

REFERENCE TITLE: nursing homes; advisory council

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2173

Introduced by
Representatives Longdon: Dunn

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-447.03; RELATING TO NURSING 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 7, Arizona Revised
3 Statutes, is amended by adding section 36-447.03, to read:

4 36-447.03. 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 SERVE FOR A TERM OF FIVE
8 YEARS, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, TWO MEMBERS SERVE A
9 TERM OF THREE YEARS, TWO SERVE A TERM OF FOUR YEARS AND TWO SERVE A TERM
10 OF FIVE YEARS. ANY VACANCY IN MEMBERSHIP SHALL BE FILLED IN THE SAME
11 MANNER IN WHICH THE ORIGINAL APPOINTMENT WAS MADE. PUBLIC MEMBERS ARE
12 ELIGIBLE FOR REAPPOINTMENT TO THE ADVISORY COUNCIL.

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