

REFERENCE TITLE: private medical offices; DHS oversight

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1618

Introduced by
Senators Rios: Gabaldon, Quezada, Steele; Representative Dalessandro

AN ACT

AMENDING SECTION 36-402, ARIZONA REVISED STATUTES; 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. Section 36-402, Arizona Revised Statutes, is amended to
3 read:

4 36-402. Exemptions

5 A. This chapter and the rules adopted by the director pursuant to
6 this chapter do not authorize the licensure, supervision, regulation or
7 control of:

8 1. The remedial care or treatment of residents or patients in any
9 home or institution conducted only for those who rely solely on treatment
10 by prayer or spiritual means in accordance with the creed or tenets of any
11 well-recognized church or religious denomination.

12 2. Establishments, such as motels, hotels and boarding houses, that
13 provide domiciliary and ancillary commercial services, ~~but do not provide~~
14 adaptive, medical, hospital, nursing, behavioral health, health-related or
15 supervisory care services.

16 3. Private offices and clinics of health care providers licensed
17 under title 32 that are not freestanding urgent care centers, unless:

18 (a) Patients **OF THE OFFICE OR CLINIC** are **EITHER:**

19 (i) Kept overnight as bed patients. ~~or~~

20 (ii) Treated ~~otherwise~~ under general anesthesia, ~~except when~~
21 ~~treatment by general anesthesia is regulated by title 32, chapter 11.~~

22 (b) The office or clinic is an abortion clinic. For the purposes
23 of this subdivision, "abortion clinic" has the same meaning prescribed in
24 section 36-449.01.

25 (c) The office or clinic is a pain management clinic. For the
26 purposes of this subdivision, "pain management clinic" has the same
27 meaning prescribed in section 36-448.01.

28 4. Dispensaries and first aid stations **THAT ARE** located within
29 business or industrial establishments **AND THAT ARE** maintained solely for
30 the use of employees if the facility does not contain inpatient beds and
31 is under the supervision of a physician or a registered nurse
32 practitioner.

33 5. The collection, processing or distribution of whole human blood,
34 blood components, plasma, blood fractions or derivatives **THAT ARE**
35 procured, processed or distributed by federally licensed and regulated
36 blood banks.

37 6. Places where four or fewer adults **WHO ARE** not related to the
38 administrator or owner receive adult day health services for compensation
39 on a regular basis.

40 7. Places at which persons receive health-related services only
41 from relatives or from legal guardians or places that do not purport to be
42 establishments that regularly provide health-related services and at which
43 one or two persons receive health-related services on a twenty-four-hour
44 basis.

1 8. The personal residence of a terminally ill person, or the
2 personal residence of that person's relative or guardian, where that
3 person receives hospice services from a hospice service agency.

4 9. All medical and health-related facilities and services that are
5 provided to inmates who are confined in a state prison. The state
6 department of corrections shall annually evaluate the medical and
7 health-related facilities and services that are provided to inmates to
8 determine that the facilities and services meet the applicable standards
9 that are adopted by the director of the department of health services.
10 The state department of corrections shall report the results of its annual
11 evaluation and the actual findings, including a plan of correction for any
12 deficiencies, to the director of the department of health services. The
13 department of health services shall conduct validation surveys on a
14 percentage of the medical and health-related facilities, the number of
15 which shall be determined by the state department of corrections and the
16 department of health services. The director of the state department of
17 corrections shall maintain the annual evaluation reports. This paragraph
18 does not apply to licensed behavioral or mental health inpatient treatment
19 facilities that the state department of corrections operates.

20 10. A facility that provides medical and health services to inmates
21 who are confined in a county jail. The sheriff shall annually evaluate
22 the facility to determine if it meets the applicable standards that are
23 adopted by either a national corrections commission on health care or an
24 American correctional association, or the sheriff shall annually submit
25 the facility to a similar separate inspection by an outside agency with
26 medical standards. The sheriff must submit the certificate of
27 accreditation or proof of successful inspection to the department annually
28 and keep a copy of the certificate or proof of inspection.

29 11. Community education, advocacy or recovery support groups that
30 are not owned or operated by or contracted to provide services with a
31 health care institution.

32 B. A medical and health-related facility that provides medical and
33 health services exclusively to persons who are incarcerated, detained or
34 confined under court order or court jurisdiction is exempt from the
35 patient-per-room capacity requirements provided in rule if the facility:

36 1. Does not exceed its intended medical and custodial purposes.

37 2. Adopts policies and procedures to comply with the national
38 commission on correctional health care standards, or equivalent standards.

39 3. As soon as practicable, becomes accredited by the national
40 commission on correctional health care, or by an equivalent organization.

41 4. Once accreditation is obtained, submits a certificate of
42 accreditation to the department of health services annually.

43 5. Maintains a copy of the certificate of accreditation.

44 6. Maintains patient and custodial records, including on-site
45 current photographs and fingerprints, if permitted by applicable law.

1 7. Makes patient lists with inmate identifiers available to the
2 state department of corrections on reasonable request.

3 8. Provides timely notice of any major incident involving public
4 safety to the appropriate law enforcement agency and allows that agency
5 access to the facility for the purposes of law enforcement and
6 investigation.

7 C. Subsection B of this section does not apply to health care
8 institutions that exclusively provide behavioral health services.