TITLE 4. PROFESSIONS AND OCCUPATIONS

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ARTICLE 1. GENERAL

R4-33-101. Definitions

The definitions in A.R.S. § 36-446 apply to this Chapter. Additionally, in this Chapter, unless otherwise specified:

"Accredited" means approved by the North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

"ACHCA certified" means written evidence of completing the Professional Certification Program administered by the American College of Health Care Administrators.

"Administrator" has the meaning prescribed at A.R.S. § 36-446 and means an individual licensed under this Chapter.

"Administrator in training" or "AIT" means an individual who is taking an AIT program to be licensed as an administrator for a nursing care institution.

"AIT program" means a training that the Board approves after determining that the training meets the standards at R4-33-302.

"Applicant" means an individual who applies to the Board to be licensed as an administrator of a nursing care institution, to be certified as a manager of an assisted living facility, or for approval of a continuing education.

"Application package" means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant's behalf.

"Arizona examination" means a measure of an applicant's knowledge of Arizona statutes and rules regarding nursing care institution administration or assisted living facility management.

"Biennial period" means July 1 of an even-numbered year through June 30 of the next even-numbered year for an administrator and July 1 of an odd-numbered year through June 30 of the next odd-numbered year for a manager.

"Contact hour" means an hour during which an administrator or manager is physically present at a continuing education or a manager is physically present at a required initial training.

"Continuing education" means a planned educational course or program that the Board approves under R4-33-502.

"Good standing" means that, an individual licensed by the state is not subject to any disciplinary action or consent order, and not currently under investigation for alleged unprofessional conduct.

"Health care institution" *means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice services agencies.* A.R.S. § 36-401.

"Manager" means an assisted living facility manager, as defined at A.R.S. § 36-446, who is certified under this Chapter.

"NAB" means the National Association of Board of Examiners for Nursing Home Administrators.

"Party" has the same meaning as prescribed in A.R.S. § 41-1001.

"Preceptor" means a practicing nursing care institution administrator who helps to develop a new professional in the field of long-term care administration by tutoring the new professional.

"Qualified instructor" means a person who meets one or more of the following criteria:

A registered nurse, licensed under A.R.S. Title 32, Chapter 15;

An instructor employed by an accredited college or university, or health care institution to teach a health-care related course; or

A person or entity that has sufficient education and training to be qualified to teach a health-care related course.

"Work experience in a health-related field" means employment in a health care institution or in the professional fields of medicine, nursing, social work, gerontology, or other closely related field.

R4-33-102. Board Officers

A. At its first annual meeting, the Board shall elect a president and vice-president.

B. The functions, duties, and limitations of these officers are as follows:

1. President. The president shall call and preside at all Board meetings. The president shall act as chief officer of the Board, appoint committees, and delegate authority to other members of the Board as needed.
2. Vice-president. The vice-president shall preside at Board meetings in the absence of the president and may exercise all the powers and duties of the president in the absence of the president.

C. Board officers serve for one year. A Board officer shall not serve more than two consecutive years in the same position.

R4-33-103. Time-frames for Licenses, Certifications, and Approvals

A. For each type of license, certification, or approval, issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is listed in Table 1.

B. For each type of license, certification, or approval, issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is listed in Table 1 and begins on the date the Board receives an application package.

1. If an application package is not administratively complete, the Board shall send a deficiency notice to the applicant .that specifies each piece of information or document needed to complete the application package within the time provided in Table 1 for response to a deficiency notice, beginning on the mailing date of the deficiency notice, the applicant shall submit to the Board the missing information or document specified in the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information or document.
2. If an application package is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
3. If an application package is not completed within the time provided to respond to the deficiency notice, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.

C. For each type of license, certification, or approval, issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.

1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information. Within the time provided in Table 1 for response to a comprehensive written request for additional information, beginning on the mailing date of the comprehensive written request for additional information, the applicant shall submit to the Board the requested additional information. The time-frame for the Board to finish the substantive review is suspended from the date the Board mails the comprehensive written request for additional information to the applicant until the Board receives the requested additional information. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit the requested additional information within the time provided in Table 1.

D. Within the overall time-frame listed in Table 1, the Board shall:
1. Deny a license, certificate, or approval to an applicant if the Board determines that the applicant does not meet all of the substantive criteria required by statute and this Chapter; or
2. Grant a license, certificate, or approval to an applicant if the Board determines that the applicant meets all of the substantive criteria required by statute and this Chapter.

E. If the Board denies a license, certificate, or approval under subsection (D)(1), the Board shall provide a written notice of denial to the applicant that explains:
1. The reason for the denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial; and
3. The time for appealing the denial.

F. In computing any period of time prescribed in this Section, the day of the act, event or default after which the designated period of time begins to run is not included. The last day of the period is included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not Saturday, Sunday, or a state holiday. The computation includes intermediate Saturdays, Sundays, and state holidays. The time begins on the date of personal service, date shown as received on a certified mail receipt, or postmark date.

R4-33-104. Fees

A. Under the authority provided at A.R.S. § 36-446.12(A), the Board establishes and shall collect the following fees related to nursing care institution administrators. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial application, $100
2. Arizona examination, $500
3. Re-administer Arizona examination, $150
4. Issuance of a license, $260 or $11 for each month remaining in the biennial period
5. Duplicate license, $50
6. Biennial active license renewal, $300
7. Biennial inactive license renewal, $100
8. Late renewal penalty, $50
9. Temporary license, $250
10. Certify licensure status, $10
11. Review sponsorship of a continuing education, $20.

B. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to assisted living facility managers. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial application, $100
2. Arizona examination, $100
3. Re-administer Arizona examination, $100
4. Issuance of a certificate, $100 or $4 for each month remaining in the biennial period
5. Duplicate certificate, $50
6. Biennial active certificate renewal, $100
7. Biennial inactive certificate renewal, $75
8. Late renewal penalty, $50
9. Temporary certificate, $50
10. Verify certificate status, $10
11. Review sponsorship of a continuing education, $20.

R4-33-105. Hearing Procedures

As required under A.R.S. § 36-446.07(J), the Board shall conduct all hearings according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and rules issued by the Office of Administrative Hearings.

R4-33-106. Rehearing or Review of Decision

A. The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

B. Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.

C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.

D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:

1. Irregularity in the proceedings of the Board or any order or abuse of discretion that deprived the moving party of a fair hearing;
2. Misconduct of the Board, its staff, or an administrative law judge;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
5. Excessive or insufficient penalty;
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; and
7. The findings of fact or decision is not justified by the evidence or is contrary to law.

E. The Board may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons listed in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.

F. Not later than 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify with particularity the grounds on which the rehearing or review is granted.

G. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Board for a maximum of 20 days for good cause as described in subsection (H) or by written stipulation of the parties. Reply affidavits may be permitted.

H. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:

1. Further administrative convenience, expedition, or economy; or
2. Avoid undue prejudice to any party.

I. If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for immediate preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If an application for judicial review of the decision is made, it shall be made under A.R.S. § 12-901 et seq.

R4-33-107. Change of Name or Address

A. The Board shall communicate with an administrator or manager using the name and address in the Board's records. To ensure timely communication from the Board, an administrator or manager shall inform the Board in writing of any change in name or address.

B. An administrator or manager shall include in a notice of change in name or address either the new and former name or new and former address.

C. An administrator or manager shall attach to a notice of change in name a copy of any legal document changing the name.

R4-33-108. Display of License or Certificate

A. An administrator shall display the administrator's original license and current renewal receipt in a conspicuous place in the nursing care institution at which the administrator is appointed.

B. A manager shall display the manager's original certificate and current renewal receipt in a conspicuous place in the assisted care facility at which the manager is employed.

R4-33-109. Fingerprint Clearance Card Requirement

Under A.R.S. § 36-446.04, an administrator or manager is required to maintain a valid fingerprint clearance card during the biennial period. Within 10 days after the referenced action, an administrator or manager shall:

1. Submit to the Board a photocopy of the front and back of a new fingerprint clearance card issued to the administrator or manager during the biennial period; or
2. Provide written notice to the Board if:
   a. The fingerprint clearance card of the administrator or manager is suspended or revoked; or
   b. The administrator or manager is denied a new fingerprint clearance card.

Time-frames (in days)

Type of License	Overall Time-Frame	Administrative Review Time-Frame	Time to Respond to Deficiency Notice	Substantive Review Time-Frame	Time to Respond to Request for Additional Information
Initial License R4-33-201and R4-33-202 A.R.S. §§ 36-446.04(A) and 36-446.05	135	30	90	105	60
Renewal of License R4-33-206 A.R.S. § 36-446.07(E)	75	30	15	45	15
Temporary License R4-33-203 A.R.S. § 36-446.06	135	30	90	105	60
Continuing Education Program Approval R4-33-502 A.R.S. § 36-446.07(E) and (F)	60	15	30	45	15
Administrator-in-Training Program Approval R4-33-301 A.R.S. § 36-446.04	60	15	30	45	15
Initial Certification R4-33-401 A.R.S. § 36-446.04(B)	135	30	90	105	60
Renewal of Certification R4-33-405 A.R.S. § 36-446.07(F)	75	30	15	45	15
Temporary Certification R4-33-402 A.R.S. § 36-446.06	135	30	90	105	60

ARTICLE 2.

NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

R4-33-201 Requirements for Initial License by Examination

To be eligible to receive an initial license by examination as a nursing care institution administrator, an individual shall:

1. Education and training.
    a. Hold a minimum of a baccalaureate degree from an accredited college or university and successfully complete an AIT program;
    b. Hold a minimum of a masters degree in a health-related field from an accredited college or university; or
    c. Hold a minimum of an associate of arts degree in nursing from an accredited college or university and:
        i. Be currently licensed as a registered nurse under A.R.S. § 32-1632,
        ii. Have worked as a registered nurse for five of the last seven years, and
        iii. Successfully complete an AIT program.
2. Examination.
    a. Obtain the scaled passing score on the NAB examination, and
    b. Obtain a score of at least 80 percent on the Arizona examination;
3. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
4. Application. Submit all applicable information required under R4-33-204.

R4-33-202. Requirements for Initial License by Reciprocity

To be eligible for an initial license by reciprocity as a nursing care institution administrator, an individual shall:

1. Substantially equivalent educational requirement.
    a. Meet the education and training requirement described in R4-33-201(1), or
    b. Hold ACHCA certification;
2. Substantially equivalent examination requirement.
    a. Hold a valid and current license as a nursing care institution administrator issued by a state or territory, which was obtained by passing the NAB examination; and
    b. Obtain a score of at least 80 percent on the Arizona examination;
3. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
4. Application.
    a. Submit all applicable information required under R4-33-204,
    b. Have submitted directly to the Board a certified copy of the valid and current license issued by a state or territory, and
    c. Have submitted directly to the Board the score that the applicant obtained on the NAB examination.

R4-33-203. Requirements for Temporary License

A. To be eligible for a temporary license as a nursing care institution administrator, an individual shall:

1. Meet the requirements specified in R4-33-201 or R4-33-202 except for the requirement at R4-33-201(2) or R4-33-202(2)(b);
2. Have the owner of an a nursing care institution that intends to employ the applicant as administrator if the applicant is successful in obtaining a temporary license submit to the Board a Letter of Intent to Employ on a form that is available from the Board. The owner of the nursing care institution shall include the following in the Letter of Intent to Employ:
    a. Name of the owner of the nursing care institution;
    b. Name and address of the nursing care institution;
    c. Name of the applicant;

d. An affirmation of intent to employ the applicant;
e. Reason for requesting a temporary license for the applicant;
f. License number of the nursing care institution; and
g. Notarized signature of the owner of the nursing care institution;

3. Not have held an Arizona temporary license as a nursing care institution administrator within the past three years; and
4. Not have failed the Arizona or NAB examination before applying for a temporary license.

B. At the Board's request, an applicant for a temporary license shall appear or be available by telephone for an interview with the Board.

C. A temporary license is valid for 150 days and is not renewable. Before expiration of the temporary license, the temporary licensee shall become licensed under A.R.S. § 36-446.04 and this Article or discontinue as administrator of the nursing care institution.

D. If a temporary licensee fails the Arizona or NAB examination during the term of the temporary license, the temporary license is automatically revoked and the former licensee shall discontinue as administrator of the nursing care institution.

R4-33-204. Initial Application

A. An individual who desires to be licensed as a nursing care institution administrator shall submit the following information to the Board on an application form, which is available from the Board:

1. Full name of the applicant;
2. Other names that the applicant has used;
3. Mailing address of the applicant;
4. Home, work, and mobile telephone numbers of the applicant;
5. Applicant’s date and place of birth;
6. Applicant’s Social Security number;
7. Address of every residence at which the applicant has lived in the last five years;
8. Name and address of every accredited college or university attended, dates of attendance, date of graduation, and degree or certificate received;
9. Information regarding professional licenses or certifications currently or previously held by the applicant, including:
   a. Name of issuing agency;
   b. License or certificate number;
   c. Issuing jurisdiction;
   d. Date on which the license or certificate was first issued;
   e. Whether the license or certificate is current; and
   f. Whether the license or certificate is in good standing and if not, an explanation;
10. Information regarding the applicant’s employment record for the last five years, including:
    a. Name, address, and telephone number of each employer;
    b. Title of position held by the applicant;
    c. Name of applicant’s supervisor;
    d. Dates of employment; and
    e. Reason for employment termination;
11. Whether the applicant was ever denied a professional license or certificate and if so, the kind of license or certificate denied, licensing authority making the denial, and date;
12. Whether the applicant ever voluntarily surrendered a professional license or certificate and if so, the kind of license or certificate surrendered, licensing authority, date, and reason for the surrender;
13. Whether the applicant ever allowed a professional license or certificate to lapse and if so, the kind of license or certificate that lapsed, licensing authority, date, reason for lapse, and whether the license or certificate was reinstated;
14. Whether the applicant ever had a limitation imposed on a professional license or certificate and if so, the kind of license or certificate limited, licensing authority, date, nature of limitation, reason for limitation, and whether the limitation was removed;

15. Whether the applicant ever had a professional license or certificate suspended or revoked and if so, the kind of license or certificate suspended or revoked, licensing authority, date, and reason for the suspension or revocation;
16. Whether the applicant ever was subject to disciplinary action with regard to a professional license or certificate and if so, the kind of license or certificate involved, licensing authority, date, and reason for and nature of the disciplinary action;
17. Whether any unresolved complaint against the applicant is pending with a licensing authority, professional association, health care facility, or nursing care institution and if so, the nature of and where the complaint is pending;
18. Whether the applicant ever was charged with or convicted of a felony or a misdemeanor, other than a minor traffic violation, in any court and if so, the nature of the offense, jurisdiction, and date of discharge; and
19. Whether the applicant ever was pardoned from or had expunged the record of a felony conviction and if so, the nature of the offense, jurisdiction, and date of pardon or expunging.

B. In addition to the application form required under subsection (A), an applicant shall submit or have submitted on the applicant's behalf:

1. Official transcript submitted directly to the Board by each accredited college or university attended by the applicant;
2. Verification of license that is signed, authenticated by seal or notarization, and submitted directly to the Board by each agency that ever issued a professional license to the applicant;
3. "Character Certification" form submitted directly to the Board by two individuals who have known the applicant for at least three years and are not related to, employed by, or employing the applicant;
4. If the applicant is certified by ACHCA, verification of certification submitted directly to the Board by ACHCA;
5. If the applicant completed an AIT program, a photocopy of the certificate issued upon completion;
6. For every felony or misdemeanor charge listed under subsection (A)(18), a copy of documents from the appropriate court showing the disposition of each charge;
7. For every felony or misdemeanor conviction listed under subsection (A)(18), a copy of documents from the appropriate court showing whether the applicant met all judicially imposed sentencing terms;
8. Passport-size, color, full-face photograph of the applicant taken within the last 180 days and signed on the back by the applicant;
9. Fingerprint clearance card.
    a. Photocopy of the front and back of the applicant's fingerprint clearance card;
    b. Proof of submission of an application for a fingerprint clearance card; or
    c. If denied a fingerprint clearance card, proof that the applicant qualifies for a good-cause exception hearing under A.R.S. § 41-619.55;
10. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board;
11. Signed and notarized affidavit affirming that the information provided in the application is true and complete and authorizing others to release information regarding the applicant to the Board; and
12. Fees required under R4-33-104(A)(1) and (A)(2).

C. If required by the Board under A.R.S. § 36-446.03(D), an applicant shall appear before the Board.

D. When the information required under subsections (A) and (B) is received and following an appearance before the Board required under subsection (C), the Board shall provide notice regarding whether the applicant may take the licensing examinations required under R4-33-201 or R4-33-202.

E. Because of the time required for the Board to perform an administrative completeness review under R4-33-103, an applicant shall submit the information required under subsections (A) and (B) at least 30 days before the applicant expects to take the Arizona examination.

R4-33-205. Administration of Examinations; License Issuance

A. The Board shall administer the Arizona examination at least twice each year at times and places specified by the Board.

B. An applicant shall make arrangements directly with NAB to take the NAB examination.

C. The Board shall provide written notice to an applicant regarding whether the applicant passed a required examination.

D. An applicant for licensure under R4-33-201 is not required to take or pass both examinations at the same time. An applicant who passes one of the examinations listed in R4-33-201(2) but fails the other is required to retake only the examination failed.

E. When an applicant passes the examinations required under R4-33-201 or R4-33-202, the Board shall send the applicant a written notice that the Board will issue a license to the applicant when the applicant submits to the Board the fee required under R4-33-104(A)(4). If the applicant fails to submit the fee within six months of the Board's notice, the Board shall administratively close the applicant's file. An individual whose file is administratively closed may receive further consideration only by submitting a new application under R4-33-201 or R4-33-202.

R4-33-206. Renewal Application

A. The Board shall provide a licensee with notice of the need for license renewal. Failure to receive notice of the need for license renewal does not excuse a licensee’s failure to renew timely.

B. An administrator license expires at midnight on June 30 of each even-numbered year.

C. To renew an administrator license, the licensee shall submit the following information to the Board, on or before June 30, on a renewal application, which is available from the Board:

1. Current address;
2. Current home and business telephone numbers;
3. Whether within the last 24 months the licensee was convicted of or pled guilty or no contest to a criminal offense, other than a minor traffic violation, in any court and if so, attach a copy of the original arrest record and final court judgment;
4. Whether within the last 24 months the licensee was denied a professional license or had a professional license revoked, suspended, placed on probation, limited, or restricted in any way by a state or federal regulatory authority and if so, the kind of license, license number, issuing authority, nature of the regulatory action, and date;
5. An affirmation that the number of hours of continuing education required under R4-33-501 has been completed; and
6. The licensee’s dated and notarized signature affirming that the information provided is true and complete.

D. In addition to the renewal application required under subsection (C), a licensee shall submit:

1. A photocopy of the front and back of the licensee's fingerprint clearance card;
2. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board; and
3. The license renewal fee required under R4-33-104.

E. An individual whose license expires because of failure to renew timely may apply for renewal by complying with subsections (C) and (D) if:

1. The individual complies with subsections (C) and (D) on or before July 31;
2. The individual pays the penalty prescribed under R4-33-104; and
3. The individual affirms that the individual has not acted as a nursing care institution administrator since the license expired.

F. An individual whose license expires because of failure to renew timely and who does not comply with subsection (E) may become licensed as a nursing care institution administrator only by complying with R4-33-201 or R4-33-202.

R4-33-207. Inactive Status

A. The Board shall place an administrator's license on inactive status if the administrator:
1. Is in good standing in Arizona,
2. Submits a written request to the Board to be placed on inactive status, and
3. Submits evidence that complies with R4-33-501(D) showing that the administrator completed two hours of continuing education for each month in the current biennial period before the request to be placed on inactive status.

B. Within seven days after receiving a request to be placed on inactive status, the Board shall provide the administrator written confirmation of inactive status.

C. An administrator whose license is on inactive status is not required to comply with R4-33-501.

D. An inactive license expires under R4-33-206 unless the administrator timely submits a renewal application and the fee required under R4-33-104(A)(7).

E. To resume active licensure status, an administrator shall:
1. Submit evidence that complies with R4-33-501(D) showing that the administrator completed 25 hours of continuing education within the six months before requesting to resume active licensure status, and
2. Submit a written request to the Board to resume active licensure status.

F. The Board shall grant a request to resume active licensure status if the requirements of subsection (E) are met. Within seven days after receiving the written request to resume active licensure status, the Board shall send written notice to the administrator granting or denying active status.

R4-33-208. Standards of Conduct; Disciplinary Action

A. An administrator shall know and comply with all federal and state laws applicable to operation of a nursing care institution.

B. An administrator shall not:
1. Engage in unprofessional conduct as defined at A.R.S. § 36-446;
2. Be addicted to or dependent on the use of narcotics or other drugs, including alcohol;
3. Directly or indirectly permit an owner, officer, or employee of a nursing care institution to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to patients of the institution unless the resulting economic benefit is directly passed to the patients;
4. Directly or indirectly permit an owner, officer, or employee of a nursing care institution to solicit, offer, or receive any premium, rebate, or other valuable consideration for referring a patient to another person or place unless the resulting economic benefit is directly passed to the patient;
5. Willfully permit the unauthorized disclosure of information relating to a patient or a patient's records;
6. Discriminate against a patient or employee on the basis of race, sex, age, religion, disability, or national origin;
7. Misrepresent the administrator's qualifications, education, or experience;
8. Aid or abet another person to misrepresent that person's qualifications, education, or experience;
9. Defend, support, or ignore unethical conduct of an employee, owner, or other administrator;
10. Engage in any conduct or practice contrary to recognized community standards or ethics of a nursing care institution administrator;
11. Engage in any conduct or practice that is or might constitute incompetence, gross negligence, repeated negligence, or negligence that might constitute a danger to the health, welfare, or safety of a patient or the public;
12. Procure or attempt to procure by fraud or misrepresentation a license or renewal of a license as a nursing care institution administrator;
13. Violate a formal order, condition of probation, or stipulation issued by the Board;
14. Commit an act of sexual abuse, misconduct, harassment, or exploitation; or
15. Retaliate against any person who reports in good faith to the Board alleged incompetence or illegal or unethical conduct of any administrator.

C. The Board shall consider a final judgment or conviction for a felony, an offense involving moral turpitude, or direct or indirect elder abuse as grounds for disciplinary action under A.R.S. § 36-446.07, including denial of a license or license renewal.

D. An administrator who violates any provision of A.R.S. Title 36, Chapter 4, Article 6 or this Chapter is subject to discipline under A.R.S. § 36-446.07.

R4-33-209. Renumbered

R4-33-210. Licensure following Revocation

An individual who wishes to be licensed after the individual's license as a nursing care institution administrator is revoked shall:

1. Not apply for licensure until at least 12 months have passed since the revocation; and
2. Apply for licensure under R4-33-201 or R4-33-202.

R4-33-211. Notice of Appointment

A. An administrator shall provide written notice to the Board, within 30 days, of being appointed administrator of a nursing care institution or terminating an appointment.

B. An administrator shall include the following, as applicable, in a notice regarding the administrator's appointment:

1. Administrator's name,
2. Administrator's license number,
3. Name and address of the nursing care institution to which the administrator is appointed,
4. Date of appointment,
5. Name and address of the nursing care institution at which the administrator's appointment is terminated, and
6. Date of termination.

R4-33-212. Renumbered

R4-33-213. Repealed

R4-33-214. Repealed

ARTICLE 3. ADMINISTRATOR IN TRAINING PROGRAM

R4-33-301. Approval of an AIT Program

A. The Board approves an AIT internship provided at an educational institution with a NAB-accredited program.

B. The provider of an AIT program that does not meet the standard in subsection (A) may apply to the Board for approval of the AIT program. To apply for approval of an AIT program, the provider of the program shall submit to the Board:

1. A letter on official letterhead providing the following information:
   a. Name, address, and telephone and fax numbers of the provider; and
   b. Name and telephone number of an individual who can be contacted regarding the information provided;
2. A description of the procedure required under R4-33-302(2)(d) to measure the success of an AIT and a copy of any materials used to measure the success of an AIT;
3. A copy of the AIT program monitoring procedure required under R4-33-302(3) and any forms that are used in the monitoring;
4. A copy of the certificate of completion required under R4-33-302(2)(e);
5. A detailed outline of the training course required under R4-33-302(4)(d);
6. A copy of the policy and procedures manual required under R4-33-302(5); and
7. The signature of an authorized representative of the provider:
   a. Affirming that the information provided is true and complete; and
   b. Authorizing the Board to monitor the program's compliance with the standards in R4-33-302.

C. The Board shall approve an AIT program that the Board determines meets the standards in R4-33-302. The Board's approval of an AIT program is valid for one year if the program remains in compliance with the standards in R4-33-302.

D. To maintain approval of an AIT program, the provider of the AIT program shall, before the approval expires, submit;

1. The information required under subsection (B); or
2. The letter required under subsection (B)(1) and the signature of an authorized representative of the provider affirming that the materials previously submitted under subsections (B)(2) through (B)(6) continue to be true and complete and authorizing the Board to monitor the program's compliance with the standards in R4-33-302.

R4-33-302. Standards for an AIT Program

For an AIT program to be approved by the Board, the provider of the AIT program:

1. Shall be:
   a. An accredited college or university;
   b. An institution licensed by the Board of Private Postsecondary Education under A.R.S. § 32-3001 et seq.;
   c. ACHCA or the Arizona chapter of ACHCA; or
   d. Another nationally recognized organization of long-term care administrators;
2. Shall ensure that the AIT program:
   a. Provides at least 1,000 hours of full-time educational experience to the AIT in not less than six months and not more than 12 months in the following subject areas:
      i. Federal and state law regarding nursing care institutions;
      ii. Nursing care institution administration and policy;
      iii. Health care quality assurance;
      iv. Communications skills;
      v. Health economics;
      vi. Financial management of a nursing care institution;
      vii. Personnel management;
      viii. Resident care;
      ix. Facility operation and management;
      x. Safety and environmental management; and

xi. Community resources;

b. Allows the AIT to work only with a preceptor who meets the standards in subsection (4) and is responsible for supervising the AIT while the AIT participates in the program;

c. Is implemented at the nursing care institution of which the preceptor is administrator;

d. Measures the AIT's success in acquiring the knowledge and skills necessary to be a competent nursing care institution administrator; and

e. Provides the AIT with a certificate of completion that indicates:

i. The AIT's name;

ii. The preceptor's name and license number;

iii. The name and address of the facility at which the AIT program was implemented;

iv. The beginning and ending dates of the AIT program; and

v. The preceptor's signature affirming that the AIT successfully completed the AIT program;

3. Shall develop a procedure to monitor the AIT program, assess the AIT's progress through the AIT program, and make adjustments necessary to ensure that the AIT acquires the knowledge and skills necessary to be a competent nursing care institution administrator;

4. Shall ensure that an individual who serves as an AIT preceptor:

a. Has been licensed by the Board for at least two years;

b. Is employed full-time as a nursing care institution administrator at a facility that the Department determines is in compliance with applicable standards;

c. Is in good standing and has no disciplinary actions against the individual's license in the last three years; and

d. Completes a training course regarding the role and responsibilities of a preceptor; and

5. Shall develop a written policy and procedures manual that includes at least the following:

a. Procedure and forms required to apply to be an AIT;

b. Procedure and forms required to apply to be a preceptor;

c. Procedure for matching an AIT applicant with a preceptor;

d. Goals of the AIT program related to each of the subject areas listed in subsection (2)(a);

e. Learning experiences to achieve each goal;

f. Estimated time to accomplish each goal;

g. Responsibilities of a preceptor;

h. Responsibilities of an AIT;

i. Procedures for deviating from the goals of the AIT program, changing the facility at which the AIT program is implemented, changing preceptor, and extending the AIT program; and

j. Procedure for evaluating the preceptor.

R4-33-303. Repealed

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

R4-33-401. Requirements for Initial Certification by Examination

To be eligible to receive an initial certificate by examination as an assisted living facility manager, an individual shall:

1. Education:
   a. Earn a high school diploma or G.E.D., and
   b. Complete, within one year before the date of application for certification, a training program in personal, supervisory, and directed care and management of an assisted living facility that is:
      i. Approved by the Department under A.A.C. R9-10-724, and
      ii. Provided by an institution licensed by the Board of Private Postsecondary Education under A.R.S. Title 32, Chapter 30 or exempt from licensing by the Board of Private Postsecondary Education, or
      Hold a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or Article 2;
2. Work experience. Complete at least 2,080 hours of paid work experience in a health-related field within the five years before application;
3. Examination. Obtain a score of at least 75 percent on the Arizona examination;
4. Training. Complete an adult cardiopulmonary resuscitation and basic first-aid training program;
5. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
6. Submit all applicable information required under R4-33-403.

R4-33-402. Requirements for a Temporary Certificate

A. To be eligible for a temporary certificate as an assisted living facility manager, an individual shall:
   1. Meet the requirements under R4-33-401 except for the requirement at R4-33-401(A)(3);
   2. Have the owner of an assisted living facility that intends to employ the applicant as manager if the applicant is successful in obtaining a temporary certificate submit to the Board a Letter of Intent to Employ, on a form that is available from the Board. The owner of the assisted living facility shall include the following in the Letter of Intent to Employ:
      a. Name of the owner of the assisted living facility;
      b. Name and address of the assisted living facility;
      c. Name of the applicant;
      d. An affirmation of intent to employ the applicant;
      e. Reason for requesting a temporary certificate for the applicant;
      f. License number of the assisted living facility; and
      g. Notarized signature of the owner of the assisted living facility;
   3. Not have held an Arizona temporary certificate as an assisted living facility manager within the past three years; and
   4. Not have failed the Arizona examination before applying for the temporary certificate.

B. At the Board's request, an applicant for a temporary certificate shall appear or be available by telephone for an interview with the Board.

C. A temporary certificate is valid for 150 days and is not renewable. Before expiration of the temporary certificate, the temporary certificate holder shall obtain a certificate under A.R.S. § 36-446.04 and this Article or discontinue as manager of the assisted living facility.

D. If a temporary certificate holder fails the Arizona examination during the term of the temporary certificate, the temporary certificate is automatically revoked and the former temporary certificate holder shall discontinue as manager of the assisted living facility.

R4-33-403. Initial Application

A. An individual who desires to be certified as a manager of an assisted living facility shall submit the following information to the Board on an application form, which is available from the Board:

1. Full name of the applicant;
2. Other names that the applicant has used;
3. Mailing address of the applicant;
4. Home, work, and mobile telephone numbers of the applicant;
5. Applicant's date and place of birth;
6. Applicant's Social Security number;
7. Address of every residence at which the applicant has lived in the last five years;
8. Education information regarding the applicant, including:
   a. Name and location of last high school attended;
   b. Date of high school graduation or date on which a G.E.D. was earned; and
   c. Name and address of every accredited college or university attended, dates of attendance, date of graduation, and degree or certificate earned;
9. Information regarding professional licenses or certifications currently or previously held by the applicant, including:
   a. Name of issuing agency;
   b. License or certificate number;
   c. Issuing jurisdiction;
   d. Date on which the license or certificate was first issued;
   e. Whether the license or certificate is current; and
   f. Whether the license or certificate is in good standing and if not, an explanation;
10. Information regarding the applicant's employment record for the last five years, including:
    a. Name, address, and telephone number of each employer;
    b. Title of position held by the applicant;
    c. Name of applicant's supervisor;
    d. Dates of employment;
    e. Number of hours worked each week;
    f. Whether the employment was full or part time; and
    g. Reason for termination;
11. Whether the applicant was ever denied a professional license or certificate and if so, the kind of license or certificate denied; licensing authority making the denial, and date;
12. Whether the applicant ever voluntarily surrendered a professional license or certificate and if so, the kind of license or certificate surrendered, licensing authority, date, and reason for the surrender;
13. Whether the applicant ever allowed a professional license or certificate to lapse and if so, the kind of license or certificate that lapsed, licensing authority, date, reason for lapse, and whether the license or certificate was reinstated;
14. Whether the applicant ever had a limitation imposed on a professional license or certificate and if so, the kind of license or certificate limited, licensing authority, date, nature of limitation, reason for limitation, and whether the limitation was removed;
15. Whether the applicant ever had a professional license or certificate suspended or revoked and if so, the kind of license or certificate suspended or revoked, licensing authority, date, and reason for suspension or revocation;
16. Whether the applicant ever was subject to disciplinary action with regard to a professional license or certificate and if so, the kind of license or certificate involved, licensing authority, date, and reason for and nature of the disciplinary action;
17. Whether any unresolved complaint against the applicant is pending with a licensing authority, professional association, health care facility, or assisted living facility and if so, the nature of and where the complaint is pending;
18. Whether the applicant ever was charged with or convicted of a felony or a misdemeanor, other than a minor traffic violation, in any court and if so, the nature of the offense, jurisdiction, and date of discharge; and

19. Whether the applicant ever was pardoned from or had the record expunged of a felony conviction and if so, the nature of the offense, jurisdiction, and date of pardon or expunging.

B. In addition to the application form required under subsection (A), an applicant shall submit or have submitted on the applicant's behalf:

1. Education:
   a. Copy of the applicant's high school diploma or G.E.D., and
   b. Certificate of completion issued within a year before the date of application from the training course described under R4-33-401(1)(b), or
   c. Copy of the applicant's license issued under A.R.S. Title 32, Chapter 13, 15, or 17 or Article 2;
2. Documentation of 2,080 hours of paid work experience in a health-related field;
3. Copy of current certification in adult cardiopulmonary resuscitation and first aid;
4. Verification of license that is signed, authenticated by seal or notarization, and submitted directly to the Board by each agency that ever issued a professional license to the applicant;
5. "Character Certification" form submitted directly to the Board by two individuals who have known the applicant for at least three years and are not related to, employed by, or employing the applicant;
6. For every felony or misdemeanor charge listed under subsection (A)(18), a copy of documents from the appropriate court showing the disposition of each charge;
7. For every felony or misdemeanor conviction listed under subsection (A)(18), a copy of documents from the appropriate court showing whether the applicant met all judicially imposed sentencing terms;
8. Passport-size, color, full-face photograph of the applicant taken within the last 180 days and signed on the back by the applicant;
9. Fingerprint clearance card.
   a. Photocopy of the front and back of the applicant's fingerprint clearance card;
   b. Proof of submission of an application for a fingerprint clearance card; or
   c. If denied a fingerprint clearance card, proof that the applicant qualifies for a good-cause exception hearing under A.R.S. § 41-619.55;
10. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board;
11. Signed and notarized affidavit affirming that the information provided in the application is true and complete and authorizing others to release information regarding the applicant to the Board; and
12. Fees required under R4-33-104(B)(1) and (B)(2).

C. If required by the Board under A.R.S. § 36-446.03(D), an applicant shall appear before the Board.

D. When the information required under subsections (A) and (B) is received and following an appearance before the Board required under subsection (C), the Board shall provide notice regarding whether the applicant may take the Arizona examination required under R4-33-401(3).

E. Because of the time required for the Board to perform an administrative completeness review under R4-33-103, an applicant shall submit the information required under subsections (A) and (B) at least 30 days before the applicant expects to take the Arizona examination.

R4-33-404. Administration of Examination; Certificate Issuance

A. The Board shall administer the Arizona examination at least twice each year at times and places specified by the Board.

B. The Board shall provide written notice to an applicant regarding whether the applicant passed the Arizona examination. When an applicant passes the Arizona examination, the Board shall send the applicant a written notice that the Board will issue a certificate to the applicant when the applicant submits to the Board the fee required under R4-33-104(B)(4). If the applicant fails to submit the fee within six months of the Board's notice, the Board shall administratively close the applicant's file. An individual whose file is administratively closed may receive further consideration only by submitting a new application under R4-33-401.

R4-33-405. Renewal Application

A. The Board shall provide a certificate holder with notice of the need for certificate renewal. Failure to receive notice of the need for certificate renewal does not excuse a certificate holder's failure to renew timely.

B. A manager certificate expires at midnight on June 30 of each odd-numbered year.

C. To renew a manager certificate, the certificate holder shall submit the following information to the Board, on or before June 30, on a renewal application, which is available from the Board:

1. Current address;
2. Current home and business telephone numbers;
3. Whether within the last 24 months the certificate holder was convicted of or pled guilty or no contest to a criminal offense, other than a minor traffic violation, in any court and if so, attach a copy of the original arrest record and final court judgment;
4. Whether within the last 24 months the certificate holder was denied a professional license or had a professional license revoked, suspended, placed on probation, limited, or restricted in any way by a state or federal regulatory authority and if so, the kind of license, license number, issuing authority, nature of the regulatory action, and date;
5. An affirmation that the number of hours of continuing education required under R4-33-501 has been completed;
6. An affirmation that the certificate holder complies with the disclosure requirements under R4-33-408; and
7. The certificate holder's dated and notarized signature affirming that the information provided is true and complete.

D. In addition to the renewal application required under subsection (C), a certificate holder shall submit:

1. A photocopy of the front and back of the certificate holder's fingerprint clearance card;
2. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, which is a form available from the Board; and
3. The renewal fee required under R4-33-104.

E. An individual whose certificate expires because of failure to renew timely may apply for renewal by complying with subsections (C) and (D) if:

1. The individual complies with subsections (C) and (D) on or before July 31;
2. The individual pays the penalty prescribed under R4-33-104; and
3. The individual affirms that the individual has not acted as an assisted living facility manager since the certificate expired.

F. An individual whose certificate expires because of failure to renew timely and who does not comply with subsection (E) may obtain a manager certificate only by complying with R4-33-401.

R4-33-406. Inactive Status

A. The Board shall place a manager's certificate on inactive status if the manager:

1. Is in good standing in Arizona,
2. Submits a written request to the Board to be placed on inactive status, and
3. Submits evidence that complies with R4-33-501(D) showing that the manager completed one hour of continuing education for each month in the current biennial period before the request to be placed on inactive status.

B. Within seven days after receiving a request to be placed on inactive status, the Board shall provide the manager written confirmation of inactive status.

C. A manager whose certificate is on inactive status is not required to comply with R4-33-501.

D. An inactive certificate expires under R4-33-405 unless the manager timely submits a renewal application and the fee required under R4-33-104(B)(7).

E. To resume active certificate status, a manager shall:

1. Submit evidence that complies with R4-33-501(D) showing that the manager completed 12 hours of continuing education within the six months before requesting to resume active certificate status,
2. Submit a written request to the Board to resume active certificate status, and
3. Submit the fee required under R4-33-104(B)(4).

F. The Board shall grant a request to resume active certificate status if the requirements of subsection (E) are met. Within seven days after receiving the written request to resume active certificate status, the Board shall send written notice to the manager granting or denying active status.

R4-33-407. Standards of Conduct; Disciplinary Action

A. A manager shall know and comply with all federal and state laws applicable to the operation of an assisted living facility.

B. A manager shall not:

1. Engage in unprofessional conduct as defined at A.R.S. § 36-446;
2. Be addicted to or dependent on the use of narcotics or other drugs, including alcohol;
3. Directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to residents unless the resulting economic benefit is directly passed to the residents;
4. Directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration for referring a resident to another person or place unless the resulting economic benefit is directly passed to the resident;
5. Willfully permit the unauthorized disclosure of information relating to a resident or a resident's records;
6. Discriminate against a resident or employee on the basis of race, sex, age, religion, disability, or national origin;
7. Misrepresent the manager's qualifications, education, or experience;
8. Aid or abet another person to misrepresent that person's qualifications, education, or experience;
9. Defend, support, or ignore unethical conduct of an employee, owner, or other manager;
10. Engage in any conduct or practice contrary to recognized community standards or ethics of an assisted living facility manager;
11. Engage in any conduct or practice that is or might constitute incompetence, gross negligence, repeated negligence, or negligence that might constitute a danger to the health, welfare, or safety of a resident or the public;
12. Procure or attempt to procure by fraud or misrepresentation a certificate or renewal of a certificate as an assisted living facility manager;
13. Violate a formal order, condition of probation, or stipulation issued by the Board;
14. Commit an act of sexual abuse, misconduct, harassment, or exploitation; or
15. Retaliate against any person who reports in good faith to the Board alleged incompetence or illegal or unethical conduct of any manager.

C. The Board shall consider a final judgment or conviction for a felony, an offense involving moral turpitude, or direct or indirect elder abuse as grounds for disciplinary action under A.R.S. § 36-446.07, including denial of a certificate or certificate renewal.

D. A manager who violates any provision of A.R.S. Title 36, Chapter 4, Article 6 or this Chapter is subject to discipline under A.R.S. § 36-446.07.

R4-33-408. Referral Requirements

A. A manager who is employed by an assisted living facility that pays a fee to an individual or entity for referral of a resident to the assisted living facility shall ensure that the assisted living facility:

1. Has on file a contract with the individual or entity making the referral;
2. Maintains a file of the names of the residents referred by the individual or entity; and
3. Obtains at the time of admission and maintains a statement, signed by the resident or the resident's representative or legal guardian, which discloses that:
   a. A fee was paid for referring the resident to the assisted living facility;
   b. The resident or the resident's representative or legal guardian was informed of the fee arrangement; and

c. The resident or the resident's representative or legal guardian was informed of any ownership interest between the assisted living facility and the individual or entity making the referral.

B. A manger shall maintain the records required under subsection (A)(1) for five years and shall maintain the records required under subsections (A)(2) and (A)(3) for five years after the resident ceases to reside in the assisted living facility.

C. A manager shall make the records required under this Section available for review upon request by the Board.

R4-33-409. Certification following Revocation

An individual who wishes to be certified after the individual's certificate as an assisted living facility manager is revoked shall:

1. Not apply for certification until at least 12 months have passed since the revocation; and
2. Apply for certification under R4-33-401.

R4-33-410. Notice of Appointment

A. A manager shall provide written notice to the Board, within 30 days, of being appointed manager of an assisted living facility or terminating an appointment.

B. A manager shall include the following, as applicable, in a notice regarding the manager's appointment:

1. Manager's name,
2. Manager's certificate number,
3. Name and address of the assisted living facility to which the manager is appointed,
4. Date of appointment,
5. Name and address of the assisted living facility at which the manager's appointment is terminated, and
6. Date of termination.

R4-33-411. Repealed

R4-33-412. Repealed

ARTICLE 5 CONTINUING EDUCATION

R4-33-501. Continuing Education Requirement

A. Continuing education is a prerequisite of license or certificate renewal.
1. A licensed administrator shall obtain 50 hours of Board-approved continuing education during each biennial period. During the biennial period in which an administrator is initially licensed, the administrator shall obtain two hours of Board-approved continuing education for each month or part of a month remaining in the biennial period.
2. A certified manager shall obtain 24 hours of Board-approved continuing education during each biennial period. During the biennial period in which a manager is initially certified, the manager shall obtain one hour of Board-approved continuing education for each month or part of a month remaining in the biennial period.

B. The Board shall award hours in an approved continuing education as follows:
1. Seminar or workshop. One hour of continuing education for each contact hour;
2. Course at an accredited educational institution. Fifteen hours of continuing education for each semester hour;
3. Attendance at a business meeting of a national health care organization or of a state association affiliated with a national health care organization. One-half hour of continuing education for each business meeting attended;
4. Self-study, online, or correspondence course. Approved hours of continuing education requested by the course provider;
5. Serving as a preceptor. Two hours of continuing education for each month that an administrator serves as an AIT preceptor; and
6. Teaching a Board-approved continuing education. One hour of continuing education for each hour taught.

C. The Board shall limit the number of hours of Board-approved continuing education awarded as follows:
1. No more than 40 percent of the required hours may be obtained using self-study, online, or correspondence courses;
2. No more than 50 percent of the required hours may be obtained from serving as an AIT preceptor;
3. Hours may be obtained for teaching a particular continuing education only once during each biennial period; and
4. Hours that exceed the minimum required for a biennial period may not be carried over to a subsequent biennial period.

D. An administrator or manager shall obtain a certificate or other evidence of attendance from the provider of each continuing education attended that includes the following:
1. Name of the administrator or manager;
2. License or certificate number of the administrator or manager;
3. Name of the continuing education;
4. Name of the continuing education provider;
5. Date, time, and location of the continuing education; and
6. Number of hours in the continuing education.

E. An administrator or manager shall maintain the evidence of attendance described in subsection (D) for three years and make the evidence available to the Board under R4-33-503 and as otherwise required under this Chapter.

R4-33-502. Approval of Continuing Education

A. The Board shall approve any continuing education approved by NAB or the ACHCA.

B. The Board shall approve a continuing education only if it is taught by a qualified instructor and addresses at least one of the following subject areas:
1. Laws regarding environmental health and safety,
2. Principles of management,

3. Psychology and principles of patient or resident care,
4. Personal and social care,
5. Therapeutic and supportive care and services in long-term or assisted care,
6. Community health and social resources,
7. Quality assurance,
8. Ethics, and
9. Recordkeeping.

C. To obtain the Board's approval of a continuing education, an administrator, manager, or continuing education provider shall:

1. Submit a form, which is available from the Board, containing the following information:
   a. Title of the continuing education;
   b. Name and address of the continuing education provider;
   c. Name, telephone and fax numbers, and e-mail address of a contact person for the continuing education provider;
   d. Date, time, and place at which the continuing education will be taught;
   e. Whether the continuing education is intended for administrators or managers;
   f. Subject matter of the continuing education;
   g. Teaching methods and learning activities that will be used;
   h. Learning objectives;
   i. Description of how learning objectives will be evaluated;
   j. Whether an examination will be given;
   k. Number of continuing education hours requested; and
2. Signature of the person requesting approval of the continuing education.
3. Submit the following documents:
   a. Copy of any examination that will be given to those who attend the continuing education;
   b. Curriculum vitae of each instructor;
   c. Agenda of the continuing education showing the hours of instruction;
   d. Certificate of attendance that meets the requirements in R4-33-501(D);
   e. Copy of any brochure prepared regarding the continuing education; and
   f. Fee required under R4-33-104.

D. The Board's approval of a continuing education is valid for one year unless there is a change in subject matter, instructor, or hours of instruction. At the end of one year or when there is a change in subject matter, instructor, or hours of instruction, the continuing education provider shall apply again for approval.

R4-33-503. Audit of Compliance and Sanction for Noncompliance with Continuing Education Requirement

When notice of the need to renew a license or certificate is provided, the Board shall also provide notice of an audit of continuing education records to a random sample of administrators or managers. An administrator or manager subject to a continuing education audit shall submit the documentation required under R4-33-501(D) at the same time that the administrator or manager submits the renewal application required under R4-33-206 or R4-33-405. If an administrator or manager fails to submit the required documentation with the renewal application on or before June 30, the license or certificate expires unless the administrator or manager obtains an extension of time in which to complete the continuing education requirement under R4-33-504.

R4-33-504. Extension of Time to Complete the Continuing Education Requirement

A. To obtain an extension of time under A.R.S. § 36-446.07(G) to complete the continuing education requirement, an administrator or manager shall submit to the Board a written request that includes the following:

1. Ending date of the requested extension,
2. Continuing education completed during the current biennial period and the documentation required under R4-33-501(D),

3. Proof of registration for additional continuing education that is sufficient to enable the administrator or manager to fulfill the continuing education requirement before the end of the requested extension, and
4. Administrator's or manager's attestation that the continuing education obtained under the extension will be reported only to fulfill the current renewal requirement and will not be reported on a subsequent renewal application.

B. The Board shall grant an extension of time within seven days after receiving a request for an extension of time if the request:

1. Specifies an ending date no later than October 31,
2. Includes the required documentation and attestation,
3. Is submitted no sooner than April 30, and
4. Will facilitate the safe and professional regulation of nursing care institutions or assisted living facilities in this state.