

House Engrossed

residential care institutions; inspections

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2249

AN ACT

AMENDING SECTION 36-424, 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 36-424, Arizona Revised Statutes, is amended to
3 read:

4 36-424. Inspections; suspension or revocation of license;
5 report to board of examiners of nursing care
6 institution administrators and assisted living
7 facility managers

8 A. Except as provided in subsection B of this section, the director
9 shall inspect the premises of the health care institution and investigate
10 the character and other qualifications of the applicant to ascertain
11 whether the applicant and the health care institution are in substantial
12 compliance with the requirements of this chapter and the rules established
13 pursuant to this chapter. The director may prescribe rules regarding
14 department background investigations into an applicant's character and
15 qualifications.

16 B. The director may accept proof that a health care institution is
17 an accredited hospital or is an accredited health care institution in lieu
18 of all compliance inspections required by this chapter if the director
19 receives a copy of the health care institution's accreditation report for
20 the licensure period and the health care institution is accredited by an
21 independent, nonprofit accrediting organization approved by the secretary
22 of the United States department of health and human services. If the
23 health care institution's accreditation report is not valid for the entire
24 licensure period, the department may conduct a compliance inspection of
25 the health care institution during the time period the department does not
26 have a valid accreditation report for the health care institution. For
27 the purposes of this subsection, each licensed premises of a health care
28 institution must have its own accreditation report. The director may not
29 accept an accreditation report in lieu of a compliance inspection of:

30 1. An intermediate care facility for individuals with intellectual
31 disabilities.

32 2. A nursing-supported group home.

33 3. A health care institution if the health care institution has
34 been subject to an enforcement action pursuant to section 36-427 or
35 36-431.01 within the year preceding the annual licensing fee anniversary
36 date.

37 4. A RESIDENTIAL CARE INSTITUTION THAT PROVIDES BEHAVIORAL HEALTH
38 SERVICES.

39 C. On a determination by the director that there is reasonable
40 cause to believe a health care institution is not adhering to the
41 licensing requirements of this chapter, the director and any duly
42 designated employee or agent of the director, including county health
43 representatives and county or municipal fire inspectors, consistent with
44 standard medical practices, may enter on and into the premises of any
45 health care institution that is licensed or required to be licensed

1 pursuant to this chapter at any reasonable time for the purpose of
2 determining the state of compliance with this chapter, the rules adopted
3 pursuant to this chapter and local fire ordinances or rules. Any
4 application for licensure under this chapter constitutes permission for
5 and complete acquiescence in any entry or inspection of the premises
6 during the pendency of the application and, if licensed, during the term
7 of the license. If an inspection reveals that the health care institution
8 is not adhering to the licensing requirements established pursuant to this
9 chapter, the director may take action authorized by this chapter. Any
10 health care institution, including an accredited hospital, whose license
11 has been suspended or revoked in accordance with this section is subject
12 to inspection on application for relicensure or reinstatement of license.

13 D. The director shall immediately report to the board of examiners
14 of nursing care institution administrators and assisted living facility
15 managers information identifying that a nursing care institution
16 administrator's conduct may be grounds for disciplinary action pursuant to
17 section 36-446.07.