



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the *Administrative Procedure Act* (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any oral proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

**NOTICE OF PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS**

[R18-64]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R4-33-101 | Amend |
| R4-33-103 | Amend |
| Table 1 | Amend |
| R4-33-104 | Amend |
| R4-33-201 | Amend |
| R4-33-202 | Amend |
| R4-33-204 | Amend |
| R4-33-206 | Amend |
| R4-33-301 | Amend |
| R4-33-701 | Amend |
| R4-33-702 | Amend |
| R4-33-703 | Amend |
| R4-33-703.1 | New Section |
| R4-33-704 | Amend |
| R4-33-704.1 | New Section |
| R4-33-705 | Amend |
| R4-33-705.1 | New Section |
| R4-33-706 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 36-446.03(A)
 Implementing statute: A.R.S. §§ 36-446 and 36-446.03
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 23 A.A.R. 983, April 28, 2017
- 4. The agency's contact person who can answer questions about the rulemaking:**
 Name: Allen Imig, Executive Director
 Address: Board of Examiners for Nursing Care Administrators and Assisted Living Facility Managers
 1740 W. Adams St., Suite 2490
 Phoenix, AZ 85007
 Telephone: (602) 364-2273
 Fax: (602) 542-8316
 E-mail: allen.imig@nciabd.state.az.us



5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board is making changes to Article 2 that will increase the number of individuals qualified for licensure and make it easier for licensed administrators in other states to obtain licensure in Arizona.

The Board is amending Article 7 to:

- Reduce the number of hours in the required curriculum of an assistant living facility caregiver training program
- Increase the percentage of classroom hours in an assistant living facility caregiver training program that may be provided by distance learning
- Increase the percentage of curriculum hours in an assistant living facility caregiver training program that are required to involve skills training
- Make it easier for certified nursing assistants, licensed nursing assistants, certified medication assistants, and trained direct-care workers to become qualified as a caregiver, and
- Establish a first-time student examination pass rate for owners of assistant living facility caregiver training programs to achieve.

The Board is also making corrections identified as needed in a five-year-review report approved by the Council on March 7, 2017. An exemption from EO2016-01 was provided by Mara Mellstrom, Policy Advisor in the Governor's Office, in an e-mail dated January 4, 2017.

6. 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:

The Board does not intend to review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

7. A showing of good cause why the rulemaking 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

8. The preliminary summary of the economic, small business, and consumer impact:

The rulemaking will have positive economic benefits for:

- Individuals who qualify for licensure by reciprocity in Arizona
- Certified nursing assistants, licensed nursing assistants, certified medication assistants, and trained direct-care workers wanting to become qualified as a caregiver in an assisted living facility
- Managers of assisted living facilities who will find it easier to have employed certified nursing assistants, licensed nursing assistants, and trained direct-care workers qualify as caregivers
- Health professionals who will have additional opportunities as instructors in medication management training programs
- Owners of assisted living facility caregiver training programs that will be able to reduce the number of hours in the training program curriculum and increase the percentage of hours provided by distance learning

The rulemaking may result in certified nursing assistants and licensed nursing assistants electing to participate in a medication management training program only, which is 16 hours of training, rather than an assisted living facility caregiver training program, which is 62 hours of training. This may negatively impact the business of owners of assisted living facility caregiver training programs. However, the rulemaking provides an opportunity for owners of approved assisted living facility caregiver training programs to obtain approval of a medication management training program at no cost.

Currently, many owners of assisted living facility caregiver training programs offer a reduced-hours training program, as described under R4-33-702, but they charge the same amount for it as for the full training program. With increased competition in reduced-hours training programs, these owners may have to reduce the cost of their reduced-hours training programs which should put downward pressure on training costs for students.

The Board is confident the reduced number of training hours for an assisted living facility caregiver will not negatively impact the quality of care provided because the revised training program continues to cover the same subjects and skills. Additionally, the caregiver student must pass the final examination given by the Board-approved provider. Students such as certified nursing assistants and licensed nursing assistants, who take only the 16 hours of medication management training, are required to pass the same final examination as students who take the entire 62 hours of training.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Allen Imig, Executive Director
 Address: Board of Examiners for Nursing Care Administrators and Assisted Living Facility Managers
 1740 W. Adams St., Suite 2490
 Phoenix, AZ 85007
 Telephone: (602) 364-2273
 Fax: (602) 542-8316
 E-mail: allen.imig@nciabd.state.az.us
 Web site: www.aznciaboard.us



10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

- Date: Wednesday, May 23, 2018
- Time: 9:00 a.m.
- Location: 1740 W. Adams St., Board meeting room C
Phoenix, AZ 85007

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

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:

The licenses listed in Table 1 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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

There are federal laws such as the Americans with Disabilities Act, OSHA, and employment-related laws that apply to all employers. There is no federal law specifically applicable to assisted living facilities.

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:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

ARTICLE 1. GENERAL

Section

- R4-33-101. Definitions
- R4-33-103. ~~Time frames~~ Time Frames for Licenses, Certifications, and Approvals
- Table 1. ~~Time frames~~ Time Frames (in days)
- R4-33-104. Fees

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

Section

- R4-33-201. Requirements for Initial License by Examination
- R4-33-202. Requirements for Initial License by Reciprocity
- R4-33-204. Initial Application
- R4-33-206. Renewal Application

ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM

Section

- R4-33-301. Approval of an AIT Program

ARTICLE 7. ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS

Section

- R4-33-701. Definitions
- R4-33-702. Minimum Standards for Assisted Living Facility Caregiver Training Program
- R4-33-703. Curriculum for Assisted Living Facility Caregiver Training Program
- R4-33-703.1. Minimum Standards and Curriculum for an Assisted Living Facility Caregiver Medication Management Training Program
- R4-33-704. Application for Approval of an Assisted Living Facility Caregiver Training Program
- R4-33-704.1. Application for Approval of an Assisted Living Facility Caregiver Medication Management Training Program
- R4-33-705. Renewal of Approval of an Assisted Living Facility Caregiver Training Program
- R4-33-705.1. Renewal of Approval of an Assisted Living Facility Caregiver Medication Management Training Program



R4-33-706. Notice of Deficiency; Correction Plan; Disciplinary Action; Voluntary Termination

ARTICLE 1. GENERAL

R4-33-101. Definitions

The definitions in A.R.S. § 36-446 apply to this Chapter. Additionally, in this Chapter, unless otherwise specified:

“Accredited” means approved by the North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

“ACHCA certified” means ~~written evidence of completing the Professional Certification Program administered by the American College of Health Care Administrators.~~

“Administrator” has the meaning prescribed at A.R.S. § 36-446 and means an individual licensed under this Chapter.

“Administrator in training” or “AIT” means an individual who is taking an AIT program to be licensed as an administrator for a nursing care institution.

“AIT program” means a training that the Board approves after determining that the training meets the standards at R4-33-302.

“Applicant” means an individual who applies to the Board to be licensed as an administrator of a nursing care institution, to be certified as a manager of an assisted living facility, or for approval of a continuing education.

“Application package” means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant’s behalf.

“Arizona examination” means a measure of an applicant’s knowledge of Arizona statutes and rules regarding nursing care institution administration or assisted living facility management.

“Biennial period” means July 1 of an even-numbered year through June 30 of the next even-numbered year for an administrator and July 1 of an odd-numbered year through June 30 of the next odd-numbered year for a manager.

“Contact hour” means an hour during which an administrator or manager is physically present at a continuing education or a manager is physically present at a required initial training.

“Continuing education” means a planned educational course or program that the Board approves under R4-33-502.

“Good standing” means ~~that~~ an individual licensed by the state is not subject to any disciplinary action or consent order, and not currently under investigation for alleged unprofessional conduct.

“Health care institution” means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice services agencies. A.R.S. § 36-401.

“Manager” means an assisted living facility manager, as defined at A.R.S. § 36-446, who is certified under this Chapter.

“NAB” means the National Association of ~~Board of Examiners for Nursing Home Administrators~~ Long Term Care Administrator Boards.

“Party” has the same meaning as prescribed in A.R.S. § 41-1001.

“Preceptor” means a practicing nursing care institution administrator who helps to develop a new professional in the field of long-term care administration by tutoring the new professional.

“Qualified instructor” means a person who meets one or more of the following criteria:

- A registered nurse, licensed under A.R.S. Title 32, Chapter 15;
- An instructor employed by an accredited college or university, or health care institution to teach a health-care related course; or
- A person or entity that has sufficient education and training to be qualified to teach a health-care related course.

“Work experience in a health-related field” means employment in a health care institution or in the professional fields of medicine, nursing, social work, gerontology, or other closely related field.

R4-33-103. ~~Time frames~~ **Time Frames for Licenses, Certifications, and Approvals**

- A. For each type of license, certification, or approval issued by the Board, the overall ~~time frame~~ time frame described in A.R.S. § 41-1072(2) is listed in Table 1.
- B. For each type of license, certification, or approval issued by the Board, the administrative completeness review ~~time frame~~ time frame described in A.R.S. § 41-1072(1) is listed in Table 1 and begins on the date the Board receives an application package.
 - 1. If an application package is not administratively complete, the Board shall send a deficiency notice to the applicant that specifies each piece of information or document needed to complete the application package. Within the time provided in Table 1 for response to a deficiency notice, beginning on the mailing date of the deficiency notice, the applicant shall submit to the Board the missing information or document specified in the deficiency notice. The ~~time frame~~ time frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information or document.
 - 2. If an application package is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
 - 3. If an application package is not completed within the time provided to respond to the deficiency notice, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.



- C. For each type of license, certification, or approval issued by the Board, the substantive review ~~time frame~~ time frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
1. During the substantive review ~~time frame~~ time frame, the Board may make one comprehensive written request for additional information. Within the time provided in Table 1 for response to a comprehensive written request for additional information, beginning on the mailing date of the comprehensive written request for additional information, the applicant shall submit to the Board the requested additional information. The ~~time frame~~ time frame for the Board to finish the substantive review is suspended from the date the Board mails the comprehensive written request for additional information to the applicant until the Board receives the requested additional information.
 2. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time provided in Table 1.
- D. Within the overall ~~time frame~~ time frame listed in Table 1, the Board shall:
1. Deny a license, certificate, or approval to an applicant if the Board determines ~~that~~ the applicant does not meet all of the substantive criteria required by statute and this Chapter; or
 2. Grant a license, certificate, or approval to an applicant if the Board determines ~~that~~ the applicant meets all of the substantive criteria required by statute and this Chapter.
- E. If the Board denies a license, certificate, or approval under subsection (D)(1), the Board shall provide a written notice of denial to the applicant that explains:
1. The reason for the denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time for appealing the denial.
- F. In computing any period of time prescribed in this Section, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period is included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not Saturday, Sunday, or a state holiday. The computation includes intermediate Saturdays, Sundays, and state holidays. The time begins on the date of personal service, date shown as received on a certified mail receipt, or postmark date.

Table 1 starts at the top of the next page



Table 1. Time frames Time Frames (in days)

Type of License	Overall Time frame Time Frame	Administrative Review Time frame Time Frame	Time to Respond to Deficiency Notice	Substantive Review Time frame Time Frame	Time to Respond to Request for Additional Information
Initial License R4-33-201 and R4-33-202 A.R.S. §§ 36-446.04(A) and 36-446.05	135	30	90	105	60
Renewal of License R4-33-206 A.R.S. § 36-446.07(E)	75	30	15	45	15
Temporary License R4-33-203 A.R.S. § 36-446.06	135	30	90	105	60
Continuing Education Program Approval R4-33-502 A.R.S. § 36-446.07(E) and (F)	60	15	30	45	15
Administrator-in-Training Program Approval R4-33-301 A.R.S. § 36-446.04	60	15	30	45	15
Initial Certification R4-33-401 A.R.S. § 36-446.04(B)	135	30	90	105	60
Renewal of Certification R4-33-405 A.R.S. § 36-446.07(F)	75	30	15	45	15
Temporary Certification R4-33-402 A.R.S. § 36-446.06	135	30	90	105	60
Initial Approval of an Assisted Living Facility Manager or Caregiver Training Program R4-33-604, R4-33-704, <u>R4-33-704.1</u> , A.R.S. § 36-446.03(O)	120	60	60	60	60
Renewal Approval of an Assisted Living Facility Manager or Caregiver Training Program R4-33-605, R4-33-705, <u>R4-33-705.1</u> , A.R.S. § 36-446.03(O)	120	60	30	60	30

R4-33-104. Fees

- A. Under the authority provided at A.R.S. § 36-446.12(A), the Board establishes and shall collect the following fees related to nursing care institution administrators. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial application, \$150;
 2. Arizona examination, \$500;
 3. Re-administer Arizona examination, \$150;
 4. Issuance of a license, \$400 or \$17 for each month remaining in the biennial period, whichever is less;
 5. Duplicate license, \$75;
 6. Biennial active license renewal, \$400;
 7. Biennial inactive license renewal, \$200;
 8. Late renewal, \$100;
 9. Temporary license, \$300;
 10. Certify licensure status, \$15;
 11. Review sponsorship of a continuing education, \$10 per credit hour;
 12. Review a licensed administrator's request for continuing education credit, \$5 per credit hour.
- B. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to assisted living facility managers. The fees are nonrefundable unless A.R.S. § 41-1077 applies:



1. Initial application, \$150;
 2. Arizona examination, \$150;
 3. Re-administer Arizona examination, \$150;
 4. Issuance of a certificate, \$150 or \$7 for each month remaining in the biennial period, whichever is less;
 5. Duplicate certificate, \$75;
 6. Biennial active certificate renewal, \$150;
 7. Biennial inactive certificate renewal, \$100;
 8. Late renewal, \$75;
 9. Temporary certificate, \$100;
 10. Review sponsorship of a continuing education, \$10 per credit hour;
 11. Review a certified manager's request for continuing education credit, \$5 per credit hour.
- C. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility manager training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, \$1,000; and
 2. Renewal approval, \$600.
- D. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility caregiver training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, \$1,500; and
 2. Renewal approval, \$1,300.
- E. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility caregiver medication management training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, \$300; and
 2. Renewal approval, \$250.
- ~~E.F.~~ The Board shall ensure that fees established under this subsection are not increased by more than 25 percent above the amounts previously prescribed by the Board.

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

R4-33-201. Requirements for Initial License by Examination

To be eligible to receive an initial license by examination as a nursing care institution administrator, an individual shall:

1. Education and training.
 - a. Hold a minimum of a baccalaureate degree from an accredited college or university and successfully complete an AIT program;
 - b. Hold a minimum of a ~~masters~~ master's degree in either a health-related field or business administration from an accredited college or university; or
 - c. Hold a minimum of an associate of arts degree in nursing from an accredited college or university and:
 - i. Be currently licensed as a registered nurse under A.R.S. § 32-1632,
 - ii. Have worked as a registered nurse for five of the last seven years, and
 - iii. Successfully complete an AIT program.
2. Examination.
 - a. Obtain the scaled passing ~~score~~ scores on both the NAB core of knowledge and line of service examinations or qualify with NAB as a Health Services Executive examination, and
 - b. Obtain a score of at least 80 percent on the Arizona examination;
3. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
4. Application. Submit all applicable information required under R4-33-204.

R4-33-202. Requirements for Initial License by Reciprocity

To be eligible for an initial license by reciprocity as a nursing care institution administrator, an individual shall:

1. Substantially equivalent educational requirement.
 - a. ~~Meet the education and training requirement described in R4-33-201(1)~~ Hold a minimum of a baccalaureate degree from an accredited college or university, or
 - b. Hold ACHCA certification;
2. Substantially equivalent examination requirement.
 - a. Hold a valid and current license as a nursing care institution administrator issued by a state or territory, which was obtained by passing the NAB examination; or
 - b. Have evidence of qualification by NAB as a Health Services Executive; and
 - ~~b-c.~~ Obtain a score of at least 80 percent on the Arizona examination;
3. Be employed full-time as a nursing care institution administrator of record for the last two years in a state or territory with a licensing authority;
4. Never have had a nursing care administrator license suspended, revoked, or otherwise restricted by any state or territory;
- ~~3-5.~~ Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
- ~~4-6.~~ Application.
 - a. Submit all applicable information required under R4-33-204,
 - b. Submit evidence of being employed full-time as a nursing care institution administrator of record for the last two years in a state or territory with a licensing authority,
 - ~~b-c.~~ Have submitted directly to the Board a certified copy of the valid and current license issued by a state or territory, and
 - ~~e-d.~~ Have submitted directly to the Board by NAB;



- i. ~~the~~ The examination score that the applicant obtained on the ~~referenced under subsection (2)(a), or~~
- ii. Evidence of qualification as a Health Services Executive NAB examination.

R4-33-204. Initial Application

- A. An individual who desires to be licensed as a nursing care institution administrator shall submit the following information to the Board on an application form, which is available from the Board:
1. Full name of the applicant;
 2. Other names ~~that~~ the applicant has used;
 3. Mailing address of the applicant;
 4. E-mail address of the applicant;
 - ~~4-5.~~ Home, work, and mobile telephone numbers of the applicant;
 - ~~5-6.~~ Applicant's date and place of birth;
 - ~~6-7.~~ Applicant's Social Security number;
 - ~~7-8.~~ Address of every residence at which the applicant has lived in the last five years;
 - ~~8-9.~~ Name and address of every accredited college or university attended, dates of attendance, date of graduation, and degree or certificate received;
 - ~~9-10.~~ Information regarding professional licenses or certifications currently or previously held by the applicant, including:
 - a. Name of issuing agency;
 - b. License or certificate number;
 - c. Issuing jurisdiction;
 - d. Date on which the license or certificate was first issued;
 - e. Whether the license or certificate is current; and
 - f. Whether the license or certificate is in good standing and if not, an explanation;
 - ~~10-11.~~ Information regarding the applicant's employment record for the last five years, including:
 - a. Name, address, and telephone number of each employer;
 - b. Title of position held by the applicant;
 - c. Name of applicant's supervisor;
 - d. Dates of employment; and
 - e. Reason for employment termination;
 - ~~11-12.~~ Whether the applicant was ever denied a professional license or certificate and if so, the kind of license or certificate denied, licensing authority making the denial, and date;
 - ~~12-13.~~ Whether the applicant ever voluntarily surrendered a professional license or certificate and if so, the kind of license or certificate surrendered, licensing authority, date, and reason for the surrender;
 - ~~13-14.~~ Whether the applicant ever allowed a professional license or certificate to lapse and if so, the kind of license or certificate that lapsed, licensing authority, date, reason for lapse, and whether the license or certificate was reinstated;
 - ~~14-15.~~ Whether the applicant ever had a limitation imposed on a professional license or certificate and if so, the kind of license or certificate limited, licensing authority, date, nature of limitation, reason for limitation, and whether the limitation was removed;
 - ~~15-16.~~ Whether the applicant ever had a professional license or certificate suspended or revoked and if so, the kind of license or certificate suspended or revoked, licensing authority, date, and reason for the suspension or revocation;
 - ~~16-17.~~ Whether the applicant ever was subject to disciplinary action with regard to a professional license or certificate and if so, the kind of license or certificate involved, licensing authority, date, and reason for and nature of the disciplinary action;
 - ~~17-18.~~ Whether any unresolved complaint against the applicant is pending with a licensing authority, professional association, health care facility, or nursing care institution and if so, the nature of and where the complaint is pending;
 - ~~18-19.~~ Whether the applicant ever was charged with or convicted of a felony or a misdemeanor, other than a minor traffic violation, in any court and if so, the nature of the offense, jurisdiction, and date of discharge; and
 - ~~19-20.~~ Whether the applicant ever was pardoned from or had expunged the record of a felony conviction and if so, the nature of the offense, jurisdiction, and date of pardon or expunging.
- B. In addition to the application form required under subsection (A), an applicant shall ~~submit or have~~ the following submitted directly to the Board on the applicant's behalf:
1. Official transcript submitted ~~directly to the Board~~ by each accredited college or university attended by the applicant;
 2. Verification of license that is signed, authenticated by seal or notarization, and submitted ~~directly to the Board~~ by each agency that ever issued a professional license to the applicant;
 3. "Character Certification" form submitted ~~directly to the Board~~ by two individuals who have known the applicant for at least three years and are not related to, employed by, or employing the applicant; and
 4. If the applicant is certified by ACHCA, verification of certification submitted ~~directly to the Board~~ by ACHCA;
- C. In addition to complying with subsections (A) and (B), an applicant shall submit:
- ~~5-1.~~ If the applicant completed an AIT program, a photocopy of the certificate issued upon completion;
 - ~~6-2.~~ For every felony or misdemeanor charge listed under subsection ~~(A)(18)~~ (A)(19), a copy of documents from the appropriate court showing the disposition of each charge;
 - ~~7-3.~~ For every felony or misdemeanor conviction listed under subsection ~~(A)(18)~~ (A)(19), a copy of documents from the appropriate court showing whether the applicant met all judicially imposed sentencing terms;
 - ~~8-4.~~ Passport-size, color, full-face photograph of the applicant taken within the last 180 days and signed on the back by the applicant;
 - ~~9-5.~~ Fingerprint clearance card.
 - a. Photocopy of the front and back of the applicant's fingerprint clearance card,
 - b. Proof of submission of an application for a fingerprint clearance card, or
 - c. If denied a fingerprint clearance card, proof ~~that~~ the applicant qualifies for a good-cause exception hearing under A.R.S. § 41-619.55;



- ~~10.6.A~~ completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board Documentation, as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law;
- ~~11.7.~~ Signed and notarized affidavit affirming that the information provided in the application is true and complete and authorizing others to release information regarding the applicant to the Board; and
- ~~12.8.~~ Fees required under R4-33-104(A)(1) and (A)(2).
- ~~C.D.~~ If required by the Board under A.R.S. § 36-446.03(D), an applicant shall appear before the Board.
- ~~D.E.~~ When the information required under subsections (A) ~~and (B)~~ through (C) is received and following an appearance before the Board required under subsection ~~(C)~~ (D), the Board shall provide notice regarding whether the applicant may take the licensing examinations required under R4-33-201 or R4-33-202.
- ~~E.F.~~ Because of the time required for the Board to perform an administrative completeness review under R4-33-103, an applicant shall ~~submit~~ ensure the information required under subsections (A) ~~and (B)~~ through (C) is submitted at least 30 days before the applicant expects to take the Arizona examination.

R4-33-206. Renewal Application

- A. The Board shall provide a licensee with notice of the need for license renewal. Failure to receive notice of the need for license renewal does not excuse a licensee's failure to renew timely.
- B. An administrator license expires at midnight on June 30 of each even-numbered year.
- C. To renew an administrator license, the licensee shall submit the following information to the Board, on or before June 30, on a renewal application, which is available from the Board:
1. Current address;
 2. Current e-mail address;
 - ~~2.3.~~ Current home and business telephone numbers;
 - ~~3.4.~~ Whether within the last 24 months the licensee was convicted of or pled guilty or no contest to a criminal offense, other than a minor traffic violation, in any court and if so, attach a copy of the original arrest record and final court judgment;
 - ~~4.5.~~ Whether within the last 24 months the licensee was denied a professional license or had a professional license revoked, suspended, placed on probation, limited, or restricted in any way by a state or federal regulatory authority and if so, the kind of license, license number, issuing authority, nature of the regulatory action, and date;
 - ~~5.6.~~ An affirmation that the number of hours of continuing education required under R4-33-501 has been completed; and
 - ~~6.7.~~ The licensee's dated and notarized signature affirming ~~that~~ the information provided is true and complete.
- D. In addition to the renewal application required under subsection (C), a licensee shall submit:
1. A photocopy of the front and back of the licensee's fingerprint clearance card;
 2. ~~A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under R4-36-204(C)(6) established U.S. citizenship or was a non-expiring work authorization issued by the federal government;~~ and
 3. The license renewal fee required under R4-33-104.
- E. An individual whose license expires because of failure to renew timely may apply for renewal by complying with subsections (C) and (D) if:
1. The individual complies with subsections (C) and (D) on or before July 31,
 2. The individual pays the late renewal fee prescribed under R4-33-104, and
 3. The individual affirms that the individual has not acted as a nursing care institution administrator since the license expired.
- F. An individual whose license expires because of failure to renew timely and who does not comply with subsection (E) may become licensed as a nursing care institution administrator only by complying with R4-33-201 or R4-33-202.

ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM

R4-33-301. Approval of an AIT Program

- A. The Board approves an AIT internship provided at an educational institution with a NAB-accredited program.
- B. The provider of an AIT program that does not meet the standard in subsection (A) may apply to the Board for approval of the AIT program. To apply for approval of an AIT program, the provider of the program shall submit to the Board:
1. A letter on official letterhead providing the following information:
 - a. Name, address, e-mail address, and telephone and fax numbers of the provider; and
 - b. Name, ~~and~~ telephone number, and e-mail address of an individual who can be contacted regarding the information provided;
 2. A description of the procedure required under R4-33-302(2)(d) to measure the success of an AIT and a copy of any materials used to measure the success of an AIT,
 3. A copy of the AIT program monitoring procedure required under R4-33-302(3) and any forms that are used in the monitoring,
 4. A copy of the certificate of completion required under R4-33-302(2)(e),
 5. A detailed outline of the training course required under R4-33-302(4)(d),
 6. A copy of the policy and procedures manual required under R4-33-302(5), and
 7. The signature of an authorized representative of the provider:
 - a. Affirming that the information provided is true and complete, and
 - b. Authorizing the Board to monitor the program's compliance with the standards in R4-33-302.
- C. The Board shall approve an AIT program that the Board determines meets the standards in R4-33-302. The Board's approval of an AIT program is valid for one year if the program remains in compliance with the standards in R4-33-302.
- D. To maintain approval of an AIT program, the provider of the AIT program shall, before the approval expires, submit:
1. The information required under subsection (B), or



- 2. The letter required under subsection (B)(1) and the signature of an authorized representative of the provider affirming that the materials previously submitted under subsections (B)(2) through (B)(6) continue to be true and complete and authorizing the Board to monitor the program’s compliance with the standards in R4-33-302.

ARTICLE 7. ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS

R4-33-701. Definitions

~~A.~~ ~~The~~ ~~In~~ ~~addition~~ ~~to~~ ~~the~~ ~~definitions~~ ~~in~~ ~~R4-33-601~~ ~~apply~~ ~~to~~ ~~this~~ ~~Article.~~ ~~the~~ ~~following~~ ~~definitions~~ ~~apply~~ ~~in~~ ~~this~~ ~~Article:~~

- 1. ~~“CMA” means certified medication assistant, an LNA certified by the Arizona Board of Nursing under A.R.S. § 32-1650.02.~~
- 2. ~~“CNA” means certified nursing assistant, an individual licensed by the Arizona Board of Nursing under A.R.S. § 32-1645.~~
- 3. ~~“DCW” means direct-care worker, an individual who meets the standards and requirements specified in Section 1240(A) of the Arizona Health Care Cost Containment System policy manual.~~
- ~~B.4.~~ “Distance learning” means the use of technology to teach students who may or may not be physically present in a classroom.
- 5. ~~“LNA” means licensed nursing assistant, an individual licensed by the Arizona Board of Nursing under A.R.S. § 32-1645.~~
- ~~C.6.~~ “Skills training” means experiential learning focused on acquiring the ability to provide caregiving services to residents.

R4-33-702. Minimum Standards for Assisted Living Facility Caregiver Training Program

A. Organization and administration. The owner of an assisted living facility caregiver training program shall:

- 1. Provide the Board with a written description of the training program that includes:
 - a. Length of the training program in hours:
 - i. Number of hours of classroom instruction,
 - ii. Number of hours of skills training, and
 - iii. Number of hours of distance learning, and
 - b. Educational goals that demonstrate the training program is consistent with state requirements;
- 2. Develop and adhere to written policies and procedures regarding:
 - a. Attendance. Ensure that a student receives at least ~~104~~ 62 hours of instruction;
 - b. Grading. Require a student to attain at least 75 percent on each theoretical examination or 75 percent on a comprehensive theoretical examination;
 - c. Reexamination. Inform students that a reexamination:
 - i. Addresses the same competencies examined in the original examination,
 - ii. Contains items different from those on the original examination, and
 - iii. Is documented in the student’s record;
 - d. Student records. Include the following information:
 - i. Records maintained,
 - ii. Retention period for each record,
 - iii. Location of records,
 - iv. Documents required under subsections (G)(1) and (G)(2), and
 - v. Procedure for accessing records and who is authorized to access records;
 - e. Student fees and financial aid, if any;
 - f. Withdrawal and dismissal;
 - g. Student grievances including a chain of command for disputing a grade;
 - h. Admission requirements including any criminal background or drug testing required;
 - i. Criteria for training program completion; and
 - j. Procedure for documenting that a student has received notice of the fingerprint clearance card requirement before the student is enrolled;
- 3. Date each policy and procedure developed under subsection (A)(2), review within one year from the date made and every year thereafter, update if necessary, and date the policy or procedure at the time of each review;
- 4. Provide each student who completes the training program with evidence of completion, within 15 days of completion, which includes the following:
 - a. Name of the student;
 - b. Name and classroom location of the training program;
 - c. Number of classroom, skills training, and distance learning hours in the training program;
 - d. Date on which the training program was completed;
 - e. Board’s approval number of the training program; and
 - f. Signature of the training program owner, administrator, or instructor;
- 5. Provide the Board, within 15 days of completion, the following information regarding each student who completed the training program:
 - a. Student’s name, date of birth, Social Security number, address, and telephone number;
 - b. Student’s examination ~~score~~ score as provided by a Board-approved provider;
 - c. Name and classroom location of the training program;
 - d. Number of classroom hours in the training program;
 - e. Number of distance learning hours in the training program;
 - f. Number of skills training hours in the training program;
 - g. Date on which the training program was completed; and
 - h. Board’s approval number of the training program; and
- 6. Execute and maintain under subsections (G)(1) and (G)(2) the following documents for each student:
 - a. A skills checklist containing documentation the student achieved competency in the assisted living facility caregiver skills listed in R4-33-703(C),



- b. A copy of the current food-handler's card issued to the student by the county in which the student lives, and
 - c. An evaluation form containing the student's responses to questions about the quality of the instructional experiences provided by the training program.
- B.** Program administrator responsibilities. The owner of an assisted living facility caregiver training program shall ensure that a program administrator performs the following responsibilities:
1. Supervises and evaluates the training program,
 2. Uses only instructors who are qualified under subsection (C), and
 3. Makes the written policies and procedures required under subsection (A)(2) available to each student on or before the first day of the training program;
- C.** The owner of an assisted living facility caregiver training program shall ensure that a program instructor is qualified under subsection (C)(1), (C)(2), or (C)(3):
1. Is a certified assisted living facility manager:
 - a. Holds an assisted living facility manager certificate that is in good standing and issued under A.R.S. Title 36, Chapter 4;
 - b. Has held the assisted living facility manager certificate referenced in subsection (C)(1)(a) for at least two years;
 - c. Has not been subject to disciplinary action against the assisted living facility manager certificate during the last two years; and
 - d. Has at least two years' experience within the last five years as an assisted living facility manager of record immediately before becoming a training program instructor;
 2. Is a licensed ~~medical~~ health professional:
 - a. Holds a license that is in good standing and issued under A.R.S. Title 32, Chapter, 13, 15, 17, or 25;
 - b. Has held the ~~medical~~ health professional license referenced in subsection (C)(2)(a) for at least two years;
 - c. Has not been subject to disciplinary action against the ~~medical~~ health professional license during the last two years; and
 - d. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor; or
 3. Other qualified individual:
 - a. Holds at least a baccalaureate degree in a health-related field from an accredited college or university;
 - b. Has not been subject to disciplinary action against any professional or occupational license or certificate during the last two years; and
 - c. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor.
- D.** The owner of an assisted living facility caregiver training program shall ensure that a program instructor performs the following responsibilities:
1. Plans each learning experience,
 2. Accomplishes educational goals of the training program and lesson objectives,
 3. Enforces a grading policy that meets the requirement specified in subsection (A)(2)(b),
 4. Requires satisfactory performance of all critical elements of each assisted living facility caregiver skill specified under R4-33-703(C),
 5. Prevents a student from performing an activity unless the student has received instruction and been found able to perform the activity competently,
 6. Is present in the classroom during all instruction,
 7. Uses a maximum of ~~26~~ 20 hours of distance learning,
 8. Supervises ~~health-care~~ health professionals who assist in providing training program instruction, and
 9. Ensures that a ~~health-care~~ health professional who assists in providing training program instruction:
 - a. Is licensed or certified as a ~~health-care~~ health professional,
 - b. Has at least one year of experience in the field of licensure or certification, and
 - c. Teaches only a learning activity that is within the scope of practice of the field of licensure or certification.
- E.** Skill training requirements. The owner of an assisted living facility caregiver training program shall:
1. Provide each student with at least ~~16~~ 12 hours of instructor-supervised skills training, and
 2. Ensure that each student develops skill proficiency in the subjects listed in R4-33-703(C).
- F.** Instructional and educational resources. The owner of an assisted living facility caregiver training program shall provide, or provide access to, the following instructional and educational resources adequate to implement the training program for all students and staff:
1. Current reference materials related to the level of the curriculum;
 2. Equipment in functional condition for simulating resident care, including:
 - a. Patient bed, over-bed table, and nightstand;
 - b. Privacy curtain and call bell;
 - c. Thermometers, stethoscopes, including a teaching stethoscope, blood-pressure cuff, and balance scale;
 - d. Hygiene supplies, elimination equipment, drainage devices, and linens;
 - e. Hand-washing equipment and clean gloves; and
 - f. Wheelchair, gait belt, walker, anti-embolic hose, and cane;
 3. Computer in good working condition;
 4. Audio-visual equipment and media; and
 5. Designated space that provides a clean, distraction-free, learning environment for accomplishing educational goals of the training program;
- G.** Records. The owner of an assisted living facility caregiver training program shall:
1. Maintain the following training program records for three years:
 - a. Curriculum and course schedule for each student cohort;



- b. Results of state-approved written examination and ~~manual~~ skills testing checklist;
- c. Evaluation forms completed by students, a summary of the evaluation forms for each student cohort, and measures taken, if any, to improve the training program based on student evaluations; and
- d. Copy of all Board reports, applications, or correspondence related to the training program; and
- 2. Maintain the following student records for three years:
 - a. Name, date of birth, and Social Security number;
 - b. Completed skills checklist;
 - c. Attendance record including a record of any make-up class sessions;
 - d. Score on each test, quiz, and examination and, if applicable, whether a test, quiz, or examination was retaken;
 - e. Documentation from the program instructor indicating the:
 - i. Number of skills training hours completed by the student,
 - ii. Student performance during the skills training, and
 - iii. Verification of distance learning hours completed by the student; and
 - f. Copy of the ~~certificate~~ evidence of completion issued to the student as required under subsection (A)(4);
- H. Examination and evaluation requirements for students. The owner of an assisted living facility caregiver training program shall ensure ~~that~~ each student in the training program:
 - 1. Takes an examination that covers each of the subjects listed in R4-33-703(C) and passes each examination using the standard specified in subsection (A)(2)(b);
 - 2. Is evaluated and determined to possess the practical skills listed in R4-33-703(C);
 - 3. Passes, using the standard specified in subsection (A)(2)(b), a final examination approved by the Board and given by a Board-approved provider; and
 - 4. Does not take the final examination referenced in subsection (H)(3) more than ~~two~~ three times. If a student fails the final examination referenced in subsection (H)(3) ~~two~~ three times, the student is able to obtain evidence of completion only by taking the assisted living facility caregiver training program again;
- I. Examination passing standard. The owner of an assisted living facility caregiver training program shall attain an annual first-time passing rate of 70 percent for all students who take the examination specified under subsection (H)(3). The Board may waive this requirement for a program if fewer than 10 students took the examination during the year.
- ~~I.J.~~ Periodic evaluation. The owner of an assisted living facility caregiver training program shall allow a representative of the Board or a state agency designated by the Board to conduct:
 - 1. A scheduled evaluation:
 - a. Before initial approval of the training program as specified under R4-33-704(D),
 - b. Before renewal of the training program approval as specified under R4-33-705(C), and
 - c. During a time of correction as specified under R4-33-706(B); and
 - 2. An onsite unscheduled evaluation of the training program if the evaluation is in response to a complaint or reasonable cause, as determined by the Board;
- ~~J.K.~~ Notice of change. The owner of an assisted living facility caregiver training program shall provide the documentation and information specified regarding the following changes within 10 days after making the change:
 - 1. New training program administrator. Name and license number;
 - 2. New instructor. Name, license number, and evidence of being qualified under subsection (C);
 - 3. Decrease in number of training program hours. Description of and reason for the change, a revised curriculum outline, and revised course schedule;
 - 4. Change in classroom location. Address of new location, if applicable, and description of the new classroom; and
 - 5. For a training program that is based within an assisted living facility:
 - a. Change in name of the facility. Former and new name of the assisted living facility; and
 - b. Change in ownership of the facility. Names of the former and current owners of the assisted living facility.
- ~~K.L.~~ Partial waiver of Reduced-hours training program hours. The owner of an assisted living facility caregiver training program: may provide a reduced-hours training program for a student who, at the time of admission, is in good standing and a CNA, LNA, or DCW.
 - 1. ~~May waive the following~~ The owner of an assisted living facility caregiver training program shall ensure a reduced-hours training program hours for a student who, at the time of admission, is a nursing assistant under A.R.S. Title 32, Chapter 15, and in good standing provides the following:
 - a. ~~Hours of classroom instruction listed in subsections R4-33-703(C)(2) through (C)(4) and (C)(6) through (C)(13), and For a CNA or LNA, the classroom instruction listed in subsection R4-33-703(C)(14); and~~
 - b. ~~Sixteen hours of skills training; and For a DCW, the classroom instruction listed in subsections R4-33-703(C)(1) through (C)(8), (C)(11), (C)(12), and (C)(14).~~
 - 2. ~~Shall~~ The owner of an assisted living facility caregiver training program shall ensure that a student to whom a waiver is provided under this subsection completes:
 - a. ~~Hours of classroom instruction listed in subsections R4-33-703(C)(1), (5), and (14); and~~
 - b. Examination a CNA, LNA, or DCW in a reduced-hours training program or a CMA complies fully with the examination and evaluation requirements in subsection (H).

R4-33-703. Curriculum for Assisted Living Facility Caregiver Training Program

- A. The owner of an assisted living facility caregiver training program shall ensure that the training program consists of at least ~~44~~ 62 hours of instruction including:
 - 1. ~~Eighty-eight~~ Fifty hours of classroom instruction, of which a maximum of ~~26~~ 20 hours may be provided by distance learning, and
 - 2. ~~Sixteen~~ Twelve hours of instructor-supervised skills training.



- B. The owner of an assisted living facility caregiver training program shall provide a written curriculum plan to each student that includes overall educational goals and for each required subject:
1. Measurable learner-centered objectives,
 2. Outline of the material to be taught,
 3. Time allotted to each unit of instruction, and
 4. Learning activities or reading assignments.
- C. The owner of an assisted living facility caregiver training program shall ensure that the training program includes classroom instruction and skills training regarding each of the following subjects:
1. Orientation to and overview of the assisted living facility caregiver training program (at least ~~two~~ one classroom ~~hours~~ hour).
 - a. Levels of care within an assisted living facility, and
 - b. Impact of each level of care on residents;
 2. Legal and ethical issues and resident rights (at least ~~five~~ two classroom hours).
 - a. Confidentiality (~~HPPA~~ HIPAA);
 - b. Ethical principles;
 - c. Resident rights specified in R9-10-710;
 - d. Abuse, neglect, and exploitation;
 - e. Mandatory reporting; and
 - f. Do-not-resuscitate order and advanced directives;
 3. Communication and interpersonal skills (at least ~~four~~ two classroom hours).
 - a. Components of effective communication,
 - b. Styles of communication,
 - c. Attitude in communication,
 - d. Barriers to effective communication:
 - i. Culture,
 - ii. Language, and
 - iii. Physical and mental disabilities, and
 - e. Techniques of communication;
 4. Job management skills (at least ~~four~~ one classroom ~~hours~~ hour).
 - a. Stress management, and
 - b. Time management;
 5. Service plans (at least ~~four~~ two classroom hours). Developing, using, and maintaining resident service plans;
 6. Infection control (at least ~~five~~ three classroom hours).
 - a. Common types of infectious diseases,
 - b. Preventing infection,
 - c. Controlling infection:
 - i. Washing hands,
 - ii. Using gloves, and
 - iii. Disposing of sharps and other waste;
 7. Nutrition and food preparation (at least ~~six~~ two classroom hours).
 - a. Basic nutrition;
 - b. Menu planning and posting;
 - c. Procuring, handling, and storing food safely; and
 - d. Special diets;
 8. Fire, safety, and emergency procedures (at least ~~five~~ two classroom hours).
 - a. Emergency planning,
 - b. Medical emergencies,
 - c. Environmental emergencies,
 - d. Fire safety,
 - e. Fire drills and evacuations, and
 - f. Fire-code requirements;
 9. Home environment and maintenance (at least ~~five~~ two classroom hours).
 - a. Housekeeping,
 - b. Laundry, and
 - c. Physical plant;
 10. Basic caregiver skills (at least ~~12~~ eight classroom hours).
 - a. Taking vital signs and measuring height and weight;
 - b. Maintaining a resident's environment;
 - c. Observing and reporting pain;
 - d. Assisting with diagnostic tests;
 - e. Providing assistance to residents with drains and tubes;
 - f. Recognizing and reporting abnormal changes to a supervisor;
 - g. Applying clean bandages;
 - h. Providing peri-operative care;
 - i. Assisting ambulation of residents including transferring and using assistive devices;
 - j. Bathing, caring for skin, and dressing;
 - k. Caring for teeth and dentures;



- l. Shampooing and caring for hair;
- m. Caring for nails;
- n. Toileting, caring for perineum, and caring for ostomy;
- o. Feeding and hydration including proper feeding techniques and use of assistive devices in feeding;
- p. Preventing pressure sores; and
- q. Maintaining and treating skin;
- 11. Mental health and social service needs (at least ~~seven~~ three classroom hours).
 - a. Modifying the caregiver’s behavior in response to resident behavior,
 - b. Understanding the developmental tasks associated with the aging process,
 - c. Responding to resident behavior,
 - d. Promoting resident dignity,
 - e. Providing culturally sensitive care,
 - f. Caring for the dying resident, and
 - g. Interacting with the resident’s family;
- 12. Care of the cognitively impaired resident (at least ~~eight~~ four classroom hours).
 - a. Anticipating and addressing the needs and behaviors of residents with dementia or Alzheimer’s disease,
 - b. Communicating with cognitively impaired residents,
 - c. Understanding the behavior of cognitively impaired residents, and
 - d. Reducing the effects of cognitive impairment;
- 13. Skills for basic restorative services (at least ~~five~~ two classroom hours).
 - a. Understanding body mechanics;
 - b. Assisting resident self-care;
 - c. Using assistive devices for transferring, walking, eating, and dressing;
 - d. Assisting with range-of-motion exercises;
 - e. Providing bowel and bladder training;
 - f. Assisting with care for and use of prosthetic and orthotic devices; and
 - g. Facilitating family and group activities; and
- 14. Medication management (at least 16 classroom hours).
 - a. Determining whether a resident needs assistance with medication administration and if so, the nature of the assistance;
 - b. Assisting a resident to self-administer medication;
 - c. Observing, documenting, and reporting changes in resident condition before and after medication is administered;
 - d. Knowing the rights of a resident regarding medication administration;
 - e. Knowing classifications of and responses to medications;
 - f. Taking, reading, and implementing a physician’s medication and treatment orders;
 - g. Storing medication properly and securely;
 - h. Documenting medication and treatment services;
 - i. Maintaining records of medication and treatment services;
 - j. Using medication organizers properly;
 - k. Storing and documenting use of narcotic drugs and controlled substances;
 - l. Understanding how metabolism and physical conditions affect medication absorption;
 - m. Knowing the proper administration of all forms of medication;
 - n. Using drug-reference guides (Physician’s Desk Reference); and
 - o. Preventing, identifying, documenting, reporting, and responding to medication errors.
- D. The owner of an assisted living facility caregiver training program shall ensure that the training program:
 - 1. Provides a student with at least the number of classroom hours specified in subsection (C);
 - 2. ~~Provides no more than 26 of the~~ Subject to the limitations specified, uses distance learning for a maximum of 20 hours only for the classroom hours specified in subsections (C)(1), (C)(4), (C)(5), (C)(7), (C)(8), and through (C)(9), (C)(11) and (C)(12): by distance learning; and
 - a. Only one of the classroom hours specified in subsection (C)(6) may be taught by distance learning; and
 - b. Only two of the classroom hours specified in subsection (C)(12) may be taught by distance learning.
 - 3. Provides a student with at least the number of skills training hours specified in subsection (A)(2).
- E. The owner of an assisted living facility caregiver training program shall ensure that the training program uses textbooks that are relevant to the subjects being taught and have been published within the last five years.
- F. The owner of an assisted living facility caregiver training program shall ensure that any distance learning provided uses materials that are relevant to the subjects being taught and have been produced within the last five years.

R4-33-703.1. Minimum Standards and Curriculum for an Assisted Living Facility Caregiver Medication Management Training Program

- A. An assisted living facility caregiver medication management training program may be established by:
 - 1. The owner or manager of an assisted living facility, or
 - 2. The owner of an assisted living facility caregiver training program.
- B. A person under subsection (A) may offer an assisted living facility caregiver medication management training program to a CNA or LNA who is in good standing.
- C. A person under subsection (A) that offers an assisted living facility caregiver medication management training program to individuals specified under subsection (B) shall ensure the assisted living facility caregiver medication management training program:
 - 1. Consists of at least the 16 classroom hours specified under R4-33-703(C)(14);
 - 2. Is not taught by distance learning;



3. Is taught by a health professional who holds a license in good standing and issued under A.R.S. Title 32, Chapter 13, 15, 17, 18, or 25; and
 4. Complies fully with the examination and evaluation requirements specified in R4-33-702(H).
- D.** In addition to complying with subsection (C), a person under subsection (A) that offers an assisted living facility caregiver medication management training program to individuals specified under subsection (B) shall comply with the following subsections of R4-33-702:
1. (A)(4)(a), (b), and (d) through (f);
 2. (A)(5)(a) through (d), (g), and (h);
 3. (A)(6);
 4. (G)(1)(b) through (d);
 5. (G)(2)(a) through (d) and (f);
 6. (I) and
 7. (J).

R4-33-704. Application for Approval of an Assisted Living Facility Caregiver Training Program

- A.** The owner of an assisted living facility caregiver training program shall ensure that no training is provided until the program is approved by the Board.
- B.** To obtain approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board an application packet that contains the following:
1. Name, address, telephone number, and e-mail address of the owner;
 2. Name, address, telephone and fax numbers, and web site of the training program;
 3. Form of business organization under which the training program is operated and a copy of the establishing documents and organizational chart;
 4. A statement of whether the training program is based within an assisted living facility or other location;
 5. Name, telephone number, e-mail address, and license or certificate number of the program administrator required under R4-33-702(B);
 6. Name, telephone number, e-mail address, and certificate license number of each program instructor and evidence ~~that~~ each program instructor is qualified under R4-33-702(C);
 7. A statement of whether the training program is accredited and if so, name of the accrediting body and date of last review;
 8. For all assisted living facilities at which the training program will provide instruction:
 - a. Name, address, and telephone number of the assisted living facility;
 - b. Name, e-mail address, and telephone number of a contact person at the assisted living facility;
 - c. License number of the assisted living facility issued by the Department of Health Services;
 - d. A statement of whether the license of the assisted living facility is in good standing; and
 - e. Date and results of the most recent compliance inspection conducted by the Department of Health Services;
 9. Evidence of compliance with R4-33-702 and R4-33-703, including the following:
 - a. Written training program description, consistent with R4-33-702(A)(1), and an implementation plan that includes time-lines;
 - b. Description of classroom facilities, equipment, and instructional tools available, consistent with R4-33-702(F);
 - c. Written curriculum, consistent with R4-33-703(C);
 - d. Skills checklist used to verify whether a student has acquired the necessary assisted living facility caregiver skills, consistent with R4-33-702(A)(6)(a);
 - e. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program;
 - f. Evidence of completion issued to a student under R4-33-702(A)(4);
 - g. Name of textbook used, author, publication date, and publisher;
 - h. Name of any distance learning materials used, producer of the material, and date produced; and
 - i. Copy of written policies and procedures required under R4-33-702(A)(2);
 10. Signature of the owner of the training program; and
 11. The fee prescribed under R4-33-104(D)(1).
- C.** The owner of an assisted living facility caregiver training program shall ensure ~~that~~ the application materials submitted under subsection (B) are printed on only one side of white, letter-sized paper, and are not bound in any manner.
- D.** After review of the materials submitted under subsection (B), the Board shall schedule an onsite evaluation of the training program and take one of the following actions:
1. If requirements are met, approve the training program for one year; or
 2. If requirements are not met, deny approval of the training program.
- E.** The owner of an assisted living facility caregiver training program that is denied approval by the Board may request a hearing regarding the denial by filing a written request with the Board within 30 days after service of the Board's order denying approval of the training program. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

R4-33-704.1. Application for Approval of an Assisted Living Facility Caregiver Medication Management Training Program

- A.** A person described under R4-33-703.1(A) shall ensure no training is provided until the assisted living facility medication management training program is approved by the Board.
- B.** To obtain approval of an assisted living facility medication management training program, a person described under R4-33-703.1(A) shall submit to the Board an application packet the contains the following:
1. Name, address, telephone number, and e-mail address of the person described under R4-33-703.1(A);



- 2. A statement of whether the training program is based within an assisted living facility or other location and address of the location;
- 3. Name, telephone number, e-mail address, and license number of each program instructor and evidence each program instructor is qualified under R4-33-703.1(C)(3);
- 4. The information required under R4-33-704(B)(8);
- 5. The following evidence of compliance with R4-33-703.1(D):
 - a. Skills checklist used to verify whether a student has acquired the necessary assisted living facility caregiver skills, consistent with R4-33-702(A)(6)(a);
 - b. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program; and
 - c. Evidence of completion issued to a student under R4-33-702(A)(4);
- 6. Signature of the person described under R4-33-703.1(A); and
- 7. The fee prescribed under R4-33-104(E)(1) except a person that has an assisted living facility caregiver training program approved under R4-33-704 is not required to pay a fee for approval under this Section.

C. R4-33-704(C) through (E) applies to this Section.

R4-33-705. Renewal of Approval of an Assisted Living Facility Caregiver Training Program

- A. The approval of an assisted living facility caregiver training program expires one year from the date of approval. If the approval of ~~an assisted living facility caregiver~~ the training program expires, the owner of the training program shall immediately stop all training program activity.
- B. To renew approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board, no fewer than 60 and no more than 120 days before expiration of the current approval, an application packet that contains the following:
 - 1. Name, address, telephone number, and e-mail address of the owner;
 - 2. Name, address, telephone and fax numbers, and web site of the training program;
 - 3. Name, telephone number, e-mail address, and license number of the program administrator required under R4-33-702(B);
 - 4. Name, telephone number, e-mail address, and license number of each program instructor and evidence ~~that~~ each program instructor is qualified under R4-33-702(C);
 - 5. Written training program description, consistent with R4-33-702(A)(1);
 - 6. Written curriculum, consistent with R4-33-703(C);
 - 7. Since the time the training program was last approved:
 - a. Number of student-cohort classes to which training was provided,
 - b. Number of students who completed the training program,
 - c. Results obtained on the Board-approved written examination and skills ~~examinations-checklist~~ for each student, and
 - d. Percentage of students who passed the ~~examinations~~ examination on the first attempt;
 - 8. For an assisted living facility at which the training program has started to provide instruction since the training program was last approved, the information required under R4-33-704(B)(8);
 - 9. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program;
 - 10. Summary of evaluations for each student cohort, required under R4-33-702(G)(1)(c), and measures taken, if any, to improve the training program based on student evaluations;
 - 11. Evidence of completion issued to a student under R4-33-702(A)(4);
 - 12. Name of textbook used, author, publication date, and publisher;
 - 13. Name of any distance learning materials used, producer of the material, and date produced;
 - 14. Copy of written policies and procedures required under R4-33-702(A)(2);
 - 15. Signature of the owner of the training program; and
 - 16. The fee prescribed under R4-33-104(D)(2).
- C. After review of the materials submitted under subsection (B), the Board shall ensure ~~that~~ the training program is evaluated at either an onsite or telephonic meeting. The program owner shall ensure ~~that~~ the program owner, program administrator, and all instructors are available to participate in the evaluation meeting.
- D. The Board shall ensure ~~that~~ each training program receives an onsite evaluation at least every four years. An onsite evaluation includes visiting each assisted living facility at which the training program provides instruction.
- E. If the Board approves a training program following an onsite evaluation, no deficiencies were identified during the onsite evaluation, and no complaints are filed with the Board, the Board shall evaluate the training program under subsection (C) using a telephonic meeting for at least two years.
- F. After conducting the evaluation required under subsection (C), the Board shall:
 - 1. Renew approval of a training program ~~that~~ the Board determines complies with R4-33-702 and R4-33-703, or
 - 2. Issue a notice of deficiency under R4-33-706 to the owner of a training program ~~that~~ the Board determines does not comply with R4-33-702 or R4-33-703.
- G. The owner of an assisted living facility training program that is issued a notice of deficiency by the Board under subsection (F)(2) may request a hearing regarding the deficiency notice by filing a written request with the Board within 30 days after service of the Board's order. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

R4-33-705.1. Renewal of Approval of an Assisted Living Facility Caregiver Medication Management Training Program

- A. The approval of an assisted living facility caregiver medication management training program expires one year from the date of approval. If the approval expires, the person described under R4-33-703.1(A) shall immediately stop all medication management training program activity.



- B.** To renew approval of an assisted living facility caregiver medication management training program, the person described under R4-33-703.1(A) shall submit to the Board, no fewer than 60 and no more than 120 days before expiration of the current approval, an application packet that contains the following:
1. Name, address, telephone number and e-mail address of the person described under R4-33-703.1(A);
 2. Name, telephone number, e-mail address, and license number of each program instructor and evidence each program instructor is qualified under R4-33-703.1(C)(3);
 3. The information required under R4-33-705(B)(7) through (11);
 4. Signature of the person described under R4-33-703.1(A); and
 5. The fee prescribed under R4-33-104(E)(2) except a person that has approval of an assisted living facility caregiver training program renewed under R4-33-705 is not required to pay a fee for approval under this Section.
- C.** R4-33-705(C) through (G) applies to this Section.

R4-33-706. Notice of Deficiency; Correction Plan; Disciplinary Action; Voluntary Termination

- A.** Notice of deficiency. If the Board determines ~~that~~ an assisted living facility caregiver or medication management training program does not comply with the requirements in this Article, the Board shall issue a written notice of deficiency to the ~~owner~~ program owner or person described under R4-33-703.1(A) of the training. The Board shall include the following in the notice of deficiency:
1. Description of each deficiency;
 2. Citation to the requirement in this Article with which the training program is not in compliance; and
 3. The time, to a maximum of three months, allowed by the Board for correction of the deficiencies.
- B.** Correction plan.
1. Within 10 days after service of a notice of deficiency under subsection (A), the owner or person described under R4-33-703.1(A) of the served training program shall submit to the Board a written plan to correct the identified deficiencies;
 2. The Board may conduct onsite or telephonic evaluations during the time for correction to assess progress towards compliance;
 3. The owner or person described under R4-33-703.1(A) of a training program implementing a correction plan shall notify the Board when all corrections have been made; and
 4. After receiving notice under subsection (B)(3) or after the time provided under subsection (A)(3) has expired, the Board shall conduct an onsite evaluation to determine whether all deficiencies listed in the notice under subsection (A) have been corrected.
 - a. If the Board determines ~~that~~ all deficiencies have been corrected, the Board shall renew approval of the training program;
 - b. If the Board determines ~~that~~ all deficiencies have not been corrected, the Board shall take disciplinary action under subsection (C).
- C.** Disciplinary action.
1. Under A.R.S. § 36-446.03(P), the Board shall issue a civil money penalty, suspend or revoke approval of an assisted living facility caregiver or medication management training program, or place the training program on probation if, following a hearing, the Board determines that the owner or the person described under R4-33-703.1(A) ~~of the assisted living facility caregiver training program:~~
 - a. Failed to submit a plan of correction to the Board under R4-33-706(B) within 10 days after service of a notice of deficiency;
 - b. Failed to comply with R4-33-702, ~~or R4-33-703,~~ or R4-33-703.1, as applicable, within the time set by the Board under R4-33-706(A)(3) for correction of deficiencies;
 - c. Failed to comply with a federal or state requirement;
 - d. Failed to allow the Board to conduct an evaluation under ~~R4-33-702(I)~~ R4-33-702(J) or R4-33-703.1(D)(6);
 - e. Failed to comply with ~~R4-33-702(J)~~ R4-33-702(K);
 - f. Lent or transferred training program approval to another individual or entity or another training program, including one owned by the same owner or person described under R4-33-703.1(A);
 - g. Conducted an assisted living facility caregiver or medication management training program before obtaining Board approval;
 - h. Conducted an assisted living facility caregiver or medication management training program after expiration of program approval without timely submitting an application for renewal under R4-33-705 or R4-33-705.1, as applicable;
 - i. Falsified an application for assisted living facility caregiver or medication management training program approval under R4-33-704, ~~or R4-33-704.1,~~ R4-33-705, or R4-33-705.1;
 - j. Violated an order, condition of probation, or stipulation issued by the Board; or
 - k. Failed to respond to a complaint filed with the Board.
 2. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.
 3. The Board shall include in an order suspending or revoking approval of an assisted living facility caregiver or medication management training program the time and circumstances under which the owner or person described under R4-33-703.1(A) of the suspended or revoked training program may apply again under R4-33-704 or R4-33-704.1 for training program approval.
- D.** Voluntary termination. If the owner or person described under R4-33-703.1(A) of an approved assisted living facility caregiver or medication management training program decides to terminate the training program, the owner or person described under R4-33-703.1(A) shall:
1. Provide written notice of the planned termination to the Board; and
 2. Ensure that the training program, including the instructors, is maintained according to this Article until the last student is transferred or completes the training program.



NOTICE OF PROPOSED RULEMAKING
TITLE 21. CHILD SAFETY
CHAPTER 9. DEPARTMENT OF CHILD SAFETY
ADOPTION AGENCY LICENSING

[R18-65]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
4. The agency's contact person who can answer questions about the rulemaking:
5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:
6. 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:
7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
8. The preliminary summary of the economic, small business, and consumer impact:
9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:



Phoenix, AZ 85012
 Telephone: (602) 255-2569
 E-mail: Angelica.Trevino@azdcs.gov
 Web site: https://dcs.az.gov/about/dcs-rules-rulemaking

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department does not intend to hold oral proceedings on these rules unless a written request for an oral proceeding is requested within 30-days of the publication of these rules. The Department will accept written comments on these rules for 30 days after the date of this publication. Comments may be submitted by:

Email: PolicyUnit@azdcs.gov
 Mail: Department of Child Safety
 Family Resources and Policy Unit
 P.O. Box 6030
 Phoenix, AZ 85005

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

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:

An individual license is required to operate an adoption agency. Adoption agency licenses are exempt under A.R.S. § 41-1037 and do not require a general permit.

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

42 U.S.C. 671. The rules are not more stringent than federal law.

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:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

**TITLE 21. CHILD SAFETY
 CHAPTER 9. DEPARTMENT OF CHILD SAFETY
 ADOPTION AGENCY LICENSING**

ARTICLE 2. ADOPTION AGENCY LICENSING REQUIREMENTS

Section
R21-9-202. Adoption Agency License; Initial Application Package; Fee
R21-9-207. Application for License Renewal; Fee

ARTICLE 2. ADOPTION AGENCY LICENSING REQUIREMENTS

R21-9-202. Adoption Agency License; Initial Application Package; Fee

A. A person who wants to operate an adoption agency shall initiate the licensing process by completing an application package for an adoption agency license.

B. A complete application package for an initial adoption agency license shall contain the information and the supporting documentation listed in this subsection:

1. Identification and background information, including the following information for the adoption agency, facility, and administrators:

a. Name, address, telephone, and fax numbers for the adoption agency and all offices operated by the adoption agency;

b. Name, title, business address, telephone and fax numbers, and email address of:

i. The person who serves as the adoption agency administrator as prescribed in R21-9-211;

ii. The person who serves as the Social Services Director as prescribed in R21-9-212;

iii. The person with delegated authority to act when the adoption agency administrator is absent;

iv. The person in charge of each separate office;

v. The registered agent, if applicable; and

vi. Persons holding at least a 10 percent ownership interest in the adoption agency applicant;

c. The educational qualifications and work history for each person identified in R21-9-214, with that person’s attached resume or employment application;

d. A list of the members of the adoption agency’s governing body required by R21-9-210, including name, address, position in the adoption agency, term of membership, and any relationship to the adoption agency applicant;



- e. If applicable, a written description of any proceedings pending or filed, brought against the adoption agency applicant or a person listed in R21-9-210 through R21-9-214, adoption agency employees, partners, or independent contractors, including those held in this state or another state or country; for denial, suspension, or revocation of a license or certificate for provision of:
 - i. Adoption services; or
 - ii. Social services, including child welfare, child care, or any other programs or services to children, elderly, or vulnerable adults; and
 - f. If applicable, a written description of any litigation in which the adoption agency applicant or a person listed in R21-9-210 through R21-9-214 is or has been a party, including, collection matters and bankruptcy proceedings, during the 10 years preceding the date of application for the adoption agency license.
2. Business organization.
- a. An organizational chart for the adoption agency and each separate office, showing administrative structure, lines of authority, and staff;
 - b. Business organization documents appropriate to the adoption agency applicant, including:
 - i. Articles of incorporation,
 - ii. By-laws,
 - iii. Articles of organization, or
 - iv. Partnership documents, such as the Partnership Agreement;
 - c. Annual reports for the preceding three years if the adoption agency has been in existence for three or more years;
 - d. For corporations, or limited liability companies, a certificate of good standing from the Arizona Corporation Commission;
 - e. A copy of any license or authorization to perform adoption services in a foreign country; and
 - f. A consent allowing any out-of-state or foreign licensing authority to release information on the adoption agency applicant to OLR.
3. Staff.
- a. A list of the adoption agency applicant's paid or unpaid staff, including:
 - i. Name,
 - ii. Position or title,
 - iii. Degrees,
 - iv. Certificates,
 - v. Licenses held,
 - vi. Business address,
 - vii. Date of hire,
 - viii. Date of submission for fingerprinting and criminal background clearance, and
 - ix. If contracted with the Department, a Central Registry check;
 - b. Obtain and provide to the Department evidence that all staff, interns, and volunteers have submitted fingerprints and criminal background information as prescribed in A.R.S. § 46-141, R21-9-214, and R21-9-215.
4. Financial Stability.
- a. A written, proposed operating budget for startup and a projected or annual budget for the first year of operation;
 - b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
 - c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
 - d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining nine months of the licensing year; the resources may include:
 - i. Cash,
 - ii. Contracts for placement,
 - iii. Donations,
 - iv. Letters of commitment from financial backers or investors,
 - v. Grants, and
 - vi. Authorization for a line of credit;
 - e. If the adoption agency applicant, the adoption agency administrator, a Board Member, or any adoption agency employee or partner has operated any adoption agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that adoption agency, unless the most recent statement or audit is more than 10 years old; and
 - f. A certificate of insurance, or letter of commitment from an insurer, showing that the adoption agency applicant has insurance coverage as prescribed in R21-9-223.
5. Program.
- a. Informational, marketing, or advertising material about the adoption agency;
 - b. Program description, including:
 - i. All adoption services the adoption agency applicant intends to provide;
 - ii. The fee the adoption agency applicant will charge for each service;
 - iii. The cost to the adoption agency applicant of providing each service;
 - iv. The time in the adoption process when the adoption agency applicant will require a client to pay the fee described in R21-9-231;
 - v. The anticipated number of clients the adoption agency applicant will serve; and
 - vi. The methods the adoption agency applicant will use to recruit birth parents and prospective adoptive parents; and



- c. A written explanation of how the adoption agency applicant will provide adoption services, including:
 - i. The number and description of staff who will provide the service, and
 - ii. Staff training requirements.
- 6. Documentation, Forms, and Notices. Samples of all documents, forms, and notices, which the adoption agency applicant will use with or provide to a client, including:
 - a. Adoption agency application for services;
 - b. Adoptive parent certification application;
 - c. Fee policy and schedule as prescribed by R21-9-231;
 - d. Sample birth parent relinquishment and consent form;
 - e. Informational or advertising brochures;
 - f. Sample fee agreement;
 - g. Sample birth parent agreement letter;
 - h. Intake form;
 - i. Sample case file;
 - j. Court report format; and
 - k. Statistical report.
- 7. Sample Files. A sample of the type of filing format the adoption agency applicant will utilize for personnel files as prescribed in R21-9-216, and client files as prescribed in R21-9-226 and R21-9-227.
- 8. Policies and Procedures. Copies of the adoption agency applicant's internal policies and operations manual.
- 9. Physical site and environment.
 - a. The floor plan for each office or location designated for conducting private discussions, interviews, and meetings;
 - b. A description of the adoption agency applicant's computer security system and the adoption agency applicant's confidentiality safeguards; and
 - c. Registration and inspection certificates for all vehicles used to transport a client or children.
- 10. Miscellaneous.
 - a. A signed, written statement authorizing OLR to investigate the adoption agency applicant;
 - b. The signature, under penalty of perjury, of the adoption agency administrator or authorized person submitting the application, attesting to the truthfulness of the information contained in the application;
 - c. The date of application; and
 - d. Board or partnership meeting minutes for the past three years if the adoption agency has been in existence for three or more years.
- 11. Fee. Pay a non-refundable, initial application fee of \$400.
- C. An adoption agency that does not have or maintain all or part of the supporting documentation listed in this Section shall so indicate in a written statement filed with the application.

R21-9-207. Application for License Renewal; Fee

- A. No earlier than 90 days and no later than 45 days prior to the expiration date of a license, an adoption agency may apply to OLR for license renewal.
- B. The renewal application shall be on a Department form containing the information listed in R21-9-202 and R21-9-203, as applicable.
- C. The adoption agency shall submit evidence that each current employee has obtained a new fingerprint clearance card every six years following original clearance.
- D. An adoption agency shall submit copies of the supporting documents listed in R21-9-202 if the adoption agency has changed, amended, or updated such documents since the adoption agency last renewed its license.
- E. With a renewal application, the adoption agency shall also submit a non-refundable renewal fee of \$225 and the following documentation:
 - 1. A current financial statement;
 - 2. A copy of the adoption agency's current operating budget and a recent audit report required by R21-9-222 or if applicable, the documentation required by R21-9-222 subsection (C);
 - 3. Copies of any written complaints the adoption agency has received about its performance during the expiring license year; and
 - 4. A written description of any changes in program services or locations, or the population served by the adoption agency.