

REFERENCE TITLE: nursing homes; advisory council

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HB 2388

Introduced by  
Representatives Longdon: Dunn

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 36-420.02; RELATING TO HEALTH CARE INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4, article 1, Arizona Revised  
3 Statutes, is amended by adding section 36-420.02, to read:

4 36-420.02. Nursing care institution advisory council; duties;  
5 membership; meetings; annual report

6 A. THE NURSING CARE INSTITUTION ADVISORY COUNCIL IS ESTABLISHED IN  
7 THE DEPARTMENT TO:

8 1. ADVISE THE DEPARTMENT ON MATTERS RELATED TO THE OVERSIGHT OF  
9 NURSING CARE INSTITUTIONS AND ON ISSUES CONCERNING NURSING CARE  
10 INSTITUTION RESIDENTS AND THEIR FAMILIES.

11 2. FOSTER COMMUNICATION WITH THE PUBLIC REGARDING NURSING CARE  
12 INSTITUTIONS.

13 B. THE RESPONSIBILITIES OF THE ADVISORY COUNCIL INCLUDE:

14 1. ANALYZING AND REVIEWING:

15 (a) THE RESULTS OF NURSING CARE INSTITUTION INSPECTIONS AND SURVEYS  
16 THAT ARE CONDUCTED BY THE DEPARTMENT, INCLUDING THE PENALTIES ASSESSED  
17 AGAINST NURSING CARE INSTITUTIONS.

18 (b) THE DEPARTMENT'S ADHERENCE TO FEDERAL GUIDANCE CONCERNING STATE  
19 INSPECTIONS OF NURSING CARE INSTITUTIONS.

20 2. RECEIVING PUBLIC COMMENTS ON THE RESULTS OF NURSING CARE  
21 INSTITUTION INSPECTIONS AND SURVEYS.

22 3. CONSULTING WITH THE STATE LONG-TERM CARE OMBUDSMAN AS NECESSARY.

23 4. REVIEWING THE DATA PROVIDED TO THE ADVISORY COUNCIL BY THE  
24 DEPARTMENT, THE AUDITOR GENERAL AND THE OFFICE OF STATE LONG-TERM CARE  
25 OMBUDSMAN TO:

26 (a) IDENTIFY AREAS OF CONCERN WITHIN THE NURSING CARE INSTITUTION  
27 INDUSTRY.

28 (b) DEVELOP RECOMMENDATIONS FOR POLICIES, PLANS OR STRATEGIES TO  
29 FOSTER IMPROVEMENTS IN QUALITY OF CARE, RESIDENT AND STAFF SAFETY AND  
30 OVERALL PERFORMANCE IN NURSING CARE INSTITUTIONS LICENSED IN THIS STATE.

31 C. THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

32 1. THE STATE LONG-TERM CARE OMBUDSMAN, THE DIRECTOR OF THE ARIZONA  
33 HEALTH CARE COST CONTAINMENT SYSTEM AND THE DIRECTOR OF THE DEPARTMENT OF  
34 ECONOMIC SECURITY, OR THEIR DESIGNEES, WHO SERVE AS NONVOTING MEMBERS.

35 2. ONE NURSING CARE INSTITUTION SURVEYOR EMPLOYED BY THE DEPARTMENT  
36 WHO IS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT.

37 3. TWO REPRESENTATIVES OF THE NURSING CARE INSTITUTION INDUSTRY,  
38 ONE OF WHOM IS A REPRESENTATIVE OF A FOR-PROFIT NURSING CARE INSTITUTION  
39 AND ONE OF WHOM IS A REPRESENTATIVE OF A NONPROFIT NURSING CARE  
40 INSTITUTION, WHO ARE APPOINTED BY THE GOVERNOR.

41 4. FOUR PUBLIC MEMBERS WHO ARE ADVOCATES FOR RESIDENTS OF NURSING  
42 CARE INSTITUTIONS, TWO OF WHOM ARE APPOINTED BY THE PRESIDENT OF THE  
43 SENATE AND TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
44 REPRESENTATIVES.

1 D. THE PUBLIC MEMBERS OF THE ADVISORY COUNCIL SHALL BE APPOINTED  
2 AND THE ADVISORY COUNCIL SHALL FIRST ORGANIZE NOT LATER THAN FORTY-FIVE  
3 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. ON ORGANIZING, THE  
4 ADVISORY COUNCIL SHALL SELECT A CHAIRPERSON AND A VICE CHAIRPERSON FROM  
5 AMONG ITS MEMBERS. THE CHAIRPERSON SHALL APPOINT A SECRETARY TO THE  
6 ADVISORY COUNCIL, WHO NEED NOT BE A MEMBER OF THE ADVISORY COUNCIL.

7 E. PUBLIC MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE FOR A TERM OF  
8 FIVE YEARS, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, TWO MEMBERS SHALL  
9 SERVE A TERM OF THREE YEARS, TWO SHALL SERVE A TERM OF FOUR YEARS AND TWO  
10 SHALL SERVE A TERM OF FIVE YEARS. VACANCIES IN THE MEMBERSHIP SHALL BE  
11 FILLED IN THE SAME MANNER IN WHICH THE ORIGINAL APPOINTMENTS WERE MADE.  
12 PUBLIC MEMBERS ARE ELIGIBLE FOR REAPPOINTMENT TO THE ADVISORY COUNCIL.

13 F. THE ADVISORY COUNCIL SHALL MEET ON A QUARTERLY BASIS AT SUCH  
14 TIMES AND PLACES AS DESIGNATED BY THE CHAIRPERSON. A MAJORITY OF THE  
15 MEMBERS SERVING PURSUANT TO SUBSECTION C, PARAGRAPHS 2 THROUGH 4 OF THIS  
16 SECTION CONSTITUTE A QUORUM FOR THE PURPOSES OF THE ADVISORY COUNCIL  
17 TAKING OFFICIAL ACTION. ALL MEETINGS OF THE ADVISORY COUNCIL SHALL BE  
18 OPEN TO THE PUBLIC. AGENDAS, MINUTES, DOCUMENTS AND TESTIMONY FROM EACH  
19 MEETING SHALL BE POSTED ON THE DEPARTMENT'S PUBLIC WEBSITE. THE ADVISORY  
20 COUNCIL SHALL INVITE THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S  
21 DESIGNEE, THE AUDITOR GENERAL, THE STATE COMPTROLLER AND A REPRESENTATIVE  
22 OF THE DEPARTMENT TO BE PRESENT AT EACH MEETING.

23 G. THE MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT  
24 COMPENSATION BUT ARE ELIGIBLE TO RECEIVE REIMBURSEMENT OF EXPENSES  
25 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

26 H. THE ADVISORY COUNCIL SHALL RECEIVE ASSISTANCE AND SERVICES FROM  
27 ANY STATE, COUNTY OR MUNICIPAL DEPARTMENT, BOARD, COMMISSION OR AGENCY AS  
28 MAY BE AVAILABLE TO IT FOR ITS PURPOSES. THE DEPARTMENT SHALL PROVIDE  
29 STAFF AND ADMINISTRATIVE SUPPORT TO THE ADVISORY COUNCIL.

30 I. THE ADVISORY COUNCIL SHALL ANNUALLY PREPARE AND SUBMIT A REPORT  
31 CONCERNING ITS ANALYSIS OF THE DEPARTMENT'S OVERSIGHT AND INSPECTIONS OF  
32 NURSING CARE INSTITUTIONS ALONG WITH ANY RECOMMENDATIONS FOR LEGISLATIVE  
33 OR ADMINISTRATIVE ACTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND  
34 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY TO  
35 THE SECRETARY OF STATE. THE ADVISORY COUNCIL MAY PROVIDE ADDITIONAL  
36 RECOMMENDATIONS TO THE DEPARTMENT AT ANY TIME ON REQUEST BY THE  
37 DEPARTMENT.