

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 FINAL EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES HEALTH CARE INSTITUTIONS: LICENSING

PREAMBLE

Editor's Note: The following Notice of Exempt Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3362.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 18, 2012.

[R13-186]

- | <u>1. Article, Part or Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| R9-10-401 | Amend |
| R9-10-402 | Amend |
| R9-10-403 | Amend |
| R9-10-406 | Amend |
| R9-10-407 | Amend |
| R9-10-410 | Amend |
| R9-10-411 | Amend |
| R9-10-412 | Amend |
| R9-10-413 | Amend |
| R9-10-414 | Repeal |
| R9-10-414 | New Section |
| R9-10-415 | Amend |
| R9-10-416 | Amend |
| R9-10-418 | Amend |
| R9-10-419 | Amend |
| R9-10-421 | Amend |
| R9-10-423 | Amend |
| R9-10-424 | Amend |
| R9-10-425 | Amend |
| R9-10-427 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific) and the statute or session law authorizing the exemption:**
Authorizing statutes: A.R.S. §§ 36-104(3); 36-132(A)(1), (A)(4), and (A)(17); and 36-136 (F)
Implementing statutes: A.R.S. §§ 36-405, 36-406, 36-407, 36-409, 36-411 through 36-413, 36-421, 36-422, 36-424, 36-425, 36-427, 36-446.01
Statute or session law authorizing the exemption: Laws 2011, Ch. 96, § 2 and Laws 2013, Ch. 10, §13
- 3. The effective date of the rule and the agency's reason it selected the effective date:**
October 1, 2013
The Department believes that the amended rules will provide the regulated community and the public with a significant benefit. The effective date is the date the rules were submitted to the Secretary of State.
- 4. A list of all notices published in the *Register* as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**
Notice of Public Information: 19 A.A.R. 2798, September 6, 2013
- 5. The agency's contact person who can answer questions about the rulemaking:**
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6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

Laws 2013, Ch. 10, § 13 requires the Department to adopt rules regarding health care institutions that reduce monetary or regulatory costs on persons or individuals, including streamlining the regulation process and facilitating licensure of integrated health programs that provide both behavioral and physical health services. The Department has reviewed the rules in 9 A.A.C. 10, Article 4, and has revised the rules to be consistent with current practice and to provide consistency within health care institution licensing rules. The Department received an exception from the Governor's rulemaking moratorium, established by Executive Order 2012-03, for this rulemaking. The rules conform to current rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

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 any analysis of 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 rulemaking 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, if applicable:

Not applicable

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and final rulemaking package, (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

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. When applicable, matters shall include, but not be limited to:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

A.R.S. § 36-407 prohibits a person from establishing, conducting, or maintaining "a health care institution or any class or subclass of health care institution unless that person holds a current and valid license issued by the [D]epartment specifying the class or subclass of health care institution the person is establishing, conducting or maintaining." A health care institution license is specific to the licensee, class or subclass of health care institution, facility location, and scope of services provided. As such, a general permit is not applicable and is not used.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of the federal law:

Not applicable

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c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material and its location in the rules:

None

14. Whether this rule previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

ARTICLE 4. NURSING CARE INSTITUTIONS

Section

- R9-10-401. Definitions
- R9-10-402. Supplemental Application Requirements
- R9-10-403. Administration
- R9-10-406. Personnel
- R9-10-407. Admissions
- R9-10-410. Resident Rights
- R9-10-411. Medical Records
- R9-10-412. Nursing Services
- R9-10-413. Medical Services
- R9-10-414. Behavioral Care Comprehensive Assessment: Care Plan
- R9-10-415. Behavioral Health Services
- R9-10-416. Clinical Laboratory Services
- R9-10-418. Radiology Services and Diagnostic Imaging Services
- R9-10-419. Respiratory Care Services
- R9-10-421. Medication Services
- R9-10-423. Food Services
- R9-10-424. Emergency and Safety Standards
- R9-10-425. Environmental Standards
- R9-10-427. Quality Rating

ARTICLE 4. NURSING CARE INSTITUTIONS

R9-10-401. Definitions

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article unless otherwise specified:

1. "Administrator" has the meaning in A.R.S. § 36-446.
2. "Behavioral care" means:
 - a. Assistance with a resident's psychosocial interactions to manage the resident's behavior that can be performed by an individual without professional skills that may include direction provided by a behavioral health professional and medication ordered by a medical practitioner or behavioral health professional; or
 - b. Behavioral health services provided by a behavioral health professional on an intermittent basis to address a resident's significant psychological or behavioral response to an identifiable stressor or stressors.
- ~~2-3.~~ "Care plan" means a documented description of ~~nursing services~~ physical health services and behavioral health services expected to be provided to a resident, based on the resident's comprehensive assessment, that includes measurable objectives and the methods for meeting the objectives.
- ~~3-4.~~ "Direct care" means medical services, nursing services, or ~~medically-related~~ social services provided to a resident.
- ~~4-5.~~ "Director of nursing" means an individual who is responsible for the nursing services provided in a nursing care institution.
- ~~5-6.~~ "Full-time" means 40 hours or more every consecutive seven calendar days.
- ~~6-7.~~ "Highest practicable" means a resident's optimal level of functioning and well-being based on the resident's current

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functional status and potential for improvement as determined by the resident's comprehensive assessment.

- ~~7-8.~~ "Interdisciplinary team" means a group of individuals consisting of a resident's attending physician, a registered nurse responsible for the resident, and other individuals as determined in the resident's comprehensive assessment.
- ~~9.~~ "Intermittent" means not on a regular basis.
- ~~8-10.~~ "Medical director" means a physician who is responsible for the coordination of medical services provided to residents in a nursing care institution.
- ~~9.~~ "Medically-related social services" means assistance provided to or activities provided for a resident to maintain or improve the resident's physical, mental, and psychosocial capabilities.
- ~~10-11.~~ "Nursing care institution services" means medical services, nursing services, health-related services, ancillary services, medically-related social services, and environmental services provided to a resident.
- ~~11-12.~~ "Ombudsman" means a resident advocate who performs the duties described in A.R.S. § 46-452.02.
- ~~12-13.~~ "Resident" means a patient admitted to a nursing care institution with the expectation that the patient will be present in the nursing care institution for more than 24 hours.
- ~~13-14.~~ "Resident group" means residents or residents' family members who:
- Plan and participate in resident activities, or
 - Meet to discuss nursing care institution issues and policies.
- ~~14-15.~~ "Resident's representative" means a resident's legal guardian, an individual acting on behalf of a resident with the written consent of the resident, or a surrogate under A.R.S. § 36-3201.
- ~~15-16.~~ "Secured" means the use of a method, device, or structure that:
- Prevents a resident from leaving an area of the nursing care institution's premises, or
 - Alerts a personnel member of a resident's departure from the nursing care institution.
- ~~17.~~ "Social services" means assistance provided to or activities provided for a resident to maintain or improve the resident's physical, mental, and psychosocial capabilities.
- ~~16-18.~~ "Total health condition" means a resident's overall physical and psychosocial well-being as determined by the resident's comprehensive assessment.
- ~~17-19.~~ "Unnecessary drug" means a medication that is not required because:
- There is no documented indication for a resident's use of the medication;
 - The medication is excessive or duplicative;
 - The medication is administered before determining whether the resident requires the medication; or
 - The resident has experienced an adverse reaction from the medication, indicating that the medication should be reduced or discontinued.
- ~~20.~~ "Ventilator" means a device designed to provide, to a resident who is physically unable to breathe or who is breathing insufficiently, the mechanism of breathing by mechanically moving breathable air into and out of the resident's lungs.

R9-10-402. Supplemental Application Requirements

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for a ~~an~~ an initial license as a nursing care institution shall include:

- On the application whether the nursing care institution:
 - Has:
 - A secured area for a resident with Alzheimer's disease or other dementia, or
 - An area for a resident on a ventilator;
 - Is requesting authorization to provide to a resident:
 - Behavioral health services,
 - Clinical laboratory services,
 - Dialysis services, or
 - Radiology services and diagnostic imaging services; ~~;~~
 - ~~Respiratory care services, or~~
 - ~~Rehabilitation services, and~~
 - Is requesting authorization to operate a nutrition and feeding assistant training program; and
- If the governing authority is requesting authorization to operate a nutrition and feeding assistant training program, the information in R9-10-115(B)(1)(a), (B)(1)(c), and (B)(2).

R9-10-403. Administration

A. A governing authority shall:

- Consist of one or more individuals responsible for the organization, operation, and administration of a nursing care institution;
- Establish, in writing, the nursing care institution's scope of services;
- Designate, in writing, a nursing care institution administrator licensed according to A.R.S. Title 36, Chapter 4, Article 6;
- Adopt a quality management program according to R9-10-404;

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5. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
 6. Designate an acting administrator licensed according to A.R.S. §-Title 36, Chapter 4, Article 6 if the administrator is:
 - a. Expected not to be on the nursing care institution's premises for more than 30 calendar days, or
 - b. Is not on the nursing care institution's premises for more than 30 calendar days; and
 7. Except as permitted in subsection (A)(6), when there is a change of administrator, notify the Department according to A.R.S. § 36-425(I) and submit a copy of the new administrator's license under A.R.S. Title 36, Chapter 4, Article 6 to the Department.
- B. An administrator:**
1. Is directly accountable to the governing authority of a nursing care institution for the daily operation of the nursing care institution and all services provided by or at the nursing care institution;
 2. Has the authority and responsibility to administer the nursing care institution;
 3. Except as provided in subsection (A)(7), designates an individual, in writing, who is available and accountable for the nursing care institution when the administrator is not present on the nursing care institution's premises;
 4. ~~Ensure~~ Ensures the nursing care institution's compliance with A.R.S. § 36-411; and
 5. If the nursing care institution provides feeding and nutrition assistant training, ensures the nursing care institution complies with the requirements for the operation of a feeding and nutrition assistant training program in R9-10-115.
- C. An administrator shall ensure that:**
1. Policies and procedures are established, documented, and implemented that:
 - a. Include job descriptions, duties, and qualifications, including required skills, knowledge, education, and experience, for personnel members, employees, volunteers, and students;
 - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
 - c. Include how a personnel member may submit a complaint relating to resident care;
 - d. Cover cardiopulmonary resuscitation training including:
 - i. Which personnel members are required to obtain cardiopulmonary resuscitation training,
 - ii. The method and content of cardiopulmonary resuscitation training,
 - iii. The qualifications for an individual to provide cardiopulmonary resuscitation training,
 - iv. The time-frame for renewal of cardiopulmonary resuscitation training, and
 - v. The documentation that verifies an individual has received cardiopulmonary resuscitation training;
 - e. Cover first aid training;
 - f. Include a method to identify a resident to ensure the resident receives physical health services and behavioral health services as ordered;
 - g. Cover resident rights, including assisting a resident who does not speak English or who has a disability to become aware of resident rights;
 - h. Cover specific steps, ~~and including applicable~~ including applicable deadlines, for:
 - i. A resident to file a complaint;
 - ii. The nursing care institution to respond to ~~and resolve~~ a resident's complaint; and
 - iii. The nursing care institution to obtain documentation of fingerprint clearance, if applicable;
 - i. Cover health care directives;
 - j. Cover medical records, including electronic medical records;
 - k. Cover a quality management program, including incident reports and supporting documentation;
 - l. Cover contracted services;
 - m. Cover resident's personal accounts;
 - n. Cover petty cash funds;
 - o. Cover fees and refund policies;
 - p. Cover misappropriation of resident property; and
 - q. Cover when an individual may visit a resident in a nursing care institution;
 2. Policies and procedures for physical health services and behavioral health services are established, documented, and implemented that:
 - a. Cover resident screening, admission, transport, transfer, discharge planning, and discharge;
 - b. Cover the provision of physical health services and behavioral health services;
 - c. Include when general consent and informed consent are required;
 - d. Cover storing, dispensing, administering, and disposing of medication;
 - e. Cover infection control;
 - f. Cover restraints that require an order, including the frequency of monitoring and assessing the restraint;
 - g. Cover seclusion of a resident including:
 - i. The requirements for an order, and
 - ii. The frequency of monitoring and assessing a resident in seclusion;
 - h. Cover telemedicine, if applicable; and
 - i. Cover environmental services that affect resident care; ~~and~~

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3. Policies and procedures are reviewed at least once every two years and updated as needed;
4. Policies and procedures are available to personnel members, employees, volunteers, and students; and
5. Unless otherwise stated:
 - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
 - b. When documentation or information is required by this Chapter to be submitted on behalf of a nursing care institution, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the nursing care institution.
- D. An administrator shall ensure that medical services, nursing services, health-related services, behavioral health services, or ancillary services provided by a nursing care institution are only provided to a resident.
- E. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was admitted or while the resident is not on the premises and not receiving services from a nursing care institution's employee or personnel member, an administrator shall immediately report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
 1. For a resident 18 years of age or older, according to A.R.S. § 46-454; or
 2. For a resident under 18 years of age, according to A.R.S. § 13-3620;
- F. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred on the premises or while the resident is receiving services from a nursing care institution's employee or personnel member, an administrator shall:
 1. Take immediate action to stop the alleged or suspected abuse, neglect, or exploitation;
 2. Immediately report the alleged or suspected abuse, neglect, or exploitation of the resident as follows:
 - a. For a resident 18 years of age or older, according to A.R.S. § 46-454; or
 - b. For a resident under 18 years of age, according to A.R.S. § 13-3620;
 3. Document the action in subsection (F)(1) and the report in subsection (F)(2) and maintain the documentation for at least 12 months after the date of the report;
 4. Investigate the alleged or suspected abuse, neglect, or exploitation and develop a written report of the investigation within 48 hours after the report required in subsection (F)(2) that includes:
 - a. ~~Dates~~; The dates, times, and description of the alleged or suspected abuse, neglect, or exploitation;
 - b. ~~Description~~ A description of any injury to the resident and any change to the resident's physical, cognitive, functional, or emotional condition;
 - c. ~~Names~~ The names of witnesses to the alleged or suspected abuse, neglect, or exploitation; and
 - d. The actions taken by the administrator to prevent the alleged or suspected abuse, neglect, or exploitation from occurring in the future;
 5. Submit a copy of the investigation report required in subsection (F)(4) to the Department within 10 working days after submitting the report in subsection (F)(2); and
 6. Maintain a copy of the investigation report required in subsection (F)(4) for at least 12 months after the date of the report.
- G. An administrator shall:
 - ~~7-1.~~ Allow a resident advocate ~~assists to assist~~ a resident, the resident's representative, or a resident group with a request or recommendation, and respond in writing to any complaint submitted to the nursing care institution; ~~and~~
 - ~~2.~~ Ensure that a monthly schedule of recreational activities for residents is developed, documented and implemented; and
 - ~~8-3.~~ Ensure that the following are conspicuously posted on the premises:
 - a. The current nursing care institution license and quality rating issued by the Department;
 - b. The name, address, and telephone number of:
 - i. The Department's Office of Long Term Care,
 - ii. The State Long Term Care Ombudsman Program, and
 - iii. Adult Protective Services of the Department of Economic Security;
 - c. A notice that a resident may file a complaint with the Department concerning the nursing care institution; ~~and~~
 - ~~d.~~ The monthly schedule of recreational activities; and
 - ~~d-e.~~ One of the following:
 - ~~i.~~ A copy of the current license survey report with information identifying residents redacted, any subsequent reports issued by the Department, and any plan of correction that is in effect; or
 - ~~ii.~~ A notice that the current license survey report with information identifying residents redacted, any subsequent reports issued by the Department, and any plan of correction that is in effect are available for review upon request.
- G.H. An administrator shall provide written notification to the Department of a resident's:
 1. ~~If a resident's death~~ Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and
 2. Self-injury. Within within two working days after ~~a~~ the resident inflicts a self-injury that requires immediate interven-

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tion by an emergency medical services provider.

~~H.I.~~ If an administrator administers a resident's personal account at the request of the resident or the resident's representative, the administrator shall:

1. Comply with policies and procedures established according to subsection (C)(1)(m);
2. Designate a personnel member who is responsible for the personal accounts;
3. Maintain a complete and separate accounting of each personal account;
4. Obtain written authorization from the resident or the resident's representative for a personal account transaction;
5. Document an account transaction and provide a copy of the documentation to the resident or the resident's representative ~~on~~ upon request and at least every three months;
6. Transfer all money from the resident's personal account in excess of \$50.00 to an interest-bearing account and credit the interest to the resident's personal account; and
7. Within 30 calendar days after the resident's death, transfer, or discharge, return all money in the resident's personal account and a final accounting to the resident, the resident's representative, or the probate jurisdiction administering the resident's estate.

~~H.J.~~ If a petty cash fund is established for use by residents, the administrator shall ensure that:

1. The policies and procedures established according to subsection (C)(1)(k) include:
 - a. A prescribed cash limit of the petty cash fund, and
 - b. The hours of the day a resident may access the petty cash fund; and
2. A resident's written acknowledgment is obtained for a petty cash transaction.

R9-10-406. Personnel

A. An administrator shall ensure that:

1. A behavioral health technician is at least 21 years old, and
2. A behavioral health paraprofessional is at least 21 years old.

B. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
 - a. Are based on:
 - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
 - ii. The acuity of the residents receiving physical health services or behavioral health services from the personnel member according to the established job description; and
 - b. Include:
 - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
 - ii. The type and duration of education that may allow the personnel member to acquire the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
 - iii. The type and duration of experience that may allow the personnel member to acquire the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
2. A personnel member's skills and knowledge are verified and documented:
 - a. Before the personnel member provides physical health services or behavioral health services, and
 - b. According to policies and procedures; and
3. Personnel members are present on a nursing care institution's premises with the qualifications, skills, and knowledge necessary to:
 - a. Provide the services in the nursing care institution's scope of services,
 - b. Meet the needs of a resident, and
 - c. Ensure the health and safety of a resident.

C. An administrator shall ensure that social services are provided by an individual in compliance with the requirements in A.R.S. Title 32, Chapter 33.

~~E.D.~~ An administrator shall ensure that an individual who is a licensed baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision as defined in 4 A.A.C. 6, Article 1.

~~D.E.~~ An administrator shall ensure that a personnel member or an employee or volunteer ~~that~~ who has or is expected to have direct interaction with a resident for more than 8 hours a week provides evidence of freedom from infectious tuberculosis as specified in R9-10-112.

~~E.F.~~ An administrator shall ensure that a personnel record is maintained for an employee, a volunteer, and a student that contains:

1. The individual's name, date of birth, home address, and contact telephone number;
2. The individual's starting date of employment or volunteer service and, if applicable, the ending date; and

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3. Documentation of:
 - a. The individual's qualifications including skills and knowledge applicable to the individual's job duties;
 - b. The individual's education and experience applicable to the individual's job duties;
 - c. The individual's compliance with the requirements in A.R.S. § 36-411;
 - d. Orientation and in-service education as required by policies and procedures;
 - e. The individual's license or certification, if the individual is required to be licensed or certified in this Article or policies and procedures;
 - f. If the individual is a behavioral health technician, clinical oversight required in R9-10-114;
 - g. Cardiopulmonary resuscitation training, if required for the individual according to R9-10-403(C)(1)(d);
 - h. First aid training, if required for the individual according to this Article or policies and procedures; ~~and~~
 - i. Evidence of freedom from infectious tuberculosis, if required for the individual according to subsection ~~(D)~~ (E); and
 - j. If the individual is a nutrition and feeding assistant:
 - i. Completion of the nutrition and feeding assistant training course required in R9-10-115, and
 - ii. A nurse's observations required in R9-10-423(C)(6).

~~F.G.~~ An administrator shall ensure that personnel records are maintained:

1. Throughout the individual's period of providing services in or for the nursing care institution, and
2. For at least two years after the last date the individual provided services in or for the nursing care institution.

~~G.H.~~ An administrator shall ensure that:

1. A plan to provide orientation specific to the duties of a personnel member, an employee, a volunteer, and a student is developed, documented, and implemented;
2. A personnel member completes orientation before providing ~~behavioral~~ physical health services or ~~physical~~ behavioral health services;
3. An individual's orientation is documented, to include:
 - a. The individual's name,
 - b. The date of the orientation, and
 - c. The subject or topics covered in the orientation;
4. A director of nursing develops, documents, and implements a plan to provide in-service education specific to the duties of a personnel member;
5. A personnel member's in-service education is documented, to include:
 - a. The personnel member's name,
 - b. The date of the training, and
 - c. The subject or topics covered in the training; and
6. A work schedule of each personnel member is developed and maintained at the nursing care institution for at least 12 months after the date of the work schedule.

~~H.I.~~ An administrator shall designate:

- ~~1. A~~ a qualified individual to provide:
 - ~~a.1. Medically-related social~~ Social services, and
 - ~~b.2. Recreational activities; and~~
- ~~2. A full-time social worker if the nursing care institution has a licensed capacity of 120 or more.~~

R9-10-407. Admissions

An administrator shall ensure that:

1. A resident is admitted only on a physician's order;
2. The physician's admitting order includes the nursing care institution services required to meet the immediate needs of a resident such as medication and food services;
3. At the time of a resident's admission, a registered nurse conducts or coordinates an initial assessment on a resident to ensure the resident's immediate needs for nursing care institution services are met;
- ~~3.4.~~ A resident's needs do not exceed the medical services and nursing services available at the nursing care institution as established in the nursing care institution's scope of services;
- ~~4.5.~~ Before or at the time of admission, a resident or the resident's representative:
 - a. Signs a written agreement with the nursing care institution that includes rates and charges,
 - b. Is informed of third-party coverage for rates and charges,
 - c. Is informed of the nursing care institution's refund policy ~~and nursing care institution guidelines concerning resident conduct and responsibilities,~~ and
 - d. Receives written information concerning the nursing care institution's policies and procedures related to a resident's health care directives;
- ~~5.6.~~ Within 30 calendar days before admission or 10 working days after admission, a medical history and physical examination is completed on a resident by:
 - a. A physician, or

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- b. A physician assistant or a registered nurse practitioner designated by the attending physician;
- ~~6-7.~~ Except as specified in subsection ~~(7)~~ (8), a resident provides evidence of freedom from infectious tuberculosis as specified in R9-10-112;
- ~~7-8.~~ A resident who transfers from a nursing care institution to another nursing care institution is not required to be rescreened for tuberculosis or provide another written statement by a physician, physician assistant, or registered nurse practitioner as specified in R9-10-112(1) if:
 - a. Fewer than 12 months have passed since the resident was screened for tuberculosis or since the date of the written statement; and
 - b. The documentation of freedom from infectious tuberculosis required in subsection ~~(6)~~ (7) accompanies the resident at the time of transfer; and
- ~~8-9.~~ Compliance with the requirements in subsection ~~(5)~~ (6) is documented in the resident's medical records.

R9-10-410. Resident Rights

- A. An administrator shall ensure that:
 - 1. The requirements in subsection (B) and the resident rights in subsection (C) are conspicuously posted on the premises;
 - 2. At the time of admission, a resident or the resident's representative receives a written copy of the requirements in subsection (B) and the resident rights in subsection (C); and
 - 3. ~~That policies~~ Policies and procedures ~~that~~ include:
 - a. How and when a resident or the resident's representative is informed of resident rights in subsection (C), and
 - b. Where resident rights are posted as required in subsection (A)(1).
- B. An administrator shall ensure that:
 - 1. A resident has privacy in:
 - a. Treatment,
 - b. Bathing and toileting,
 - c. Room accommodations, and
 - d. A visit or meeting with another resident or an individual;
 - 2. A resident is treated with dignity, respect, and consideration;
 - 3. A resident is not subjected to:
 - a. Abuse;
 - b. Neglect;
 - c. Exploitation;
 - d. Coercion;
 - e. Manipulation;
 - f. Sexual abuse;
 - g. Sexual assault;
 - h. Seclusion;
 - i. Restraint, if not necessary to prevent imminent harm to self or others;
 - j. Retaliation for submitting a complaint to the Department or another entity; or
 - k. Misappropriation of personal and private property by a nursing care institution's personnel members, employees, volunteers, or students; and
 - 4. A resident or the resident's representative:
 - a. Except in an emergency, either consents to or refuses treatment;
 - b. May refuse or withdraw consent to treatment before treatment is initiated;
 - c. Except in an emergency, is informed of proposed alternatives to psychotropic medication or a surgical procedure and the associated risks and possible complications of the psychotropic medication or surgical procedure;
 - d. Is informed of the following:
 - i. The health care institution's policy on health care directives, and
 - ii. The resident complaint process;
 - e. Consents to photographs of the resident before a resident is photographed except that the resident may be photographed when admitted to a nursing care institution for identification and administrative purposes;
 - f. May manage the resident's financial affairs;
 - g. May review the nursing care institution's current license survey report and, if applicable, plan of correction in effect;
 - h. Has access to and may communicate with any individual, organization, or agency;
 - i. May participate in a resident group;
 - j. May review the resident's financial records within two working days and medical records within one working day after the resident's or the resident's representative's request;
 - k. May obtain a copy of the resident's financial records and medical records within two working days after the resident's request and in compliance with A.R.S. § 12-2295;

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- l. May select a pharmacy of choice if the pharmacy complies with nursing care institution policies and procedures and does not pose a risk to the resident;
 - m. Is informed of the method for contacting the resident's attending physician;
 - n. Is informed of the resident's total health condition;
 - o. Is provided with a copy of those sections of the resident's medical records that are required for continuity of care free of charge, according to A.R.S. § 12-2295, if the resident is transferred or discharged;
 - p. Is informed in writing of a change in rates and charges at least 60 calendar days before the effective date of the change; and
 - q. Except in the event of an emergency, is informed orally or in writing before the nursing care institution makes a change in a resident's room or roommate assignment and notification is documented in the resident's medical records.
- C. A resident has the following rights:
1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, or diagnosis;
 2. To receive treatment that supports and respects the resident's individuality, choices, strengths, and abilities;
 3. To choose activities and schedules consistent with the resident's interests that do not interfere with other residents;
 4. To participate in social, religious, political, and community activities that do not interfere with other residents;
 5. To retain personal possessions including furnishings and clothing as space permits unless use of the personal possession infringes on the rights or health and safety of other residents;
 6. To share a room with the resident's spouse if space is available and the spouse consents;
 7. To receive a referral to another health care institution if the nursing care institution is unable to provide physical health services or behavioral health services for the resident;
 8. To participate or have the resident's representative participate in the development of, or decisions concerning, treatment;
 9. To participate or refuse to participate in research or experimental treatment; and
 10. To receive assistance from a family member, representative, or other individual in understanding, protecting, or exercising the resident's rights.

R9-10-411. Medical Records

- A. An administrator shall ensure that:
1. A medical record is established and maintained for a resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
 2. An entry in a resident's medical record is:
 - a. Recorded only by ~~a personnel member~~ an individual authorized by nursing care institution policies and procedures to make the entry;
 - b. Dated, legible, and authenticated; and
 - c. Not changed to make the initial entry illegible;
 3. An order is:
 - a. Dated when the order is entered in the resident's medical record and includes the time of the order;
 - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
 - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
 4. If a rubber-stamp signature or an electronic signature code is used to authenticate an order, the individual whose signature the stamp or electronic code represents is accountable for the use of the stamp or the electronic code;
 5. A resident's medical record is available to personnel members, medical practitioners, and behavioral health professionals authorized by nursing care institution policies and procedures;
 6. Information in a resident's medical record is disclosed to an individual not authorized under subsection (A)(5) only with the written consent of ~~a~~ the resident or the resident's representative or as permitted by law; and
 7. A resident's medical record is:
 - ~~a. Protected~~ protected from loss, damage, or unauthorized use; ~~and~~
 - ~~b. Maintained according to A.R.S. § 12-2297.~~
- B. If a nursing care institution keeps a resident's medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
 2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.
- C. An administrator shall ensure that a resident's medical record contains:
1. Resident information that includes:
 - a. The resident's name;
 - b. The resident's date of birth;
 - c. The name and contact information of the resident's representative, if applicable; and
 - d. Any known allergy including medication allergies;

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2. ~~Admission~~ The admission date;
3. ~~Admitting~~ The admitting diagnosis or presenting symptoms;
4. Documentation of general consent and, if applicable, informed consent;
5. The medical history and physical examination required in R9-10-407(5);
6. ~~Copy~~ A copy of the resident's living will, health care power of attorney, or other health care directive, if applicable;
7. The name and telephone number of the resident's attending physician;
8. Orders;
9. Care plans;
10. Behavioral care plans, if ~~a~~ the resident is receiving behavioral care;
11. Documentation of nursing care institution services provided to ~~a~~ the resident;
12. Progress notes;
13. ~~Disposition~~ The disposition of the resident after discharge;
14. ~~Discharge~~ The discharge plan;
15. ~~Discharge~~ The discharge summary;
16. Transfer documentation;
17. If applicable:
 - a. A laboratory report,
 - b. A radiologic report,
 - c. A diagnostic report,
 - d. Documentation of restraint or seclusion, and
 - e. A consultation report;
18. Documentation of freedom from infectious tuberculosis required in ~~R9-10-407(6)~~ R9-10-407(7);
19. Documentation of a medication administered to the resident that includes:
 - a. The date and time of administration;
 - b. The name, strength, dosage, and route of administration;
 - c. The type of vaccine, if applicable;
 - d. For a medication administered for pain on a PRN basis:
 - i. ~~An assessment~~ evaluation of the resident's pain before administering the medication, and
 - ii. The effect of the medication administered;
 - e. For a psychotropic medication administered on a PRN basis:
 - i. ~~An assessment~~ evaluation of the resident's behavior before administering the psychotropic medication, and
 - ii. The effect of the psychotropic medication administered;
 - f. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication; and
 - g. Any adverse reaction a resident has to the medication;
20. If the resident has been assessed for receiving nutrition and feeding assistance, documentation of the assessment and the determination of eligibility; and
21. If applicable, a copy of written notices, including follow-up instructions, provided to the resident or the resident's representative.

R9-10-412. Nursing Services

- A. An administrator shall ensure that:
 1. Nursing services are provided 24 hours a day in a nursing care institution;
 2. A director of nursing is appointed who:
 - a. Is a registered nurse,
 - b. Works full-time at the nursing care institution, and
 - c. Is responsible for the direction of nursing services;
 3. The director of nursing or an individual designated by the administrator participates in the quality management program; and
 4. If the daily census of the nursing care institution is ~~not more~~ less than 60, the director of nursing may provide direct care to residents on a regular basis.
- B. A director of nursing shall ensure that:
 1. A method is established and documented that identifies the types and numbers of nursing personnel that are necessary to provide nursing services to residents based on the residents' comprehensive assessments, orders for physical health services and behavioral health services, and care plans and the nursing care institution's scope of services;
 2. Sufficient nursing personnel, as determined by the method in subsection (B)(1), are on the nursing care institution premises to meet the needs of a resident for nursing services;
 3. At least one nurse is present and responsible for providing direct care to not more than 64 residents;
 4. Documentation of nursing personnel on duty each day is maintained ~~at the nursing care institution~~ and includes:
 - a. The date,

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- b. The number of residents,
 - c. The name and license or certification title of each nursing personnel member who worked that day, and
 - d. The actual number of hours each nursing personnel member worked that day;
5. The documentation of nursing personnel required in subsection (B)(4) is maintained for at least 12 months after the date of the documentation;
6. ~~At the time of a resident's admission, an initial assessment is performed on the resident to ensure the resident's immediate needs, such as medication and food services, are met;~~
7. ~~A comprehensive assessment is performed by a registered nurse and coordinated by the registered nurse in collaboration with an interdisciplinary team;~~
8. ~~The comprehensive assessment required in subsection (B)(7) is performed on a resident:~~
- a. ~~Within 14 calendar days after admission to a nursing care institution, and~~
 - b. ~~No later than 12 months after the date of the last comprehensive assessment;~~
9. ~~A comprehensive assessment includes the resident's:~~
- a. ~~Heart rate, respiratory rate, blood pressure, and body temperature;~~
 - b. ~~Diagnosis;~~
 - e. ~~Medical history;~~
 - d. ~~Treatment;~~
 - e. ~~Dental condition;~~
 - f. ~~Nutritional condition and nutritional needs;~~
 - g. ~~Medications;~~
 - h. ~~Clinical laboratory reports;~~
 - i. ~~Diagnostic reports;~~
 - j. ~~Capability to perform activities of daily living;~~
 - k. ~~Psychosocial condition;~~
 - l. ~~Cognitive condition;~~
 - m. ~~Impairments in physical and sensory functioning;~~
 - n. ~~Potential for recreational activities;~~
 - o. ~~Potential for rehabilitation; and~~
 - p. ~~Potential for discharge;~~
10. ~~A new comprehensive assessment is not required for a resident who is hospitalized and readmitted to a nursing care institution unless a physician, a physician's designee, or a registered nurse determines the resident has a significant change in condition;~~
11. ~~A care plan is developed, documented, and implemented for a resident within seven calendar days after completing the comprehensive assessment required in subsection (B)(7);~~
12. ~~The care plan required in subsection (B)(11):~~
- a. ~~Is reviewed and revised as necessary if a resident has had a significant change in condition, and~~
 - b. ~~Ensures that a resident is provided nursing services to maintain the resident's highest practicable well-being according to the resident's comprehensive assessment;~~
13. ~~A resident's comprehensive assessment is reviewed by a registered nurse at least once every three months after the date of the current comprehensive assessment and revised if there is a significant change in the resident's condition;~~
14. ~~As soon as possible but not more than 24 hours after one of the following events occur, a nurse notifies a resident's attending physician and, if applicable, the resident's representative, if the resident:~~
- a. ~~Is injured,~~
 - b. ~~Is involved in an incident that may require medical services, or~~
 - c. ~~Has a significant change in condition; and~~
15. ~~An unnecessary drug is not administered to a resident.~~

R9-10-414. Behavioral Care Comprehensive Assessment; Care Plan

An administrator shall ensure that, for a resident who requests or receives behavioral care from a nursing care institution:

- 1. ~~A behavioral health professional or medical practitioner:~~

 - a. ~~Evaluates the resident:~~

 - i. ~~Within 30 calendar days before admitting the resident or before the resident begins receiving behavioral care, and~~
 - ii. ~~At least once every six months throughout the duration of the resident's need for behavioral care;~~

 - b. ~~Reviews the nursing care institution's scope of services;~~
 - e. ~~Signs and dates a determination stating that the resident's need for behavioral care can be met by the nursing care institution within the nursing care institution's scope of services and, for retention of a resident, are being met by the nursing care institution; and~~
 - d. ~~Reviews, signs, and dates a behavioral care plan required in subsection (2);~~

- 2. ~~A behavioral care plan is developed, documented, and implemented that includes any of the following that are neces-~~

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- ~~sary to provide assistance with the resident's psychosocial interactions to manage the resident's behavior;~~
 - ~~a. The psychosocial interactions or behaviors for which the resident requires assistance;~~
 - ~~b. Psychotropic medications ordered for the resident;~~
 - ~~c. Planned strategies and actions for changing the resident's psychosocial interactions or behaviors; and~~
 - ~~d. Goals for changes in the resident's psychosocial interactions or behaviors; and~~
 - 3. ~~At least once every six months and when there is a significant change in the resident's psychosocial interactions, a medical practitioner or behavioral health professional:~~
 - ~~a. Reviews and documents the review of the resident's behavioral care plan;~~
 - ~~b. Updates the resident's behavioral care plan; and~~
 - ~~c. Signs and dates the review of and updates to the resident's behavioral care plan.~~
- A. A director of nursing shall ensure that:**
- 1. **A comprehensive assessment of a resident:**
 - a. Is conducted or coordinated by a registered nurse in collaboration with an interdisciplinary team;
 - b. Is completed for the resident within 14 calendar days after the resident's admission to a nursing care institution;
 - c. Is updated:
 - i. No later than 12 months after the date of the resident's last comprehensive assessment, and
 - ii. When the resident experiences a significant change;
 - d. Includes the following information for the resident:
 - i. Identifying information;
 - ii. An evaluation of the resident's hearing, speech, and vision;
 - iii. An evaluation of the resident's ability to understand and recall information;
 - iv. An evaluation of the resident's mental status;
 - v. Whether the resident's mental status or behaviors:
 - (1) Put the resident at risk for physical illness or injury.
 - (2) Significantly interfere with the resident's care.
 - (3) Significantly interfere with the resident's ability to participate in activities or social interactions.
 - (4) Put other residents or personnel members at significant risk for physical injury.
 - (5) Intrude on another resident's privacy, or
 - (6) Significantly disrupt care for another resident;
 - vi. Preferences for customary routine and activities;
 - vii. An evaluation of the resident's ability to perform activities of daily living;
 - viii. Need for a mobility device;
 - ix. An evaluation of the resident's ability to control the resident's bladder and bowels;
 - x. Any diagnosis that impacts nursing care institution services that the resident may require;
 - xi. Any medical conditions that impact the resident's functional status, quality of life, or need for nursing care institution services;
 - xii. An evaluation of the resident's ability to maintain adequate nutrition and hydration;
 - xiii. An evaluation of the resident's oral and dental status;
 - xiv. An evaluation of the condition of the resident's skin;
 - xv. Identification of any medication or treatment administered to the resident during a seven-day calendar period that includes the time the comprehensive assessment was conducted;
 - xvi. Identification of any treatment or medication ordered for the resident;
 - xvii. Whether any restraints have been used for the resident during a seven-day calendar period that includes the time the comprehensive assessment was conducted;
 - xviii. A description of the resident or resident's representative's participation in the comprehensive assessment;
 - xix. The name and title of the interdisciplinary team members who participated in the resident's comprehensive assessment;
 - xx. Potential for rehabilitation; and
 - xxi. Potential for discharge; and
 - e. Is signed and dated by:
 - i. The registered nurse who conducts or coordinates the comprehensive assessment or review; and
 - ii. If a behavioral health professional is required to review according to subsection (A)(2), the behavioral health professional who reviewed the comprehensive assessment or review;
 - 2. If any of the conditions in (A)(1)(d)(v) are answered in the affirmative during the comprehensive assessment or review, a behavioral health professional reviews a resident's comprehensive assessment or review and care plan to ensure that the resident's needs for behavioral health services are being met;
 - 3. A new comprehensive assessment is not required for a resident who is hospitalized and readmitted to a nursing care institution unless a physician, an individual designated by the physician, or a registered nurse determines the resident has a significant change in condition; and

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4. A resident's comprehensive assessment is reviewed by a registered nurse at least once every three months after the date of the current comprehensive assessment and if there is a significant change in the resident's condition.
- B.** An administrator shall ensure that a care plan for a resident:
 1. Is developed, documented, and implemented for the resident within seven calendar days after completing the resident's comprehensive assessment required in subsection (A)(1);
 2. Is reviewed and revised based on any change to the resident's comprehensive assessment; and
 3. Ensures that a resident is provided nursing care institution services that:
 - a. Address any medical condition or behavioral health issue identified in the resident's comprehensive assessment, and
 - b. Assist the resident in maintaining the resident's highest practicable well-being according to the resident's comprehensive assessment.

R9-10-415. Behavioral Health Services

Except as provided in ~~R9-10-414~~ for behavioral care, if a nursing care institution provides behavioral health services, an administrator shall ensure that:

1. The behavioral health services are provided:
 - a. Under the direction of a behavioral health professional; and
 - b. In compliance with the requirements:
 - i. For behavioral health paraprofessionals and behavioral health technicians, in R9-10-114; and
 - ii. For an assessment, in R9-10-1011(B);
2. ~~A behavioral health technician or a behavioral health paraprofessional complies with the requirements in R9-10-114;~~
3. Except for a psychotropic drug used as a chemical restraint or administered according to an order from a court of competent jurisdiction, informed consent is obtained from a resident or the resident's representative for a psychotropic drug and documented in the resident's medical record before the psychotropic drug is administered to the resident; and
- 4.3. If the nursing care institution provides assistance in the self-administration of medication to a resident receiving behavioral health services:
 - a. The resident's interdisciplinary team determines that the resident is capable of self-administration and the attending physician documents authorization for medication self-administration in the resident's medical records;
 - b. A resident's medication is stored by the nursing care institution;
 - c. The following assistance is provided to a resident:
 - i. ~~A reminder~~ Reminding the resident when it is time to take the medication;
 - ii. Opening the medication container for the resident;
 - iii. Observing the resident while the resident removes the medication from the container;
 - iv. Verifying that the medication is taken as ordered by the resident's medical practitioner by confirming that:
 - (1) The resident taking the medication is the individual stated on the medication container label,
 - (2) The dosage of the medication is the same as stated on the medication container label, and
 - (3) The medication is being taken by the resident at the time stated on the medication container label; or
 - v. Observing the resident while the resident takes the medication;
 - d. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or a registered nurse;
 - e. Training for a personnel member, other than a medical practitioner, nurse, or medication assistant, in the self-administration of medication:
 - i. Is provided by a medical practitioner or nurse or an individual trained by a medical practitioner or nurse; and
 - ii. Includes:
 - (1) A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
 - (2) Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
 - (3) ~~Process~~ The process for notifying the appropriate entities when an emergency medical intervention is needed;
 - f. A personnel member, other than a medical practitioner, ~~or a registered nurse, or medication assistant,~~ completes the training in subsection ~~(4)(e)~~ (3)(e) before the personnel member provides assistance in the self-administration of medication; and
 - g. Assistance ~~with in~~ the self-administration of medication is provided to a resident:
 - ~~a.i.~~ i. Is in compliance with an order, and
 - ~~b.ii.~~ ii. Is documented in the resident's medical record.

R9-10-416. Clinical Laboratory Services

If clinical laboratory services are provided on the premises of ~~the~~ a nursing care institution, an administrator shall ensure that:

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1. Clinical laboratory services and pathology services are provided through a laboratory that holds a certificate of accreditation, certificate of compliance, or certificate of waiver issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
2. A copy of the certificate of accreditation, certificate of compliance, or certificate of waiver in subsection (1) is provided to the Department for review upon the Department's request;
3. ~~A~~ The nursing care institution:
 - a. Is able to provide the clinical laboratory services delineated in the nursing care institution's scope of services when needed by the residents,
 - b. Obtains specimens for the clinical laboratory services delineated in the nursing care institution's scope of services without transporting the residents from the nursing care institution's premises, and
 - c. Has the examination of the specimens performed by a clinical laboratory;
4. Clinical laboratory and pathology test results are:
 - a. Available to the ordering physician:
 - i. Within 24 hours after the test is complete with results if the test is performed at a laboratory on the nursing care institution's premises, or
 - ii. Within 24 hours after the test result is received if the test is performed at a laboratory outside of the nursing care institution's premises; and
 - b. Documented in a resident's medical record;
5. If a test result is obtained that indicates a resident may have an emergency medical condition, as defined in the nursing care institution's policies and procedures, ~~laboratory~~ personnel notify:
 - a. The ordering physician,
 - b. A registered nurse in the resident's assigned unit,
 - c. The nursing care institution's administrator, or
 - d. The director of nursing;
6. If a clinical laboratory report is completed on a resident, a copy of the report is included in the resident's medical record;
7. If the nursing care institution provides blood or blood products, policies and procedures are established, documented, and implemented for:
 - a. Procuring, storing, transfusing, and disposing of blood or blood products;
 - b. Blood typing, antibody detection, and blood compatibility testing; and
 - c. Investigating transfusion adverse reactions that specify a process for review through the quality management program; and
8. Expired laboratory supplies are discarded according to policies and procedures.

R9-10-418. Radiology Services and Diagnostic Imaging Services

If radiology services or diagnostic imaging services are provided on the premises of ~~the~~ a nursing care institution, an administrator shall ensure that:

1. Radiology services and diagnostic imaging services are provided in compliance with A.R.S. Title 30, Chapter 4 and 12 A.A.C. 1;
2. A copy of a certificate documenting compliance with subsection (1) is maintained by the nursing care institution;
3. When needed by a resident, radiology services and diagnostic imaging services delineated in the nursing care institution's scope of services are provided on the nursing care institution's premises;
4. Radiology services and diagnostic imaging services are provided:
 - a. Under the direction of a physician; and
 - b. According to an order that includes:
 - i. The resident's name,
 - ii. The name of the ordering individual,
 - iii. The radiological or diagnostic imaging procedure ordered, and
 - iv. The reason for the procedure;
5. A medical director, attending physician, or radiologist interprets the radiologic or diagnostic image;
6. A radiologic or diagnostic imaging report is prepared that includes:
 - a. The resident's name;
 - b. The date of the procedure;
 - c. A medical director, attending physician, or radiologist's interpretation of the image;
 - d. The type and amount of radiopharmaceutical used, if applicable; and
 - e. The resident's adverse reaction to the radiopharmaceutical, if any; and
7. A radiologic or diagnostic imaging report is included in the resident's medical record.

R9-10-419. Respiratory Care Services

If respiratory care services are provided on the premises of a nursing care institution, an administrator shall ensure that:

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1. Respiratory care services are provided under the direction of a medical director or attending physician;
2. Respiratory care services are provided according to an order that includes:
 - a. The resident's name;
 - b. The name and signature of the ordering individual;
 - c. The type, frequency, and, if applicable, duration of treatment;
 - d. The type and dosage of medication and diluent; and
 - e. The oxygen concentration or oxygen liter flow and method of administration;
3. Respiratory care services provided to a resident are documented in the resident's medical record and include:
 - a. The date and time of administration;
 - b. The type of respiratory care services provided;
 - c. The effect of the respiratory care services;
 - d. The resident's adverse reaction to the respiratory care services, if any; and
 - e. The authentication of the individual providing the respiratory care services; and
4. Any area or unit that performs blood gases or clinical laboratory tests complies with the requirements in R9-10-416.

R9-10-421. Medication Services

- A.** If a nursing care institution provides medication administration ~~or assistance in the self-administration of medication~~, an administrator shall ensure that policies and procedures:
1. Include:
 - a. A process for providing information to a resident about medication prescribed for the resident including:
 - i. The prescribed medication's anticipated results,
 - ii. The prescribed medication's potential adverse reactions,
 - iii. The prescribed medication's potential side effects, and
 - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
 - b. Procedures for preventing, responding to, and reporting:
 - i. A medication error,
 - ii. An adverse response to a medication, or
 - iii. A medication overdose;
 - c. Procedures to ensure that a pharmacist reviews a resident's medications at least every three months and provides documentation to the resident's attending physician and the director of nursing indicating potential medication problems such as incompatible or duplicative medications;
 - d. Procedures for documenting medication services and assistance in the self-administration of medication; and
 - e. Procedures for assisting a resident in obtaining medication; and
 2. Specify a process for review through the quality management program of:
 - a. A medication administration error, and
 - b. An adverse reaction to a medication.
- B.** If a nursing care institution provides medication administration, an administrator shall ensure that:
1. Policies and procedures for medication administration:
 - a. Are reviewed and approved by the director of nursing;
 - b. Specify the individuals who may:
 - i. Order medication, and
 - ii. Administer medication;
 - c. Ensure that medication is administered to a resident only as prescribed; and
 - d. ~~A Cover the documentation of a resident's refusal to take prescribed medication is documented~~ in the resident's medical record;
 2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law;
 3. A medication administered to a resident:
 - a. Is administered in compliance with an order, and
 - b. Is documented in the resident's medical record;
 4. ~~If pain medication is administered to a resident, documentation in the resident's medical record includes:~~
 - ~~a. An identification of the resident's pain before administering the medication, and~~
 - ~~b. The effect of the pain medication administered; and~~
 5. If a psychotropic medication is administered to a resident, the psychotropic medication:
 - a. Is only administered to a resident for a diagnosed medical condition; and
 - b. Unless clinically contraindicated or otherwise ordered by an attending physician or the attending physician's designee, is gradually reduced in dosage while the resident is simultaneously provided with interventions such as behavior and environment modification in an effort to discontinue the psychotropic medication unless a dose reduction is attempted and the resident displays behavior justifying the need for the psychotropic medication, and the attending physician documents the necessity for the continued use and dosage; ~~and~~
 - e. ~~Is documented as required in the resident's medical record and includes the resident's response to the medication.~~

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- C. An administrator shall ensure that:
1. A current drug reference guide is available for use by personnel members; and
 2. ~~A current toxicology reference guide is available for use by personnel members; and~~
 3. If pharmaceutical services are provided:
 - a. The pharmaceutical services are provided under the direction of a pharmacist;
 - b. The pharmaceutical services comply with A.R.S. Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
 - c. A copy of the pharmacy license is provided to the Department upon request;
- D. When medication is stored at a nursing care institution, an administrator shall ensure that:
1. There is a separate room, closet, or self-contained unit used for medication storage that includes a lockable door;
 2. If medication is stored in a room or closet, a locked cabinet is used for medication storage;
 3. Medication is stored according to the instructions on the medication container; and
 4. Policies and procedures are established, documented, and implemented for:
 - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
 - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
 - c. A medication recall and notification of residents who received recalled medication; and
 - d. Storing, inventorying, and dispensing controlled substances.
- E. An administrator shall ensure that a personnel member immediately reports a medication error or a resident's adverse reaction to a medication to the medical practitioner who ordered the medication and the nursing care institution's director of nursing.

R9-10-423. Food Services

- A. An administrator shall ensure that:
1. The nursing care institution is licensed as a food establishment under 9 A.A.C. 8, Article 1;
 2. A copy of the nursing care institution's food establishment license is maintained;
 3. If a nursing care institution contracts with a food establishment, as defined in 9 A.A.C. 8, Article 1, to prepare and deliver food to the nursing care institution:
 - a. A copy of the contracted food establishment's license under 9 A.A.C. 8, Article 1 is maintained by the nursing care institution; and
 - b. The nursing care institution is able to store, refrigerate, and reheat food to meet the dietary needs of a resident;
 4. A registered dietitian:
 - a. Reviews a food menu before the food menu is used to ensure that a resident's nutritional needs are being met,
 - b. Documents the review of a food menu, and
 - c. Is available for consultation regarding a resident's nutritional needs; and
 5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to ensure that the nutritional needs of a resident are met.
- B. A registered dietitian or director of food services shall ensure that:
1. Food is prepared:
 - a. Using methods that conserve nutritional value, flavor, and appearance; and
 - b. In a form to meet the needs of a resident such as cut, chopped, ground, pureed, or thickened;
 2. A food menu:
 - a. Is prepared at least one week in advance,
 - b. Includes the foods to be served on each day,
 - c. Is conspicuously posted at least one day before the first meal on the food menu will be served,
 - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
 - e. Is maintained for at least 60 calendar days after the last day included in the food menu;
 3. Meals for each day are planned and served using the applicable meal planning guides in http://www.fns.usda.gov/cnd/Care/ProgramBasics/Meals/Meal_Pattern.htm;
 4. A resident is provided:
 - a. A diet that meets the resident's nutritional needs as specified in the resident's comprehensive assessment and care plan;
 - b. Three meals a day with not more than 14 hours between the evening meal and breakfast except as provided in subsection (B)(4)(d);
 - c. The option to have a daily evening snack identified in subsection (B)(4)(d)(ii) or other snack; and
 - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
 - i. A resident group agrees; and
 - ii. The resident is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
 5. A resident is provided with food substitutions of similar nutritional value if:

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- a. The resident refuses to eat the food served, or
 - b. The resident requests a substitution;
 6. Recommendations and preferences are requested from a resident or the resident's representative for meal planning;
 7. A resident requiring assistance to eat is provided with assistance that recognizes the resident's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils;
 8. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair;
 9. A resident eats meals in a dining area unless the resident chooses to eat in the resident's room or is confined to the resident's room for medical reasons documented in the resident's medical records; and
 10. Water is available and accessible to residents.
- C. If a nursing care institution has nutrition and feeding assistants, an administrator shall ensure that:
1. A nutrition and feeding assistant:
 - a. Is at least 16 years of age;
 - b. If applicable, complies with the fingerprint clearance card requirements in A.R.S. § 36-411;
 - c. Completes a nutrition and feeding assistant training course within 12 months before initially providing nutrition and feeding assistance;
 - d. Provides nutrition and feeding assistance where nursing personnel are present;
 - e. Immediately reports an emergency to a nurse or, if a nurse is not present in the common area, to nursing personnel; and
 - f. If the nutrition and feeding assistant observes a change in a resident's physical condition or behavior, reports the change to a nurse or, if a nurse is not present in the common area, to nursing personnel;
 2. A resident is not eligible to receive nutrition and feeding assistance from a nutrition and feeding assistant if the resident:
 - a. Has difficulty swallowing,
 - b. Has had recurrent lung aspirations,
 - c. Requires enteral feedings,
 - d. Requires parenteral feedings, or
 - e. Has any other eating or drinking difficulty that may cause the resident's health or safety to be compromised if the resident receives nutrition and feeding assistance from a nutrition and feeding assistant;
 3. Only an eligible resident receives nutrition and feeding assistance from a nutrition and feeding assistant;
 4. A nurse determines if a resident is eligible to receive nutrition and feeding assistance from a nutrition and feeding assistant, based on:
 - a. The resident's comprehensive assessment,
 - b. The resident's care plan, and
 - c. An assessment conducted by the nurse when making the determination;
 5. A method is implemented that identifies eligible residents that ensures only eligible residents receive nutrition and feeding assistance from a nutrition and feeding assistant;
 6. When a nutrition and feeding assistant initially provides nutrition and feeding assistance and at least once every three months, a nurse observes the nutrition and feeding assistant while the nutrition and feeding assistant is providing nutrition and feeding assistance to ensure that the nutrition and feeding assistant is providing nutrition and feeding assistance appropriately;
 7. A nurse documents the nurse's observations required in subsection (C)(6); and
 8. A nutrition and feeding assistant is provided additional training:
 - a. According to the nursing care institution's policies and procedures, and
 - b. If a nurse identifies a need for additional training based on the nurse's observation in subsection (C)(6).

R9-10-424. Emergency and Safety Standards

- A. An administrator shall ensure that:
1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
 - a. When, how, and where residents will be relocated, including:
 - i. Instructions for the evacuation, transport, or transfer of residents;
 - ii. Assigned responsibilities for each employee and personnel member; and
 - iii. A plan for continuing to provide services to meet a resident's needs;
 - b. How a resident's medical record will be available to individuals providing services to the resident during a disaster;
 - c. A plan for back-up power and water supply;
 - d. A plan to ensure a resident's ~~medication~~ medications will be available to administer to the resident during a disaster;
 - e. A plan to ensure a resident is provided nursing services and other services required by the resident during a disaster; and

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- f. A plan for obtaining food and water for individuals present in the nursing care institution or the nursing care institution's relocation site during a disaster;
2. The disaster plan required in subsection (A)(1) is reviewed at least once every 12 months;
3. Documentation of a disaster plan review required in subsection (A)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
 - a. The date and time of the disaster plan review;
 - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review;
 - c. A critique of the disaster plan review; and
 - d. If applicable, recommendations for improvement;
4. ~~An evacuation~~ A fire drill for employees is conducted on each shift at least once every three months;
5. ~~An evacuation~~ A disaster drill for employees and residents:
 - ~~a. Is is~~ is conducted at least once every six months, ~~and~~
 - ~~b. Except for a resident whose care plan contains documentation that evacuation from the nursing care institution would cause harm to the resident, includes all individuals in the nursing care institution;~~
6. Documentation of each ~~evacuation~~ drill is created, is maintained for at least 12 months after the date of the ~~evacuation~~ drill, and includes:
 - a. The date and time of the ~~evacuation~~ drill;
 - b. Whether the ~~evacuation~~ drill was for employees only or for both employees and residents;
 - c. ~~The amount of time taken for all employees and, if applicable, residents to evacuate the nursing care institution;~~
 - ~~d.~~ If applicable:
 - i. The amount of time taken for employees and residents to evacuate,
 - ~~i.~~ ii. An identification of residents needing assistance for evacuation, and
 - ~~ii.~~ iii. An identification of residents who were not evacuated;
 - ~~e.~~ d. Any problems encountered in conducting the ~~evacuation~~ drill; and
 - ~~f.~~ e. Recommendations for improvement, if applicable; and
7. An evacuation path is conspicuously posted on each hallway of each floor of the nursing care institution.
- B. An administrator shall ensure that, if applicable, a sign is placed at the entrance to a room or area indicating that oxygen is in use.
- C. An administrator shall:
 1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
 2. Make any repairs or corrections stated on the fire inspection report, and
 3. Maintain documentation of a current fire inspection.

R9-10-425. Environmental Standards

- A. An administrator shall ensure that:
 1. A nursing care institution's premises and equipment are:
 - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control illness and infection; and
 - b. Free from a condition or situation that may cause a resident or an individual to suffer physical injury;
 2. A pest control program is implemented and documented;
 3. Equipment used to provide direct care is:
 - a. Maintained in working order;
 - b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
 - c. Used according to the manufacturer's recommendations;
 4. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
 5. Garbage and refuse are:
 - a. In areas used for food storage, food preparation, or food service, stored stored in a covered containers container lined with a plastic bags bag, and
 - b. In areas not used for food storage, food preparation, or food service, stored:
 - i. According to the requirements in subsection (5)(a), or
 - ii. In a paper-lined or plastic-lined container that is cleaned and sanitized as often as necessary to ensure that the container is clean; and
 - ~~b.~~ c. Is removed Removed from the premises at least once a week;
 6. Heating and cooling systems maintain the nursing care institution at a temperature between 70° F and 84° F ~~at all times;~~
 7. Common areas:
 - a. Are lighted to assure the safety of residents, and

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- b. Have lighting sufficient to allow personnel members to monitor resident activity;
 8. The supply of hot and cold water is sufficient to meet the personal hygiene needs of residents and the cleaning and sanitation requirements in this Article;
 9. Linens are clean before use, without holes and stains, and not in need of repair;
 10. Oxygen containers are secured in an upright position;
 11. Poisonous or toxic materials stored by the nursing care institution are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and inaccessible to residents;
 12. Combustible or flammable liquids ~~and hazardous materials~~ stored by the nursing care institution are stored in the original labeled containers or safety containers in a locked area outside the nursing care institution and inaccessible to residents;
 13. If pets or animals are allowed in the nursing care institution, pets or animals are:
 - a. Controlled to prevent endangering the residents and to maintain sanitation;
 - b. Licensed consistent with local ordinances; and
 - c. Vaccinated as follows:
 - i. A dog is vaccinated against rabies ~~and leptospirosis~~; and
 - ii. A cat is vaccinated against rabies;
 14. If a ~~non-municipal~~ water source that is not regulated under 18 A.A.C. 4 by the Arizona Department of Environmental Quality is used:
 - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
 - b. If necessary, corrective action is taken to ensure the water is safe to drink; and
 - c. Documentation of testing is retained for at least ~~two years~~ 12 months after the date of the test; and
 15. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to all applicable state laws and rules.
- B.** An administrator shall ensure that:
1. Smoking or the use of tobacco products is not permitted within a nursing care institution, and
 2. Smoking and the use of tobacco products may be permitted outside a nursing care institution if:
 - a. Signs designating smoking areas are conspicuously posted, and
 - b. Smoking is prohibited in areas where combustible materials are stored or in use.
- C.** If a swimming pool is located on the premises, an administrator shall ensure that:
1. At least one personnel member with cardiopulmonary resuscitation training that meets the requirements in R9-10-403(C)(1)(d) is present in the pool area when a resident is in the pool area, and
 2. At least two personnel members are present in the pool area when two or more residents are in the pool area.

R9-10-427. Quality Rating

- A.** As required in A.R.S. § 36-425.02(A), the Department shall issue a quality rating to each licensed nursing care institution based on the results of a compliance survey.
- B.** The following quality ratings are established:
1. A quality rating of “A” for excellent is issued if the nursing care institution achieves a score of 90 to 100 points;
 2. A quality rating of “B” is issued if the nursing care institution achieves a score of 80 to 89 points;
 3. A quality rating of “C” is issued if the nursing care institution achieves a score of 70 to 79 points; and
 4. A quality rating of “D” is issued if the nursing care institution achieves a score of 69 or fewer points.
- C.** The quality rating is determined by the total number of points awarded based on the following criteria:
1. Nursing Services:
 - a. 15 points: The nursing care institution is implementing a system that ensures residents are provided nursing services to maintain the resident's highest practicable physical, mental, and psychosocial well-being according to the resident's comprehensive assessment and care plan.
 - b. 5 points: The nursing care institution ensures that each resident is free from medication errors that resulted in actual harm.
 - c. 5 points: The nursing care institution ensures the resident's representative is notified and the resident's attending physician is consulted if a resident has a significant change in condition or if the resident is in an incident that requires medical services.
 2. Resident Rights:
 - a. 10 points: The nursing care institution is implementing a system that ensures a resident's privacy needs are met.
 - b. 10 points: The nursing care institution ensures that a resident is free from physical and chemical restraints for purposes other than to treat the resident's medical condition.
 - c. 5 points: The nursing care institution ensures that a resident or the resident's representative is allowed to participate in the planning of, or decisions concerning, treatment including the right to refuse treatment and to formulate a health care directive.
 3. Administration:

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- a. 10 points: The nursing care institution has no repeat deficiencies that resulted in actual harm or immediate jeopardy to residents that were cited during the last survey or other survey or complaint investigation conducted between the last survey and the current survey.
 - b. 5 points: The nursing care institution is implementing a system to prevent abuse of a resident and misappropriation of resident property, investigate each allegation of abuse of a resident and misappropriation of resident's property, and report each allegation of abuse of a resident and misappropriation of resident's property to the Department and as required by A.R.S. § 46-454.
 - c. 5 points: The nursing care institution is implementing a quality management program that addresses nursing care institution services provided to residents, resident complaints, and resident concerns, and documents actions taken for response, resolution, or correction of issues about nursing care institution services provided to residents, resident complaints, and resident concerns.
 - d. 1 point: The nursing care institution is implementing a system to provide ~~medically-related~~ social services and a program of ongoing recreational activities to meet the resident's needs based on the resident's comprehensive assessment.
 - e. 1 point: The nursing care institution is implementing a system to ensure that records documenting freedom from infectious pulmonary tuberculosis are maintained for each personnel member, volunteer, and resident.
 - f. 2 points: The nursing care institution is implementing a system to ensure that a resident is free from unnecessary drugs.
 - g. 1 point: The nursing care institution is implementing a system to ensure a personnel member attends ~~12 hours of~~ in-service education ~~every 12 months after the starting date of employment~~ according to policies and procedures.
4. Environment and Infection Control:
- a. 5 points: The nursing care institution environment is free from a condition or situation within the nursing care institution's control that may cause a resident injury.
 - b. 1 point: The nursing care institution establishes and maintains a pest control program.
 - c. 1 point: The nursing care institution develops a written disaster plan that includes procedures for protecting the health and safety of residents.
 - d. 1 point: The nursing care institution ensures orientation to the disaster plan for each personnel member is completed within the first scheduled week of employment.
 - e. 1 point: The nursing care institution maintains a clean and sanitary environment.
 - f. 5 points: The nursing care institution is implementing a system to prevent and control infection.
 - g. 1 point: An employee washes hands after each direct resident contact or where hand washing is indicated to prevent the spread of infection.
5. Food Services:
- a. 1 point: The nursing care institution complies with 9 A.A.C. 8, Article 1, for food preparation, storage, and handling as evidenced by a current food establishment license.
 - b. 3 points: The nursing care institution provides each resident with food that meets the resident's needs as specified in the resident's comprehensive assessment and care plan.
 - c. 2 points: The nursing care institution obtains input from each resident or the resident's representative and implements recommendations for meal planning and food choices consistent with the resident's dietary needs.
 - d. 2 points: The nursing care institution provides assistance to a resident who needs help in eating so that the ~~individual's~~ resident's nutritional, physical, and social needs are met.
 - e. 1 point: The nursing care institution prepares menus at least one week in advance, conspicuously posts each menu, and adheres to each planned menu unless an uncontrollable situation such as food spoilage or non-delivery of a specified food requires substitution.
 - f. 1 point: The nursing care institution provides food substitution of similar nutritive value for residents who refuse the food served or who request a substitution.
- D. A nursing care institution's quality rating remains in effect until a survey is conducted by the Department for the next renewal period except as provided in subsection (E).
- E. If the Department issues a provisional license, the current quality rating is terminated. A provisional licensee may submit an application for a substantial compliance survey. If the Department determines that, as a result of a substantial compliance survey, the nursing care institution is in substantial compliance, the Department shall issue a new quality rating according to subsection (C).
- F. The issuance of a quality rating does not preclude the Department from seeking a civil penalty as provided in A.R.S. § 36-431.01, or suspension or revocation of a license as provided in A.R.S. § 36-427.