-3-101. Definitions**

In addition to the definitions in A.R.S. § 36-897 and unless the context indicates otherwise, the following definitions apply in this Chapter, ~~unless otherwise specified~~:

1. "Abuse" has the meaning in A.R.S. § 8-201.
2. "Accident" means an unexpected occurrence that:
  - a. Causes physical injury to an enrolled child, and
  - b. May or may not be an emergency.
3. "Accredited" means approved by the:
  - a. New England Association of Schools and Colleges,
  - b. Middle States Association of Colleges and Secondary Schools,
  - c. North Central Association of Colleges and Schools,
  - d. Northwest Association of Schools and Colleges,
  - e. Southern Association of Colleges and Schools, or
  - f. Western Association of Colleges and Schools.
4. "Activity" means an action planned by a certificate holder or staff member and performed by an enrolled child while supervised by a staff member.
5. ~~"Activity area" means a specific indoor or outdoor space or room within a certified area of a child care group home that is designated by a certificate holder for use by enrolled children for activities.~~
- 6-5. "Adaptive device" means equipment used to augment an individual's use of the individual's arms, legs, sight, hearing, or other physical part or function.
- 7-6. "Adult" means an individual 18 years of age or older.
- 8-7. "Age-appropriate" means consistent with a child's age and age-related stage of physical growth and mental development.
- 9-8. "Applicant" means an individual or business organization requesting one of the following:
  - a. ~~An initial~~ A certificate under R9-3-201, or
  - b. ~~A renewal certificate under R9-3-203, or~~
  - e-b. Approval of a change affecting a certificate under ~~R9-3-204~~ R9-3-205.
- 10-9. "Application" means the documents that an applicant is required to submit to the Department to request a certificate or approval of a request for a change affecting a certificate.
11. ~~"Arizona T3 training" means training approved by Arizona Train the Trainer, a collaborative effort of the Department, the Pima County Health Department, the University of Arizona Cooperative Extension, the Maricopa County Department of Public Health, the Arizona Department of Economic Security, Central Arizona College, the Arizona Department of Education, Glendale Community College, and the Southern Arizona Child Care Association.~~
12. "Assistant provider" means a staff member who meets the qualifications of R9-3-302(B) and who acts on behalf of the provider in the provider's absence.
13. "Association or cooperative" means a group of individuals other than a corporation, limited liability company, partnership, or joint venture who have joined together to operate a child care group home.
14. "Business" means an enterprise or organization that provides products or services for compensation or that involves the use or management of property for compensation.
- 15-10. ~~"Business organization" means an entity such as an association or cooperative, corporation, limited liability company, or partnership has the same meaning as "entity" in A.R.S. § 10-140.~~
11. "Capacity" means the maximum number of enrolled children authorized by the Department to be present at a child care group home during hours of operation.
- 16-12. "Certificate" means the written authorization issued by the Department to operate a child care group home in Arizona.
- 17-13. "Certificate holder" means a person to whom the Department has issued ~~written authorization to operate a child care group home in Arizona~~ a certificate.

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18. ~~“Certified area” means that portion of the child care group home, including the property around the residential building, that has been inspected and approved by the Department to be used for child care.~~
19. ~~“Certified capacity” means the maximum number of enrolled children for whom a certificate holder is authorized by the Department to provide child care services at a child care group home at any given time.~~
- 20-14. ~~“Change in ownership” means a transfer of controlling legal or controlling equitable interest and authority in the operation of a child care group home.~~
- 24-15. ~~“Child” means any individual younger than 13 years of age.~~
22. ~~“Child care” means providing attention, supervision, and guidance to an enrolled child.~~
16. “Child care experience” means an individual’s documented work with children in:
- a. A child care facility or a child care group home that was licensed, certified, or approved by a state in the United States or by one of the Uniformed Services of the United States;
  - b. A public school, a charter school, a private school, or an accommodation school; or
  - c. A public or private educational institution authorized under the laws of another state where instruction was provided for any grade or combination of grades between pre-kindergarten and grade 12.
- 23-17. ~~“Child care services” means the range of activities and programs provided by a certificate holder to an enrolled child, including personal care, supervision, education, guidance, and transportation.~~
18. “Child with special needs” means:
- a. A child with a documented diagnosis from a physician, physician assistant, or registered nurse practitioner of a physical or mental condition that substantially limits the child in providing self-care or performing manual tasks or any other major life function such as walking, seeing, hearing, speaking, breathing, or learning;
  - b. A child with a “developmental disability” as defined in A.R.S. § 36-551; or
  - c. A “child with a disability” as defined in A.R.S. § 15-761.
24. ~~“Child Protective Services” means the Child Protective Services Program of the Arizona Department of Economic Security.~~
- 25-19. ~~“Clean” means:~~
- a. ~~To remove dirt or debris by methods such as washing with soap and water, vacuuming, wiping, dusting, or sweeping; or~~
  - b. ~~Free of dirt and debris.~~
26. ~~“Clock hour” means a 60-minute period.~~
27. ~~“Closely related field” means an area of study pertaining to the growth, development, physical or mental care, or education of children or to the management of a child care business.~~
- 28-20. ~~“Communicable disease” has the meaning in A.A.C. R9-6-101.~~
- 29-21. ~~“Compensation” means money or other consideration, including goods, services, vouchers, time, government or public expenditures, government or public funding, or another benefit, that is received as payment.~~
30. ~~“Contiguous grounds” means real property that can be enclosed by a single unbroken boundary line that does not encompass property owned or leased by another person.~~
- 34-22. ~~“Controlling person” has the meaning in A.R.S. § 36-881.~~
- 32-23. ~~“Corporal punishment” means any physical act used to discipline a child that inflicts pain to the body of a the child, or that may result in physical injury to a the child.~~
33. ~~“Corporation” means a legal entity:~~
- a. ~~Created under or subject to A.R.S. Title 10, Chapters 1 through 17;~~
  - b. ~~Created under or subject to A.R.S. Title 10, Chapters 24 through 40; or~~
  - e. ~~Created under the laws of another state and subject to A.R.S. Title 10, Chapter 15.~~
- 34-24. ~~“CPR” means cardiopulmonary resuscitation.~~
- 35-25. ~~“Credit hour” means an academic unit earned at through an accredited college or university by attending a one-hour class session each week during a semester or equivalent shorter course term or completing equivalent practical work as part of a course for completing the equivalent of one hour of class time each week during a semester or equivalent shorter course term, as designated by the accredited college or university.~~
36. ~~“Crib” means a bed with enclosed sides that is designed and manufactured to be used as a sleeping area for an infant or 1- or 2-year-old child.~~
37. ~~“Criminal history affidavit” means the document required by A.R.S. § 36-897.03(B).~~
38. ~~“Custody documents” means papers establishing who has the legal authority over and duty to care for a child.~~
- 39-26. ~~“Days” means calendar days, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or state holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday.~~
40. ~~“Department” means the Arizona Department of Health Services.~~
27. “Designated agent” means an individual who is authorized by an applicant or certificate holder to receive communications from the Department, including legal service of process, and to file or sign documents on behalf of the applicant or certificate holder.

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- 41-28. “Developmentally appropriate” means consistent with a child’s physical, emotional, social, cultural, and cognitive development, based on the child’s age and family background and the child’s personality, learning style, and pattern and timing of growth.
- 42-29. “Discipline” means ~~to correct a child’s behavior that does not meet generally accepted levels of social behavior~~ the on-going process of helping a child develop self-control and assume responsibility for the child’s own actions.
30. “Documentation” means information in written, photographic, electronic, or other permanent form.
- 43-31. “Emergency” means a potentially life-threatening occurrence involving an enrolled child or staff member that requires an immediate response or medical treatment.
44. “Emergency contact” means ~~an individual designated by an enrolled child’s parent on the Emergency Information and Immunization Record Card as an individual to be notified in case of the enrolled child’s injury, illness, infestation, emergency, or serious injury if a parent cannot be located and notified.~~
- 45-32. “Endanger” means to expose an individual to a situation where physical or mental injury to the individual may occur.
- 46-33. “Enrolled child” means a child:
- a. ~~Who is not a child of the provider;~~
  - b. ~~a. Who is not a resident at the child care group home; and~~
  - e. ~~b. Who has been placed by a parent, who may be a staff member, to receive child care services by a parent, who may be a staff member other than the provider; at the child care group home.~~
  - d. ~~Who has been accepted by the provider to receive child care services; and~~
  - e. ~~For whose care compensation may or may not be given.~~
47. “Evening and nighttime care” means child care services provided between the hours of 8:00 p.m. and 5:00 a.m.
48. “Excess liability insurance” means general liability insurance coverage in addition to the maximum dollar amount of coverage for which an insurer issues a general liability insurance policy.
49. “Factory built building” has the meaning in A.R.S. § 41-2142.
34. “Fall zone” means the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land.
50. “Family style” means a method in which food is self served from a communal cooking or serving receptacle accessible to the individuals dining.
51. “Fever” means an elevation of body temperature that is:
- a. 101° F or higher, if taken by mouth or ear; or
  - b. 100° F or higher, if taken under the arm.
- 52-35. “Field trip” means travel for a specific activity to a location away from ~~a certified~~ an area of the child care group home approved for providing child care services for an activity and participation in the activity.
53. “File” means a portable folder, binder, or other container that holds documents.
- 54-36. “Food” means a raw, cooked, or processed edible substance or ingredient, including a beverage, used or intended for use in whole or in part for human consumption.
55. “Full day care” means child care services provided for six or more hours per day between the hours of 5:00 a.m. and 8:00 p.m.
56. “General liability insurance” means a contract under which an insurance company agrees to indemnify a person against responsibility and any obligation to pay for the death, injury, or disability of a third party or for damage to the property of a third party, and does not include homeowner insurance.
57. “Governmental entity” means a board, commission, department, office, or other administrative unit of the United States, the state, or a political subdivision of the state.
58. “Grass” means any plant of the family Gramineae, having jointed stems, sheathing leaves, and seed-like grains.
- 59-37. “Guidance” means the ongoing direction, counseling, teaching, or modeling of generally accepted social behavior through which a child learns to develop and maintain the self-control, self-reliance, and self-esteem necessary to assume responsibilities, make daily living decisions, and live according to generally accepted social behavior.
- 60-38. “Hazard” means a source of endangerment.
61. “Health care provider” means:
- a. A physician;
  - b. A physician assistant;
  - e. A registered nurse;
  - d. A registered nurse practitioner;
  - e. An individual who is:
    - i. Licensed to practice psychology under A.R.S. Title 32, Chapter 19.1; or
    - ii. Licensed as a psychologist under the laws of another state;
  - f. An individual who is:
    - i. Licensed to practice occupational therapy under A.R.S. Title 32, Chapter 34;
    - ii. Employed as an occupational therapist by the U.S. government or one of its agencies and exempt from licen-

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- ~~sure under A.R.S. § 32-3422(3); or~~
    - iii. Licensed or certified as an occupational therapist under the laws of another state;
  - g. An individual who is:
    - i. Licensed to practice physical therapy under A.R.S. Title 32, Chapter 19;
    - ii. Practicing as a physical therapist in the U.S. Armed Services, U.S. Public Health Services, or Veterans Administration and exempt from licensure under A.R.S. § 32-2021(D)(2); or
    - iii. Licensed or certified as a physical therapist under the laws of another state; or
  - h. An individual who is:
    - i. Licensed as a respiratory therapist under A.R.S. Title 32, Chapter 35;
    - ii. Employed as a respiratory therapist by the U.S. government or one of its agencies and exempt from licensure under A.R.S. § 32-3521(B)(6); or
    - iii. Licensed or certified as a respiratory therapist under the laws of another state.
- 62-39. "High school equivalency diploma" means:
  - a. A document issued by the Arizona Department of Education under A.R.S. § 15-702 to an individual who passes a general educational development test or meets the requirements of A.R.S. § 15-702(B);
  - b. A document issued by another state to an individual who passes a general educational development test or meets the requirements of a state statute equivalent to A.R.S. § 15-702(B); or
  - c. A document issued by another country to an individual who has completed that country's equivalent of a 12th grade education, as determined by the Department based upon information obtained from American or foreign consulates or embassies or other governmental entities.
- 63-40. "Hours of operation" means the specific days of the week and time period during a day ~~for which~~ when a certificate holder is certified to provide provides child care services on a regular basis.
- 64-41. "Illness" means physical manifestation or signs of sickness such as pain, vomiting, rash, fever, discharge, or diarrhea.
- 42. "Immediate" means without restriction, delay, or hesitation.
- 65. "Inaccessible" means out of the reach of a child.
- 43. "Inaccessible" means:
  - a. Out of an enrolled child's reach, or
  - b. Locked.
- 66. "Individualized plan" means a written statement of information and instructions for the care of a special needs child that is developed by a team including a child care facility staff member or child care group home provider, the child's parent, and at least one health care provider.
- 67-44. "Infant" means:
  - a. ~~A a child 12 months of age or younger; or~~
  - b. ~~A child 18 months of age or younger who is not yet walking.~~
- 68. "Infant care" means child care services provided to an infant.
- 69-45. "Infestation" means the presence of lice, pinworms, scabies, or other parasites.
- 70. "Inspection" means:
  - a. ~~On-site examination of a child care group home by the Department to determine compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
  - b. ~~On-site review of child care group home records by the Department;~~
  - e. ~~On-site examination of a child care group home by another state or local governmental entity; or~~
  - d. ~~On-site examination of a gas line or gas-powered heating or cooling device.~~
- 71. "Laboratory evidence of immunity" has the meaning in A.R.S. § 36-671.
- 72. "Level I" means that an individual:
  - a. ~~Is at least 16 years of age;~~
  - b. ~~Is a student or works in the field of child care, and~~
  - e. ~~Meets the applicable requirements for a staff member in R9-3-303.~~
- 73. "Level II-A" means that an individual:
  - a. ~~Is at least 18 years of age;~~
  - b. ~~Is a student or works in the field of child care;~~
  - e. ~~Has a high school diploma or a high school equivalency diploma;~~
  - d. ~~Participates in S\*CCEEDS, and~~
  - e. ~~Meets the applicable requirements for a staff member in R9-3-303.~~
- 74. "Level II-B" means that an individual:
  - a. ~~Is at least 18 years of age;~~
  - b. ~~Is a student or works in the field of child care;~~
  - e. ~~Has a high school diploma or a high school equivalency diploma;~~
  - d. ~~Has completed one of the following:~~

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- i. Three credit hours in early childhood education or child development, or
  - ii. 60 clock hours of training approved by S\*CCEEDS; and
  - e. Meets the applicable requirements for a staff member in R9-3-303.
75. ~~“Limited liability company” means a legal entity:~~  
a. ~~Created under and subject to A.R.S. Title 29, Chapter 4; or~~  
b. ~~Created under and characterized as a limited liability company by the laws of another state.~~
76. ~~“Local” means under the jurisdiction of a city or county in Arizona.~~
77. ~~“Local health agency” has the same meaning as “health agency” in A.R.S. § 36-671.~~
78. ~~“Local health officer” means an individual having daily control and supervision of a local health agency, or that individual’s designee.~~
79. ~~“Locked” means secured with a key, including a magnetic key, or combination opening is not possible except by using the key or entering the combination.~~
80. ~~“Manufactured home” has the meaning in A.R.S. § 41-2142.~~
- 81-46. ~~“Mat” means one of the following of sufficient size and thickness to accommodate the height, width, and weight of a reclining child’s body: a foam pad that has a waterproof cover.~~  
a. ~~A foam pad that has a waterproof cover, or~~  
b. ~~A foam pad that has a fabric cover and is machine-washable.~~
- 82-47. ~~“Mechanical restraint” means a device, article, or garment attached or adjacent to a child’s body that the child cannot easily remove and that restricts the child’s freedom of movement or normal access to the child’s body, but does not include a device, article, or garment:~~  
a. ~~Used for orthopedic purposes, or~~  
b. ~~Necessary to allow a child to heal from a medical condition.~~
- 83-48. ~~“Medication” means a substance prescribed by a physician, physician assistant, or registered nurse practitioner or that is available without a prescription for the treatment or prevention of illness or infestation.~~
- 84-49. ~~“Menu” means a written description of food that a child care group home provides and serves as a meal or snack.~~
85. ~~“Mobile home” has the meaning in A.R.S. § 41-2142.~~
- 86-50. ~~“Motor vehicle” has the meaning in A.R.S. § 28-101.~~
87. ~~“Naptime” means any period during hours of operation, other than evening and nighttime hours, that is designated by a certificate holder for the rest or sleep of enrolled children.~~
- 88-51. ~~“Neglect” has the meaning in A.R.S. § 8-201.~~
89. ~~“1-year-old” means a child who is at least 12 months of age but not yet 2 years of age.~~
90. ~~“1-year-old child care” means child care services provided to a 1-year-old.~~
52. ~~“Outbreak” has the meaning in A.A.C. R9-6-101.~~
- 91-53. ~~“Parent” means:~~  
a. ~~A natural or adoptive mother or father,~~  
b. ~~A legal guardian appointed by a court of competent jurisdiction, or~~  
c. ~~A “custodian” as defined in A.R.S. § 8-201.~~
92. ~~“Part-day care” means child care services provided for fewer than six hours per day between the hours of 5:00 a.m. and 8:00 p.m.~~
93. ~~“Partnership” means a joining of two or more individuals to conduct business, as governed by A.R.S. Title 29, Chapter 3 or 5 or the laws of another state.~~
- 94-54. ~~“Perishable food” means food that becomes unfit for human consumption if not stored to prevent spoilage.~~
- 95-55. ~~“Person” means an individual, business organization, or governmental entity has the meaning in A.R.S. § 1-215.~~
- 96-56. ~~“Personal items” means those articles of property that belong to an enrolled child and are brought to the child care group home for that enrolled child’s exclusive use, such as clothing, a blanket, a sheet, a toothbrush, a pacifier, a hairbrush, a comb, a washcloth, or a towel.~~
- 97-57. ~~“Physician” means an individual licensed as a doctor of:~~  
a. ~~Allopathic medicine under A.R.S. Title 32, Chapter 13;~~  
b. ~~Naturopathic medicine under A.R.S. Title 32, Chapter 14;~~  
c. ~~Osteopathic medicine under A.R.S. Title 32, Chapter 17;~~  
d. ~~Homeopathic medicine under A.R.S. Title 32, Chapter 29; or~~  
e. ~~Allopathic, naturopathic, osteopathic, or homeopathic medicine under the laws of another state.~~
- 98-58. ~~“Physician assistant” means:~~  
a. ~~The same as in A.R.S. § 32-2501, or~~  
b. ~~An individual licensed as a physician assistant under the laws of another state.~~
99. ~~“Playpen” means an enclosure designed and manufactured to be used as a contained recreational area for an infant or 1- or 2-year-old child.~~
- 100-59. ~~“Premises” means a child care group home’s residential building residence and its contiguous grounds the surrounding property, including any structures on those grounds the property, that can be enclosed by a single unbroken~~

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- boundary line that does not encompass property owned or leased by another person.
- ~~101. "Program" means a variety of activities organized and conducted by a staff member.~~
- ~~102. "Proof of immunity" means documentation of immunization or evidence of immunity that complies with A.A.C. R9-6-704.~~
- ~~103. "Reference" means an adult who is:~~
- ~~a. Familiar with a staff member's character due to observations made as a friend or acquaintance, or~~
  - ~~b. Familiar with a staff member's work abilities due to observations made as a superior or leader in a business, educational, church, or other organizational setting.~~
- ~~104. "Registered nurse" means:~~
- ~~a. The same as in A.R.S. § 32-1601, or~~
  - ~~b. An individual licensed as a registered nurse under the laws of another state.~~
- ~~105-60. "Registered nurse practitioner" means:~~
- ~~a. The same as in A.R.S. § 32-1601, or~~
  - ~~b. An individual licensed as a registered nurse practitioner under the laws of another state.~~
- ~~106-61. "Regular basis" means at recurring, fixed, or uniform intervals.~~
- ~~107-62. "Residence" means a residential building and its contiguous grounds, including any structures on those grounds, that are to be used as a child care group home dwelling, such as a house, used for human habitation.~~
- ~~108-63. "Resident" means an individual who uses a child care group home as the individual's principal place of habitation for 30 days or more during the calendar year.~~
- ~~109. "Residential building" means a dwelling, such as a house, used for human habitation.~~
- ~~110. "Resilient surface" means a shock absorbing layer of material placed to cushion a fall, such as a rubber unitary surfacing material manufactured for use in outdoor activity areas, fine loose sand, pea gravel, wood fiber product, or shredded rubber.~~
- ~~111. "S\*CCEEDS" means Statewide Child Care and Early Education Development System, an early childhood professional career registry funded by the Arizona Department of Economic Security.~~
- ~~112-64. "Sanitize" means to use heat, a chemical agent, or a germicidal solution to disinfect and reduce pathogen counts, including bacteria, viruses, mold, and fungi.~~
- ~~113-65. "School-age child" means a child who attends:~~
- ~~a. Meets one of the following:~~
    - ~~i. Is 5 years old on or before January 1 of the current school year, or~~
    - ~~ii. Was 5 years old on or before January 1 of the most recently completed school year; and~~
  - ~~b. Meets one of the following:~~
    - ~~i. Attends kindergarten or a higher level program in a "school," as defined in A.R.S. § 15-101, or "private school," as defined in A.R.S. § 15-101, during the current school year;~~
    - ~~ii. Attended kindergarten or a higher level program in a "school," as defined in A.R.S. § 15-101, or "private school," as defined in A.R.S. § 15-101, during the most recently completed school year;~~
    - ~~iii. Is home schooled at a kindergarten or higher level during the current school year; or~~
    - ~~iv. Was home schooled at a kindergarten or higher level during the most recently completed school year.~~
- ~~a. A public school, as defined for "school" in A.R.S. § 15-101; or~~
  - ~~b. A private school, as defined in A.R.S. § 15-101.~~
- ~~114. "School-age child care" means child care services provided to a school-age child.~~
- ~~115-66. "Separate" means to exclude a child from and have the child physically move away from other children, while keeping the child within a staff member's sight and sound under supervision.~~
- ~~116. "Serious injury" means trauma or damage to some part of the body that requires medical treatment.~~
- ~~117. "Service classification" means one of the following:~~
- ~~a. Full-day care;~~
  - ~~b. Part-day care;~~
  - ~~e. Evening and nighttime care;~~
  - ~~d. Infant care;~~
  - ~~e. 1-year-old child care; or~~
  - ~~f. School-age child care.~~
- ~~118-67. "Signed" means affixed with an individual's signature or, if the individual is unable to write the individual's name, with a symbol representing the individual's signature.~~
- ~~119-68. "Sippy cup" means a lidded drinking container that is designed to be leak-proof or leak-resistant and from which a child drinks through a spout or straw.~~
- ~~120. "Soft" means yielding readily to touch or pressure, such as with a fleece, chenille, or velour blanket.~~
- ~~121-69. "Space utilization" means the designated use of specific areas within a certified area for specific on the premises for providing child care services or activities.~~
- ~~122. "Special needs child" means:~~

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- a. ~~A child diagnosed with a physical or mental condition that substantially limits the child's ability to provide self-care or perform age-appropriate manual tasks or substantially limits any of the child's other major life functions such as walking, seeing, hearing, speaking, breathing, or learning;~~
  - b. ~~A child with a "developmental disability" as defined in A.R.S. § 36-551; or~~
  - e. ~~A "child with a disability" as defined in A.R.S. § 15-761.~~
- ~~123-70. "Staff member" means an individual who works at a child care group home providing child care services, regardless of whether compensation is received by the individual in return for providing child care services, and includes a provider or assistant provider.~~
- ~~124. "Supervised" means:~~
- a. ~~When used in reference to a non-staff member individual or a staff member at the child care group home, directly visually observed;~~
  - b. ~~When used in reference to an enrolled child indoors, monitored and kept within sight or sound; and~~
  - e. ~~When used in reference to an enrolled child outdoors, monitored and kept within sight and sound.~~
- ~~71. "Supervision" means:~~
- a. ~~For a child who is awake, knowledge of and accountability for the actions and whereabouts of the child, including the ability to see or hear the child at all times, to interact with the child, and to provide guidance to the child;~~
  - b. ~~For a child who is asleep, knowledge of and accountability for the actions and whereabouts of the child, including the ability to see or hear the child at all times and to respond to the child;~~
  - c. ~~For a staff member who is not an adult, knowledge of and accountability for the actions and whereabouts of the staff member and the ability to interact with and provide guidance to the staff member; or~~
  - d. ~~For an individual other than a child or staff member, knowledge of and accountability for the actions and whereabouts of the individual, including the ability to see and hear the individual when the individual is in the presence of an enrolled child and the ability to intervene in the individual's actions to prevent harm to enrolled children.~~
- ~~125-72. "Swimming pool" has the meaning in R9-8-801 A.A.C. R18-5-201.~~
- ~~126-73. "Training" means instruction received through:~~
- a. ~~Completion of a live or computerized conference, seminar, lecture, workshop, class, or course; or~~
  - b. ~~Watching a video presentation and completing a Department-provided form to make a record of document the video instruction.~~
- ~~127. "Tuberculosis control officer" has the meaning in A.R.S. § 36-711.~~
- ~~128. "Wading pool" has the meaning in A.A.C. R9-8-801.~~
- ~~129-74. "Week" means a seven-day period beginning on Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m.~~
- ~~130-75. "Working day" means the period between 8:00 a.m. and 5:00 p.m. on a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a state holiday.~~

**R9-3-102. Time-frames**

- A. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Chapter is set forth in Table 1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Chapter is set forth in Table 1 and begins on the date that the Department receives an application.
  - 1. The Department shall send a notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
    - a. A notice of deficiencies shall list each deficiency and the information or items needed to complete the application.
    - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is sent until the date that the Department receives all of the missing information or items from the applicant.
    - c. If an applicant fails to submit to the Department all of the information or items listed in the notice of deficiencies within 180 days after the date that the Department sent the notice of deficiencies, the Department shall consider the application withdrawn.
  - 2. If the Department issues a certificate or other approval to the applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is set forth in Table 1 and begins on the date of the notice of administrative completeness.
  - 1. As part of the substantive review for an application for ~~an initial a certificate or a certificate renewal~~, the Department shall conduct an inspection that may require more than one visit to the child care group home or ~~residence premises~~.
  - 2. As part of the substantive review for a request for approval of a change affecting a certificate that requires a change in the use of physical space at a child care group home, the Department shall conduct an inspection that may require

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- more than one visit to the child care group home.
3. The Department shall send a certificate or a written notice of approval or denial of a certificate or other request for approval to an applicant within the substantive review time-frame.
  4. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the Department and the applicant have agreed in writing to allow the Department to submit supplemental requests for information.
    - a. If the Department determines that an applicant, a child care group home, or ~~a residence~~ the premises is are not in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter, the Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies stating each statute and rule upon which noncompliance is based.
    - b. An applicant shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, ~~written~~ documentation of the corrections required in a statement of deficiencies, within 30 days after the date of the comprehensive written request for additional information or the supplemental request for information.
    - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department sends a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including, if applicable, documentation of corrections required in a statement of deficiencies.
    - d. If an applicant fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of corrections required in a statement of deficiencies, within the time prescribed in subsection (C)(4)(b), the Department shall deny the application.
  5. The Department shall issue a certificate or approval if the Department determines that the applicant and the child care group home or ~~residence premises~~ are in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter, and the applicant submits documentation of corrections, which is acceptable to the Department, for any deficiencies.
  6. If the Department denies a certificate or approval, the Department shall send to the applicant a written notice of denial setting forth the reasons for denial and all other information required by A.R.S. § 41-1076.

**Table 4-1.1 Time-frames (in days)**

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
Certificate under R9-3-201	A.R.S. § 36-897.01	150	30	120
Approval of Change Affecting Certificate under <del>R9-3-204(B)</del> <u>R9-3-205(B)</u>	A.R.S. §§ 36-897.01 and 36-897.02	75	30	45

**R9-3-103. Individuals to Act for Applicant or Certificate Holder**

When an applicant or certificate holder is required by this Chapter to provide information on or sign an application form or other document, hold a fingerprint clearance card, or complete Department-provided orientation, the following shall satisfy the requirement on behalf of the applicant or certificate holder:

1. If the applicant or certificate holder is an individual, the individual; and
2. If the applicant or certificate holder is a ~~corporation, an officer of the corporation~~ business organization, the designated agent who:
  - a. Is a controlling person of the business organization.
  - b. Is a U.S. citizen or legal resident, and
  - c. Has an Arizona address.;
3. ~~If the applicant or certificate holder is a partnership, one of the partners;~~
4. ~~If the applicant or certificate holder is a limited liability company, a manager or, if the limited liability company does not have a manager, a member of the limited liability company;~~
5. ~~If the applicant or certificate holder is an association or cooperative, a member of the governing board of the association or cooperative;~~
6. ~~If the applicant or certificate holder is a joint venture, one of the individuals signing the joint venture agreement; and~~
7. ~~If the applicant or certificate holder is a business organization type other than those described in subsections (2) through (6), an individual who is a member of the business organization.~~



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ARTICLE 2. CERTIFICATION

**R9-3-201. Application for a Certificate**

- ~~A. To be eligible to obtain a certificate to operate a child care group home, an An applicant for a certificate shall:~~
- ~~1. Be at least 21 years of age; and~~
  - ~~2. Possess a high school diploma, high school equivalency diploma, associate degree, or bachelor degree;~~
  - ~~3. Complete Department provided orientation that includes the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter; and~~
  - ~~4. Hold a valid fingerprint clearance card.~~
  - ~~2. Submit to the Department an application packet containing:~~
    - ~~a. An application on a form provided by the Department that contains:~~
- ~~B. To obtain a certificate to operate a child care group home, an applicant shall submit to the Department an application completed using a Department provided form and including:~~
- ~~1-i. The applicant's name and Social Security number date of birth;~~
  - ~~2-ii. The name to be used for the child care group home, if any;~~
  - ~~3-iii. The address and telephone number of the residence;~~
  - ~~4-iv. The mailing address of the applicant, if different than from the address of the residence;~~
  - ~~v. The applicant's contact telephone phone number, of the residence if different from the telephone number of the residence;~~
  - ~~vi. The applicant's e-mail address;~~
  - ~~5-vii. The name of the provider, if different from the applicant;~~
  - ~~6. The phone number of the applicant, if different than the phone number of the residence;~~
  - ~~viii. The requested capacity for the child care group home;~~
  - ~~ix. The anticipated hours of operation for the child care group home;~~
  - ~~x. Whether the applicant agrees to allow the Department to submit supplemental requests for information;~~
  - ~~xi. Whether the applicant or any controlling person has been denied a certificate or license to operate a child care group home or child care facility in this state or another state or has had a certificate or license to operate a child care group home or child care facility revoked in this state or another state and, if so:
    - ~~(1) The name of the individual who had the certificate or license denied or revoked;~~
    - ~~(2) The reason for the denial or revocation;~~
    - ~~(3) The date of the denial or revocation, and~~
    - ~~(4) The name and address of the certifying or licensing agency that denied or revoked the certificate or license;~~~~
  - ~~xii. A statement that the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
  - ~~xiii. A statement that the applicant has sufficient financial resources to comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
  - ~~xiv. A statement that the information provided in the application packet is accurate and complete; and~~
  - ~~xv. The applicant's signature and date the applicant signed the application;~~
- ~~b. A copy of the applicant's:~~
    - ~~i. U.S. passport;~~
    - ~~ii. Birth certificate;~~
    - ~~iii. Naturalization documents, or~~
    - ~~iv. Documentation of legal resident alien status;~~
  - ~~c. A copy of the applicant's valid fingerprint clearance card issued according to A.R.S. Title 41, Chapter 12, Article 3.1;~~
  - ~~d. A copy of the form required in A.R.S. § 36-897.03(B) for the applicant;~~
  - ~~e. A document issued by the Department showing that the applicant has completed Department-provided orientation training that included the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4, and this Chapter;~~
- ~~7. The name and address of each controlling person;~~
  - ~~8. If the applicant is a business organization, the following:~~
    - ~~a. The applicant's type of business organization;~~
    - ~~b. The following information about an individual who is to serve as the primary contact for information regarding the application:~~
      - ~~i. Name;~~
      - ~~ii. Address;~~
      - ~~iii. Phone number; and~~
      - ~~iv. Fax number, if any;~~
    - ~~e. The following information about the applicant's statutory agent or the individual designated by the applicant to~~

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- accept service of process and subpoenas for the applicant:
- i. Name;
  - ii. Address;
  - iii. Phone number; and
  - iv. Fax number, if any;
- d. The name, title, and address of each officer and board member or trustee;
  - e. A copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents, if applicable;
  - f. If the applicant is a corporation, a certificate of good standing issued to the applicant by the Arizona Corporation Commission and dated no earlier than six months before the date of application; and
  - g. If the applicant is a limited liability company, a certificate of good standing or a registration of good standing issued to the applicant by the Arizona Corporation Commission and dated no earlier than six months before the date of application;
- 9. A list of the rooms to be used for child care services;
  - 10. A list of the service classifications to be offered at the child care group home;
  - 11. Whether the residential building to be used at the child care group home is a mobile home, manufactured home, or factory-built building;
  - 12. If the residential building to be used at the child care group home is a mobile home, manufactured home, or factory-built building, the following:
    - a. The year of manufacture for the mobile home, manufactured home, or factory-built building; and
    - b. Copies of the following documents:
      - i. The installation permit required by A.A.C. R4-34-801;
      - ii. If the residential building is a factory-built building, the certificate of occupancy required by A.A.C. R4-34-801; and
      - iii. If the mobile home is a rehabilitated mobile home, the rehabilitation permit required by A.A.C. R4-34-606 and the certificate of compliance issued under A.A.C. R4-34-606;
  - 13.f. A floor plan of the residential building to be used at the child care group home residence where child care services will be provided, showing:
    - a.i. The location and dimensions of each room in the residential building residence, with designation of the rooms to be used and not to be used for providing child care services;
    - b.ii. The location of each exit from the residential building residence;
    - e.iii. The location of each sink and toilet to be used available for use by enrolled children;
    - d.iv. The location of each smoke or heat detector in the residential building residence; and
    - e.v. The location of each fire extinguisher in the residential building residence; and
    - f. The location of each telephone in the residential building;
  - 14.g. A site plan of the residence premises showing:
    - a.i. The location and dimensions of the outdoor activity area;
    - b.ii. The height of the fence around the outdoor activity area;
    - e.iii. The location of each exit from the outdoor activity area;
    - d.iv. The location of the residential building residence;
    - e.v. The location of each swimming pool, if applicable;
    - f.vi. The location and height of the fence around each swimming pool, if applicable;
    - g. The height of the fence around each swimming pool, and
    - h.vii. The location and dimensions of any other building or structure at the residence on the premises, if applicable;
  - h. If the child care group home is located within one-fourth of a mile of agricultural land:
    - i. The names and addresses of the owners or lessees of each parcel of agricultural land located within one-fourth mile of the child care group home, and
    - ii. A copy of an agreement complying with A.R.S. § 36-897.01(B) for each parcel of agricultural land;
  - i. The applicable fee in R9-3-203; and
  - j. If the applicant is a business organization, a form provided by the Department that contains:
    - i. The name, street address, city, state, and zip code of the business organization;
    - ii. The type of business organization;
    - iii. The name, date of birth, title, street address, city, state, and zip code of the designated agent;
    - iv. The name, date of birth, title, street address, city, state, and zip code of each other controlling person;
    - v. A copy of the business organization's articles of incorporation, articles of organization, partnership documents, or joint venture documents, if applicable; and
    - vi. Documentation of good standing issued by the Arizona Corporation Commission and dated no earlier than three months before the date of the application, if applicable.

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15. A copy of a certificate of completion issued by the Department showing that the applicant has completed the orientation required by subsection (A)(3);
16. A copy of the applicant's high school diploma, high school equivalency diploma, associate degree, or bachelor degree;
17. The following information about the applicant; each individual who is to be a staff member at the child care group home, including the individual who is to serve as the provider; and each individual who resides in the residential building to be used at the child care group home:
  - a. Full name;
  - b. Birth date;
  - c. If a staff member, job title;
  - d. If a resident, relationship to the applicant or provider;
  - e. If a staff member, hire date; and
  - f. If an adult staff member or an adult resident, the following:
    - i. If a fingerprint clearance card has not yet been obtained, date that an application for a fingerprint clearance card was submitted to the Department of Public Safety;
    - ii. If a fingerprint clearance card has not yet been obtained, the Department of Public Safety application number;
    - iii. If a fingerprint clearance card has been obtained, expiration date of the fingerprint clearance card; and
    - iv. Date that a criminal history affidavit was completed;
18. A copy of the applicant's current and valid fingerprint clearance card;
19. A criminal history affidavit completed by the applicant;
20. A copy of a certificate of completion issued by the Department showing that the individual who is to serve as provider has completed the orientation required by subsection (A)(3);
21. An initial certificate application fee of \$1,000, in the form of a certified check, business check, or money order made payable to the Arizona Department of Health Services; and
22. The notarized signature of the applicant affirming:
  - a. That the individual signing on behalf of the applicant is an individual designated under R9-3-103 and has the authority to sign on behalf of the applicant;
  - b. That no controlling person has been denied a certificate to operate a child care group home or a license to operate a child care facility for the care of children in this state or another state, unless the denial was based on the controlling person's failure to complete the certification or licensing process according to a required time frame;
  - c. That no controlling person has had a certificate to operate a child care group home or a license to operate a child care facility revoked or suspended in this state or another state for reasons that relate to endangerment of the health and safety of children;
  - d. Whether the applicant agrees to allow the Department to submit to the applicant supplemental requests for additional information if the Department determines during the substantive review time frame that the applicant has not provided sufficient information to determine substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
  - e. That the applicant has read and will comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
  - f. That the applicant has sufficient financial resources to comply with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter; and
  - g. That the information provided in the application, including the information in the documents attached to the application form, is accurate and complete.

**R9-3-202. Fingerprinting Requirements**

- A.** A certificate holder shall hold a valid fingerprint clearance card issued under A.R.S. § 41-1758.03.
- B.** A certificate holder shall ensure that each adult staff member and each adult resident completes, signs, dates, and submits to the certificate holder the form required in A.R.S. § 36-897.03(B) before the adult staff member's starting date of employment or volunteer service and before the adult resident begins residency at the child care group home, as applicable.
- ~~B-C.~~** A certificate holder shall ensure that each adult staff member and each adult resident ~~at a child care group home:~~
  1. Holds a valid fingerprint clearance card issued under ~~A.R.S. § 41-1758.03~~ A.R.S. Title 41, Chapter 12, Article 3.1; or
  2. Submits to the certificate holder a copy of a fingerprint clearance card application showing that:
    - a. ~~the application was~~ The adult staff member submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after becoming an adult staff member ~~or adult resident, and~~
    - b. The adult resident submitted the application to the fingerprint division of the Department of Public Safety under A.R.S. § 41-1758.02 within seven working days after becoming an adult resident.
- D.** A certificate holder shall ensure that each individual who is an adult staff member or adult resident submits to the certificate holder a copy of the individual's valid fingerprint clearance card:

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1. Except as provided in subsection (C)(2), before:
    - a. The adult staff member's starting date of employment or volunteer service, and
    - b. The adult resident begins residency at the child care group home; and
  2. Each time the fingerprint clearance card is issued or renewed.
- ~~C.E.~~ If an adult staff member or adult resident holds a fingerprint clearance card that was issued before the staff member or resident became a staff member or resident ~~at the child care group home~~, the certificate holder shall:
1. ~~contact~~ Contact the Department of Public Safety within seven working days after the individual becomes a staff member or resident to determine whether the fingerprint clearance card is valid; and
  2. ~~The certificate holder shall make a written~~ Make a record of this determination, including the name of the staff member or resident, the date of the contact with the Department of Public Safety, and whether the fingerprint clearance card is valid.
- ~~D.~~ Except as provided in subsection (G), a certificate holder shall not allow an individual to be an adult staff member or adult resident if the individual has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1, and has not received an interim approval under A.R.S. § 41-619.55.
- ~~E.~~ Except as provided in subsection (G), a certificate holder shall not allow an individual to be an adult staff member or adult resident if the individual receives an interim approval under A.R.S. § 41-619.55 but is then denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1.
- ~~F.~~ A certificate holder shall ensure that each adult staff member and each adult resident submits to the certificate holder a completed criminal history affidavit, as required in A.R.S. § 36-897.03(B).
- ~~G.~~ An individual may be an adult resident even if the individual has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1; an interim approval under A.R.S. § 41-619.55; or a good cause exception under A.R.S. § 41-619.55, but the certificate holder shall ensure that the individual is never on the premises during hours of operation.
- ~~F.~~ A certificate holder shall not allow an individual to be a staff member or a resident if the individual:
1. Has been denied a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1, and has not received an interim approval under A.R.S. § 41-619.55; or
  2. Receives an interim approval under A.R.S. § 41-619.55 but is then denied a good cause exception under A.R.S. § 41-619.55 and a fingerprint clearance card under A.R.S. Title 41, Chapter 12, Article 3.1.

~~R9-3-207.~~ **R9-3-204. Invalid Certificate**

If a certificate holder does not submit the ~~certificate certification~~ fee as required in R9-3-203(C)(2), the certificate to operate a child care group home is no longer valid, and the child care group home is operating without a certificate.

~~R9-3-204.~~ **R9-3-205. Changes Affecting a Certificate**

- A. ~~At least 30 days before the date of a change in a child care group home's name, a certificate holder shall send the Department written notice of the name change. Within 30 days after the date of receipt of the notice, the Department shall issue an amended certificate that incorporates the name change but retains the expiration date of the current certificate. For an intended change in a certificate holder's name or the name of a child care group home:~~
1. The certificate holder shall send the Department written notice of the name change at least 30 days before the intended date of the name change; and
  2. Upon receipt of the written notice required in subsection (A)(1), the Department shall issue an amended certificate that incorporates the name change but retains the anniversary date of the certificate.
- B. ~~At least 30 days before the date of an intended change in a child care group home's space utilization or certified capacity, a certificate holder shall submit to the Department a written request for approval of the intended change to the Department. The written request shall include that includes:~~
1. The certificate holder's name;
  2. The child care group home's name, if applicable;
  3. ~~The child care group home's street address, mailing address, and telephone number;~~
  - 4-3. The name, telephone number, e-mail address, and fax number of a point of contact for the request;
  - 5-4. The child care group home's certificate number;
  - 6-5. The type of change intended:
    - a. Space utilization, or
    - b. ~~Certified capacity~~ Capacity;
  - 7-6. A narrative description of the intended change; and
  8. ~~If the intended change involves a modification of the residential building that requires a building permit, a copy of the building permit;~~
  9. ~~A floor plan of the residential building that complies with R9-3-201(B)(13) and shows the intended changes; and~~
  - 10-7. The following additional information, as applicable:
    - a. If requesting a change in ~~certified~~ capacity, the square footage of the outdoor activity area and the square footage of the ~~child care group home's~~ indoor activity areas where child care services will be provided; and
    - b. If requesting a change that involves a modification of the residence that requires a building permit, a copy of the

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building permit:

- c. If requesting a change in space utilization that affects individual rooms:
    - i. A floor plan of the residence that complies with R9-3-201(2)(f) and shows the intended changes, and
    - ii. the name and The square footage of each affected room; and
  - d. If requesting a change in space utilization that affects the outdoor activity area:
    - i. A site plan of the premises that complies with R9-3-201(2)(g) and shows the intended changes, and
    - ii. The square footage of the intended outdoor activity area.
- C. The Department shall review a request submitted under subsection (B) according to R9-3-102. If the ~~child care group home will be~~ intended change is in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter ~~with the intended change~~, the Department shall send the certificate holder an approval of the request and, if necessary, an amended certificate that incorporates the change but retains the ~~expiration~~ anniversary date of the current certificate.
- D. A certificate holder shall not implement any change ~~described~~ in subsection (B) until the Department ~~approves the request and, if necessary,~~ issues an approval or amended certificate.
- ~~E.~~ At least 30 days before the date of a change in service classification, a certificate holder shall send the Department written notice of the change.
- ~~F.~~ At least 30 days before the date of a change in the ownership of a ~~child care group home~~, a certificate holder shall send the Department written notice of the change in ownership.
- ~~F.~~ A ~~new owner person planning to assume operation of a child care group home~~ shall obtain a new certificate as prescribed in R9-3-201 before beginning operation of a the child care group home.
- G. A certificate holder changing a child care group home's location shall:
  - 1. apply Apply for a new certificate as prescribed in R9-3-201-, ~~and~~ A certificate holder shall obtain
  - 2. Obtain a new certificate from the Department before beginning operation of a the child care group home at a the new location.
- H. Within 30 days after the date of a change in the ~~organizational business organization~~ information provided under ~~R9-3-201(B)(8)~~ R9-3-201(2)(j), other than a change in ownership, a certificate holder that is a business organization shall send the Department written notice of the change.

**~~R9-3-205.~~ R9-3-206. Inspections; Investigations**

- A. ~~The Department shall inspect a residence before issuing an initial certificate and a child care group home before issuing a renewal certificate and as often as necessary to determine compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter.~~ An applicant, certificate holder, or provider shall allow the Department immediate access to all areas of the ~~residence or child care group home~~ premises that may affect the health, safety, or welfare of an enrolled child or to which an enrolled child may have access during hours of operation.
- ~~B.~~ During an inspection or investigation, an applicant or certificate holder shall demonstrate to the Department that the applicant or certificate holder and the residence or child care group home are in substantial compliance with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter.
- ~~C.~~ During an initial, annual, or renewal inspection, or upon request during an investigation, an applicant or certificate holder shall make the following available for Department review:
  - 1. ~~If the residence or child care group home has a gas-powered appliance or heating and cooling device, including a permanently installed gas powered grill or a gas powered swimming pool heater, a copy of a violation free gas inspection conducted within 12 months before the date of inspection by a licensed plumber or an individual licensed by the state to inspect and repair gas lines and gas-powered heating and cooling devices;~~
  - 2. ~~A certificate of general liability insurance or of combined general liability insurance and excess liability insurance, issued to the applicant or certificate holder, covering the child care group home, and including the following information about the insurance:~~
    - a. ~~The effective and expiration dates;~~
    - b. ~~The maximum liability limit;~~
    - e. ~~The number of enrolled children covered; and~~
    - d. ~~Whether the policy includes a waiver of coverage for physical or sexual abuse of an enrolled child; and~~
  - 3. ~~If a staff member will or does transport enrolled children in a motor vehicle, the following information:~~
    - a. ~~The year, make, and model of each motor vehicle used or to be used to transport enrolled children; and~~
    - b. ~~For each motor vehicle used or to be used to transport enrolled children, an insurance policy that complies with A.R.S. Title 28, Chapter 9.~~
- ~~D.~~ During an initial inspection, an applicant shall make the following available at the residence for Department review:
  - 1. ~~If the residential building is a mobile home, manufactured home, or non-commercial factory built building, the Insignia of Approval issued under A.A.C. R4-34-802; and~~
  - 2. ~~If the residential building is a rehabilitated mobile home, the Insignia of Approval issued under A.A.C. R4-34-606.~~
- ~~E.~~ ~~B.~~ If the Department receives a complaint alleging a violation of A.R.S. Title 36, Chapter 7.1, Article 4 or this Chapter, the Department shall conduct an investigation. A certificate holder or provider shall permit the Department to interview each staff member or enrolled child outside of the presence of others as part of an investigation.

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~~R9-3-206. R9-3-207. Denial, Revocation, or Suspension of a Certificate~~

- ~~A. The Department may deny, revoke, or suspend a certificate to operate a child care group home if:~~
- ~~1. An applicant or certificate holder:
    - ~~a. Has provided false or misleading information to the Department;~~
    - ~~b. Fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information within the time prescribed in R9-3-102(C)(4)(b);~~
    - ~~c. Fails to allow the Department to enter the child care group home during hours of operation or to inspect required records;~~
    - ~~d. Fails to substantially comply with any provision in A.R.S. Title 36, Chapter 7.1, Article 4 or this Chapter; or~~
    - ~~e. Substantially complies with A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter, but refuses to submit or implement a plan acceptable to the Department to eliminate any deficiencies; or~~~~
  - ~~2. An applicant, certificate holder, or other controlling person:
    - ~~a. Has been arrested or charged with an offense listed in A.R.S. § 41-1758.03(B) or (C);~~
    - ~~b. Is the parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;~~
    - ~~c. Has been denied a certificate or license to operate a child care group home or a certificate or license to operate a child care facility in this state or another state, unless the denial was based on the individual's failure to complete the certification or licensing process according to a required time-frame;~~
    - ~~d. Has had a certificate or license to operate a child care group home or a child care facility revoked or suspended in this state or another state for reasons that relate to endangerment of the health and safety of children;~~
    - ~~e. Has been denied a fingerprint clearance card or has had a fingerprint clearance card suspended or revoked under A.R.S. Title 41, Chapter 12, Article 3.1;~~
    - ~~f. Has had a formal enforcement action issued against the individual by the Department under A.R.S. Title 36, Chapter 7.1, Article 1 or Article 4; or~~
    - ~~g. Has had a restraining order and injunction issued against the individual by the county attorney or the attorney general under A.R.S. Title 36, Chapter 7.1, Article 1 or Article 4.~~~~
- ~~A. The Department may deny, revoke, or suspend a certificate to operate a child care group home if an applicant or certificate holder:~~
- ~~1. Provides false or misleading information to the Department;~~
  - ~~2. Is the parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;~~
  - ~~3. Has been denied a certificate or license to operate a child care group home or child care facility in any state, unless the denial was based on the individual's failure to complete the certification or licensing process according to a required time-frame;~~
  - ~~4. Has had a certificate or license to operate a child care group home or child care facility revoked or suspended in any state for reasons that relate to endangerment of the health and safety of children;~~
  - ~~5. Has been denied a fingerprint clearance card or has had a fingerprint clearance card suspended or revoked under A.R.S. Title 41, Chapter 12, Article 3.1; or~~
  - ~~6. Fails to substantially comply with any provision in A.R.S. Title 36, Chapter 7.1, Article 4 or this Chapter.~~
- ~~B. In determining whether to deny, suspend, or revoke a certificate, the Department shall consider the threat to the health and safety of enrolled children at a child care group home based on the factors such as those listed in A.R.S. § 36-897.06(B)(1) through (10) 36-897.06.~~

**ARTICLE 3. ADMINISTRATION OPERATING A CHILD CARE GROUP HOME**

**R9-3-301. Certificate Holder and Provider Responsibilities**

- ~~A. The certificate holder for a child care group home shall designate in writing a provider who meets the qualifications of R9-3-302(A) to act on behalf of the certificate holder and to be responsible for the daily on-site operation of the child care group home.~~
- ~~B. The certificate holder for a child care group home shall ensure that:~~
- ~~1. The provider meets the qualifications of R9-3-302(A) and complies with all applicable requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
  - ~~2. An assistant provider meets the qualifications of R9-3-302(B) and complies with all applicable requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
  - ~~3. Each staff member, including the provider or assistant provider, meets the qualifications of R9-3-303 and complies with all applicable requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;~~
  - ~~4. Each non-staff member resident meets the qualifications of R9-3-304 and complies with all applicable requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter; and~~
  - ~~5. The child care group home complies with all requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter.~~
- ~~A. A certificate holder shall:~~
- ~~1. Designate a provider who:
    - ~~a. Lives in the residence;~~~~

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- b. Is 21 years of age or older;
  - c. Has a high school diploma, high school equivalency diploma, associate degree, or bachelor's degree;
  - d. Meets one of the following:
    - i. Has completed at least three credit hours in child growth and development, nutrition, psychology, or early childhood education;
    - ii. Has completed at least 60 hours of training in child growth and development, nutrition, psychology, early childhood education, or management of a child care business; or
    - iii. Has at least 12 months of child care experience; and
  - e. Has completed Department-provided orientation training that includes the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
2. Ensure that each staff member is 16 years of age or older;
3. Ensure that each resident 12 years of age or older and each staff member submits, on or before the starting date of residency, employment, or volunteer services, one of the following as evidence of freedom from infectious active tuberculosis:
- a. Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention, administered within 12 months before the starting date of residency, employment, or volunteer service, that includes the date and the type of tuberculosis screening test; or
  - b. If the resident or staff member has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the resident or staff member is free from infectious active tuberculosis that is signed and dated by a physician, physician assistant, or registered nurse practitioner within six months before the starting date of residency, employment, or volunteer service; and
4. Ensure that the provider:
- a. Supervises or assigns an adult staff member to supervise each staff member who is not an adult;
  - b. Maintains on the premises a file for each staff member, for 12 months after the date the staff member last worked at the child care group home, containing:
    - i. The staff member's name, date of birth, home address, and telephone number;
    - ii. The staff member's starting date of employment or volunteer service;
    - iii. The staff member's ending date of employment or volunteer service, if applicable;
    - iv. The staff member's written statement attesting to current immunity against measles, rubella, diphtheria, mumps, and pertussis;
    - v. The form required in A.R.S. § 36-897.03(B);
    - vi. Documents required by R9-3-202(C)(2) or R9-3-202(D);
    - vii. Documents required by subsection (A)(3);
    - viii. Documentation of the requirements in A.R.S. § 36-897.03(C);
    - ix. Documentation of the completion of the Department-provided orientation training specified in subsection (A)(1)(e), if applicable;
    - x. Documentation of the training required in R9-3-302; and
    - xi. Documentation of a high school diploma, high school equivalency diploma, associate degree, or bachelor's degree, if applicable;
  - c. Maintains on the premises a file for each resident, for 12 months after the date the resident last resided at the child care group home, containing:
    - i. The resident's name and date of birth;
    - ii. The resident's relationship to the provider;
    - iii. The date the resident began residing at the child care group home;
    - iv. The date the resident last resided at the child care group home, if applicable;
    - v. A written statement by the resident or, if the resident is a minor, the provider attesting to the resident's current immunity against measles, rubella, diphtheria, mumps, and pertussis;
    - vi. If the resident is an adult, the form required in A.R.S. § 36-897.03(B);
    - vii. If the resident is an adult, the documents required by R9-3-202(C)(2) or R9-3-202(D); and
    - viii. If the resident is 12 years of age or older, the documents required by subsection (A)(3);
  - d. Prepares a dated attendance record for each day and ensures that each staff member records on the attendance record the staff member's start time and end time of providing child care services for the child care group home;
  - e. Maintains on the premises the dated attendance record required in subsection (A)(4)(d) for 12 months after the date on the attendance record;
  - f. Except as specified in R9-3-408, provides child care services only in areas:
    - i. Designated as provided in R9-3-201(2)(f)(i) or R9-3-201(2)(g)(i), or
    - ii. Approved under R9-3-205(C);
  - g. Does not engage in outside employment during hours of operation or operate another business at or out of the residence during hours of operation;





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immunity that complies with A.A.C. R9-6-704 for a communicable disease listed in A.A.C. R9-6-702(A):

1. The staff member or resident is excluded from the child care group home between the start and end of an outbreak of the communicable disease at the child care group home, or
2. The child care group home is closed until the end of an outbreak at the child care group home.

**K.** Within 72 hours after changing a provider, a certificate holder shall send the Department written notice of the change, including the name of the new provider.

**L.** Except as provided in subsections (M) and (N), a certificate holder shall notify the Department in writing of a planned change in a child care group home's hours of operation at least three days before the date of the planned change, including:

1. The certificate holder's name,
2. The child care group home's certificate number, and
3. The current and intended hours of operation.

**M.** A certificate holder is not required to notify the Department of a change in a child care group home's hours of operation when the change in the child care group home's hours of operation is due to the occurrence of a state or federal holiday on a day of the week the child care group home regularly provides child care services.

**N.** When the premises of a child care group home are left unoccupied during hours of operation or the child care group home is temporarily closed due to an unexpected event, a certificate holder shall ensure that a staff member notifies the Department before leaving the child care group home unoccupied or closing the child care group home, stating the period of time during which the child care group home will be unoccupied or closed.

**R9-3-302. Provider Qualifications and Responsibilities Staff Training**

**A.** To be a provider, an individual shall:

1. Be at least 21 years of age;
2. Satisfy one of the following:
  - a. Have a high school diploma, high school equivalency diploma, associate degree, or bachelor degree and have completed at least:
    - i. Three credit hours in early education, child development, or a closely related field from an accredited college or university; or
    - ii. 60 clock hours of training in early education, child development, or a closely related field; or
  - b. Be registered as a Level II-B with S\*CCEEDS;
3. Use the residential building at the child care group home as the individual's principal place of habitation;
4. Complete Department provided orientation that includes the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter; and
5. Meet the qualifications for a staff member in R9-3-303.

**B.** To be an assistant provider, an individual shall:

1. Be at least 18 years of age;
2. Satisfy one of the following:
  - a. Have a high school diploma, high school equivalency diploma, associate degree, or bachelor degree; or
  - b. Be registered as a Level II-A with S\*CCEEDS;
3. Have completed at least:
  - a. Two credit hours in early education, child development, or a closely related field from an accredited college or university; or
  - b. 30 clock hours of training in early education, child development, or a closely related field; and
4. Meet the qualifications for a staff member in R9-3-303.

**C.** The provider for a child care group home shall ensure that:

1. Each staff member, including the provider or assistant provider, meets the qualifications of R9-3-303 and complies with all applicable requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
2. Each non-staff member resident meets the qualifications of R9-3-304 and complies with all applicable requirements of A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
3. The provider designates in writing a staff member who meets the qualifications of subsection (B) to act as the assistant provider, who assumes the responsibilities of the provider when the provider is absent;
4. The assistant provider is present and actively involved at the child care group home at all times during hours of operation when the provider is absent;
5. The provider does not engage in outside employment during hours of operation and does not operate another business at or out of the residence during hours of operation;
6. No other business is operated at or out of the residence during hours of operation unless the operation of the business does not involve persons coming into the residence because of the business;
7. Child care is provided only in certified areas;
8. Each parent of an enrolled child is informed that the parent has immediate access to all certified areas during hours of operation;

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9. ~~Each parent of an enrolled child is allowed immediate access to all certified areas during hours of operation;~~
10. ~~The following are allowed immediate access to the child care group home during hours of operation:~~
  - a. ~~The Department;~~
  - b. ~~The local health agency;~~
  - e. ~~Child Protective Services;~~
  - d. ~~The local fire department or Office of the State Fire Marshal, and~~
  - e. ~~An inspector from the local jurisdiction verifying compliance with local codes and ordinances;~~
11. ~~The following information is posted in a location that can be viewed by individuals entering or leaving the child care group home:~~
  - a. ~~The child care group home certificate;~~
  - b. ~~The name of the provider;~~
  - e. ~~The name of the assistant provider;~~
  - d. ~~A sign stating:~~
    - i. ~~That inspection reports for the child care group home are available for review at the child care group home;~~
    - ii. ~~The address of the Office of Child Care Licensing; and~~
    - iii. ~~The telephone number of the Office of Child Care Licensing;~~
  - e. ~~The hours of operation for the child care group home; and~~
  - f. ~~A weekly menu;~~
12. ~~Each non-staff member individual who is in a certified area of the child care group home where an enrolled child is present, including an outdoor activity area, is supervised by a staff member at all times;~~
13. ~~Except as provided in R9-3-413(C), each enrolled child is supervised by a staff member at all times;~~
14. ~~Each non-adult staff member or staff member who does not possess a high school diploma, high school equivalency diploma, associate degree, or bachelor degree is supervised at all times by the provider or, in the provider's absence, by the assistant provider;~~
15. ~~Each staff member is able to communicate with each enrolled child who communicates verbally;~~
16. ~~Each staff member is knowledgeable about and able to provide verbal or written information upon request about each enrolled child's progress in the acquisition of skills, emotional development, and new or unusual behavior during daily activities;~~
17. ~~At least one staff member with current certification in CPR specific to infants and children and pediatric first aid is at the child care group home at all times during hours of operation;~~
18. ~~Each staff member records the times of the staff member's arrivals and departures on each day that the staff member works;~~
19. ~~The provider complies with all applicable requirements in 9 A.A.C. 6, Article 7;~~
20. ~~The provider notifies the Department at least 72 hours in advance whenever the child care group home will be closed for one or more days;~~
21. ~~Child Protective Services or a local law enforcement agency and the Department are notified immediately of any suspected child abuse or neglect, as required by R9-3-312;~~
22. ~~The Department is notified orally within 24 hours and in writing within 72 hours after one of the following occurs:~~
  - a. ~~An injury to an enrolled child at the child care group home that results in the child's needing medical attention;~~
  - b. ~~The death of an enrolled child or other individual at the child care group home;~~
  - e. ~~Damage to a building at the child care group home, to a vehicle used in transporting enrolled children, or to equipment used in providing child care that affects the provider's ability to provide child care services in compliance with this Chapter;~~
  - d. ~~Loss of a utility at the child care group home, such as electricity or water, that affects the provider's ability to provide child care services in compliance with this Chapter;~~
  - e. ~~Loss of an enrolled child for any period of time, for any reason;~~
  - f. ~~Fire at the child care group home;~~
  - g. ~~An incident requiring police response, fire response, or other emergency response at the child care group home during hours of operation; or~~
  - h. ~~The provider is notified that a staff member or adult resident:~~
    - i. ~~Has been denied a fingerprint clearance card, an interim approval under A.R.S. § 41-619.55, or a good cause exception under A.R.S. § 41-619.55;~~
    - ii. ~~Has had the staff member's or adult resident's fingerprint clearance card revoked or suspended; or~~
    - iii. ~~Has been arrested for or charged with an offense listed in A.R.S. § 41-1758.03(B) or (C);~~
23. ~~A parent of each enrolled child is notified orally, or an attempt is made to notify a parent of each enrolled child orally, immediately and a parent of each enrolled child is notified in writing within 24 hours after an incident requiring police response, fire response, or other emergency response at the child care group home during hours of operation; and~~
24. ~~The provider submits to the Department a document containing the information described in R9-3-201(B)(17) once~~

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every 12 months after initial certification.

- D.** An individual who is serving as a provider when this rule becomes effective is required to have a high school diploma, high school equivalency diploma, associate degree, or bachelor degree, but is not required to comply with subsection (A)(2)(a)(i) or (ii) or subsection (A)(2)(b) until September 1, 2009.
- E.** An assistant provider is required to have a high school diploma, high school equivalency diploma, associate degree, or bachelor degree or to be registered as a Level II A with S\*CCEEDS, but is not required to comply with subsection (B)(3)(a) or (b) until September 1, 2007.
- A.** Within 10 days after the starting date of employment or volunteer service, a certificate holder shall provide, and each staff member shall complete, training for new staff members that includes all of the following:
  - 1. Names, ages, and developmental stages of enrolled children;
  - 2. Health needs, nutritional requirements, any known allergies, and information about adaptive devices of enrolled children;
  - 3. Guiding and disciplining children;
  - 4. Hand washing techniques;
  - 5. Diapering techniques and toileting, if any enrolled children are in diapers or require assistance in using the toilet;
  - 6. Sudden infant death syndrome awareness, if child care services are provided to an infant or a 1-year-old child;
  - 7. Preparing, serving, and storing food;
  - 8. Preparing, handling, and storing infant formula and breast milk, if any enrolled children are fed infant formula or breast milk;
  - 9. Recognizing signs of illness and infestation;
  - 10. Detecting, preventing, and reporting child abuse or neglect;
  - 11. Responding to accidents and emergencies;
  - 12. Sun safety;
  - 13. Procedures for trips away from the child care group home, if applicable; and
  - 14. Staff responsibilities as required by A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter.
- B.** A certificate holder shall ensure that a staff member's completion of the training required by subsection (A) is documented and signed by the provider, including the date of completion of the training.
- C.** A certificate holder shall ensure that each staff member completes a total of 12 or more actual hours of training every 12 months after becoming a staff member in two or more of the following:
  - 1. Child growth and development, which may include sudden infant death prevention;
  - 2. Developmentally appropriate activities;
  - 3. Nutrition and developmentally appropriate eating habits;
  - 4. Responding to accidents and emergencies, including CPR and first aid for infants and children;
  - 5. Recognizing signs of illness and infestation;
  - 6. Detecting, preventing, and reporting child abuse or neglect;
  - 7. Guiding and disciplining children; and
  - 8. Availability of community services and resources, including those available to children with special needs.
- D.** A certificate holder shall ensure that a staff member submits to the certificate holder documentation of training received as required by subsection (C) as the training is completed.
- E.** A certificate holder shall ensure that a staff member required by R9-3-301(I) meets all of the following:
  - 1. The staff member obtains first aid training specific to infants and children;
  - 2. The staff member obtains CPR training specific to infants and children, which includes a demonstration of the staff member's ability to perform CPR;
  - 3. The staff member maintains current training in first aid and CPR; and
  - 4. The staff member provides the certificate holder with a copy of the front and back of the current card issued by the agency or instructor as proof of completion of the requirements of this subsection.

**R9-3-303. Staff Member Qualifications**

To be a staff member, an individual shall:

- 1. ~~If the staff member will work with enrolled children only while supervised by the provider or assistant provider, be at least 16 years of age or registered as a Level I with S\*CCEEDS;~~
- 2. ~~If the staff member will work with enrolled children without being supervised by the provider or assistant provider:~~
  - a. ~~Be at least 18 years of age and have a high school diploma, high school equivalency diploma, associate degree, or bachelor degree; or~~
  - b. ~~Be registered as a Level II A with S\*CCEEDS;~~
- 3. ~~Not be the parent or guardian of a child adjudicated to be a dependent child as defined in A.R.S. § 8-201;~~
- 4. ~~If an adult, comply with the fingerprinting requirements in R9-3-202;~~
- 5. ~~If an adult, submit to the certificate holder a criminal history affidavit completed by the staff member;~~
- 6. ~~Demonstrate freedom from infectious pulmonary tuberculosis by submitting one of the following to the certificate holder:~~

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- a. ~~A report prepared by a physician, physician assistant, registered nurse practitioner, or registered nurse indicating that a Mantoux skin test administered to the staff member no earlier than 12 months before and no later than 12 hours after becoming a staff member was interpreted by the physician, physician assistant, registered nurse practitioner, or registered nurse to be negative at least 48 and no later than 72 hours after test administration;~~
- b. ~~A report prepared by a physician, physician assistant, registered nurse practitioner, or registered nurse indicating that another test for tuberculosis, recommended by the Centers for Disease Control and Prevention or the tuberculosis control officer, administered to the staff member no earlier than 12 months before and no later than 12 hours after becoming a staff member was interpreted by the physician, physician assistant, registered nurse practitioner, or registered nurse to be negative; or~~
- c. ~~If the staff member cannot comply with subsection (6)(a) or (b), a statement dated no earlier than 12 months before becoming a staff member and written by a physician, physician assistant, registered nurse practitioner, or registered nurse indicating that the staff member is currently free from infectious pulmonary tuberculosis;~~
- 7. ~~Unless opposed to immunization for religious reasons as described in subsection (8), demonstrate immunity to measles, rubella, diphtheria, and tetanus or establish a medical exemption from immunization:~~
  - a. ~~By submitting to the certificate holder a copy of the staff member's proof of immunity or a written statement signed by the staff member attesting to immunity; and~~
  - b. ~~For any of the diseases listed in subsection (7) for which a staff member has not received immunization and cannot attest to immunity, by submitting to the certificate holder a written statement signed by a physician, physician assistant, registered nurse practitioner, or registered nurse stating that the immunization would endanger the staff member's health or medical condition;~~
- 8. ~~If opposed to immunization for religious reasons, submit to the certificate holder a written statement signed by the staff member attesting to the staff member's membership in a religion whose teachings are in opposition to immunization;~~
- 9. ~~Complete training in the following subject areas within 10 days after becoming a staff member:~~
  - a. ~~The statutes and rules that govern child care group homes, including staff member responsibilities;~~
  - b. ~~The names, ages, and needs of enrolled children;~~
  - c. ~~Guiding and disciplining enrolled children;~~
  - d. ~~Hand washing;~~
  - e. ~~Diapering, if any enrolled children are in diapers;~~
  - f. ~~Toileting of enrolled children;~~
  - g. ~~Recognizing signs of illness and infestation;~~
  - h. ~~Sudden infant death syndrome awareness, if infant or 1-year-old child care is provided at the child care group home;~~
  - i. ~~Detecting and preventing child abuse or neglect and reporting suspected child abuse or neglect; and~~
  - j. ~~Responding to accidents and emergencies; and~~
- 10. ~~Complete one of the following every 12 months after becoming a staff member:~~
  - a. ~~At least 12 clock hours of Arizona T3 training;~~
  - b. ~~At least one credit hour in early education, child development, or a closely related field from an accredited college or university; or~~
  - c. ~~At least 12 clock hours of training in two or more of the following subject areas:~~
    - i. ~~Responding to accidents and emergencies;~~
    - ii. ~~Recognizing signs of illness and infestation;~~
    - iii. ~~Child and family growth and development;~~
    - iv. ~~Detecting and preventing child abuse or neglect and reporting suspected child abuse or neglect;~~
    - v. ~~Care and teaching of young children;~~
    - vi. ~~Guiding and disciplining children;~~
    - vii. ~~Nutrition and developmentally appropriate eating habits;~~
    - viii. ~~Availability of community services and resources, including those available to special needs children;~~
    - ix. ~~Involving and communicating with parents;~~
    - x. ~~Developmentally appropriate child care activities;~~
    - xi. ~~Sun safety;~~
    - xii. ~~Outdoor activity area safety;~~
    - xiii. ~~Sudden infant death syndrome awareness; and~~
    - xiv. ~~Business administration and management.~~

**R9-3-304. Resident Qualifications**

A non-staff member resident shall:

- 1. If an adult, comply with the fingerprinting requirements in R9-3-202;
- 2. If an adult, submit to the certificate holder a criminal history affidavit completed by the adult resident;
- 3. If 12 years of age or older, demonstrate freedom from infectious pulmonary tuberculosis by submitting one of the fol-

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lowing to the certificate holder:

- a. A report prepared by a physician, physician assistant, registered nurse practitioner, or registered nurse indicating that a Mantoux skin test administered to the resident no earlier than 12 months before and no later than 12 hours after becoming a resident 12 years of age or older was interpreted by the physician, physician assistant, registered nurse practitioner, or registered nurse to be negative at least 48 and no later than 72 hours after test administration;
  - b. A report prepared by a physician, physician assistant, registered nurse practitioner, or registered nurse indicating that another test for tuberculosis, recommended by the Centers for Disease Control and Prevention or the tuberculosis control officer, administered to the resident no earlier than 12 months before and no later than 12 hours after becoming a resident 12 years of age or older was interpreted by the physician, physician assistant, registered nurse practitioner, or registered nurse to be negative; or
  - e. If the resident cannot comply with subsection (3)(a) or (b), a statement dated no earlier than 12 months before becoming a resident 12 years of age or older and written by a physician, physician assistant, registered nurse practitioner, or registered nurse indicating that the resident is currently free from infectious pulmonary tuberculosis;
4. Unless opposed to immunization for religious reasons as described in subsection (5), demonstrate immunity to measles, rubella, diphtheria, and tetanus or establish a medical exemption from immunization as follows:
- a. By submitting to the certificate holder a copy of the resident's proof of immunity or a written statement signed by the resident or, if the resident is a minor, the resident's parent attesting to the resident's immunity; and
  - b. For any of the diseases listed in subsection (4) for which a resident has not received immunization and cannot attest to immunity, by submitting to the certificate holder a written statement signed by a physician, physician assistant, registered nurse practitioner, or registered nurse stating that the immunization would endanger the resident's health or medical condition; and
5. If opposed to immunization for religious reasons, submit to the certificate holder a written statement signed by the resident or, if the resident is a minor, the resident's parent attesting to the resident's membership in a religion whose teachings are in opposition to immunization.

**R9-3-305. Recordkeeping Requirements**

**A.** The provider for a child care group home shall maintain the following records at the child care group home:

- 1. A file for each staff member that includes:
  - a. The following information about the staff member:
    - i. Full name;
    - ii. Birth date;
    - iii. Home address;
    - iv. Home telephone number;
    - v. Start date; and
    - vi. Job title;
  - b. The staff member's first-aid or CPR certificate, if applicable;
  - e. If the staff member is an adult:
    - i. If the staff member holds a valid fingerprint clearance card issued according to A.R.S. § 41-1758.03, a copy of the staff member's valid fingerprint clearance card;
    - ii. If the staff member has not yet obtained a fingerprint clearance card, a copy of the staff member's fingerprint clearance card application;
    - iii. If the staff member holds a valid fingerprint clearance card that was issued before the staff member became a staff member at the child care group home, documentation of verification of the validity of the staff member's fingerprint clearance card, as required by R9-3-202(C);
    - iv. If the staff member has an interim approval under A.R.S. § 41-619.55, a copy of the staff member's interim approval; and
    - v. A criminal history affidavit completed by the staff member;
  - d. If the staff member is the provider:
    - i. A copy of the provider's certificate of completion issued by the Department for Department-provided orientation that included the Department's role in certifying and regulating child care group homes under A.R.S. Title 36, Chapter 7.1, Article 4 and this Chapter;
    - ii. A copy of the provider's high school diploma, high school equivalency diploma, associate degree, or bachelor degree; and
    - iii. Unless the provider is exempt under R9-3-302(D), a copy of documentation establishing the provider's compliance with R9-3-302(A)(2)(a)(i) or (ii) or R9-3-302(A)(2)(b); and
  - e. If the staff member is the assistant provider:
    - i. A copy of the assistant provider's high school diploma, high school equivalency diploma, associate degree, or bachelor degree or documentation of the assistant provider's achieving Level II-A with S\*CCEEDS; and

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- ii. Unless the assistant provider is exempt under R9-3-302(E), documentation establishing the assistant provider's compliance with R9-3-302(B)(3)(a) or (b);
  - f. If the staff member works with enrolled children without being supervised by the provider or assistant provider, a copy of the staff member's high school diploma, high school equivalency diploma, associate degree, or bachelor degree or documentation of the staff member's achieving Level II-A with S\*CCEEDS;
  - g. Documentation showing freedom from infectious pulmonary tuberculosis, as required by R9-3-303(6);
  - h. Documentation regarding immunity to measles, rubella, diphtheria, and tetanus, as required by R9-3-303(7) or (8);
  - i. Documentation showing that the staff member completed the training required by R9-3-303(9) within 10 days after becoming a staff member;
  - j. Documentation showing the staff member's compliance with the annual training requirement of R9-3-303(10); and
  - k. Documentation of the provider's good faith efforts to contact at least two previous employers of the staff member, as required by A.R.S. § 36-897.03(C), including the name of each employer, the date of the contact, and comments regarding the information obtained;
2. A file for each non-staff member resident that includes:
- a. The following information about the resident:
    - i. Full name;
    - ii. Birth date, and
    - iii. Relationship to the certificate holder or provider;
  - b. If the resident is an adult:
    - i. If the resident holds a valid fingerprint clearance card issued according to A.R.S. § 41-1758.03, a copy of the resident's valid fingerprint clearance card;
    - ii. If the resident has not yet obtained a fingerprint clearance card, a copy of the resident's fingerprint clearance card application;
    - iii. If the resident holds a valid fingerprint clearance card that was issued before the resident became a resident at the child care group home, documentation of verification of the validity of the resident's fingerprint clearance card, as required by R9-3-202(C);
    - iv. If the resident has an interim approval under A.R.S. § 41-619.55, a copy of the resident's interim approval; and
    - v. A criminal history affidavit completed by the resident;
  - e. If the resident is 12 years of age or older, documentation showing freedom from infectious pulmonary tuberculosis, as required by R9-3-304(3); and
  - d. Documentation regarding immunity to measles, rubella, diphtheria, and tetanus, as required by R9-3-304(4) or (5);
3. A file for each enrolled child that includes:
- a. The Emergency Information and Immunization Record Card for the child;
  - b. The child's proof of immunity, if applicable;
  - e. The child's statement for medical exemption, as described in R9-3-308(C)(2), if applicable;
  - d. The child's statement for religious exemption, as described in R9-3-308(A)(2), if applicable;
  - e. A copy of a modified diet prescribed for the child, if applicable;
  - f. A copy of written instructions for feeding the child, if applicable, including as applicable:
    - i. Instructions for preparing, storing, and feeding formula, breast milk, or other food to an infant, as described in R9-3-403(6); and
    - ii. Instructions for feeding an infant or 1 year old child cereal in a bottle, as described in R9-3-403(7);
  - g. A written record of notification of illness or infestation made under R9-3-311(B), if applicable;
  - h. Each written consent provided by the parent for bathing and bathing instructions, as required by R9-3-401(7), if applicable;
  - i. Each written consent provided by the parent for swimming, as required by R9-3-401(8), if applicable;
  - j. Records regarding administration of medication, if applicable, including, as applicable:
    - i. Each written authorization for administration of medication to the enrolled child, as required by R9-3-313(B)(3);
    - ii. Each written authorization for the child to receive injections at the child care group home, as required by R9-3-313(C); and
    - iii. Documentation of all medications administered to the child at the child care group home, as required by R9-3-313(B)(4);
  - k. If the child is a special needs child, a copy of the child's individualized plan, as required by R9-3-406;
  - l. A copy of a toilet training plan for the child and documentation of its implementation, as required by R9-3-408, if applicable;

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- m. ~~Written authorization to transport the child in a motor vehicle, as required by R9-3-412(A), if applicable; and~~
- n. ~~If there are custody documents pertaining to the child, a copy of the custody documents, as required under R9-3-307(C);-~~
- 4. ~~Staff member and enrolled child dated attendance records, as required under R9-3-302(C)(18) and R9-3-310(A);~~
- 5. ~~Weekly menus, as required under R9-3-410(F), each of which shall be kept until at least three months after the last date on the menu;~~
- 6. ~~A written log of all smoke detector battery tests completed as required by R9-3-504(B);~~
- 7. ~~A written log of all fire evacuation drills completed as required by R9-3-504(D);~~
- 8. ~~A written log of all swimming pool water quality tests conducted as required by R9-3-503(C)(1), if applicable;~~
- 9. ~~Documentation of each inspection conducted at the child care group home during the past three years, including:~~
  - a. ~~An inspection checklist or report;~~
  - b. ~~A statement of deficiencies, if applicable; and~~
  - e. ~~Written documentation of corrections, if applicable;~~
- 10. ~~Documentation of each notification to the Department or a parent as required under R9-3-302(C)(20), (22), or (23), if applicable;~~
- 11. ~~Documentation of each notification of communicable disease or infestation required under R9-3-311(D), if applicable;~~
- 12. ~~Documentation of each report of suspected abuse or neglect of an enrolled child, as required by R9-3-312, including documentation of each telephonic or in-person report and a copy of each written report provided to Child Protective Services or a local law enforcement agency, if applicable;~~
- 13. ~~Documentation of each accident, emergency, or serious injury notification to a parent or emergency contact as required under R9-3-315, if applicable;~~
- 14. ~~If swimming is included in the program, documentation of a staff member's current certification in basic water rescue training completed through a nationally recognized health and safety training program such as American Red Cross Basic Water Rescue or American Safety and Health Institute Safety Training and Aquatic Rescue;~~
- 15. ~~Service and repair records for each motor vehicle used by a staff member to transport enrolled children, if applicable; and~~
- 16. ~~Field trip permission notices, as required by R9-3-413(A), and field trip attendance records, as required by R9-3-413(B)(3), if applicable.~~
- B.** ~~A provider shall maintain the file required in subsection (A) for each enrolled child, staff member, or non-staff member resident at the child care group home during the entire period that the child is enrolled, the staff member is working, or the resident lives at the child care group home and for at least 12 months after the date that the child is disenrolled from, the staff member stops working at, or the resident stops living at the child care group home.~~
- C.** ~~Except as otherwise provided in subsections (A)(5), (A)(9), and (B), a provider shall maintain all records required to be maintained by this Section for at least 12 months after the date of the last event recorded in the record.~~
- D.** ~~A provider shall ensure that all of the records required to be maintained by this Section either are written in English or, if written in a language other than English, include an English translation.~~
- E.** ~~A provider shall ensure that all of the records required to be maintained by this Section are made available to the Department during an inspection.~~

**R9-3-306. Staffing**

A provider shall ensure that:

- 1. ~~The provider or the assistant provider is present and actively involved at the child care group home when one to five enrolled children are at the child care group home; and~~
- 2. ~~At least one adult staff member in addition to the provider or the assistant provider is present and actively involved at the child care group home when six to 10 enrolled children are at the child care group home.~~

**R9-3-307. R9-3-303, Enrollment of Children**

- A.** ~~A provider certificate holder shall require that a child be enrolled by the child's parent or by an individual authorized in writing by the child's parent.~~
- B.** ~~Except as required in A.R.S. § 36-3009, before a child may attend receives child care services at a child care group home, the provider a certificate holder shall require the individual enrolling the child to submit:~~
  - 1. ~~An complete a Department-provided Emergency, Information, and Immunization Record Card including card containing:~~
    - a. ~~The child's name;~~
    - b. ~~Unless the child resides in a shelter for victims of domestic violence, the child's home address;~~
    - e. ~~The child's home phone number;~~
    - d. ~~The child's sex;~~
    - e. ~~The child's date of birth;~~
    - f. ~~The child's date of enrollment;~~

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- g- The names of the child's parents;
  - h- The work addresses for each of the child's parents;
  - i- Unless the child's parent resides in a shelter for victims of domestic violence, each parent's home address;
  - j- If the child's parent resides in a shelter for victims of domestic violence, a post office box or other mailing address where mail can be sent to the parent;
  - k- The home and work telephone numbers for each of the child's parents;
  - l- The name of each parent's employer;
  - m- The name, address, and telephone number of the child's primary physician;
  - n- The name, address, and telephone number of the hospital that the child's parents would prefer that the child be taken to in the event of an emergency;
  - o- Instructions on which individual the provider is to call first if the child is injured or shows signs of illness or infestation;
  - p- A statement that the parent signing the Emergency Information and Immunization Record Card authorizes any hospital or physician to render immediate aid as may be required for the health and safety of the child and that the parent understands that the parent accepts responsibility for the expense of this aid;
  - q- The names, addresses, and telephone numbers of at least two emergency contacts who reside within the same metropolitan area;
  - r- Whether the child is allergic to food or another substance and, if so, the name of each substance and the procedure to follow if exposure occurs;
  - s- Whether the child is susceptible to infections and, if so, the precautions to take to avoid infection;
  - t- Whether the child is subject to convulsions and, if so, the procedure to follow if a convulsion occurs;
  - u- Whether the child has any physical condition of which the provider needs to be aware and, if so, instructions from the parent regarding the physical condition; and
  - v- The dated signature of the parent who supplied the information;
- 2- A copy of a modified diet prescribed for the child, if applicable;
  - 3- The document regarding immunization required by R9-3-308(A);
  - 4- If the child is a special needs child, the document required by R9-3-406(A); and
  - 5- If there are custody documents pertaining to the child, a copy of the custody documents, as required under subsection (C):
    1. The child's name, home address, city, state, zip code, sex, and date of birth;
    2. The date of the child's enrollment;
    3. The name, home address, city, state, zip code, and contact telephone number of each parent of the child;
    4. The name and contact telephone number of at least two individuals authorized by the child's parent to collect the child from the child care group home or to be contacted if the child's parent cannot be contacted;
    5. The name and contact telephone number of the child's physician, physician assistant, or registered nurse practitioner;
    6. Written authorization for emergency medical care of the child;
    7. The name of the individual to be contacted in case of injury or sudden illness of the child;
    8. A written description provided by a child's parent of the nutritional and dietary needs of the child;
    9. A written description provided by the child's parent noting the child's susceptibility to illness, physical conditions of which a staff member should be aware, and any individual requirements for health maintenance; and
    10. The dated signature of the individual completing the Emergency, Information, and Immunization Record card.
- C.** ~~If there are custody documents pertaining to an enrolled child, a provider shall:~~
- 1- ~~Obtain a copy of the custody documents before the child attends the child care group home or within 14 days after the custody documents become effective; and~~
  - 2- ~~Ensure that a note is made on the child's Emergency Information and Immunization Record card stating that the child care group home has a copy of custody documents pertaining to the child.~~
- C.** A certificate holder shall maintain a current Emergency, Information, and Immunization Record card for each enrolled child on the premises in a place that provides a staff member ready access to the card in the event of an emergency at, or evacuation of, the child care group home.
- D.** When a child is disenrolled from a child care group home, the certificate holder shall ensure that a staff member:
1. Enters the date of disenrollment on the child's Emergency, Information, and Immunization Record card; and
  2. Maintains the records in subsection (D)(1) for 12 months after the date of disenrollment on the premises in a place separate from the current Emergency, Information, and Immunization Record cards.

**~~R9-3-308. R9-3-304. Enrolled Child Immunization Requirements~~**

- A.** ~~A provider shall not permit an enrolled child to attend a child care group home until the provider receives one of the following:~~
- 1- ~~A copy of the child's proof of immunity; or~~
  - 2- ~~A statement signed by the child's parent that:~~
    - a- ~~States that the child is being raised in a religion that prohibits immunization, and~~



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- b. ~~Includes the child's name and date of birth.~~
- ~~B. A provider shall check a child's proof of immunity against the immunization requirements contained in 9 A.A.C. 6, Article 7 at the time of first attendance and at least every three months thereafter to determine whether the child has received each immunization that the child is required to receive.~~
- ~~C. If an enrolled child has not received each immunization that the child is required to receive under 9 A.A.C. 6, Article 7, the provider shall notify the child's parent in writing that the child will be excluded from the child care group home 15 days after the date of notification unless the child's parent submits to the provider one of the following for each immunization that the child is required to receive but has not yet received:
  - 1. ~~Proof of immunity showing that the child has received the immunization; or~~
  - 2. ~~A dated statement signed by a doctor of allopathic, osteopathic, or homeopathic medicine certifying:
    - a. ~~That the child has a medical condition, which is identified;~~
    - b. ~~That as a result of the medical condition, the immunization may be detrimental to the child's health; and~~
    - e. ~~The estimated duration of the medical condition.~~~~~~
- ~~D. A provider shall ensure that each time an enrolled child's parent provides proof of immunity, a statement for medical exemption, or a statement for religious exemption, a staff member attaches a copy of the document to the child's Emergency Information and Immunization Record Card.~~
- ~~E. A provider shall document on a child's Emergency Information and Immunization Record Card:
  - 1. ~~Whether the child has a statement for medical exemption as described in subsection (C)(2) and, if so, its duration; and~~
  - 2. ~~Whether the certificate holder has sent the child's parent notification of immunizations that the child needs and, if so, the date of each notification.~~~~
- ~~A. A certificate holder shall not permit an enrolled child to receive child care services at a child care group home until the child care group home receives:
  - 1. An immunization record for the enrolled child with the information required in 9 A.A.C. 6, Article 7, stating that the enrolled child has received all current, age-appropriate immunizations required under 9 A.A.C. 6, Article 7, that is:
    - a. Provided by a physician, physician assistant, registered nurse practitioner, or another individual authorized by state law to administer immunizations; or
    - b. Generated from the Arizona State Immunization Information System, which is the Department's child immunization reporting system established in A.R.S. § 36-135; or
  - 2. An exemption affidavit for the enrolled child provided by the enrolled child's parent that contains:
    - a. A statement, signed by the enrolled child's physician, physician assistant, or registered nurse practitioner, that the immunizations required by 9 A.A.C. 6, Article 7 would endanger the enrolled child's health or medical condition; or
    - b. A statement, signed by the enrolled child's parent, that the enrolled child is being raised in a religion whose teachings are in opposition to immunization.~~
- ~~B. A certificate holder shall ensure that a staff member attaches an enrolled child's written immunization record or exemption affidavit, required in subsection (A), to the enrolled child's Emergency, Information, and Immunization Record card, required in R9-3-303(B).~~
- ~~C. A certificate holder shall ensure that a staff member updates an enrolled child's written immunization record required in subsection (A)(1)(a) each time the enrolled child's parent provides the child care group home with a written statement from the enrolled child's physician, physician assistant, or registered nurse practitioner that the enrolled child has received an age-appropriate immunization required by 9 A.A.C. 6, Article 7.~~
- ~~D. If an enrolled child's immunization record indicates that the enrolled child has not received an age-appropriate immunization required by 9 A.A.C. 6, Article 7, a certificate holder shall ensure that a staff member:
  - 1. Notifies the enrolled child's parent in writing that the enrolled child may attend the child care group home for not more than 15 days after the date of the notification unless the enrolled child's parent complies with the immunization requirements in 9 A.A.C. 6, Article 7; and
  - 2. Documents on the enrolled child's Emergency, Information, and Immunization Record card the date on which the enrolled child's parent is notified of an immunization required by the Department.~~
- ~~E. For an outbreak of a disease listed in A.A.C. R9-6-702(A) at a child care group home, a certificate holder shall:
  - 1. Not allow an enrolled child to attend the child care group home between the start and end of the outbreak if the enrolled child lacks documentation of immunization or evidence of immunity to the disease that complies with A.A.C. R9-6-704, and
  - 2. Permit the enrolled child to attend the child care group home if a parent of the enrolled child provides any of the documents in A.A.C. R9-6-704 for the enrolled child.~~

~~R9-3-310. R9-3-305. Admission and Release of Enrolled Children~~

- ~~A. A provider certificate holder shall ensure that:
  - 1. An enrolled child is signed into and signed out from the child care group home by:
    - a. The enrolled child's parent;
    - b. An individual authorized in writing or by telephone by the enrolled child's parent; or~~

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- c. The enrolled child, if the enrolled child is a school-age child and the enrolled child's parent has ~~submitted~~ given written permission for the enrolled child to self-admit or self-release; ~~and~~
  2. The parent or other individual who brings a child to the child care group home, including a child who self-admits, records the time of the child's arrival and signs the attendance record; and
  3. The parent or other individual who picks up a child from the child care group home, including a child who self-releases, records the time of the child's departure and signs the attendance record.
  2. The individual signing the enrolled child into or out from the child care group home:
    - a. Records the time of the enrolled child's arrival or departure, and
    - b. Signs the attendance record with at least the first initial of the individual's first name and the individual's last name; and
  3. The attendance record is maintained on the premises for 12 months from the date of the attendance record.
- B. If an enrolled child ~~submits to the provider~~ gives a staff member written permission for the enrolled child to self-admit or self-release, the ~~provider certificate holder~~ shall ensure that ~~a the~~ staff member verifies permission with ~~a the~~ enrolled child's parent before the enrolled child is allowed to self-admit or self-release.
- C. If an individual who is unknown to ~~the a~~ staff member present comes to sign out an enrolled child, the certificate holder shall ensure that before releasing the child to the individual the staff member reviews ~~shall do the following before releasing the child to the individual:~~
1. Review the The enrolled child's Emergency, Information, and Immunization Record Card card to verify that the enrolled child's parent has authorized the individual to sign out the child; and
  2. Review a driver A driver's license or other picture identification to verify the individual's identity.
- D. ~~A provider shall not admit an enrolled child to the child care group home if the child's presence will cause the child care group home to violate R9-3-306 or exceed its certified capacity.~~

**R9-3-306. Pesticides**

Except as prescribed by A.R.S. § 36-898(C), a certificate holder shall ensure that a staff member makes the following pesticide information available in writing to the parent of an enrolled child, upon the parent's request, at least 48 hours before a pesticide application occurs on the premises:

1. The brand, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide;
2. The date and time of the pesticide application;
3. The pesticide label and the material safety data sheet; and
4. The name and telephone number of the pesticide business licensee and the name of the licensed applicator.

~~R9-3-341. R9-3-307. Illness and Infestation~~

- A. ~~A provider shall exclude an enrolled child~~ certificate holder shall ensure that an enrolled child is excluded from the child care group home when:
1. ~~The A~~ A staff member determines that the enrolled child's illness prevents:
    - a. Prevents the enrolled child from participating in program activities without experiencing discomfort or aggravation of symptoms; or
    - 2-b. The child's illness results Results in a greater need for care than staff members can provide without compromising the health or safety of other enrolled children; or
  - 3-2. The child's exclusion is required under 9 A.A.C. 6, Article 3; ~~or~~
  4. The child's exclusion is required by Table 2.
- B. If an enrolled child exhibits signs of illness or infestation that require exclusion from the child care group home under subsection (A), a ~~provider certificate holder~~ shall ensure that a staff member:
1. Immediately separates the enrolled child from other enrolled children;
  2. Notifies the ~~child's parent or, if a parent cannot be reached, an emergency contact by telephone or other expeditious means~~ individual designated by the parent on the enrolled child's Emergency, Information, and Immunization Record card to be contacted in case of the enrolled child's injury or illness that the enrolled child needs to be picked up from the child care group home; and
  3. Makes a written record of the notification and places it in the enrolled child's file.
- C. A ~~provider certificate holder~~ shall ensure that a staff member or resident who has signs or symptoms of illness or infestation is excluded from the child care group home when required under 9 A.A.C. 6, Article 3 ~~or using the same criteria as required for an enrolled child under Table 2.~~
- D. If a ~~provider certificate holder~~ is notified that an enrolled child, staff member, or resident has an infestation or a communicable disease, other than human immunodeficiency virus or a sexually transmitted disease, the ~~provider certificate holder~~ shall ensure that:
1. ~~Written~~ Provide written notice of potential exposure ~~is provided~~ to each staff member and to a parent of each enrolled child within 24 hours after the ~~provider certificate holder~~ receives notice of the communicable disease or infestation;
  2. Maintain the written notice required in subsection (D)(1) on the premises for 12 months after the written notice is pro-

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vided; and

- ~~2-3. Notice is provided Provide notice to the local health agency if required under 9 A.A.C. 6, Article 2.~~
- ~~3. If the communicable disease is vaccine preventable, an enrolled child who lacks proof of immunity to the communicable disease is excluded from the child care group home until:
 
  - a. The child's parent submits proof of immunity to the provider; or
  - b. The time designated by 9 A.A.C. 6, Article 3 or by the local health agency;~~
- ~~4. If the communicable disease is vaccine preventable, a staff member or resident who lacks proof of immunity to the communicable disease, including a staff member or resident who is exempt from immunization under R9-3-303(8) or R9-3-304(5), is excluded from the child care group home if required by 9 A.A.C. 6, Article 3 or by the local health agency; and~~
- ~~5. An enrolled child, staff member, or resident with the communicable disease or infestation is excluded from the child care group home until the time designated under 9 A.A.C. 6, Article 3 or by the local health agency.~~
- ~~E. If subsection (A), (C), or (D) requires exclusion of a resident, the provider shall:
 
  - 1. Exclude the resident until exclusion is no longer required, or
  - 2. Close the child care group home until exclusion is no longer required.~~

**Table 2. Exclusion of an Enrolled Child from the Child Care Group Home Repealed**

<b>Child's Condition</b>	<b>Exclusion Requirement</b>
Diarrhea	Exclude until diarrhea has been absent for 24 hours without antidiarrheal medication or until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious
Eye discharge, consisting of thick mucus or pus draining from the eye	Exclude until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious or until the condition has resolved
Fever	Exclude until fever has been absent for 24 hours without fever-reducing medication or until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious
Impetigo	Exclude until 24 hours after initial treatment for impetigo
Rash with fever or behavioral change	Exclude until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious or until the condition has resolved
Severe, persistent coughing, such as where the child makes a high-pitched whooping sound after coughing or the coughing is not relieved by a drink of water or, for an asthmatic child, by asthma medication	Exclude until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious
Stools that contain blood or mucus	Exclude until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious
Vomiting two or more times in the previous 24 hours	Exclude until vomiting has been absent for 24 hours, unless a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the vomiting is caused by a noncommunicable condition and the child is not in danger of dehydration
Yellowish skin or eyes	Exclude until a physician, physician assistant, or registered nurse practitioner or the local health agency has stated that the child is noninfectious

**R9-3-312. R9-3-308. Suspected Abuse or Neglect of an Enrolled Child**

- ~~A. A provider or staff member shall immediately report suspected abuse or neglect of an enrolled child to Child Protective Services or to a local law enforcement agency, as required by A.R.S. § 13-3620, and to the Department.~~
- ~~B. A provider or staff member who reports suspected abuse or neglect shall:
 
  - 1. Provide the Department with a copy of the written report provided to Child Protective Services or a local law enforcement agency;
  - 2. Document each telephonic or in-person report of suspected child abuse or neglect made by the provider or staff member, and
  - 3. Retain a record of each report as required in R9-3-305(A)(12).~~

A certificate holder shall ensure that:

- 1. The certificate holder or a staff member immediately reports suspected abuse or neglect of an enrolled child to Child

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Protective Services, established within the Arizona Department of Economic Security under A.R.S. Title 8, Chapter 10, Article 1, or to a local law enforcement agency, as required by A.R.S. § 13-3620:

2. If a staff member or resident is suspected of abuse or neglect of an enrolled child, the certificate holder also reports the suspected abuse or neglect to the Department; and
3. Documentation of a report required in subsection (1) or (2) is maintained on the premises for 12 months after the date of the report.

**R9-3-309. Insurance Requirements**

- ~~A. A certificate holder shall secure and maintain the following insurance coverage, issued to the certificate holder, for a child care group home:~~
- ~~1. General liability insurance or a combination of general liability insurance and excess liability insurance with a maximum liability limit of at least \$100,000; and~~
  - ~~2. For each motor vehicle owned by the certificate holder and used by a staff member to transport enrolled children, motor vehicle insurance that has the coverage limits required by A.R.S. Title 28, Chapter 9.~~
- ~~B. A certificate holder shall obtain a certificate of insurance for the insurance policy required by subsection (A)(1). A certificate holder shall ensure that the certificate of insurance complies with R9-3-205(C)(2).~~
- ~~C. A certificate holder shall submit to the Department a copy of a new certificate of insurance or new insurance policy immediately after the certificate holder's insurance policy required under subsection (A)(1) or (2) expires, is canceled, or is changed.~~
- ~~D. If the general liability insurance policy or combination of general liability insurance and excess liability insurance for a child care group home includes a waiver of coverage for physical or sexual abuse of an enrolled child, the provider shall provide written notice of this waiver of coverage at the time of each child's enrollment to the parent or other individual enrolling the child.~~

**R9-3-313. R9-3-309. Administration of Medication Medications**

- ~~A. A provider shall notify a parent of each enrolled child about whether prescription or nonprescription medication may be administered to an enrolled child by a staff member. This notification may be made by posting a notice in a location that can be viewed by individuals entering or leaving the child care group home. A certificate holder shall ensure that a document is prepared and maintained on the premises that specifies:~~
- ~~1. Whether prescription or nonprescription medications are administered to enrolled children; and~~
  - ~~2. If prescription or nonprescription medications are administered, the requirements in subsection (B) for administering the prescription or nonprescription medications.~~
- ~~B. If prescription or nonprescription ~~medication is~~ medications are administered at a child care group home, a provider certificate holder shall ensure that:~~
- ~~1. The provider or another staff member designated in writing by the provider is responsible for:~~
    - ~~a. Administering medication medications at the child care group home,~~
    - ~~b. Storing medication medications at the child care group home,~~
    - ~~c. Supervising the ingestion of medication medications, and~~
    - ~~d. Documenting the administration of medication medications;~~
  - ~~2. At any given time, only one designated staff member at the child care group home is responsible for the duties described in subsection (B)(1);~~
  - ~~3. The designated staff member does not administer a medication to an enrolled child unless the ~~child's parent has submitted a completed Department provided authorization form for each medication to be administered to the child, including child care group home receives written authorization on a completed Department-provided authorization form that includes:~~~~
    - ~~a. The child's first and last names;~~
    - ~~b. The name of the medication;~~
    - ~~c. The prescription number, if any;~~
    - ~~d. Instructions for administration specifying:~~
      - ~~i. The dosage,~~
      - ~~ii. The route of administration,~~
      - ~~iii. The first and last dates that the medication is to be administered, and~~
      - ~~iv. The times and frequency of administration;~~
    - ~~e. The reason for the medication;~~
    - ~~f. The signature of the child's parent ~~or of a physician, physician assistant, or registered nurse practitioner~~; and~~
    - ~~g. The date of signature; and~~
  - ~~4. The designated staff member documents each administration of medication to an enrolled child on the Department-provided authorization form described in subsection (B)(3), including:~~
    - ~~a. The date and time of administration;~~
    - ~~b. The name of the medication;~~

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- e- ~~The prescription number, if any;~~
- d- ~~The dose of medication administered; and~~
- e- ~~The signature of the designated staff member who administered the medication to the child; and~~

5-4. The designated staff member:

- a. Measures liquid ~~medication~~ medications for oral administration using a measuring cup, spoon, or dropper specifically made for measuring liquid medication;
- b. Administers prescription ~~medication~~ medications provided by an enrolled child's parent to an the enrolled child only:
  - i- ~~From from~~ a container dispensed by a pharmacy and accompanied by a pharmacy-generated prescription label that includes the child's first and last names and administration instructions;
  - ii- ~~From a container dispensed by a pharmacy and accompanied by administration instructions for the child to receive the medication written and signed by a physician, physician assistant, or registered nurse practitioner; or~~
  - iii- ~~From a container prepackaged and labeled as a manufacturer's sample; labeled with the child's first and last names; and accompanied by administration instructions for the child to receive the medication written and signed by a physician, physician assistant, or registered nurse practitioner;~~
- c. Administers nonprescription medications provided by an enrolled child's parent to an the enrolled child only from an original manufacturer's container labeled with the enrolled child's first and last names; and
- d. Does not administer a medication that has been transferred from one container to another;
- e. Does not administer a nonprescription medication to an enrolled child inconsistent with the instructions on the nonprescription medication's label, unless the child care group home receives written administration instructions from the enrolled child's physician, physician assistant, or registered nurse practitioner;
- f. Documents each administration of medication to an enrolled child on the Department-provided form required in subsection (B)(3) including:
  - i. The name of the enrolled child;
  - ii. The name and amount of medication administered and the prescription number, if any;
  - iii. The date and time the medication was administered; and
  - iv. The signature of the staff member who administered the medication to the enrolled child; and
- g. Maintains the record on the premises for 12 months after the date the medication is administered.

C. A ~~provider certificate holder~~ shall allow an enrolled child to receive an injection at the child care group home only after obtaining written authorization from a physician, physician assistant, or registered nurse practitioner. The certificate holder shall maintain the written authorization on the premises for 12 months after the date of the last injection. An injection may be administered at a child care group home by an individual authorized by state law to give injections or, in an emergency, by any individual as permitted under A.R.S. §§ 32-1421(A)(1) and 32-1631(2).

D. An individual authorized by state law to give injections may give an injection to an enrolled child. In an emergency, an individual may give an injection to an enrolled child according to A.R.S. §§ 32-1421(A)(1) and 32-1631(2).

~~D.E.~~ A ~~provider certificate holder~~ shall return unused prescription or nonprescription medication to a parent when the medication is no longer being administered to the enrolled child or ~~when the medication~~ has expired, whichever comes first. If a child is no longer enrolled at a child care group home, and the provider is unable to locate the child's parent, the provider shall or dispose of the medication according to state and federal laws, if the child is no longer enrolled at the child care group home and the certificate holder is unable to locate the child's parent.

~~E.F.~~ Except as provided in subsection (G), a A-provider certificate holder shall ensure that:

- 1. Medication belonging to an enrolled children child is stored in a locked, ~~leakproof~~ leak-proof storage cabinet or container that is used only for storing ~~medication~~ medications belonging to enrolled children ~~and that is inaccessible to enrolled children; and~~
- 2. Medication belonging to a staff members and residents member or resident is stored in a locked, ~~leakproof~~ leak-proof storage cabinet or container that is ~~used only for storing medication belonging to staff members and residents and that is inaccessible to~~ separate from the storage container for enrolled children's medications, enrolled children; and
- 3- ~~Medication that requires refrigeration is stored in locked, leakproof containers in a refrigerator, with the medication for enrolled children stored separately from the medication for staff members and residents.~~

~~F.G.~~ A certificate holder shall ensure that a staff member's or enrolled child's prescription medication necessary to treat life-threatening symptoms is kept in a location inaccessible to enrolled children except when the prescription medication is administered to treat the life-threatening symptoms.

H. A ~~provider certificate holder~~ shall ensure that a child care group home does not stock a supply of prescription or nonprescription ~~medication~~ medications for administration to enrolled children.

**R9-3-314. R9-3-310. First Aid Kit Accident and Emergency Procedures**

A. A ~~provider certificate holder~~ shall ensure that a child care group home has a first-aid kit on the premises that is located in an area accessible to staff members but inaccessible to enrolled children. The first-aid kit shall contain contains at least the following items, in a quantity sufficient to meet the needs of the enrolled children at the child care group home:

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1. ~~Adhesive band-aids of assorted sizes; Sterile bandages including:~~
    - a. ~~Adhesive bandages of assorted sizes,~~
    - b. ~~Sterile gauze pads, and~~
    - c. ~~Sterile gauze rolls,~~
  2. ~~Antiseptic solution or sealed antiseptic wipes,~~
  3. ~~Sterile gauze pads,~~
  - 4-3. ~~Disposable medical-grade Single-use non-porous gloves,~~
  - 5-4. ~~Disposable resealable Reclosable plastic bags of at least one-gallon size,~~
  - 6-5. ~~Scissors, and~~
  - 7-6. ~~Medical Adhesive or self-adhering tape.~~
- B.** A certificate holder shall ensure that the first aid kit required in subsection (A) is accessible to staff members but inaccessible to enrolled children.
- C.** If, while receiving child care services at a child care group home, an enrolled child has an accident, injury, or emergency that, based on an evaluation by a staff member, does not require medical treatment by a physician, physician assistant, or registered nurse practitioner, the certificate holder shall ensure that first aid treatment as needed is provided to the enrolled child by an individual with current training in first aid.
- D.** If, while receiving child care services at a child care group home, an enrolled child has an accident, injury, or emergency that, based on an evaluation by a staff member, requires medical treatment by a physician, physician assistant, or registered nurse practitioner, a certificate holder shall ensure that a staff member:
1. Within 30 minutes after the accident, injury, or emergency, notifies the individual designated by the parent on the enrolled child's Emergency, Information, and Immunization Record card to be contacted in case of the enrolled child's injury or illness;
  2. Documents:
    - a. A description of the accident, injury, or emergency, including the date, time, and location of the accident, injury, or emergency;
    - b. The method used to notify the designated individual; and
    - c. The time the designated individual was notified; and
  3. Maintains documentation required in subsection (D)(2) on the premises for 12 months after the date of the child's disenrollment.
- E.** A certificate holder shall notify the Department orally or in writing within 24 hours after an enrolled child's death at the child care group home during hours of operation.

**R9-3-311. Renumbered**

**R9-3-312. Renumbered**

**R9-3-313. Renumbered**

**R9-3-314. Renumbered**

**R9-3-315. Accident, Emergency, or Serious Injury Procedure Repealed**

~~If an enrolled child has an accident, emergency, or serious injury while at the child care group home, the provider shall:~~

1. ~~Ensure that treatment is provided to the enrolled child, including CPR or first aid as needed;~~
2. ~~Call 9-1-1 or another emergency response agency if urgent medical treatment is needed;~~
3. ~~Within 30 minutes after the accident, emergency, or serious injury, notify a parent of the child or, if the provider is unable to locate and notify a parent of the child, an emergency contact; and~~
4. ~~Document:~~
  - a. ~~The date, time, location, and circumstances of the child's accident, emergency, or serious injury;~~
  - b. ~~The method used to notify the parent or emergency contact; and~~
  - e. ~~The time that the parent or emergency contact was notified.~~

ARTICLE 4. PROGRAM AND EQUIPMENT STANDARDS

**R9-3-401. General Program, and Equipment, and Health and Safety Standards**

**A.** ~~In addition to complying with the requirements in this Chapter, a certificate holder~~ A provider shall ensure that:

1. ~~The the health, safety, or welfare of an enrolled child is not endangered placed at risk of harm.;~~

**B.** A certificate holder shall ensure that:

1. A staff member:
  - a. Supervises each enrolled child at all times,
  - b. Plays and communicates with an enrolled child throughout the day, and
  - c. Responds immediately to signs of distress from an enrolled child;
2. ~~An enrolled child is not subjected to abuse or neglect at the child care group home;~~
- 3-2. The areas of the child care group home approved for providing child care services ~~child care group home's buildings;~~

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~~activity areas, and indoor and outdoor play equipment are maintained in good repair and free from hazards;~~

~~4.3. The child care group home has sufficient play materials and equipment to meet the needs toys, materials, and equipment for use by enrolled children:~~

~~a. Include, as appropriate to the ages of the enrolled children at the child care group home:~~

~~i. Arts supplies,~~

~~ii. Manipulatives to enhance small motor development,~~

~~iii. Indoor and outdoor equipment to enhance large motor development,~~

~~iv. Creative play materials,~~

~~v. Books, and~~

~~vi. Musical instruments;~~

~~b. Are sufficient in number and type to meet the needs of the enrolled children in attendance at the child care group home;~~

~~c. Are accessible to enrolled children; and~~

~~d. Are maintained free from hazards and in a condition that allows the toys, materials, and equipment to be used for their original purpose;~~

~~5. Each enrolled child is cleaned as necessary after a meal or activity;~~

~~6.4. The program activities at the child care group home is are:~~

~~a. Structured to meet the following:~~

~~i. The age and developmental level of each enrolled child;~~

~~ii. The needs of each enrolled child; and~~

~~iii. The enrolled children's need for familiarity, consistency, and routine; and~~

~~b. Based upon a written weekly schedule that includes:~~

~~i. Routines, such as meals, and snacks, and rest periods, that follow a familiar and consistent pattern;~~

~~ii. If weather and air quality permit, outdoor activities to enhance large muscle development;~~

~~iii. Stories, music, dancing, singing, and reading;~~

~~iv. Listening and talking opportunities; and~~

~~v. Creative activities such as water play, cutting and pasting, painting, coloring, dramatic play, and playing with blocks;~~

~~7. An enrolled child is bathed at the child care group home only if the child's parent has provided written consent for bathing and bathing instructions;~~

~~8. If swimming is included in the program, the following requirements are met:~~

~~a. An enrolled child is allowed to swim at the child care group home only if the child's parent has provided written consent for swimming;~~

~~b. An individual who satisfies the following is stationed at the swimming pool in a location that enables the individual to see clearly all parts of the swimming pool, including the bottom, at all times while enrolled children are using the swimming pool:~~

~~i. The individual shall be the provider, the assistant provider, or an adult staff member with a high school diploma, high school equivalency diploma, associate degree, or bachelor degree; and~~

~~ii. The individual shall have current certification in basic water rescue training completed through a nationally recognized health and safety training program such as American Red Cross Basic Water Rescue or American Safety and Health Institute Safety Training and Aquatic Rescue; and~~

~~5. Clean clothing is available to an enrolled child; and~~

~~9-6. Drinking water is available to enrolled infants and 1- or 2-year-old children and is accessible to older enrolled children at all times.~~

C. A certificate holder shall ensure that a staff member:

1. Monitors an enrolled child for overheating or overexposure to the sun and, if an enrolled child exhibits signs of overheating or overexposure to the sun, notifies a staff member who has current training in first aid to evaluate the enrolled child;

2. When an enrolled child's clothing is wet or soiled:

a. Except for an enrolled child who can change the enrolled child's own clothing, changes the enrolled child's wet or soiled clothing;

b. If the clothing is soiled with feces, empties the feces into a flush toilet without rinsing the clothing;

c. Stores the enrolled child's wet or soiled clothing in a sealed plastic bag labeled with an identifier that is specific to the enrolled child; and

d. Sends the enrolled child's wet or soiled clothing home with the enrolled child or the enrolled child's parent;

3. Bathes an enrolled child at the child care group home only if the child care group home has received written permission from the enrolled child's parent;

4. Except as specified in subsection (C)(5), labels the personal items of an enrolled child with an identifier that is specific to the enrolled child and stores the personal items separately from the personal items of other enrolled children

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and residents;

5. Stores diapering products in a location that is inaccessible to enrolled children but accessible for diaper changing; and
6. If a parent of an enrolled child permits or asks a staff member to apply sunscreen, diapering products, or other substances to the skin of an enrolled child, obtains:
  - a. The sunscreen, diapering products, or other substances from the enrolled child's parent; or
  - b. If the child care group home supplies the sunscreen, diapering products, or other substances, written permission from the enrolled child's parent for the application of the specific sunscreen, diapering products, or other substances.

**R9-3-402. Supplemental Standards for Resting Napping or Sleeping**

A provider shall ensure that:

1. ~~There is a separate bed, cot, mat, or crib for each enrolled child who needs to rest or sleep at the child care group home, and each enrolled child is allowed to sleep only on a bed or crib mattress or on a cot or mat;~~
2. ~~A waterbed is not used by an enrolled child;~~
3. ~~A bunk bed is not used by an enrolled child unless the enrolled child rests or sleeps on the bottom bunk;~~
4. ~~No other individual lies down or otherwise is physically located on the same bed, cot, or mat or in the same crib with an enrolled child;~~
5. ~~Each bed, cot, mat, or crib used by an enrolled child is stable, constructed so that it does not create a hazard, large enough to accommodate the size and weight of the child, clean, and in good repair;~~
6. ~~Crib use meets the following requirements:~~
  - a. ~~Each crib is commercially manufactured;~~
  - b. ~~Each crib has sides that are made of:~~
    - i. ~~A solid material, or~~
    - ii. ~~Bars spaced no more than 2 3/8 inches apart;~~
  - e. ~~A playpen is not used in place of a crib;~~
  - d. ~~Stacked cribs are not used;~~
  - e. ~~Each crib is used with a crib mattress that:~~
    - i. ~~Leaves no more than a 1/2 inch gap between the mattress and each side of the crib, and~~
    - ii. ~~Is commercially waterproofed or completely and tightly covered with a waterproof crib mattress cover;~~
  - f. ~~Each crib and crib mattress is cleaned and sanitized when soiled;~~
  - g. ~~When in use, the top surface of each crib mattress is completely covered with a clean, fitted sheet designed for the crib mattress size;~~
  - h. ~~Each sheet used in a crib is laundered:~~
    - i. ~~Before being used by an enrolled child;~~
    - ii. ~~When it becomes soiled, and~~
    - iii. ~~At least every 24 hours;~~
  - i. ~~No mechanical restraint of any kind is used in a crib;~~
  - j. ~~No bumper pads, pillows, quilts, comforters, sheepskins, stuffed toys, or other soft products are in a crib while an infant is in the crib;~~
  - k. ~~An infant is placed to sleep on the infant's back, unless the infant's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing; and~~
  - l. ~~An infant is not placed to sleep using a positioning device that restricts movement, unless the infant's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing;~~
7. ~~When in use, the top surface of each bed mattress, cot, or waterproof mat is completely covered with a clean sheet or similar covering; and~~
8. ~~Each sheet or similar covering used on a bed mattress, cot, or waterproof mat or each machine washable mat is laundered:~~
  - a. ~~If used by only one enrolled child each week, at least weekly;~~
  - b. ~~If used by more than one enrolled child each week, before being used by each child; and~~
  - e. ~~Whenever it becomes soiled.~~

**A.** A certificate holder shall ensure that:

1. Each enrolled child who naps or sleeps at the child care group home is furnished with a bed, cot, mat, or crib that accommodates the enrolled child's height and weight;
2. The bed, cot, mat, or crib is not used by another individual while in use by the enrolled child;
3. The cot, mat, or bed's mattress is covered with a clean sheet that is laundered when soiled, at least once every seven days, and before use by a different enrolled child;
4. The crib mattress is covered with a clean fitted-sheet designed for the crib mattress size that is laundered when soiled, at least once every 24 hours, and before use by a different enrolled child; and
5. A clean blanket or sheet is available for each enrolled child.

**B.** A certificate holder shall not allow an enrolled child to use:



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1. A waterbed.
2. The upper bed of a bunk bed, or
3. A stacked crib.
- C. A certificate holder shall ensure that a crib used by an enrolled child:
  1. Has bars or openings spaced no more than 2 3/8 inches apart;
  2. Has a crib mattress that is:
    - a. Measured to fit not more than 1/2 inch from the crib side, and
    - b. Commercially waterproofed or covered with a waterproof crib mattress cover;
  3. Is cleaned and sanitized when soiled; and
  4. Does not contain bumper pads, pillows, comforters, sheepskins, stuffed toys, or other soft products when an enrolled child is in the crib.
- D. When enrolled children are present at a child care group home during hours of operation, a certificate holder shall ensure that a staff member:
  1. Remains awake until all enrolled children are asleep, and
  2. Is allowed to sleep only:
    - a. During the hours of 8:00 p.m. to 5:00 a.m., and
    - b. If the staff member can hear and respond to an enrolled child waking from sleep.

**R9-3-403. Supplemental Standards for Care of an Enrolled Infant or 1- or 2-Year-Old Child**

A provider caring for an enrolled infant or 1- or 2-year-old child shall ensure that:

1. Each infant or 1- or 2-year-old child is spoken to and held by staff members throughout the day;
  2. A staff member responds immediately to the distress signals of an infant or 1- or 2-year-old child;
  3. An infant or 1- or 2-year-old child does not spend more than 30 consecutive minutes of time while awake in a crib, playpen, high chair, or other confining structure or piece of equipment;
  4. Each infant or 1-year-old child is allowed to maintain an individual pattern of sleeping, waking, and eating, unless the infant's or child's parent has instructed otherwise;
  5. Each infant is provided a crib that complies with R9-3-402(6) for use while sleeping;
  6. An infant's formula, breast milk, or other food is prepared, stored, and fed according to written instructions from the infant's parent;
  7. An infant or 1-year-old child is not fed cereal by bottle, unless the infant's or child's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing;
  8. A staff member holds and feeds an infant younger than 6 months of age or an older infant who cannot hold a bottle for feeding;
  9. A staff member seats an infant who is no longer being held for feeding or a 1- or 2-year-old child in a high chair or at a table with a chair that allows the infant or child to reach food while sitting;
  10. Each high chair is equipped with a safety strap that is secured while an infant or child is seated in the high chair;
  11. Only water is provided in a naptime or bedtime bottle or sippy cup given to an infant or 1- or 2-year-old child;
  12. A used bottle or sippy cup is immediately removed from a crib, bed, cot, or mat and emptied and cleaned;
  13. A staff member checks the diaper of each infant or 1- or 2-year-old child throughout the day and changes a diaper as soon as it is wet or soiled;
  14. Age-appropriate materials and equipment meeting the interests and needs of an infant or 1- or 2-year-old child, as applicable, are provided and are available at all times to the enrolled children at the child care group home, including:
    - a. Books, including some cloth books;
    - b. Medium-sized rubber or soft plastic balls;
    - c. Manipulative toys;
    - d. Blocks and block accessories;
    - e. Washable soft toys and dolls;
    - f. Large muscle equipment; and
    - g. Musical instruments;
  15. Toys provided for an infant or 1- or 2-year-old child are too large to swallow; and
  16. A child is not permitted to use a walker.
- A. A certificate holder shall ensure that:
1. A staff member:
    - a. Does not allow an enrolled infant or 1- or 2-year-old child to spend more than 30 consecutive minutes of time while awake in a crib, playpen, swing, feeding chair, infant seat, or other confining piece of equipment;
    - b. Allows each enrolled infant to maintain an individual pattern of sleeping, waking, and eating, unless the enrolled infant's parent has instructed otherwise;
    - c. If providing a bottle or sippy cup to an enrolled infant or 1- or 2-year-old child before the enrolled infant or 1- or 2-year-old child naps or sleeps:
      - i. Ensures that only water is in the bottle or sippy cup unless the written instructions required by subsection

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(A)(3)(b) state otherwise:

- ii. Removes the used bottle or sippy cup from the enrolled infant or 1- or 2-year-old child's crib, bed, cot, or mat as soon as the enrolled infant or 1- or 2-year-old child finishes drinking or falls asleep; and
  - iii. Cleans the used bottle or sippy cup before the bottle or sippy cup is reused;
  - d. Checks the diaper of each enrolled infant or 1- or 2-year-old child throughout the day and changes a diaper as soon as it is wet or soiled;
  - e. Ensures that toys provided for an enrolled infant or 1- or 2-year-old child are too large to swallow; and
  - f. Does not permit an enrolled infant to use a walker;
2. When putting an enrolled infant to sleep, a staff member:
    - a. Places the enrolled infant on the enrolled infant's back to sleep, unless the enrolled infant's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing;
    - b. Does not use a positioning device that restricts movement, unless the enrolled infant's physician, physician assistant, or registered nurse practitioner has instructed otherwise in writing; and
    - c. Does not use a mechanical restraint on the enrolled infant in a crib;
  3. When feeding an enrolled infant, a staff member:
    - a. Prepares and stores the enrolled infant's formula, breast milk, or other food according to written instructions from the enrolled infant's parent;
    - b. Feeds formula, breast milk, or other food to the enrolled infant according to current written instructions from the enrolled infant's parent; and
    - c. If the enrolled infant is younger than 6 months of age or cannot hold a bottle for feeding, holds the enrolled infant for feeding; and
  4. When feeding an enrolled infant who is no longer being held for feeding or an enrolled 1- or 2-year-old child, a staff member:
    - a. Seats the enrolled infant or 1- or 2-year-old child in a feeding chair or at a table with a chair that allows the enrolled infant or 1- or 2-year-old child to reach food while sitting; and
    - b. If the feeding chair is manufactured with a safety strap, fastens the safety strap around the enrolled infant or 1- or 2-year-old child while the enrolled infant or 1- or 2-year-old child is seated in the feeding chair.
- B.** A certificate holder shall ensure that a staff member:
1. Consults with an enrolled child's parent to establish a plan for toilet training for the enrolled child,
  2. Implements the toilet training plan,
  3. Provides the parent with information about the enrolled child's progress in toilet training, and
  4. Ensures that toilet training is not forced on the enrolled child.

**R9-3-404. Supplemental Standards for Care of an Enrolled 3-, 4-, or 5-Year Old Child**

A provider caring for an enrolled 3-, 4-, or 5-year-old child shall ensure that age-appropriate materials and equipment meeting the interests and needs of a 3-, 4-, or 5-year-old child, as applicable, are provided and are available at all times to the 3-, 4-, or 5-year-old enrolled children at the child care group home, including:

1. Art supplies;
2. Blocks and block accessories;
3. Books;
4. A dramatic play area with toys and dress-up clothes;
5. Large muscle equipment;
6. Manipulatives;
7. Science materials; and
8. Musical instruments.

**R9-3-405. Supplemental Standards for Care of an Enrolled School-Age Child**

A provider caring for an enrolled school-age child shall ensure that age-appropriate materials and equipment meeting the interests and needs of a school-age child are provided and are available at all times to the school-age enrolled children at the child care group home, including:

1. Art and craft supplies;
2. Games;
3. Sports equipment;
4. Books;
5. Science materials; and
6. Manipulatives.

**~~R9-3-406.~~ R9-3-404. Supplemental Standards for Care of an Enrolled Child with Special Needs ~~Child~~**

**A.** Before a special-needs child first attends a child care group home, the provider shall obtain from the child's parent:

1. A copy of any existing individualized plan for the child that can be reviewed, adopted, and followed by the provider when caring for the child; or

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- ~~2. If there is no existing individualized plan available for a special needs child before first attendance, the child's parent's written instructions for providing care for the child.~~
- ~~B. If a provider does not receive an individualized plan before a special needs child's first attendance, the provider shall require that a written individualized plan be developed within 30 days after the child's first attendance by a team consisting of the provider, the child's parent, and at least one health care provider.~~
- ~~C. An individualized plan shall include the following, as applicable for the child:~~
  - ~~1. A medication schedule;~~
  - ~~2. Nutrition and feeding instructions;~~
  - ~~3. A description of the training required for a staff member who feeds the child;~~
  - ~~4. Documentation of which staff members have completed the training required to feed the child;~~
  - ~~5. Instructions for medical equipment or adaptive devices used by the child;~~
  - ~~6. Emergency instructions;~~
  - ~~7. Toileting and personal hygiene instructions;~~
  - ~~8. Identification of specific child care services to be provided at the child care group home;~~
  - ~~9. Information from health care providers, including the frequency and length of any prescribed medical treatment or therapy;~~
  - ~~10. A description of the training required for a staff member who cares for the child;~~
  - ~~11. Documentation of which staff members have received the training required to care for the child; and~~
  - ~~12. Instructions for fire evacuation drills.~~
- ~~D. A provider shall ensure that:~~
  - ~~1. An enrolled child's individualized plan is implemented;~~
  - ~~2. An individualized plan is updated at least once every 12 months after the date of the initial plan and as changes occur;~~
  - ~~3. A special needs child's parent is provided a copy of the individualized plan;~~
  - ~~4. A staff member does not prepare formula for tube feeding a special needs child;~~
  - ~~5. All formula for tube feeding a special needs child is commercially prepackaged in a ready-to-use state or brought by the child's parent in an unbreakable container;~~
  - ~~6. A staff member feeds a special needs child using a feeding apparatus or clears a feeding apparatus only after receiving instruction from the child's parent or an individual designated by the child's parent;~~
  - ~~7. A special needs child is provided with developmentally appropriate toys, materials, and equipment, which are available to the special needs child at all times;~~
  - ~~8. A staff member assists a special needs child as necessary to enable the child to participate in activities at the child care group home;~~
  - ~~9. A special needs child who uses a wheelchair or is not able to walk is cared for only on the ground floor of the child care group home;~~
  - ~~10. When a staff member transports a special needs child in a wheelchair in a motor vehicle, the following requirements are met:~~
    - ~~a. The child's wheelchair is secured in the motor vehicle using at least four anchorages attached to the motor vehicle floor and at least four securement devices, such as straps or webbing with buckles and fasteners, that attach the wheelchair to the anchorages;~~
    - ~~b. The child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and~~
    - ~~e. The child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the child in the wheelchair or passage to the front and rear of the motor vehicle.~~
- A. Before an enrolled child with special needs receives child care services at a child care group home, the certificate holder shall ensure that the child care group home obtains from the enrolled child's parent written instructions for providing care for the enrolled child, including as applicable for the enrolled child:
  1. A medication schedule,
  2. Nutrition and feeding instructions,
  3. Instructions for medical equipment or adaptive devices used by the enrolled child,
  4. Emergency instructions,
  5. Toileting and personal hygiene instructions,
  6. Identification of specific child care services to be provided at the child care group home, and
  7. Instructions for fire and emergency evacuation drills.
- B. A certificate holder shall ensure that:
  1. At least one staff member receives instructions from the parent of an enrolled child with special needs that enables the staff member to interact with, feed, and care for the enrolled child with special needs;
  2. Documentation of the instructions required in subsection (B)(1) is maintained on the premises for 12 months after the child is disenrolled;
  3. When tube feeding an enrolled child, a staff member only uses:

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- a. Commercially prepackaged formula in a ready-to-use use state, stored according to directions on the package;
- b. Formula prepared by the enrolled child's parent and brought to the child care group home in an unbreakable container; or
- c. Breast milk brought to the child care group home in an unbreakable container;
4. Only a staff member who received the instructions required in subsection (B)(1):
  - a. Feeds an enrolled child who requires tube feeding using the enrolled child's tube-feeding apparatus, and
  - b. Cleans the enrolled child's tube-feeding apparatus; and
5. A staff member:
  - a. Assists an enrolled child with special needs to enable the enrolled child to participate in activities at the child care group home; and
  - b. Ensures that the enrolled child is provided with developmentally appropriate toys, materials, and equipment.
- C. In addition to complying with the requirements in R9-3-408, a certificate holder shall ensure that a staff member transporting an enrolled child with special needs in a wheelchair in a motor vehicle operated by the child care group home ensures that:
  1. The enrolled child's wheelchair is manufactured to be secured in a motor vehicle;
  2. The enrolled child's wheelchair is secured in the motor vehicle using a minimum of four anchorages attached to the motor vehicle floor, and four securement devices, such as straps or webbing that have buckles and fasteners, that attach the wheelchair to the anchorages;
  3. The enrolled child is secured in the wheelchair by means of a wheelchair restraint that is a combination of pelvic and upper body belts intended to secure a passenger in a wheelchair; and
  4. The enrolled child's wheelchair is placed in a position in the motor vehicle that does not prevent access to the enrolled child in the wheelchair or passage to the front and rear of the motor vehicle.

**R9-3-407. Supplemental Standards for Evening and Nighttime Care**

A provider who provides evening or nighttime care shall:

1. Provide each enrolled child receiving evening and nighttime care with a bed, cot, or crib that complies with the standards of R9-3-402;
2. Ensure that each staff member providing evening and nighttime care remains awake until all enrolled children are asleep; and
3. Ensure that each staff member providing evening and nighttime care is allowed to sleep only if the staff member maintains unobstructed access to and unimpaired hearing of sleeping enrolled children.

**R9-3-408. Toilet Training**

**A.** A provider shall consult with an enrolled child's parent to establish a mutual and developmentally appropriate plan for toilet training. The provider shall document the plan, implement the plan, and document the ongoing implementation of the plan.

**B.** A provider shall not force toilet training or allow toilet training to be forced on an enrolled child.

**R9-3-409. R9-3-405, Discipline and Guidance**

**A.** A provider certificate holder shall ensure that a staff member:

1. Each staff member establishes Establishes and maintains reasonable rules guidelines and limits for enrolled children's behavior and applies them consistently;
2. and teaches Teaches, models, and uses positive reinforcement to encourage encourages orderly conduct, self-control, and age-appropriate behavior;
- 2-3. Each staff member does the following when When disciplining an enrolled child:
  - a. Explains to the enrolled child why the particular behavior is not allowed,
  - b. Suggests an alternate behavior to the enrolled child, and
  - c. Assists the enrolled child to become engaged in an alternate activity; and
- 3-4. If an enrolled child's behavior may result in harm to the child or to another self or others, a staff member holds the enrolled child without undue force until the enrolled child regains self-control or composure; and
4. An enrolled child is disciplined only by a staff member.

**B.** A provider certificate holder shall ensure that a staff member does not use or allow:

1. Discipline that could endanger a child A method of discipline that could cause harm to the health, safety, or welfare of an enrolled child;
2. Corporal punishment; or
3. Discipline that involves associated with:
  - a. Eating, napping, sleeping, or toileting;
  - b. Medication;
  - c. Mechanical restraint;
  - d. Humiliation; or
  - e. Fear; or

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- 4. Discipline administered to an enrolled child by an individual who is not a staff member.
- C. A certificate holder may allow a staff member may to separate an enrolled child older than 2 years of age from other children for unacceptable behavior according to the following:
  - 1. A separation period may not last longer than ~~one minute for each year of the child's age~~ three minutes after the enrolled child has regained control or composure, and
  - 2. ~~A separation period may not last~~ staff member may not allow an enrolled child to be separated for longer than 10 minutes ~~without the staff member interacting with the enrolled child.~~
- D. A staff member may not discipline the staff member's own child in a manner inconsistent with subsections (A) through (C) during hours of operation ~~unless the child is not an enrolled child and the discipline is performed off the premises and does not violate child abuse statutes.~~

**~~R9-3-410, R9-3-406, General Nutrition and Menu Standards~~**

- A. This Section does not apply to infants.
- B. A provider certificate holder shall ensure that meals and snacks are served to enrolled children in compliance with Table 3 4.1.
- C. When a provider child care group home provides food for enrolled children, the provider certificate holder shall ensure that:
  - 1. Each meal or snack is prepared and served according to the meal pattern requirements in Table 4 4.2;
  - 2. Second servings of food are served to each enrolled child at meal time and snack time, if requested by the enrolled child;
  - 3. The same food item, other than milk, is not served more than once in a single day;
  - 4. During each week, meals include a variety of foods from each food category in the meal pattern requirements in Table 4 4.2;
  - 5. Unless an enrolled child's parent requests otherwise, milk Milk served to an the enrolled child is:
    - a. Fat-free or 1% low-fat milk for an enrolled child older than 2 years of age is 2% fat, 1% fat, or skim milk; and
    - b. Whole milk for an enrolled child 2 years of age or younger;
  - 6. Only pasteurized milk is served;
  - 7. Reconstituted dry milk is not served to meet the fluid milk requirement;
  - 8. Juice served to enrolled children for a meal or snack is pasteurized full-strength 100% vegetable juice, fruit juice, or fruit and vegetable juice combination from an original, commercially filled container or reconstituted from a concentrate according to manufacturer directions;
  - 9. A beverage sweetened with any kind of sugar product is not provided by the child care group home; and
  - ~~6-10.~~ High fat or high sugar food items such as muffins, brownies, donuts, pastries, croissants, cakes, or cookies are served to satisfy a meal or snack category no more than twice each week; ~~and~~
  - 7. ~~High sugar cereal is served to satisfy a meal or snack category no more than twice each week.~~
- D. If a parent who provides food for the parent's enrolled child does not provide milk or juice for the enrolled child, the provider certificate holder shall provide milk or juice to the enrolled child unless doing so would be inconsistent with a modified diet prescribed for the enrolled child by the child's parent, physician, physician assistant, or registered nurse practitioner.
- E. A provider certificate holder shall ~~maintain~~ ensure that a staff member maintains a supply of food sufficient to serve the meals and snacks required by this Section to be served to each enrolled child attending the child care group home in a single day.
- F. A provider certificate holder shall ensure that a staff member:
  - 1. ~~Prepare~~ Prepares a weekly menu specifying the foods to be served at each meal and snack on each day,
  - 2. ~~Date~~ Dates each menu, and
  - 3. ~~Post each menu before the first meal or snack of the week on the menu, and~~
  - 4. ~~Write~~ Writes food substitutions on a posted menu no later than the morning of the day of the meal or snack to which the substitution applies.

**Table 3. ~~Meals and Snacks Required to Be Served to Enrolled Children~~ Repealed**

<del>Times Enrolled Child Is at Child Care Group Home</del>	<del>Child Required to Be Served</del>
<del>Before 8:00 a.m.</del>	<del>Breakfast, if requested by parent or child</del>
<del>Between 8:00 a.m. and 11:00 a.m.</del>	<del>At least one snack</del>
<del>Between 11:00 a.m. and 1:00 p.m.</del>	<del>Lunch</del>
<del>Between 1:00 p.m. and 5:00 p.m.</del>	<del>At least one snack</del>
<del>Between 5:00 p.m. and 7:00 p.m., if staying beyond 7:00 p.m.</del>	<del>Dinner</del>
<del>Between 7:00 p.m. and 9:00 p.m., if staying beyond 9:00 p.m.</del>	<del>At least one snack</del>

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**Table 4. Meal Pattern for Children Repealed**

<b>BREAKFAST</b> (Each breakfast shall include at least one serving from each category.)			
<b>Categories, denoted by ■</b>	<b>Ages 1 and 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
■-Milk, fluid	1/2 cup	3/4 cup	1 cup
■-Vegetable, fruit, or 100% full-strength juice	1/4 cup	1/2 cup	1/2 cup
■-Grains/breads (whole grain or enriched)			
— Bread; or	1/2 slice	1/2 slice	1 slice
— Cornbread, rolls, muffins, or biscuits; or	1/2 serving	1/2 serving	1 serving
— Cold dry cereal (served by volume or weight, whichever is less); or	1/4 cup, or 1/3 oz.	1/3 cup, or 1/2 oz.	3/4 cup, or 1 oz.
— Cooked cereal, pasta, noodle products, or cereal grains	1/4 cup	1/4 cup	1/2 cup
<b>LUNCH OR DINNER</b> (Each lunch or dinner shall include at least one serving from each category.)			
<b>Categories, denoted by ■</b>	<b>Ages 1 and 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
■-Milk, fluid	1/2 cup	3/4 cup	1 cup
■-Vegetable, fruit, or 100% full-strength juice (two or more)	1/4 cup total	1/2 cup total	3/4 cup total
■-Grains/breads (whole grain or enriched)			
— Bread; or	1/2 slice	1/2 slice	1 slice
— Cornbread, rolls, muffins, or biscuits; or	1/2 serving	1/2 serving	1 serving
— Cooked cereal, pasta, noodle products, or cereal grains	1/4 cup	1/4 cup	1/2 cup
■-Meat and meat alternatives <sup>1</sup>			
— Lean meat, fish, or poultry (edible portion as served); or	1 oz.	1 1/2 oz.	2 oz.
— Cheese; <sup>2</sup> or	1 oz.	1 1/2 oz.	2 oz.
— Egg; or	1 egg	1 egg	1 egg
— Cooked dry beans or peas; <sup>3</sup> or	1/4 cup	3/8 cup	1/2 cup
— Yogurt (low fat or nonfat); or	1/2 cup, or 4 oz.	3/4 cup, or 6 oz.	1 cup, or 8 oz.
— Peanut butter, soy nut butter, or other nut or seed butters; or	2 Tbsp.	3 Tbsp.	4 Tbsp.
— Peanuts, soy nuts, tree nuts, or seeds; or	1/2 oz.	3/4 oz.	1 oz.
— An equivalent quantity of any combination of the above meat and meat alternatives			
<b>SNACKS</b> (Each snack shall include at least one serving from each of two categories.) <sup>4</sup>			
<b>Categories, denoted by ■</b>	<b>Ages 1 and 2</b>	<b>Ages 3 through 5</b>	<b>Ages 6 through 12</b>
■-Milk, fluid	1/2 cup	1/2 cup	1 cup
■-Vegetable, fruit, or 100% full-strength juice	1/2 cup	1/2 cup	3/4 cup
■-Grains/breads (whole grain or enriched)			
— Bread; or	1/2 slice	1/2 slice	1 slice
— Cornbread, rolls, muffins, or biscuits; or	1/2 serving	1/2 serving	1 serving
— Cold dry cereal (served by volume or weight, whichever is less); or	1/4 cup, or 1/3 oz.	1/3 cup, or 1/2 oz.	3/4 cup, or 1 oz.
— Cooked cereal, pasta, noodle products, or cereal grains	1/4 cup	1/4 cup	1/2 cup
■-Meat and meat alternatives			
— Lean meat, fish, or poultry (edible portion as served); or	1/2 oz.	1/2 oz.	1 oz.
— Cheese; <sup>5</sup> or	1/2 oz.	1/2 oz.	1 oz.
— Egg; or	1/2 egg	1/2 egg	1 egg
— Yogurt (low fat or nonfat); or	1/4 cup	1/4 cup	1/2 cup

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— Cooked dry beans or peas; <sup>6</sup> or	1/8 cup	1/8 cup	1/4 cup
— Peanut butter, soy nut butter, or other nut or seed butters; or	1 Tbsp.	1 Tbsp.	2 Tbsp.
— Peanuts, soy nuts, tree nuts, or seeds; or	1/2 oz.	1/2 oz.	1 oz.
— An equivalent quantity of any combination of the above meat and meat alternatives			

<sup>1</sup> No more than 50% of the requirement may be met with nuts or seeds. If nuts or seeds are served, they are required to be combined with another meat or meat alternative to meet the requirement. For the purpose of determining combinations, one ounce of nuts or seeds is equal to one ounce of cooked lean meat, fish, or poultry.

<sup>2</sup> Only natural or processed cheese may be served.

<sup>3</sup> Dried beans and dried peas may be used as a meat alternative or as a vegetable in the same meal service, but each can satisfy only one category requirement in each meal.

<sup>4</sup> Juice may not be served when milk is the only other category served.

<sup>5</sup> Only natural or processed cheese may be served.

<sup>6</sup> Dried beans and dried peas may be used as a meat alternative or as a vegetable in the same meal service, but each can satisfy only one category requirement in each meal.

**Table 4.1. Meals and Snacks Required to Be Served to Enrolled Children**

<u>Times Enrolled Child Is at Child Care Group Home</u>	<u>Child Required to Be Served</u>
Before 8:00 a.m.	Breakfast, if requested by parent or child
Between 8:00 a.m. and 11:00 a.m.	At least one snack
Between 11:00 a.m. and 1:00 p.m.	Lunch
Between 1:00 p.m. and 5:00 p.m.	At least one snack
Between 5:00 p.m. and 7:00 p.m., if staying beyond 7:00 p.m.	Dinner
Between 7:00 p.m. and 9:00 p.m., if staying beyond 9:00 p.m.	At least one snack

**Table 4.2. Meal Pattern Requirements for Children**

<u>Food Components</u>	<u>Ages 1 through 2 years</u>	<u>Ages 3 through 5 years</u>	<u>Ages 6 years and older</u>
<u>Breakfast:</u>			
1. <u>Milk, fluid</u>	1/2 cup	3/4 cup	1 cup
2. <u>Vegetable, fruit, or full-strength juice</u>	1/4 cup	1/2 cup	1/2 cup
3. <u>Bread and bread alternates (whole grain or enriched):</u>			
<u>Bread</u>	1/2 slice	1/2 slice	1 slice
<u>or cornbread, rolls, muffins, or biscuits</u>	1/2 serving	1/2 serving	1 serving
<u>or cold dry cereal (volume or weight, whichever is less)</u>	1/4 cup	1/3 cup	3/4 cup
<u>or cooked cereal, pasta, noodle products, or cereal grains</u>	1/4 cup	1/4 cup	1/2 cup
<u>Lunch or Supper:</u>			
1. <u>Milk, fluid</u>	1/2 cup	3/4 cup	1 cup
2. <u>Vegetable and/or fruit (2 or more kinds)</u>	1/4 cup total	1/2 cup total	3/4 cup total
3. <u>Bread and bread alternates (whole grain or enriched):</u>			
<u>Bread</u>	1/2 slice	1/2 slice	1 slice
<u>or cornbread, rolls, muffins, or biscuits</u>	1/2 serving	1/2 serving	1 serving
<u>or cold dry cereal (volume or weight, whichever is less)</u>	1/4 cup	1/3 cup	3/4 cup
<u>or cooked cereal, pasta, noodle products, or cereal grains</u>	1/4 cup	1/4 cup	1/2 cup
4. <u>Meat or meat alternates:</u>			
<u>Lean meat, fish, or poultry (edible portion as served)</u>	1 oz.	1 1/2 oz.	2 oz.
<u>or cheese</u>	1 oz.	1 1/2 oz.	2 oz.
<u>or egg</u>	1/2 egg	3/4 egg	1 egg
<u>or cooked dry beans or peas*</u>	1/4 cup	3/8 cup	1/2 cup
<u>or peanut butter, soy nut butter, or other nut or seed butter</u>	2 tbsps**	3 tbsps**	4 tbsps**
<u>or peanuts, soy nuts, tree nuts, or seeds</u>	1/2 oz.**	3/4 oz.**	1 oz.**
<u>or an equivalent quantity of any combination of the above meat/meat alternates</u>			
<u>or yogurt</u>	4 oz.	6 oz.	8 oz.

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<b>Snack: (select 2 of these 4 components)**</b>			
1. <u>Milk, fluid</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>1 cup</u>
2. <u>Vegetable, fruit, or full-strength juice</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>3/4 cup</u>
3. <u>Bread and bread alternates (whole grain or enriched):</u>			
<u>Bread</u>	<u>1/2 slice</u>	<u>1/2 slice</u>	<u>1 slice</u>
<u>or cornbread, rolls, muffins, or biscuits</u>	<u>1/2 serving</u>	<u>1/2 serving</u>	<u>1 serving</u>
<u>or cold dry cereal (volume or weight, whichever is less)</u>	<u>1/4 cup</u>	<u>1/3 cup</u>	<u>3/4 cup</u>
<u>or cooked cereal, pasta, noodle products, or cereal grains</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
4. <u>Meat or meat alternates:</u>			
<u>Lean meat, fish, or poultry (edible portion as served)</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>or cheese</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>or egg</u>	<u>1/2 egg</u>	<u>1/2 egg</u>	<u>1/2 egg</u>
<u>or cooked dry beans or peas*</u>	<u>1/8 cup</u>	<u>1/8 cup</u>	<u>1/4 cup</u>
<u>or peanut butter, soy nut butter, or other nut or seed butter</u>	<u>1 tbsp</u>	<u>1 tbsp</u>	<u>2 tbsp</u>
<u>or peanuts, soy nuts, tree nuts, or seeds</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>or an equivalent quantity of any combination of the above meat/meat alternates</u>			
<u>or yogurt</u>	<u>2 oz.</u>	<u>2 oz.</u>	<u>4 oz.</u>
* In the same meal service, dried beans or dried peas may be used as a meat alternate or as a vegetable; however, such use does not satisfy the requirement for both components.			
** At lunch and supper, no more than 50% of the requirement shall be met with nuts, seeds, or nut butters. Nuts, seeds, or nut butters shall be combined with another meat or meat alternative to fulfill the requirement. Two tablespoons of nut butter or one ounce of nuts or seeds equals one ounce of meat.			
*** Juice may not be served when milk is served as the only other component.			

**~~R9-3-411, R9-3-407, General Food Service and Food Handling Standards~~**

A. A ~~provider certificate holder~~ shall ensure that:

1. Except as provided in subsection (B), each staff member washes the staff member's hands with soap and running water before handling food, ~~after handling potentially hazardous food between food handling tasks~~, and before serving food;
2. Except as provided in subsection (B), enrolled children, except infants and ~~children with special needs children~~ who cannot wash their own hands, wash their hands with soap and running water before ~~and after~~ handling or eating food;
3. A staff member:
  - a. Washes with a washcloth, ~~paper towel, or disposable wipes~~ wipe, or soap and running water the hands of an ~~enrolled infant or of a child with special needs child~~ who cannot wash the child's own hands before ~~and after~~ the ~~enrolled infant or child with special needs child~~ handles or eats food; and
  - b. ~~If using a washcloth, paper towel, or disposable wipes, Uses~~ uses each washcloth, ~~paper towel~~, or disposable wipe only once before it is laundered or discarded;
4. A staff member:
  - a. ~~encourages~~ Encourages, but never forces, an enrolled child to eat;
  - ~~5-b. A staff member assists~~ Assists each enrolled child who needs assistance with eating; ~~and~~
  - ~~6-c. A staff member teaches~~ Teaches self-feeding skills and habits of good nutrition to each enrolled child as necessary;
  - ~~7-5.~~ Food served to an enrolled child younger than 5 years of age is prepared so as not to present a choking hazard;
  - ~~8-6.~~ Each enrolled child is supplied with drinking and eating utensils for the child's own use;
  - ~~9-7.~~ Each enrolled child's bottle or sippy cup is marked with ~~at least the child's last name and first initial~~ an identifier that is specific to the enrolled child;
  - ~~10-8.~~ An enrolled child is not allowed to drink from the bottle, sippy cup, cup, or glass of another ~~child or another individual~~;
  - ~~11-9.~~ An enrolled child is not allowed to eat food directly off the floor, carpet, or ground;
  - ~~12-10.~~ An enrolled child's parent is notified when the child consistently refuses to eat or exhibits unusual eating behavior;
  - ~~13-11.~~ Each staff member is informed of a modified diet prescribed for an enrolled child by the child's parent, physician, physician assistant, or registered nurse practitioner;
  - ~~14-12.~~ The food served to an enrolled child is consistent with a modified diet prescribed for the child by the child's parent, physician, physician assistant, or registered nurse practitioner;
  - ~~15-13.~~ After each use, non-single-use utensils and equipment used in preparing, eating, or drinking food are:
    - a. Washed in an automatic dishwasher and air dried or heat dried; or
    - b. Washed in hot soapy water, rinsed in clean water, ~~sanitized~~, and air dried or heat dried;
  - ~~16-14.~~ Single-use utensils and equipment are disposed of after being used;



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- ~~17-15. Perishable foods, including perishable foods in sack lunches, are covered and stored in a refrigerator at a temperature of 45° F or below;~~
- ~~18-16. A refrigerator at the child care group home maintains a temperature of 45° 41° F or below, as shown by a thermometer kept in the refrigerator at all times;~~
- ~~19-17. A freezer at the child care group home maintains a temperature of 32° 0° F or below, as shown by a thermometer kept in the freezer at all times;~~
- ~~20. Only pasteurized milk is served;~~
- ~~21. Fresh milk is served undiluted directly from the original, commercially filled container, and unused portions of individual servings are not returned to the original container;~~
- ~~22. Reconstituted dry milk is not served to meet the fluid milk requirement;~~
- ~~23. Juice served to enrolled children for a meal or snack is pasteurized full-strength 100% vegetable or 100% fruit juice from an original, commercially filled container or reconstituted from a concentrate according to manufacturer directions;~~
- ~~24. Fruit drinks that are not full-strength 100% fruit juice, such as juice cocktail, lemonade, fruit punch, or a drink made from a powder, syrup, or concentrate other than 100% juice concentrate, are pasteurized and are not served in place of full-strength 100% vegetable or 100% fruit juice;~~
- ~~25-18. Foods are prepared as close as possible to serving time and, if prepared in advance, are either:~~
  - ~~a. Cold held at a temperature of 45° F or below or hot held at a temperature of 130° F or above until served, or~~
  - ~~b. Cold held at a temperature of 45° F or below and then reheated to a temperature of at least 165° F before being served;~~
- ~~19. Fresh milk is served from the original, commercially filled container to a container used for meal service or a cup, and unused portions are not returned to the original container;~~
- ~~26-20. Food leftover from a meal served family style where enrolled children pass a serving container from individual to individual or from the provider's family meal is not served to an enrolled child;~~
- ~~27. Foods are prepared in a manner that maintains nutrients, flavor, texture, and appearance; and~~
- ~~28-21. A food is not served past its expiration date or after it has begun to spoil.~~
- B.** If soap and running water are not available at a the location where food is served, such as on a field trip, a staff member may use disposable wipes followed by liquid alcohol-based or hand sanitizer may be used as a substitute for washing hands with soap and running water.

**R9-3-412. R9-3-408. Transportation of Enrolled Children Field Trips and Other Trips Away from the Child Care Group Home**

- A.** A provider certificate holder shall not transport or only allow a staff member to transport take an enrolled child in a motor vehicle away from an area of the child care group home approved for providing child care services during hours of operation without with written authorization permission from the enrolled child's parent: as follows:
  - 1. For a trip to drop off the enrolled child at or pick up the enrolled child from the enrolled child's school, bus stop, or another location, the written permission shall include:
    - a. The enrolled child's name;
    - b. The location where the enrolled child will be dropped off or picked up;
    - c. The time at which the enrolled child will be dropped off or picked up;
    - d. The time period, not to exceed 12 months, during which the permission is given; and
    - e. The dated signature of the enrolled child's parent; and
  - 2. For a field trip, the written permission shall include:
    - a. The enrolled child's name;
    - b. A description of the field trip;
    - c. The name of the field trip destination, if applicable;
    - d. The street address and, if available, the telephone number of the field trip destination, if applicable;
    - e. Either:
      - i. The date or dates of the field trip; or
      - ii. The time period, not to exceed 12 months, during which the permission is given;
    - f. The projected time of departure from the child care group home;
    - g. The projected time of arrival back at the child care group home; and
    - h. The dated signature of the enrolled child's parent.
- B.** A certificate holder shall ensure that a staff member maintains a copy of the written permission required in subsection (A) for 12 months after:
  - 1. For a trip under subsection (A)(1), the date of the last trip; and
  - 2. For a trip under subsection (A)(2), the last date for which permission was given.
- B.C.** A provider certificate holder shall ensure that:
  - 1. A copy of the Emergency Information and Immunization Record Card for each enrolled child being transported is in the motor vehicle during transportation;

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- 2-1. Each motor vehicle used by ~~a staff member~~ an individual to transport an enrolled child:
  - a. ~~is maintained~~ Is maintained in a mechanically safe condition;
  - b. Is free from hazards;
  - c. Is registered by the Arizona Department of Transportation as required by A.R.S. Title 28, Chapter 7;
  - d. Has documentation of current motor vehicle insurance coverage maintained inside the motor vehicle;
  - e. Has an operational heating system;
  - f. Has an operational air-conditioning system; and
  - g. Is equipped with:
    - i. A first-aid kit that meets the requirements in R9-3-312; and
    - ii. Two large, clean towels or blankets;
3. ~~The service and repair records for each motor vehicle used by a staff member to transport an enrolled child are maintained at the child care group home as required by R9-3-305;~~
4. ~~Each motor vehicle used by a staff member to transport an enrolled child is:~~
  - a. ~~Currently registered in Arizona as required under A.R.S. § 28-2153; and~~
  - b. ~~Insured under a motor vehicle insurance policy that complies with A.R.S. Title 28, Chapter 9;~~
5. ~~Except as permitted under R9-3-413(C), an individual who transports an enrolled child in a motor vehicle:~~
  - a. ~~Is a staff member;~~
  - b. ~~Is an adult;~~
  - e. ~~Possesses a current and valid Arizona driver license;~~
  - d. ~~Carries identification while transporting enrolled children;~~
  - e. ~~Has current certification in pediatric first aid;~~
  - f. ~~Has current certification in CPR specific to infants and children; and~~
  - g. ~~Is not prohibited from driving under A.R.S. § 41-1758.03(D);~~
- 6-2. ~~An enrolled child is not transported in a trailer attached to a motor vehicle, in a truck bed, or in a camper truck bed, camper, or trailer attached to a motor vehicle; and~~
7. ~~Each enrolled child younger than 5 years of age is secured in a child passenger restraint system while transported in a motor vehicle, as required under A.R.S. § 28-907;~~
8. ~~Each enrolled child who is 5 years of age or older is secured with an adjustable lap belt or an integrated lap and shoulder belt while transported in a motor vehicle;~~
9. ~~An enrolled child is not transported in the front seat of a motor vehicle equipped with a passenger side airbag unless the passenger side airbag has been disarmed;~~
10. ~~A staff member is not permitted to stand or sit on the floor of a motor vehicle while the motor vehicle is in motion;~~
11. ~~Each motor vehicle used to transport enrolled children is equipped with:~~
  - a. ~~An operational heating system;~~
  - b. ~~An operational air-conditioning system;~~
  - e. ~~A first aid kit that meets the requirements of R9-3-314;~~
  - d. ~~Two clean towels or blankets; and~~
  - e. ~~Drinking water in an amount sufficient to meet the needs of each enrolled child in the motor vehicle and sufficient cups or other drinking receptacles so that each individual in the motor vehicle can drink from a different cup or receptacle;~~
12. ~~An enrolled child is not allowed to open or close the door of a motor vehicle used to transport an enrolled child;~~
13. ~~The driver of a motor vehicle used to transport an enrolled child does not wear headphones or earphones, use a wireless telephone, or smoke tobacco or any other substance while transporting an enrolled child;~~
14. ~~An enrolled child is loaded and unloaded in a safe area located away from any hazard;~~
15. ~~Each door of a motor vehicle used to transport an enrolled child is locked while the motor vehicle is in motion;~~
16. ~~An enrolled child is never left unattended in a motor vehicle;~~
17. ~~The driver of a motor vehicle used to transport an enrolled child removes the ignition key and sets the emergency brake before exiting the motor vehicle; and~~
- 18-3. ~~The Department is notified by telephone or other equally expeditious means within 24 hours after a motor vehicle accident that involves a motor vehicle transporting an enrolled child, including a description of the accident.~~
- D.** A certificate holder shall ensure that an individual who drives a motor vehicle used to transport an enrolled child:
  1. Is 18 years of age or older, and
  2. Holds a valid driver's license.
- E.** A certificate holder shall ensure that an individual transporting an enrolled child in a motor vehicle:
  1. Requires that each door be locked before the motor vehicle is set in motion and keeps the doors locked while the motor vehicle is in motion;
  2. Does not permit an enrolled child to be seated in front of a motor vehicle's air bag;
  3. Requires that each enrolled child remain seated and entirely inside the motor vehicle while the motor vehicle is in motion;

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4. Requires that each enrolled child younger than 5 years of age is secured in a child passenger restraint system, as required under A.R.S. § 28-907, before the motor vehicle is set in motion and while the motor vehicle is in motion;
  5. Requires that each enrolled child who is 5 years of age or older is secured with an individual adjustable lap belt or an individual integrated lap and shoulder belt, as required under A.R.S. § 28-909, before the motor vehicle is set in motion and while the motor vehicle is in motion;
  6. Does not permit an enrolled child to open or close a door or window in the motor vehicle;
  7. Sets the emergency parking brake and removes the ignition keys from the motor vehicle before exiting the motor vehicle;
  8. Ensures that each enrolled child is loaded into or unloaded from the motor vehicle away from moving traffic at curbside or in a driveway, parking lot, or other location designated for this purpose; and
  9. Does not use audio headphones or a telephone while the motor vehicle is in motion.
- F.** A certificate holder shall ensure that a staff member taking enrolled children off the premises:
1. Carries the following:
    - a. A copy of the Emergency, Information, and Immunization Record card, including the attached immunization record, for each enrolled child accompanying the staff member; and
    - b. Drinking water in an amount sufficient to meet the needs of each individual going off the premises and sufficient cups or other drinking receptacles so that each individual can drink from a different cup or receptacle; and
  2. Accounts for each enrolled child while the enrolled child is off the premises.

**R9-3-409.** Renumbered

**R9-3-410.** Renumbered

**R9-3-411.** Renumbered

**R9-3-412.** Renumbered

**R9-3-413.** Field Trips Repealed

- A.** A provider shall not take an enrolled child on a field trip unless, before the field trip, the provider has obtained the dated signature of the child's parent on a written permission notice that includes:
1. The child's name;
  2. The purpose of the field trip;
  3. The name of the field trip destination;
  4. The street address and, if available, the telephone number of the field trip destination;
  5. The date of the field trip;
  6. The projected time of departure from the child care group home; and
  7. The projected time of arrival back at the child care group home.
- B.** A provider shall ensure that:
1. A copy of the Emergency, Information, and Immunization Record Card for each enrolled child participating in a field trip is taken on the field trip;
  2. A list stating the full name of each enrolled child participating in a field trip is taken on the field trip;
  3. A staff member ensures that each enrolled child on the list required under subsection (B)(2) is accounted for at all times on a field trip and makes a record of each child's presence at the following times by documenting the time and placing a checkmark on the list next to the name of each child accounted for:
    - a. Immediately before leaving for the field trip or when boarding a motor vehicle;
    - b. Upon arrival at the field trip destination;
    - c. During each hour while at the field trip destination;
    - d. When preparing to leave the field trip destination or when boarding a motor vehicle to return to the child care group home; and
    - e. Upon returning to the child care group home and reentering the residential building at the end of the field trip;
  4. Drinking water in an amount sufficient to meet the needs of each individual participating in a field trip and sufficient cups or other drinking receptacles so that each individual on a field trip can drink from a different cup or receptacle are taken on a field trip;
  5. Each enrolled child participating in a field trip wears in plain view written identification stating the name, address, and telephone number of the child care group home; and
  6. Each enrolled child participating in a field trip wears out of view written identification stating the full name of the child.
- C.** A parent who is not a staff member may transport enrolled children in the parent's motor vehicle on a field trip if the provider ensures that:
1. The parent:
    - a. Is an adult;
    - b. Possesses a current and valid Arizona driver license, and

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- e. Carries identification while transporting enrolled children; and
- 2. The parent's motor vehicle is:
  - a. Currently registered in Arizona as required under A.R.S. § 28-2153; and
  - b. Insured under an insurance policy that complies with A.R.S. Title 28, Chapter 9.

ARTICLE 5. PHYSICAL ENVIRONMENT STANDARDS

**R9-3-501. General Physical Environment Standards**

- A. A certificate holder shall ensure that a child care group home shall have has:
  - 1. At least 30 square feet of floor space in indoor ~~certified~~ areas of the child care group home approved for providing child care services for each enrolled child, not including the following:
    - a. A kitchen,
    - b. A bathroom,
    - c. A laundry room,
    - d. A workshop room,
    - e. A hallway, or
    - f. A garage that has not been converted into living space;
  - 2. If there are up to 10 enrolled children at the child care group home, excluding enrolled children who are in diapers, indoor bathroom facilities with at least one working toilet and one working sink available for use by enrolled children;
  - 3. If there are more than 10 enrolled children at the child care group home, excluding enrolled children who are in diapers, indoor bathroom facilities with at least two working toilets and two working sinks available for use by enrolled children;
  - 4. At least two unobstructed, usable exits to the outside ~~that are~~ available for use by enrolled children ~~to use~~; and
  - 5. An outdoor activity area ~~that complies with R9-3-502.~~
- B. A provider certificate holder shall ensure that each indoor ~~certified~~ area of the child care group home approved for providing child care services is maintained at a temperature between 68° F and 82° F during hours of operation.
- C. A provider certificate holder shall ensure that the lighting in each indoor ~~certified~~ area of the child care group home approved for providing child care services is sufficient to enable a staff member to see each enrolled child in the ~~certified~~ indoor area.

**R9-3-502. Outdoor Activity Area Standards**

- ~~A. A child care group home shall have an outdoor activity area that:~~
  - 1. ~~Is at least 375 square feet in size;~~
  - 2. ~~Directly borders the residential building;~~
  - 3. ~~Provides easy access to indoor activity areas and to bathroom facilities;~~
  - 4. ~~Includes shaded areas large enough to accommodate all enrolled children occupying the outdoor activity area at any time;~~
  - 5. ~~Is accessible by a route that does not expose an enrolled child to a hazard;~~
  - 6. ~~Has a resilient surface under and around each climbing structure and slide from which a child could fall 48 or more inches to the ground below, consisting of:~~
    - a. ~~At least six inches of fine loose sand or wood fiber product, or~~
    - b. ~~A nonhazardous material documented in laboratory resiliency testing by the manufacturer to provide resiliency at least equivalent to the resiliency of six inches of fine loose sand or wood fiber product;~~
  - 7. ~~If it contains play equipment, has play equipment that:~~
    - a. ~~Is arranged to eliminate hazards and to minimize conflict between children using the equipment;~~
    - b. ~~If 48 or more inches tall, is anchored securely with anchors that pose no hazard to children and that are installed below the ground and under resilient surface material or non-dormant, green, growing grass; and~~
    - c. ~~If less than 48 inches tall or a swing, has non-dormant, green grass growing under and around it or has a resilient surface that complies with subsection (A)(6) under and around it; and~~
  - 8. ~~Unless subsection (C) applies, is totally enclosed by a fence that:~~
    - a. ~~Is at least four feet high;~~
    - b. ~~Is constructed so that it is strong and stable;~~
    - c. ~~Is secured to the ground;~~
    - d. ~~Does not have any vertical or horizontal open space that exceeds four inches at any point, including any space on a gate; and~~
    - e. ~~Has a gate that is kept closed and latched while enrolled children are in the outdoor activity area.~~
- ~~B. A provider shall ensure that:~~
  - 1. ~~Only enrolled children, staff members, the provider's children, and child friends of the provider's children are permitted in an outdoor activity area during outdoor activities;~~
  - 2. ~~If fine loose sand, wood fiber product, or another loose material is used to provide a resilient surface in an outdoor~~

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~~activity area, the loose material is maintained to retain resiliency; and~~

- 3- ~~If foam or rubber mats are used to provide a resilient surface in an outdoor activity area, the foam or rubber mats are not placed directly on top of cement, asphalt, or concrete.~~

**A.** Except as provided in subsection (B), a certificate holder shall ensure that the child care group home has an outdoor activity area that:

1. Is on the premises;
2. Is at least 500 square feet in size;
3. Is adjacent to the residence;
4. Includes shaded areas large enough to accommodate all enrolled children occupying the outdoor activity area at any time; and
5. Except as provided in subsection (D), is enclosed by a fence that:
  - a. Is at least 4 feet high;
  - b. Is secured to the ground;
  - c. Does not have any vertical or horizontal open space that exceeds 4 inches at any point, including any space on a gate; and
  - d. Has a gate from which an individual may exit the outdoor activity area.

**B.** The outdoor activity area of a child care group home may be less than 500 square feet if:

1. The outdoor activity area is at least 375 square feet in size; and
2. The certificate for the child care group home was issued:
  - a. Before September 30, 2011, and the size of the outdoor activity area is not less than the size of the outdoor activity area on September 29, 2011; and
  - b. On or after September 30, 2011, and the capacity of the child care group home is limited so that the outdoor activity area provides at least 50 square feet per each enrolled child.

**C.** A certificate holder shall ensure that:

1. A staff member:
  - a. Keeps the gate in the fence surrounding an outdoor activity area closed while enrolled children are in the outdoor activity area, and
  - b. Arranges play equipment in an outdoor activity area to eliminate hazards and to minimize conflict between children using the play equipment;
2. If a child can fall more than 48 inches from a climbing structure, swing, or slide in an outdoor activity area to the ground below, the climbing structure, swing, or slide:
  - a. Has one of the following covering the fall zone of the climbing structure, swing, or slide:
    - i. At least 6 inches of fine loose sand, pea gravel, wood fiber product, or other resilient material; or
    - ii. A shock-absorbing unitary surfacing material manufactured for such use in outdoor activity areas; and
  - b. Unless manufactured to be tip-resistant, as stated in the manufacturer's description of the climbing structure, swing, or slide, is anchored securely to the ground with anchors that are installed below the ground and are covered by the resilient material required in subsection (C)(2)(a)(i) or (ii); and
3. If a child can fall between 24 and 48 inches from a climbing structure, swing, or slide in an outdoor activity area to the ground below, the climbing structure, swing, or slide has covering the fall zone of the climbing structure, swing, or slide non-dormant, growing grass or the resilient material required in subsection (C)(2)(a)(i) or (ii).

~~**C,D.** If the property adjoining an outdoor activity area has a swimming pool that is not enclosed by a fence that complies with the requirements of R9-3-503(B), the certificate holder shall ensure that the fence around the outdoor activity area shall comply with the requirements of R9-3-503(B) and be kept locked during hours of operation unless prohibited by the local fire code.~~

~~**D.** A certificate holder whose child care group home was certified before the effective date of this Section is required to have a resilient surface or non-dormant, green grass growing under and around each climbing structure and slide in an outdoor activity area from which a child could fall 48 or more inches to the ground below, but is not required to comply with subsection (A)(6)(a) or (b) until one year after the effective date of this Section.~~

**R9-3-503. Swimming Pool Standards**

- A.** ~~A provider certificate holder~~ shall ensure that a swimming pool used by an enrolled child at a child care group home:
- 1- ~~Conforms to manufacturer's specifications for installation and operation and to all applicable local ordinances;~~
  - 2-1. Contains water that meets one of the following chemical disinfection standards:
    - a. A free chlorine residual between 1.0 and 3.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test;
    - b. A free bromine residual between 2.0 and 4.0 ppm as measured by the N, N-Diethyl-p-phenylenediamine test; or
    - c. An oxidation-reduction potential equal to or greater than 650 millivolts; and
  - 3-2. Is equipped with the following:
    - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
      - i. A removable strainer,

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- ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
  - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools;
  - b. An operational vacuum cleaning system; and
  - c. The following items, which shall be accessible whenever the swimming pool is in use:
    - i. A ring buoy attached to a 1/2 inch diameter rope at least 25 feet in length, and
    - ii. A shepherd's crook.
- B.** A provider certificate holder shall ensure that a swimming pool at the child care group home is totally enclosed by a fence that:
- 1. Separates the swimming pool from all other outdoor activity areas;
  - 2. Is secured to the ground;
  - ~~3. Is constructed so that it is stable and capable of enduring force without breaking;~~
  - ~~4.3~~ Is at least five 5 feet high;
  - ~~5.4~~ Has a self-closing, self-latching, lockable gate; and
  - ~~6.5~~ Does not have any vertical or horizontal open space that exceeds ~~four 4~~ inches at any point, including any space on a gate
- C.** A provider certificate holder shall ensure that:
- 1. ~~During periods of use~~ On each day an enrolled child uses a swimming pool at the child care group home, a staff member tests the swimming pool's water quality is tested at least once ~~each day~~ for compliance with subsection ~~(A)(2)~~ (A)(1), and records the results of the water quality tests ~~are documented~~ in a log that includes each testing date and test result;
  - 2. A swimming pool is not used by an enrolled child if a water quality test shows that the swimming pool water does not comply with subsection ~~(A)(2)~~ (A)(1);
  - 3. Each gate on a fence around a swimming pool on the premises is locked whenever the swimming pool is not in use;
  - 4. Swimming pool chemicals are kept in a locked storage area ~~that is inaccessible to enrolled children~~; and
  - 5. Swimming pool machinery, including a vacuum cleaning system, is inaccessible to enrolled children.
- D.** A provider certificate holder shall ensure that a staff member does not allow an enrolled child to use or have access to a wading pool.
- E.** Before an enrolled child is allowed to swim at the child care group home, a certificate holder shall ensure that:
- 1. The enrolled child's parent has given written permission for swimming; and
  - 2. An individual who has current lifeguard certification that includes a demonstration of the individual's ability to perform CPR is stationed at the swimming pool in a location that enables the individual to see clearly all parts of the swimming pool, including the bottom, at all times while enrolled children are using the swimming pool.

**R9-3-504. Fire Safety, Gas Safety, and Emergency Standards**

- A.** A provider certificate holder shall ensure that:
- 1. The house number of the child care group home's residential building residence is painted or posted on the premises so that it is clearly visible from the street;
  - 2. A smoke detector is installed in each indoor activity area of the child care group home approved for providing child care services used by enrolled children and in each hallway of the child care group home's residential building residence;
  - 3. Each smoke detector required under subsection (A)(2):
    - a. Is maintained in an operable condition; and
    - b. Is either battery operated or, if hard-wired into the electrical system of the child care group home's residential building residence, has a back-up battery;
  - 4. The child care group home's residential building residence has at least two portable fire extinguishers:
    - a. One of which is that are labeled as rated at least 1A-10-BC by the Underwriters Laboratories and is mounted and maintained in the kitchen, and
    - b. One of which is labeled as rated at least 2A-10-BC by the Underwriters Laboratories, one of which is mounted and maintained in the kitchen and is maintained in a location accessible to staff members in an area of the child care group home approved for providing child care services;
  - ~~5. Each rechargeable fire extinguisher in the child care group home's residential building is inspected and maintained each year and has a current inspection tag attached;~~
  - ~~6. Each disposable fire extinguisher in the child care group home's residential building is checked monthly and is discarded when its indicator reaches the red zone;~~
  - ~~7.5~~ Each electrical outlet in a certified an area of the child care group home approved for providing child care services is covered with a safety plug cover or insert when not in use;
  - ~~8.6~~ An appliance, light, or other device with a frayed or spliced electrical cord is not used at the child care group home;
  - 9. ~~An extension cord is not used in place of permanent wiring at the child care group home;~~
  - ~~10.7~~ An electrical cord, including an extension cord, is not run under a rug or carpeting, over a nail, or from one room to

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another at the child care group home;

- ~~11-8.~~ Each electrical, cable, or telephone outlet at the child care group home is covered with a face plate;
  - ~~12.~~ Each natural gas line at the child care group home is inspected and repaired as needed and at least annually by a licensed plumber or an individual licensed by the state to inspect and repair gas lines and gas-powered heating and cooling devices;
  - ~~13.~~ Each unused natural gas outlet at the child care group home has its valves removed by and is capped at the wall or floor by a licensed plumber or an individual licensed by the state to inspect and repair gas lines and gas-powered heating and cooling devices;
  - ~~14-9.~~ Heating and cooling equipment at the child care group home, such as a A wood-burning stove, the interior of a fireplace, or a chiminea; is inaccessible to enrolled children when in use;
  - ~~15-10.~~ An unvented space heater, or open-flame space heater, or electric portable heater is not used in the child care group home's residential building residence during hours of operation;
  11. An electric portable heater is not used in the child care group home's residence during hours of operation unless the electric portable heater:
    - a. Has:
      - i. Either a non-porous casing or a grill with a mesh small enough to prevent cloth or a child's finger from entering the casing.
      - ii. A tilt switch that shuts off power to the electric portable heater if the electric portable heater tips over.
      - iii. An automatic shutoff control to prevent overheating, and
      - iv. A thermostat control; and
    - b. Is plugged directly into a wall outlet;
  - ~~16.~~ Each fireplace in a certified area is screened;
  - ~~17-12.~~ A candle or incense is not burned in the child care group home's residential building residence during hours of operation; and
  - ~~18-13.~~ Smoking is not permitted on the premises in the residence during hours of operation only if done outside of certified areas, outside of the residential building, and outside of or in the presence and or sight of enrolled children; and
  - ~~19.~~ If the child care group home's residential building is a mobile home, a manufactured home, or a factory-built building, it meets the following requirements:
    - ~~a.~~ The manufactured home or factory-built building was built after 1976, as documented by a certificate issued by the U.S. Department of Housing and Urban Development and permanently attached to the manufactured home or factory-built building, or has been inspected and approved by a structural engineer;
    - ~~b.~~ The mobile home is a rehabilitated mobile home, as documented by an Insignia of Approval issued under A.A.C. R4-34-606;
    - ~~c.~~ The skirting around the mobile home, manufactured home, or factory-built building is permanently attached and surrounds the entire perimeter of the residential building;
    - ~~d.~~ Each stairway or ramp to the mobile home, manufactured home, or factory-built building:
      - ~~i.~~ Is constructed so that it is stable and capable of enduring force without breaking;
      - ~~ii.~~ Is usable; and
      - ~~iii.~~ Has railings; and
    - ~~e.~~ A gas water heater located inside the mobile home, manufactured home, or factory-built building is surrounded by sheet rock.
- B.** A provider certificate holder shall ensure that a staff member:
1. test Tests the battery for each smoke detector required under subsection (A)(2) each month,
  2. and shall make Makes a record of each test performed in a smoke detector battery test log,
  3. A provider shall replace Replaces a smoke detector battery that is no longer charged, and
  4. Maintains the record of the test on the premises for 12 months after the date of the test.
- C.** A certificate holder shall:
1. Replace a disposable fire extinguisher when its indicator reaches the red zone; and
  2. Ensure that each rechargeable fire extinguisher in the child care group home's residence:
    - a. Is serviced at least once every 12 months, and
    - b. Has a tag attached to the fire extinguisher that specifies the date of the last servicing and the identification of the person who serviced the fire extinguisher.
- D.** If there are gas pipes that run from a gas meter to an appliance or location on the premises:
1. Before an applicant for a child care group home is issued a certificate by the Department, the applicant shall obtain a gas inspection report by a licensed plumber or individual authorized by the local jurisdiction that verifies there are no gas leaks in the gas pipes that run from the gas meter to any appliance or location on the premises; and
  2. A certificate holder shall ensure that:
    - a. Each unused natural gas outlet at the child care group home has its valves removed by and is capped at the wall or floor by a licensed plumber or individual authorized by the local jurisdiction;

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- b. A licensed plumber or individual authorized by the local jurisdiction conducts a gas inspection that verifies there are no gas leaks in the gas pipes that run from the gas meter to any appliance or location on the premises at least once every 12 months after the date of the certificate; and
- c. A copy of a current gas inspection report, including documentation of any repairs or corrections required by the gas inspection report, is maintained on the premises.

~~C.E.~~ A provider certificate holder shall:

- 1. ~~prepare~~ Prepare a fire and emergency evacuation plan, consisting of:
  - a. The child care group home's address and telephone number;
  - b. A list of emergency telephone numbers, including 9-1-1 and a poison control center;
  - c. A document or documents that include the contact telephone number for a parent of each enrolled child; and
  - d. An evacuation plan for the child care group home, including a floor plan of the child care group home's residence on which lines have been drawn showing the evacuation path from each area of the child care group home approved for providing child care services;
- 2. Maintain the fire and emergency plan in a location accessible to staff members; and
- 3. ~~post the fire evacuation plan~~ Post a copy of the floor plan showing the evacuation paths from the residence in an activity each indoor area of the child care group home approved for providing child care services accessible to staff members. The fire evacuation plan shall include a floor plan of the child care group home's residential building on which lines have been drawn showing the evacuation path.

~~D.E.~~ A provider certificate holder shall ensure that:

- 1. ~~an~~ An unannounced fire and emergency evacuation drill is conducted at least once each month; as follows:
- ~~1-2.~~ During a the fire and emergency evacuation drill, each staff member and enrolled child at the child care group home shall be is evacuated from the child care group home according to the fire evacuation plan;
- ~~2-3.~~ Each fire and emergency evacuation drill shall be is conducted at a different time of day than the last previous fire and emergency evacuation drill; and
- ~~3-4.~~ The provider shall make a A record is made of each fire and emergency evacuation drill in a fire evacuation drill log, including:
  - a. The date of the fire and emergency evacuation drill, and
  - b. The time of the fire and emergency evacuation drill; and
  - e. The amount of time that it took to evacuate each staff member and enrolled child at the child care group home.
- 5. The record of the fire and emergency evacuation drill is maintained on the premises for 12 months after the date of the fire and emergency evacuation drill.

**R9-3-505. General Safety Standards**

A. A provider certificate holder shall ensure that ~~enrolled infants and children younger than 5 years of age~~ the following are cared for only on the ground floor of the child care group home's residential building- residence:

- 1. An enrolled infant,
- 2. An enrolled child younger than 5 years of age, and
- 3. An enrolled child who uses a wheelchair or is not able to walk.

B. Except as provided in ~~R9-3-406(D)(9)~~ subsection (A)(3), a provider certificate holder may allow a staff member to care for an enrolled children child 5 years of age or older on a floor above or below the ground floor of the child care group home's residential building residence if one of the two unobstructed, usable exits to the outside required in R9-3-501(A)(4) from the floor on which care is child care services are provided has an exit that provides access leads to the ground level outside without passing through the ground floor.

C. If the residence of a child care group home is a mobile home, a manufactured home, or a factory-built building, as defined in A.R.S. § 41-2142, the certificate holder shall ensure that:

- 1. The skirting around the mobile home, manufactured home, or factory-built building is permanently attached and surrounds the entire perimeter of the residence; and
- 2. Each stairway or ramp to the mobile home, manufactured home, or factory-built building has railings.

~~C.D.~~ A provider certificate holder shall ensure that:

- 1. A stairway that leads to a floor or room outside of the certified area areas of the child care group home approved for providing child care services is separated from the certified area areas of the child care group home approved for providing child care services by either a door or gate that is kept closed during hours of operation;
- 2. A glass window, mirror, or other glass surface that is located lower than 36 inches above the floor, a sliding glass door, or another type of glass partition that is located lower than 36 inches above the floor:
  - a. either is Is made of tempered safety glass that has been manufactured, fabricated, or treated to prevent the glass from shattering or flying when struck or broken;
  - b. Is shielded by a barrier to prevent impact by or physical injury to an enrolled child; or
  - c. ~~has~~ Has conspicuous markings located at a child's eye level;
- 3. Firearms and ammunition kept at the child care group home are unloaded, out of the view of enrolled children, and stored in separate locked areas, locked cabinets, or locked containers away from the locked areas, locked cabinets, or



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- ~~locked containers in which ammunition is stored inaccessible to and out of the view of enrolled children;~~
- 4. The child care group home has at least one operable telephone readily available in a certified area, as follows: for use by a staff member:
  - a. ~~If local landline telephone service is not available at the child care group home, as established by documentation, the telephone may be a wireless telephone; and~~
  - b. ~~If local landline telephone service is available at the child care group home, the child care group home shall have landline service with at least one telephone that does not require electricity to operate;~~
- 5. ~~A list of emergency information is posted on or next to the telephone described in subsection (C)(4) and includes:~~
  - a. ~~The child care group home's address and telephone number;~~
  - b. ~~9-1-1, and~~
  - e. ~~The telephone numbers for the following:~~
    - i. ~~A poison control center;~~
    - ii. ~~The local police department; and~~
    - iii. ~~The local fire department;~~
- 6. ~~Each hazardous material at the child care group home, other than a flammable liquid, is stored in its original or another clearly labeled container, and is kept in an area, cabinet, or container that is locked;~~
- 7. ~~Each flammable liquid at the child care group home is stored:~~
  - a. ~~In its original container;~~
  - b. ~~In a locked area inaccessible to enrolled children; and~~
  - e. ~~Away from any heat-producing appliance or equipment, such as a water heater or furnace;~~
- 5. Except as provided in R9-3-503(C)(4) and subsection (D)(6)(d), the following are stored in a labeled container separate from food storage areas and are inaccessible to an enrolled child:
  - a. Materials and chemicals labeled as a toxic substance, and
  - b. Substances that have a child warning label and may be a hazard to a child;
- 6. Flammable liquids are stored:
  - a. In an original container;
  - b. Separate from food storage areas;
  - c. Away from any heat-producing appliance or equipment, such as a water heater or furnace; and
  - d. Except for hand sanitizers being provided for use, in a location inaccessible to enrolled children;
- ~~8-7. Each window blind cord or curtain cord at the child care group home, including an electrical cord, window blind cord, or curtain cord, is anchored to a wall or inaccessible to an enrolled child;~~
- ~~9-8. Each fan in a certified area of the child care group home approved for providing child care services is inaccessible to enrolled children an enrolled child and is permanently mounted; and~~
- ~~10. Each poisonous plant in a certified area at the child care group home is inaccessible to enrolled children;~~
- ~~11. Each irrigation ditch, abandoned mine, or well in the outdoor activity area of the child care group home is inaccessible to enrolled children;~~
- ~~12-9. An enrolled child does not have access to the following on the premises:~~
  - a. Lawn mowers, ladders, toilet brushes, plungers, and other equipment that may be a hazard to a child;
  - b. An air conditioner, evaporative cooler, heat pump, or furnace;
  - c. A hot tub; or spa;
  - d. A pond; or fountain; or portable wading pool or to any other body of water more than one inch deep that is on the premises; and
  - e. An irrigation ditch, abandoned mine, or well; or
  - f. A trampoline.
- ~~13. An enrolled child is not permitted to use or have access to a trampoline at the child care group home.~~

**R9-3-506. General Cleaning and Sanitation Standards**

A provider certificate holder shall ensure that:

- 1. All certified areas of the child care group home approved for providing child care services and the furnishings, equipment, supplies, materials, utensils, and toys in those certified areas are kept clean and free of insects and vermin;
- 2. All equipment, materials, and toys used by or accessible to enrolled children are cleaned and disinfected as often as necessary to maintain them in a clean and disinfected condition and, for items used by infants or 1- or 2-year olds 2-year-old children, at least once every 24 hours;
- 3. Each enrolled child's personal items are labeled with at least the child's last name and first initial and, except for diapering products, are stored separately from the personal items of other enrolled children and residents;
- 4. An enrolled child's wet or soiled clothing is:
  - a. ~~If the clothing is soiled with feces, emptied into a flush toilet without rinsing;~~
  - b. ~~Placed in a plastic bag labeled with at least the child's first initial and last name;~~
  - e. ~~Stored in a waterproof container that is tightly covered, lined with a plastic bag, and inaccessible to enrolled children; and~~

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- ~~d. Sent home with the child;~~
- ~~5-3. All plumbing fixtures at the child care group home are maintained in operating condition;~~
- ~~6-4. The plumbing at the child care group home supplies sufficient water pressure to meet the child care group home's toileting and cleaning needs;~~
- ~~7-5. Each bathroom used by ~~enrolled children~~ an enrolled child at the child care group home has the following within the reach of enrolled children:~~
  - a. Mounted toilet tissue,
  - b. ~~Dispensed soap~~ Soap contained in a dispenser, and
  - c. Singly dispensed paper towels;
- ~~8-6. A staff member washes the staff member's hands with soap and running water after toileting;~~
- ~~9-7. An enrolled child, other than ~~a~~ an enrolled child with special needs ~~child~~ who cannot wash the enrolled child's own hands, washes the enrolled child's hands with soap and running water after toileting;~~
- ~~10-8. After ~~a~~ an enrolled child with special needs ~~child~~ who cannot wash the enrolled child's own hands uses the toilet, a staff member washes the enrolled child's hands with a washcloth, paper towel, or disposable wipes, using each washcloth, paper towel, or disposable wipe on only one enrolled child and only one time before it is laundered or discarded;~~
- ~~11-9. Each toilet bowl, ~~and sink, lavatory, bathtub, shower, drinking fountain, bathroom floor, activity area floor, and kitchen floor~~ in a certified area child care group home available for use by enrolled children is cleaned and disinfected daily or, if necessary, more often;~~
- ~~12-10. A bathtub is cleaned and disinfected before being used to bathe an enrolled child and, if used to bathe more than one enrolled child in one day, between each use;~~
- ~~13-11. Food waste at the child care group home is stored in a covered waterproof container that is ~~tightly covered~~ clean and lined with a plastic bag; and~~
- ~~14-12. Food waste and other refuse is removed from the ~~child care group home~~ residence daily or, if necessary, more often ~~to maintain a clean environment free from odor.~~~~

**R9-3-507. Diaper-Changing Standards**

- A. A certificate holder shall ensure that a staff member shall change changes diapers only ~~in a certified area~~ on a nonabsorbent, sanitizable diaper changing surface that:
  - ~~1. is~~ Is kept clear of items not required for diaper changing;
  - ~~2. Is in an area of the child care group home approved for providing child care services, but not in a kitchen or eating area; and~~
  - ~~3. that offers~~ Provides access to running water and dispensed soap within 15 feet.
- B. A ~~provider~~ certificate holder shall ensure that:
  - ~~1. A diaper changing surface is waterproof;~~
  - ~~2-1. A staff member:~~
    - ~~a. cleans~~ Cleans, sanitizes, and dries a diaper-changing surface using a single-use paper towel before and after each diaper change;
    - ~~3-b. A staff member doing diaper changing washes~~ Washes the staff member's hands with soap and running water before and after each diaper change;
    - ~~4-c. A staff member doing diaper changing wears~~ Wears single-use ~~disposable medical-grade~~ non-porous gloves during each diaper change;
    - ~~5-d. A staff member doing diaper changing washes~~ Washes an enrolled child's hands with soap and running water or with a washcloth or disposable wipe after the enrolled child's diaper is changed and uses each washcloth or disposable wipe on only one child and only one time before it is laundered ~~and each disposable wipe on only one child and only one time before it is~~ or discarded; and
    - e. Documents the daily diaper changes for each enrolled child in a dated diaper-changing log after changing the enrolled child's diaper;
  - ~~2. The diaper-changing log is maintained on the premises for 12 months after the date of the last diaper change recorded in the diaper-changing log;~~
  - ~~6-3. Soiled cloth diapers or plastic pants~~ from an enrolled child are:
    - a. If soiled with feces, emptied into a flush toilet without rinsing the cloth diapers or plastic pants;
    - b. Placed in a plastic bag labeled with ~~at least the child's first initial and last name~~ an identifier that is specific to the enrolled child;
    - c. Stored in a waterproof container that is tightly covered; and lined with a plastic bag, ~~and inaccessible to enrolled children;~~ and
    - d. Sent home with the ~~child~~ enrolled child's parent; and
  - ~~7-4. Soiled disposable diapers and disposable training pants are:~~
    - a. Stored in a waterproof container that is tightly covered; and lined with a plastic bag, ~~and inaccessible to enrolled children;~~ and

Notices of Exempt Rulemaking

- b. Removed from the diaper-changing area and discarded in an outside waste receptacle once daily or, if necessary, more often to maintain a clean environment free from odor.

**R9-3-508. Pet and Animal Standards**

~~A. A provider certificate holder shall ensure that:~~

- 1. Each dog, cat, or ferret at the child care group home has a current vaccination against rabies;
- ~~2. Documentation of current vaccination against rabies, required in subsection (1), is maintained on the premises;~~
- ~~2-3. All pet and animal habitats at the child care group home are kept clean;~~
- ~~3. Except as provided in subsection (B), a reptile is not kept at the child care group home;~~
- 4. When kept in a certified an area of the child care group home approved for providing child care services, a bird ~~kept at the child care group home~~ is:
  - a. Kept in a cage during hours of operation, and
  - b. Not kept in the kitchen or an eating area of the child care group home;
- 5. Pets and animals are controlled so that the cleanliness of the child care group home is maintained and no enrolled child, staff member, or other individual at the child care group home is endangered;
- 6. All ~~pets and other~~ animals, except cats and dogs, are kept in enclosures that are inaccessible to enrolled children, except as an activity, during hours of operation;
- 7. A reptile in a child care group home is:
  - a. Kept in a tank, container, or other enclosure that is:
    - i. Inaccessible to enrolled children,
    - ii. Not located in an area of the child care group home approved for providing child care services, and
    - iii. Not brought into or through areas of the child care group home approved for providing child care services;
  - b. Not taken out of the tank, container or other enclosure at any time during hours of operation;
  - c. Not brought into areas of the child care group home approved for providing child care services at any time; and
  - d. Not used as part of an activity;
- ~~7-8. Each pet dish is kept in an area inaccessible to enrolled children during hours of operation;~~
- ~~8-9. Receptacles for pet feces and urine, such as litter boxes, are inaccessible to enrolled children;~~
- ~~9-10. Pet feces in an outdoor activity area is are cleaned up before enrolled children are permitted in the outdoor activity area; and~~
- ~~10-11. Enrolled children and staff members wash their hands with soap and running water after an activity involving animals.~~

~~B. A provider who is keeping a reptile at a child care group home as of September 1, 2004, may continue to keep the reptile at the child care group home if:~~

- 1. ~~The reptile is kept out of certified areas; and~~
- 2. ~~The reptile is kept either:~~
  - a. ~~Outside in a completely segregated area to which an enrolled child cannot gain access, or~~
  - b. ~~In a glass or acrylic tank or container that would not allow an enrolled child to touch the reptile or the inside of the tank or container.~~

**NOTICE OF EXEMPT RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 3. DEPARTMENT OF HEALTH SERVICES  
VITAL RECORDS AND STATISTICS**

*Editor's Note: The following Notice of Exempt Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1591.)*

[R11-101]

**PREAMBLE**

**1. Sections Affected**  
R9-19-413

**Rulemaking Action**  
Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(F)

Implementing statute: A.R.S. § 36-341(A) as amended by Laws 2011, Ch. 31, § 7

Statute or session law authorizing the exemption: Laws 2011, Ch. 31, § 35

Notices of Exempt Rulemaking

**3. The effective date of the rules:**

July 1, 2011

**4. A list of all previous notices appearing in the Register addressing the exempt rule:**

Not applicable

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Patricia Adams, Office Chief

Address: Department of Health Services  
Bureau of Public Health Statistics  
Office of Vital Records  
1818 W. Adams St.  
Phoenix, AZ 85007

Telephone: (602) 364-1300

Fax: (602) 364-1257

E-mail: patricia.adams@azdhs.gov

or

Name: Thomas Salow, Manager

Address: Department of Health Services  
Office of Administrative Counsel and Rules  
1740 W. Adams St., Suite 203  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: salowt@azdhs.gov

**6. An explanation of the rule, including the agency's reasons for the rule, including the statutory citation to the exemption from regular rulemaking procedures**

The purpose of this rulemaking is to implement Laws 2011, effective, specifically provisions in the law that allow the Department to establish fees charged by the Office of Vital Records for searches, copies of registered certificates, certified copies of registered certificates, amending registered certificates, and correcting certificates that are processed by the Department. Laws 2011, Ch. 31, § 7 also allows the Department to establish a surcharge fee to be assessed on local registrars for access to the Department's vital records automation system. The establishment of fees will assist in the reconciliation of the FY 2012 state budget. It is the intent of the Legislature that the amount of collected vital record fees not exceed \$4,539,000 in FY 2012. Laws 2011, Ch. 31, § 35 exempts the Department from the regular rulemaking procedures.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study and other supporting material:**

None

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business, and consumer impact:**

Not applicable

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules, (if applicable):**

Not applicable

**11. A summary of the comments made regarding the rule and the agency response to them:**

Not applicable

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**13. Incorporations by reference and their location in the rules:**

None

Notices of Exempt Rulemaking

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

No

**15. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 19. DEPARTMENT OF HEALTH SERVICES  
VITAL RECORDS AND STATISTICS**

**ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**

Section

R9-19-413. Fee Schedule

**ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**

**R9-19-413. Fee Schedule**

- A. Except as provided in subsection (C), the Department shall charge the following fees:
1. ~~Three dollars for~~ For a noncertified copy of a certificate, \$5.00;
  2. ~~Nine dollars for each~~ For a certified copy of a:
    - a. Birth certificate, \$19.00;
    - b. Fetal death certificate, \$19.00;
    - c. Certificate of birth resulting in stillbirth, \$19.00;
    - d. Death certificate, \$19.00; or
    - e. Certificate of no record \$19.00;
  3. ~~Five dollars for~~ For each search for a putative father in the Putative Father Registry, \$5.00;
  4. ~~Three dollars for~~ For each search to verify birth or death data for statistical, medical, research, or administrative purposes, \$5.00;
  5. ~~Nine dollars for~~ For each submission of a request:
    - a. For the registration of a:
      - i. Foreign birth certificate, \$19.00;
      - ii. Delayed birth certificate, \$19.00;
      - iii. Delayed fetal death certificate, \$19.00;
      - iv. Delayed certificate of birth resulting in stillbirth, ~~or~~ \$19.00;
      - v. Delayed death certificate; \$19.00; or
      - vi. Presumptive death certificate, \$19.00; or
    - b. ~~To issue an amended birth certificate based on adoption; or~~
    - e.b. To issue a death certificate or birth certificate based on a court order, \$19.00; and
  6. ~~Twenty two dollars for~~ For each submission of a request to amend or correct information on a:
    - a. Birth certificate based on a voluntary acknowledgement of paternity, sex change operation, chromosomal count, or court order; or, \$29.00;
    - b. Death certificate based on a court order, \$29.00; or
    - c. Fetal death certificate, \$29.00.
- B. ~~In addition to the fees charged in subsection (A), the Department shall charge an additional surcharge of one dollar for each certified copy of a:~~
1. Registered birth certificate as required in A.R.S. § 36-341(B), or
  2. Registered death certificate as required in A.R.S. § 36-341(E).
- B. ~~If a request submitted as prescribed in subsection (A)(5)(a) or (6), results in the registration of a birth or death or a correction or amendment to a registered certificate, the Department shall provide a certified copy of the resulting registered or amended certificate to the person submitting the request.~~
- C. ~~Except as provided in subsection (E), The~~ the Department shall not charge an agency as defined in A.R.S. § 41-1001 any fee in this Section.
- D. ~~In addition to the fees charged in subsection (A), the Department shall assess the following surcharges:~~
1. As required in A.R.S. § 36-341(B), for a certified copy of a registered birth certificate, \$1.00; and
  2. As required in A.R.S. § 36-341(E), for a certified copy of a registered death certificate, \$1.00;
- E. ~~A local registrar shall pay the following surcharges to the Department for copies issued by the local registrar:~~
1. As required in A.R.S. § 36-341(B), for a certified copy of a registered birth certificate, \$1.00;
  2. As required in A.R.S. § 36-341(E), for a certified copy of a registered death certificate, \$1.00;
  3. For system access for each certified copy of a certificate; \$4.00; and

4. For system access for each noncertified copy of a certificate, \$1.00.