



Bill Number: S.B. 1242

Pace Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- Defines *felony involving violence or financial fraud* for the purposes of licensing of nursing care institution administrators and certification of assisted living facilities managers.

PACE FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1242
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 36-446, Arizona Revised Statutes, is amended to
3 read:

4 36-446. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administrator" or "nursing care institution administrator" means
7 a person who is charged with the general administration of a nursing care
8 institution, whether or not that person has an ownership interest in the
9 institution and whether or not the person's functions and duties are shared
10 with others.

11 2. "Assisted living facility" has the same meaning prescribed in
12 section 36-401.

13 3. "Assisted living facility manager" means a person who has
14 responsibility for administering or managing an assisted living facility,
15 whether or not that person has an ownership interest in the institution and
16 whether or not the person's functions and duties are shared with others.

17 4. "Assisted living facility training program" includes:

18 (a) Training that is required for assisted living facility manager
19 certification.

1 (b) Training that is required for assisted living facility
2 caregivers and that is either:

3 (i) Consistent with the training, competency and test methodology
4 standards developed by the Arizona health care cost containment system
5 administration for in-home direct care workers.

6 (ii) As prescribed in section 36-446.16.

7 5. "Board" means the board of examiners of nursing care institution
8 administrators and assisted living facility managers.

9 6. "Department" means the department of health services.

10 7. "Directed care services" has the same meaning prescribed in
11 section 36-401.

12 8. "Director" means the director of the department of health
13 services.

14 9. "FELONY INVOLVING VIOLENCE OR FINANCIAL FRAUD" MEANS ANY OF THE
15 FOLLOWING OFFENSES:

16 (a) SEXUAL ABUSE OF A VULNERABLE ADULT.

17 (b) HOMICIDE, INCLUDING FIRST OR SECOND DEGREE MURDER, MANSLAUGHTER
18 OR NEGLIGENT HOMICIDE.

19 (c) SEXUAL ASSAULT.

20 (d) SEXUAL EXPLOITATION OF A VULNERABLE ADULT.

21 (e) COMMERCIAL SEXUAL EXPLOITATION OF A VULNERABLE ADULT.

22 (f) CHILD ABUSE.

23 (g) ABUSE OF A VULNERABLE ADULT.

- 1 (h) MOLESTATION OF A CHILD.
- 2 (i) MOLESTATION OF A VULNERABLE ADULT.
- 3 (j) A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705.
- 4 (k) NEGLECT OR ABUSE OF A VULNERABLE ADULT.
- 5 (l) SEXUAL ABUSE.
- 6 (m) CAUSING ONE'S SPOUSE TO BECOME A PROSTITUTE.
- 7 (n) DETENTION OF PERSONS IN A HOUSE OF PROSTITUTION FOR DEBT.
- 8 (o) PANDERING.
- 9 (p) A FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN
10 SECTION 13-3601 EXCEPT FOR A FELONY OFFENSE INVOLVING ONLY CRIMINAL DAMAGE
11 IN AN AMOUNT OF MORE THAN \$250 BUT LESS THAN \$1,000 IF THE OFFENSE WAS
12 COMMITTED BEFORE JUNE 29, 2009.
- 13 (q) ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12.
- 14 (r) FELONY INDECENT EXPOSURE.
- 15 (s) FELONY PUBLIC SEXUAL INDECENCY.
- 16 (t) TERRORISM.
- 17 (u) ANY OFFENSE INVOLVING A VIOLENT CRIME AS DEFINED IN SECTION
18 13-901.03.
- 19 (v) AGGRAVATED CRIMINAL DAMAGE.
- 20 (w) THEFT.
- 21 (x) THEFT BY EXTORTION.
- 22 (y) FORGERY.
- 23 (z) CRIMINAL POSSESSION OF A FORGERY DEVICE.

1 (aa) OBTAINING A SIGNATURE BY DECEPTION.

2 (bb) THEFT OF A CREDIT CARD OR OBTAINING A CREDIT CARD BY FRAUDULENT
3 MEANS.

4 (cc) RECEIPT OF ANYTHING OF VALUE OBTAINED BY FRAUDULENT USE OF A
5 CREDIT CARD.

6 (dd) FORGERY OF A CREDIT CARD.

7 (ee) FRAUDULENT USE OF A CREDIT CARD.

8 (ff) POSSESSION OF ANY MACHINERY, PLATE OR OTHER CONTRIVANCE OR
9 INCOMPLETE CREDIT CARD.

10 (gg) A FALSE STATEMENT AS TO FINANCIAL CONDITION OR IDENTITY TO
11 OBTAIN A CREDIT CARD.

12 (hh) FRAUD BY PERSONS AUTHORIZED TO PROVIDE GOODS OR SERVICES.

13 (ii) CREDIT CARD TRANSACTION RECORD THEFT.

14 (jj) ADDING POISON OR ANOTHER HARMFUL SUBSTANCE TO FOOD, DRINK OR
15 MEDICINE.

16 (kk) A CRIMINAL OFFENSE INVOLVING CRIMINAL TRESPASS UNDER TITLE 13,
17 CHAPTER 15.

18 (ll) A CRIMINAL OFFENSE INVOLVING BURGLARY UNDER TITLE 13,
19 CHAPTER 15.

20 (mm) A CRIMINAL OFFENSE UNDER TITLE 13, CHAPTER 23, EXCEPT
21 TERRORISM.

22 (nn) A FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN
23 SECTION 13-3601 IF THE OFFENSE INVOLVED ONLY CRIMINAL DAMAGE IN AN AMOUNT

1 OF MORE THAN \$250 BUT LESS THAN \$1,000 AND THE OFFENSE WAS COMMITTED BEFORE
2 JUNE 29, 2009.

3 (oo) TAKING THE IDENTITY OF ANOTHER PERSON OR ENTITY.

4 (pp) AGGRAVATED TAKING THE IDENTITY OF ANOTHER PERSON OR ENTITY.

5 (qq) TRAFFICKING IN THE IDENTITY OF ANOTHER PERSON OR ENTITY.

6 (rr) WELFARE FRAUD.

7 (ss) KIDNAPPING.

8 (tt) ROBBERY, AGGRAVATED ROBBERY OR ARMED ROBBERY.

9 ~~9.~~ 10. "Nursing care institution":

10 (a) Means an institution or other place, however named, whether for
11 profit or not, including facilities operated by this state or a subdivision
12 of this state, that is advertised, offered, maintained or operated for the
13 express or implied purpose of providing care to persons who need nursing
14 services on a continuing basis but who do not require hospital care or care
15 under the daily direction of a physician.

16 (b) Does not include:

17 (i) An institution for the care and treatment of the sick that is
18 operated only for those who rely solely on treatment by prayer or spiritual
19 means in accordance with the tenets of a recognized religious denomination.

20 (ii) Nursing care services that are an integral part of a hospital
21 licensed pursuant to this chapter.

22 ~~10.~~ 11. "Unprofessional conduct" includes:

23 (a) Dishonesty, fraud, incompetency or gross negligence in
24 performing administrative duties.

1 (b) Gross immorality or proselytizing religious views on patients
2 without their consent.

3 (c) Other abuses of official responsibilities, which may include
4 intimidating or neglecting patients."

5 Renumber to conform

6 Amend title to conform

TYLER PACE

1242FloorPACE
02/09/2022
6:10 PM
C: MH