

REFERENCE TITLE: assisted living facilities; ownership; employees

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

HB 2315

Introduced by
Representatives Contreras P: Austin, Schwiebert, Seaman, Stahl Hamilton,
Sun, Villegas

AN ACT

AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 36-420.05 AND 36-420.06; 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 sections 36-420.05 and 36-420.06, to read:

4 36-420.05. Assisted living facilities; legal action;
5 licensure; change of ownership

6 A. THE DEPARTMENT MAY NOT ACT ON AN APPLICATION FOR LICENSURE OF A
7 CURRENTLY LICENSED ASSISTED LIVING FACILITY WHILE ANY ENFORCEMENT OR COURT
8 ACTION RELATED TO THE ASSISTED LIVING FACILITY IS PENDING AGAINST THAT
9 ASSISTED LIVING FACILITY'S CURRENT LICENSEE.

10 B. THE DIRECTOR MAY CONTINUE TO PURSUE ANY COURT, ADMINISTRATIVE OR
11 ENFORCEMENT ACTION AGAINST A LICENSEE DESCRIBED IN SUBSECTION A OF THIS
12 SECTION EVEN THOUGH THE ASSISTED LIVING FACILITY IS IN THE PROCESS OF
13 BEING SOLD OR TRANSFERRED TO A NEW OWNER. IF AN ASSISTED LIVING FACILITY
14 IS SOLD OR TRANSFERRED TO A NEW OWNER, THE NEW OWNER SHALL RETAIN ALL
15 DOCUMENTATION RELATING TO THE ASSISTED LIVING FACILITY'S OPERATION AND
16 DIRECTLY RELATING TO RESIDENTS FOR AT LEAST SIX YEARS.

17 C. THE DEPARTMENT MAY NOT APPROVE A CHANGE IN ASSISTED LIVING
18 FACILITY OWNERSHIP UNLESS THE DEPARTMENT DETERMINES THAT ALL PERSONS AND
19 ENTITIES PREVIOUSLY HOLDING LEGAL OR EQUITABLE INTERESTS IN THE ASSISTED
20 LIVING FACILITY HAVE FULLY DIVESTED ALL SUCH INTERESTS.

21 36-420.06. Assisted living facilities; registry check;
22 hiring; prohibition; violations; civil penalty

23 A. AN ASSISTED LIVING FACILITY SHALL CONDUCT AN ADULT PROTECTIVE
24 SERVICES REGISTRY CHECK ON PROSPECTIVE AND CURRENT EMPLOYEES AS PRESCRIBED
25 BY THE DEPARTMENT. THE ASSISTED LIVING FACILITY SHALL MAINTAIN
26 DOCUMENTATION ON EACH ADULT PROTECTIVE SERVICES REGISTRY CHECK COMPLETED.

27 B. AN ASSISTED LIVING FACILITY MAY NOT HIRE AN INDIVIDUAL WHO IS
28 LISTED ON THE ADULT PROTECTIVE SERVICES REGISTRY PURSUANT TO SECTION
29 46-459.

30 C. THE DEPARTMENT SHALL ASSESS A CIVIL PENALTY OF AT LEAST \$5,000
31 FOR EACH VIOLATION AGAINST AN ASSISTED LIVING FACILITY THAT DOES NOT
32 CONDUCT ADULT PROTECTIVE SERVICES REGISTRY CHECKS AS PRESCRIBED IN
33 SUBSECTION A OF THIS SECTION AND RULES ADOPTED BY THE DEPARTMENT.

34 Sec. 2. Exemption from rulemaking

35 Notwithstanding any other law, for the purposes of section
36 36-420.06, Arizona Revised Statutes, as added by this act, the department
37 of health services is exempt from the rulemaking requirements of title 41,
38 chapter 6, Arizona Revised Statutes, for one year after the effective date
39 of this act.