

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION  
ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS**

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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**” means 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 to supervise a nursing care institution.
- “**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 to supervise an assisted living facility.
- “**NAB**” means the National Association of Long Term Care Administrator Boards.
- “**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, \$150;
  2. Arizona examination, \$500;
  3. Re-administer Arizona examination, \$150;
  4. Issuance of a license, \$400 or \$17 for each month remaining in the biennial period, whichever is less;
  5. Duplicate license, \$75;
  6. Biennial active license renewal, \$400;
  7. Biennial inactive license renewal, \$200;
  8. Late renewal, \$100;
  9. Temporary license, \$300;
  10. Certify licensure status, \$15;
  11. Review sponsorship of a continuing education, \$10 per credit hour;
  12. Review a licensed administrator's request for continuing education credit, \$5 per credit hour.
- 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, \$150;
  2. Arizona examination, \$150;
  3. Re-administer Arizona examination, \$150;
  4. Issuance of a certificate, \$150 or \$7 for each month remaining in the biennial period, whichever is less;
  5. Duplicate certificate, \$75;
  6. Biennial active certificate renewal, \$150;
  7. Biennial inactive certificate renewal, \$100;
  8. Late renewal, \$75;
  9. Temporary certificate, \$100;
  10. Review sponsorship of a continuing education, \$10 per credit hour;
  11. Review a certified manager's request for continuing education credit, \$5 per credit hour.
- C. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility manager training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, \$1,000; and
  2. Renewal approval, \$600.
- D. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility caregiver training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, \$1,500; and
  2. Renewal approval, \$1,300.
- E. Under the authority provided at A.R.S. § 36-446.03(B), the Board establishes and shall collect the following fees related to approval of an assisted living facility caregiver medication management training program. The fees are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial approval, \$300; and
  2. Renewal approval, \$250.

- F. The Board shall ensure that fees established this Section are not increased by more than 25 percent above the amounts previously prescribed by the Board.

#### **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 appointed.

**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.

**Table 1. 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<br>R4-33-201 and R4-33-202<br>A.R.S. §§ 36-446.04(A) and 36-446.05  | 135                | 30                               | 90                                   | 105                           | 60  |
| Renewal of License<br>R4-33-206<br>A.R.S. § 36-446.07(E)                            | 75                 | 30                               | 15                                   | 45                            | 15  |
| Temporary License<br>R4-33-203<br>A.R.S. § 36-446.06                                | 135                | 30                               | 90                                   | 105                           | 60  |
| Continuing Education Program Approval<br>R4-33-502<br>A.R.S. § 36-446.07(E) and (F) | 60                 | 15                               | 30                                   | 45                            | 15  |
| Administrator-in-Training Program Approval<br>R4-33-301<br>A.R.S. § 36-446.04       | 60                 | 15                               | 30                                   | 45                            | 15  |

|  |     |    |    |     |    |
|--|-----|----|----|-----|----|
| Initial Certification<br>R4-33-401<br>A.R.S. § 36-446.04(B)  | 135 | 30 | 90 | 105 | 60 |
| Renewal of Certification<br>R4-33-405<br>A.R.S. § 36-446.07(F)   | 75  | 30 | 15 | 45  | 15 |
| Temporary Certification<br>R4-33-402<br>A.R.S. § 36-446.06   | 135 | 30 | 90 | 105 | 60 |
| Initial Approval of an Assisted<br>Living Facility Manager or<br>Caregiver Training Program<br>R4-33-604, R4-33-704, R4-33-<br>704.1, A.R.S. § 36-446.03(O), | 120 | 60 | 60 | 60  | 60 |
| Renewal Approval of an Assisted<br>Living Facility Manager or<br>Caregiver Training Program<br>R4-33-605, R4-33-705, R4-33-<br>705.1, A.R.S. § 36-446.03(O)  | 120 | 60 | 30 | 60  | 30 |



**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 master's degree in either a health-related field or business administration 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 scores on both the NAB core of knowledge and line of service examinations or qualify with NAB as a Health Services Executive, 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. Hold a minimum of a baccalaureate degree from an accredited college or university, or
  - b. Hold ACHCA certification;
2. Substantially equivalent examination requirement.
  - a. Hold a valid and current license as a nursing care institution administrator.
    - i Issued at least two years ago
    - ii Issured by a state or territory, and
    - iii Obtained by passing the NAB examination; or
  - b. Have evidence of qualification by NAB as a Health Services Executive; and
  - c. Obtain a score of at least 80 percent on the Arizona examination;
3. Never have had a nursing care administrator license suspended, revoked, or otherwise restricted by any state or territory;
4. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
5. 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 by NAB:
    - i The examination score referenced under subsection (2)(a), or
    - ii Evidence of qualification as a Health Services Executive.

#### **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)(c);
  2. Have the owner of an a nursing care institution that intends to appoint the applicant as administrator if the applicant is successful in obtaining a temporary license submit to the Board a Letter of Intent to Appoint 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 Appoint:
    - 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 appoint the applicant;
    - e. Reason for requesting a temporary license for the applicant;
    - f. License number of the nursing care institution; and
    - g. Signature of the owner of the nursing care institution affirming the information provided is true and complete;
  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. E-mail address of the applicant
  5. Home, work, and mobile telephone numbers of the applicant;
  6. Applicant's date and place of birth;
  7. Applicant's Social Security number;
  8. Address of every residence at which the applicant has lived in the last five years;
  9. Name and address of every accredited college or university attended, dates of attendance, date of graduation, and degree or certificate received;
  10. 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;
  11. 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;

12. 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;
  13. 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;
  14. 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;
  15. 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;
  16. 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;
  17. 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;
  18. 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;
  19. 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
  20. 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 have the following submitted directly to the Board on the applicant's behalf:
1. Official transcript submitted by each accredited college or university attended by the applicant;
  2. Verification of license that is signed, authenticated by seal or notarization, and submitted by each agency that ever issued a professional license to the applicant;
  3. "Character Certification" form submitted by two individuals who have known the applicant for at least three years and are not related to, employed by, or employing the applicant; and
  4. If the applicant is certified by ACHCA, verification of certification submitted by ACHCA;
- C.** In addition to complying with subsections (A) and (B), an applicant shall submit:
1. If the applicant completed an AIT program, a photocopy of the certificate issued upon completion;
  2. For every felony or misdemeanor charge listed under subsection (A)(19), a copy of documents from the appropriate court showing the disposition of each charge;
  3. For every felony or misdemeanor conviction listed under subsection (A)(19), a copy of documents from the appropriate court showing whether the applicant met all judicially imposed sentencing terms;
  4. Full-faced photograph of the applicant taken within the last six months;
  5. 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;
  6. Documentation, as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law;
  7. 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
  8. Fees required under R4-33-104(A)(1) and (A)(2).

- D. If required by the Board under A.R.S. § 36-446.03(D), an applicant shall appear before the Board.
- E. When the information required under subsections (A) through (C) is received and following an appearance before the Board required under subsection (D), the Board shall provide notice regarding whether the applicant may take the licensing examinations required under R4-33-201 or R4-33-202.
- F. Because of the time required for the Board to perform an administrative completeness review under R4-33-103, an applicant shall ensure the information required under subsections (A) through (C) is submitted 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 e-mail address
  3. Current home and business telephone numbers;
  4. 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;
  5. 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;
  6. An affirmation that the number of hours of continuing education required under R4-33-501 has been completed; and
  7. The licensee's dated 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. Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under R4-33-204(C)(6) established U.S. citizenship or was a non-expiring work authorization issued by the federal government; 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 late renewal fee prescribed under R4-33-104; and

3. The individual affirms 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.
  16. Accept an appointment as administrator of a nursing care institution in violation of R4-33-212.
- 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. Appointment as Administrator of Multiple Nursing Care Institutions**

- A.** Except as provided in subsection (B), an individual licensed under R4-33-201 or R4-33-202 shall not be appointed as administrator of more than one nursing care institution.
- B.** An individual licensed under R4-33-201 or R4-33-202 may be appointed as administrator of a second nursing care institution if:
1. Neither nursing care institution is operating under a provisional license;
  2. The two nursing care institutions are no more than 25 miles apart; and
  3. The appointment at the second institution is for no more than 90 days.
- C.** A licensed administrator who is appointed as administrator of a second nursing care institution under subsection (B) shall:
1. For both nursing care institutions, designate in writing an individual who is on the nursing care institution premises and accountable for the services provided at the nursing care institution when the licensed administrator is not on the nursing care institution premises. The designated individual shall:
    - a. Be at least 21 years old;
    - b. Be qualified through education and experience to fulfill the responsibilities of a nursing care institution administrator; and
    - c. Never have had licensure or certification suspended or revoked by the Board;
  2. Ensure that the name of the designated individual is conspicuously displayed at all times in a manner that informs those seeking assistance who is accountable for the services provided;

3. Place the written notice of designation required under subsection (C)(1) in the personnel file of the individual designated; and
4. Be available to the individual designated under subsection (C)(1) by telephone or electronically within 60 minutes.

**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, email address, and telephone and fax numbers of the provider; and
    - b. Name, telephone number, and e-mail address 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 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 appointed 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**

- A.** Except as provided in subsection (B), an individual who wishes to receive an initial certificate by examination as an assisted living facility manager shall:
1. Education:
    - a. Earn a high school diploma or G.E.D, or hold a license in good standing issued under A.R.S. Title 32, Chapter 13, 15 or 17 or Article 2
    - b. Complete an assisted living facility caregiver training program that is approved by the Board under Article 7 of this Chapter, and
    - c. Complete an assisted living facility manager training program that is approved by the Board under Article 6 of this Chapter.
  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.
- B.** An individual who holds a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2 is exempt from the requirements specified in subsections (A)(1)(b) and (4).

#### **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(3);
  2. Have the owner of an assisted living facility that intends to appoint the applicant as manager if the applicant is successful in obtaining a temporary certificate submit to the Board a Letter of Intent to Appoint, 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 Appoint:
    - 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 appoint the applicant;
    - e. Reason for requesting a temporary certificate for the applicant;
    - f. License number of the assisted living facility; and
    - g. Signature of the owner of the assisted living facility affirming the information provided is true and complete;
  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 certificates of completion issued from the training courses described under R4-33-401(A)(1)(b) and (c); or
    - b. Copy of the applicant's license issued under A.R.S. Title 32, Chapter 13, 15, or 17 or Article 2, and certificate of completion issued from the training course described under R4-33-401(A)(1)(c).
  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. Full-faced photograph of the applicant taken within the last six months;
  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. Documentation as described in A.R.S. § 41-1080(A), of U.S. citizenship or alien status indicating presence in the U.S. is authorized under federal law;
  11. Affirm the information provided in the application is true and complete and authorize 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.
- C.** 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. Documentation described in A.R.S. § 41-1080(A) unless the documentation previously submitted under R4-33-403(B)(10) established U.S. citizenship or was a non-expiring work authorization issued by the federal government; 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 late renewal fee 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.
  16. Allow the manager's certificate to be displayed as required under R4-33-108(B) unless the manager has been appointed as specified in R4-33-410; or
  17. Manage an assisted living facility in violation of R4-33-411.
- 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 appointed 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 manager 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. Appointment as Manager of Multiple Assisted Living Facilities**

- A.** An individual certified under R4-33-401 shall not be appointed to manage more than two assisted living facilities at one time.
- B.** A individual certified under R4-33-401 who is appointed to manage two assisted living facilities shall:
- 1. Ensure that the two assisted living facilities are no more than 25 miles apart;
  - 2. Designate in writing one or more individuals who are on the assisted living facility premises and accountable for the services provided at the assisted living facility when the appointed certified manager is not on the assisted living facility premises. A designated individual shall:
    - a. Be at least 21 years old;
    - b. Be a caregiver with at least three years' experience as a caregiver or hold a temporary certificate issued under R4-33-402; and
    - c. Never have had licensure or certification suspended or revoked by the Board;
  - 3. Ensure that the name of the designated individual is conspicuously displayed at all times in a manner that informs those seeking assistance who is accountable for the services provided;
  - 4. Place the written notice of designation required under subsection (B)(2) in the personnel file of the individual designated; and
  - 5. Be available to the individual designated under subsection (B)(2) by telephone or electronically within 60 minutes.

**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 credit 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 credit 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 credit 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 credit hour of Board-approved continuing education for each month or part of a month remaining in the biennial period.
- B.** The Board shall award credit hours in an approved continuing education as follows:
1. Seminar or workshop. One credit hour of continuing education for each contact hour;
  2. Course at an accredited educational institution. Fifteen credit 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 credit hour of continuing education for each business meeting attended;
  4. Self-study, online, or correspondence course. Approved credit hours of continuing education requested by the course provider;
  5. Serving as a preceptor. Two credit hours of continuing education for each month that an administrator serves as an AIT preceptor; and
  6. Teaching a Board-approved continuing education. One credit 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 credit 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.

## ARTICLE 6

### ASSISTED LIVING FACILITY MANAGER TRAINING PROGRAMS

#### R4-33-601. Definitions

“**Owner**” means the person responsible for ensuring that an assisted living facility training program complies with this Article.

“**Resident**” means an individual who lives in an assisted living facility.

“**Student cohort**” means a group of individuals who begin participation in an assisted living facility training program at the same time.

#### R4-33-602. Minimum Standards for Assisted Living Facility Manager Training Program

- A. Organization and administration. The owner of an assisted living facility manager training program shall:
1. Provide the Board with a written description of the training program that includes:
    - a. Length of the training program in hours and days; and
    - b. Educational goals that demonstrate the training program is consistent with state requirements;
  2. Execute a written agreement with each assisted living facility at which students enrolled in the training program receive training that includes the following information:
    - a. The rights and responsibilities of both the facility and the training program;
    - b. The role and authority of the governing bodies of both the facility and the training program; and
    - c. A termination clause that provides time for students enrolled in the training program to complete training at the facility upon termination of the agreement;
  3. Develop and adhere to written policies and procedures regarding:
    - a. Attendance. Ensure that a student receives at least 40 hours of instruction;
    - b. Grading. Require a student to attain at least 75 percent on each theoretical examination or 75 percent on a comprehensive theoretical examination;
    - c. Reexamination. Inform students that a reexamination:
      - i. Addresses the same competencies examined in the original examination,
      - ii. Contains items different from those on the original examination, and
      - iii. Is documented in the student's record;
    - d. Student records. Include the following information:
      - i. Records maintained,
      - ii. Retention period for each record,
      - iii. Location of records,
      - iv. Documents required under subsections (E)(1) and (E)(2), and
      - v. Procedure for accessing records and who is authorized to access records;
    - e. Student fees and financial aid, if any;
    - f. Withdrawal and dismissal;
    - g. Student grievances including a chain of command for disputing a grade;
    - h. Admission requirements including any criminal background or drug testing required;
    - i. Criteria for training program completion; and
    - j. Procedure for documenting before enrolling a student that the student has received notice of Board requirements for certification including the fingerprint clearance card requirement;
  4. Date each policy and procedure developed under subsection (A)(3), review within one year from the date made and every year thereafter, update if necessary, and date the policy or procedure at the time of each review;
  5. Provide each student who completes the training program with evidence of completion, within 15 days of completion, which includes the following:
    - a. Name of the student;
    - b. Name and classroom location of the training program;

- c. Number of classroom hours in the training program;
  - d. Date on which the training program was completed;
  - e. Board's approval number of the training program; and
  - f. Signature of the training program owner, administrator, or instructor;
6. Provide the Board, within 15 days of completion, the following information regarding each student who completed the training program:
    - a. Student's name, date of birth, Social Security number, address, and telephone number;
    - b. Student's examination scores as provided by the examining entity;
    - c. Name and classroom location of the training program;
    - d. Number of classroom hours in the training program;
    - e. Date on which the training program was completed; and
    - f. Board's approval number of the training program; and
  7. Execute and maintain under subsections (E)(1) and (E)(2) the following documents for each student:
    - a. A skills checklist containing documentation the student achieved competency in the assisted living facility manager skills listed in R4-33-603(C); and
    - b. An evaluation form containing the student's responses to questions about the quality of the classroom experiences provided by the training program.
- B. Program administrator responsibilities.** The owner of an assisted living facility manager training program shall ensure that a program administrator performs the following responsibilities:
1. Supervises and evaluates the training program,
  2. Uses only instructors who are qualified under subsection (C), and
  3. Makes the written policies and procedures required under subsection (A)(3) available to each student on or before the first day of the training program;
- C. The owner of an assisted living facility manager training program shall ensure that a program instructor:**
1. Is a certified assisted living facility manager who:
    - a. Holds an assisted living facility manager certificate that is in good standing and issued under A.R.S. Title 36, Chapter 4;
    - b. Has held the assisted living facility manager certificate referenced in subsection (C)(1)(a) for at least five years;
    - c. Has not been subject to any disciplinary action against the assisted living facility manager certificate during the last five years; and
    - d. Has at least three years' experience within the last five years as an assisted living facility manager of record immediately before becoming a training program instructor;
  2. Performs the following responsibilities:
    - a. Plans each learning experience;
    - b. Accomplishes educational goals of the training program and lesson objectives;
    - c. Enforces a grading policy that meets or exceeds the requirement specified in subsection (A)(3)(b);
    - d. Requires satisfactory performance of all critical elements of each assisted living facility manager skill specified under R4-33-603(C);
    - e. Prevents a student from performing an activity unless the student has received instruction and been found able to perform the activity competently;
    - f. Is present in the classroom during all instruction;
    - g. Supervises health-care professionals who assist in providing training program instruction; and
    - h. Ensures that a health-care professional who assists in providing training program instruction:
      - i. Is licensed or certified,
      - ii. Has at least one year of experience in the field of licensure or certification, and
      - iii. Teaches only a learning activity that is within the scope of practice of the field of licensure or certification.
- D. Instructional and educational resources.** The owner of an assisted living facility manager training program shall provide or provide access to the following instructional and educational resources adequate to implement the training program for all students and staff:

1. Current reference materials related to the level of the curriculum;
  2. Equipment, including computers, in good working condition to simulate facility management;
  3. Audio-visual equipment and media; and
  4. Designated space that provides a clean, distraction-free, learning environment for accomplishing educational goals of the training program;
- E.** The owner of an assisted living facility manager training program shall:
1. Maintain the following training program records for three years:
    - a. Curriculum and course schedule for each student cohort;
    - b. Results of state-approved written and manual skills testing;
    - c. Evaluation forms completed by students, a summary of the evaluation forms for each student cohort, and measures taken, if any, to improve the training program based on student evaluations; and
    - d. Copy of all Board reports, applications, or correspondence related to the training program; and
  2. Maintain the following student records for three years:
    - a. Name, date of birth, and Social Security number;
    - b. Completed skills checklist;
    - c. Attendance record including a record of any make-up class sessions;
    - d. Score on each test, quiz, and examination and, if applicable, whether a test, quiz, or examination was retaken; and
    - e. Copy of the certificate of completion issued to the student as required under subsection (A)(5);
- F.** Examination and evaluation requirements. The owner of an assisted living facility manager training program shall ensure that each student in the training program:
1. Takes an examination that covers each of the subjects listed in R4-33-603(C) and passes each examination using the standard specified in subsection (A)(3)(b);
  2. Is evaluated and determined to possess the practical skills listed in R4-33-603(C);
  3. Passes, using the standard specified in subsection (A)(3)(b), a final examination approved by the Board and given by a Board-approved provider; and
  4. Does not take the final examination referenced in subsection (F)(3) more than two times. If a student fails the final examination referenced in subsection (F)(3) two times, the student is able to obtain evidence of completion only by taking the assisted living facility manager training program again;
- G.** Periodic evaluation. The owner of an assisted living facility manager training program shall allow a representative of the Board or a state agency designated by the Board to conduct:
1. An onsite scheduled evaluation:
    - a. Before initial approval of the training program as specified under R4-33-604(D),
    - b. Before renewal of the training program approval as specified under R4-33-605, and
    - c. During a time of correction as specified under R4-33-606(B); and
  2. An onsite unscheduled evaluation of the training program if the evaluation is in response to a complaint or reasonable cause, as determined by the Board; and
- H.** Notice of change. The owner of an assisted living facility manager training program shall provide the documentation and information specified regarding the following changes within 10 days after making the change:
1. New training program administrator. Name and license number;
  2. New instructor. Name, license number, and evidence of being qualified under subsection (C)(1);
  3. Decrease in number of training program hours. Description of and reason for the change, a revised curriculum outline, and revised course schedule;
  4. Change in classroom location. Address of new location, if applicable, and description of the new classroom; and
  5. For a training program that is based within an assisted living facility:
    - a. Change in name of the facility. Former and new name of the assisted living facility; and
    - b. Change in ownership of the facility. Names of the former and current owners of the assisted living facility.

**R4-33-603. Curriculum for Assisted Living Facility Manager Training Program**

- A. The owner of an assisted living facility manager training program shall ensure that the training program consists at least 40 hours of classroom instruction.
- B. The owner of an assisted living facility manager training program shall provide a written curriculum plan to each student that includes overall educational goals and for each required subject:
  - 1. Measurable learner-centered objectives,
  - 2. Outline of the material to be taught,
  - 3. Time allotted to each unit of instruction, and
  - 4. Learning activities or reading assignments.
- C. The owner of an assisted living facility manager training program shall ensure that the training program includes instruction regarding each of the following subjects:
  - 1. Resident services management. Developing policies and procedures regarding:
    - a. Resident rights and confidentiality;
    - b. Developing, implementing, and updating resident service plans;
    - c. Resident agreements;
    - d. Providing social and recreational services;
    - e. Maintaining resident records and managing documentation systems;
    - f. Managing ancillary services;
    - g. Responding to and reporting specific incidents, accidents, and emergencies involving residents;
    - h. Managing dining services to meet resident needs;
    - i. Preventing abuse, neglect, and exploitation;
    - j. Accepting or retaining residents; and
    - k. Developing systems for managing residents with dementia, Alzheimer's Disease, or difficult behaviors;
  - 2. Personnel management.
    - a. Complying with federal, state and local laws relating to hiring personnel;
    - b. Developing and implementing systems related to qualifying, orienting, training, and other recurring personnel requirements; and
    - c. Evaluating personnel;
  - 3. Medication management.
    - a. Developing and evaluating policies and procedures for:
      - i. Medication management including medical restraints; and
      - ii. Non-medication intervention; and
    - b. Developing systems for:
      - i. Receiving and documenting doctors' orders;
      - ii. Ordering, refilling, and storing medications; and
      - iii. Recordkeeping related to receipt and administration of medication; and
  - 4. Legal management.
    - a. Board-prescribed requirements for certification and re-certification;
    - b. Delegation;
    - c. Ethics;
    - d. Advanced directives and do-not-resuscitate orders;
    - e. Standards of conduct under R4-33-407;
    - f. Department of Health Services compliance and complaint inspections:
      - i. Statement of deficiencies,
      - ii. Plan for correction, and
      - iii. Enforcement action; and
    - g. Risk management and quality improvement;
  - 5. Financial management.
    - a. Developing and implementing policies, procedures, and practices that comply with:
      - i. State and local laws; and
      - ii. Generally accepted accounting principles regarding accounts receivable, accounts payable, payroll, resident funds, and refunds;

- b. Developing, implementing, and evaluating facility budgeting including revenues, expenses, capital expenditures, and long-term projections; and
- c. Maintaining appropriate insurance coverage; and
- 6. Physical environment management.
  - a. Complying with federal, state, and local laws regarding:
    - i. Occupational Safety and Health Administration,
    - ii. Americans with Disabilities Act, and
    - iii. Fire and safety requirements for assisted living facilities;
  - b. Preparedness for and prevention of fire, emergencies, and disasters;
  - c. Resident safety and security including evacuation, relocation, and transportation; and
  - d. Daily and preventative maintenance plans for buildings, equipment, and grounds.
- D. The owner of an assisted living facility manager training program shall ensure that the training program provides a student with at least:
  - 1. Eight hours of classroom instruction and skills practice in each of the subjects identified in subsections (C)(1) through (C)(4), and
  - 2. Four hours of class room instruction and skills practice in each of the subjects identified in subsections (C)(5) and (C)(6).
- E. The owner of an assisted living facility manager training program shall ensure that the training program uses textbooks that are relevant to the subjects being taught and have been published within the last five years.

**R4-33-604. Application for Approval of an Assisted Living Facility Manager Training Program**

- A. The owner of an assisted living facility manager training program shall ensure that no training is provided until the program is approved by the Board.
- B. To obtain approval of an assisted living facility manager training program, the owner of the training program shall submit to the Board an application packet that contains the following:
  - 1. Name, address, telephone number, and e-mail address of the owner;
  - 2. Name, address, telephone and fax numbers, and web site of the training program;
  - 3. Form of business organization under which the training program is operated and a copy of the establishing documents and organizational chart;
  - 4. A statement of whether the training program is based within an assisted living facility or other location;
  - 5. Name, telephone number, and license or certificate number of the program administrator required under R4-33-602(B);
  - 6. Name, telephone number, and certificate number of each program instructor and evidence that each program instructor is qualified under R4-33-602(C);
  - 7. A statement of whether the training program is accredited and if so, name of the accrediting body and date of last review;
  - 8. For all assisted living facilities at which the training program will provide classroom instruction:
    - a. Name, address, and telephone number of the assisted living facility;
    - b. Name and telephone number of a contact person at the assisted living facility;
    - c. License number of the assisted living facility issued by the Department of Health Services;
    - d. A statement of whether the license of the assisted living facility is in good standing; and
    - e. Date and results of the most recent compliance inspection conducted by the Department of Health Services;
  - 9. Evidence of compliance with R4-33-602 and R4-33-603, including the following:
    - a. Written training program description, consistent with R4-33-602(A)(1), and an implementation plan that includes timelines;
    - b. Description of classroom facilities, equipment, and instructional tools available, consistent with R4-33-602(D);
    - c. Written curriculum, consistent with R4-33-603(B);
    - d. Skills checklist used to verify whether a student has acquired the necessary assisted living facility manager skills, consistent with R4-33-602(A)(7)(a);

- e. Evaluation form required under R4-33-602(A)(7)(b) to enable students to assess the quality of the classroom experience provided by the training program;
  - f. Evidence of completion issued to a student under R4-33-602(A)(5);
  - g. Name of textbook used, author, publication date, and publisher; and
  - h. Copy of written policies and procedures required under R4-33-602(A)(3);
10. Signature of the owner of the training program; and
11. The fee prescribed under R4-33-104(C)(1).
- C.** The owner of an assisted living facility manager training program shall ensure that the application materials submitted under subsection (B) are printed on only one side of white, letter-sized paper, and are not bound in any manner.
- D.** After review of the materials submitted under subsection (B), the Board shall schedule an onsite evaluation of the training program and take one of the following actions:
- 1. If requirements are met, approve the training program for one year; or
  - 2. If requirements are not met, deny approval of the training program.
- E.** The owner of an assisted living facility manager training program that is denied approval by the Board may request a hearing regarding the denial by filing a written request with the Board within 30 days after service of the Board's order denying approval of the training program. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

**R4-33-605. Renewal of Approval of an Assisted Living Facility Manager Training Program**

- A.** The approval of an assisted living facility manager training program expires one year from the date of approval. If the approval of an assisted living facility manager training program expires, the owner of the training program shall immediately stop all training program activity.
- B.** To renew approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board, no fewer than 60 and no more than 120 days before expiration of the current approval, an application packet that contains the following:
- 1. Name, address, e-mail, and telephone number of the owner;
  - 2. Name, address, telephone and fax numbers, and web site of the training program;
  - 3. Name, telephone number, and license number of the program administrator required under R4-33-602(B);
  - 4. Name, telephone number, and license number of each program instructor and evidence that each program instructor is qualified under R4-33-602(C);
  - 5. Written training program description, consistent with R4-33-602(A)(1);
  - 6. Written curriculum, consistent with R4-33-603(B);
  - 7. Since the time the training program was last approved:
    - a. Number of student-cohort classes to which training was provided,
    - b. Number of students who completed the training program,
    - c. Results obtained on the Board-approved written and skills examinations for each student, and
    - d. Percentage of students who passed the examinations on the first attempt;
  - 8. For an assisted living facility at which the training program has started to provide classroom instruction since the training program was last approved, the information required under R4-33-604(B)(7);
  - 9. Evaluation form required under R4-33-602(A)(7)(b) to enable students to assess the quality of the classroom experience provided by the training program;
  - 10. Summary of evaluations for each student cohort, required under R4-33-602(E)(1)(c), and measures taken, if any, to improve the training program based on student evaluations;
  - 11. Evidence of completion issued to a student under R4-33-602(A)(5);
  - 12. Name of textbook used, author, publication date, and publisher;
  - 13. Copy of written policies and procedures required under R4-33-602(A)(3);
  - 14. Signature of the owner of the program; and
  - 15. The fee prescribed under R4-33-104(C)(2).
- C.** After review of the materials submitted under subsection (B), the Board shall ensure that the training program is evaluated at either an on-site or telephonic meeting. The program owner shall ensure that the program owner, program administrator, and all instructors are available to participate in the evaluation meeting.



- D. The Board shall ensure that each training program receives an on-site evaluation at least every four years. An on-site evaluation includes visiting each assisted living facility at which the training program provides classroom instruction.
- E. If the Board approves a training program following an on-site evaluation, no deficiencies were identified during the on-site evaluation, and no complaints are filed with the Board, the Board shall evaluate the training program under subsection (C) using a telephonic meeting for at least two years.
- F. After conducting the evaluation required under subsection (C), the Board shall:
  1. Renew approval of a training program that the Board determines complies with R4-33-602 and R4-33-603; or
  2. Issue a notice of deficiency under R4-33-606 to the owner of a training program that the Board determines does not comply with R4-33-602 or R4-33-603.
- G. The owner of an assisted living facility manager training program that is issued a notice of deficiency by the Board under subsection (F)(2) may request a hearing regarding the deficiency notice by filing a written request with the Board within 30 days after service of the Board's order. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

**R4-33-606. Notice of Deficiency; Correction Plan; Disciplinary Action; Voluntary Termination**

- A. Notice of deficiency. If the Board determines that an assisted living facility manager training program does not comply with the requirements in this Article, the Board shall issue a written notice of deficiency to the owner of the training program. The Board shall include the following in the notice of deficiency:
  1. Description of each deficiency;
  2. Citation to the requirement in this Article with which the training program is not in compliance; and
  3. The time, to a maximum of three months, allowed by the Board for correction of the deficiencies.
- B. Correction plan.
  1. Within 10 days after service of a notice of deficiency under subsection (A), the owner of the served training program shall submit to the Board a written plan to correct the identified deficiencies;
  2. The Board may conduct on-site or telephonic evaluations during the time for correction to assess progress towards compliance;
  3. The owner of a training program implementing a correction plan shall notify the Board when all corrections have been made; and
  4. After receiving notice under subsection (B)(3) or after the time provided under subsection (A)(3) has expired, the Board shall conduct an on-site evaluation to determine whether all deficiencies listed in the notice under subsection (A) have been corrected.
    - a. If the Board determines that all deficiencies have been corrected, the Board shall renew approval of the training program; or
    - b. If the Board determines that all deficiencies have not been corrected, the Board shall take disciplinary action under subsection (C).
- C. Disciplinary action.
  1. Under A.R.S. § 36-446.03(P), the Board shall issue a civil money penalty, suspend or revoke approval of an assisted living facility manager training program, or place the training program on probation if, following a hearing, the Board determines that the owner of the assisted living facility caregiver training program:
    - a. Failed to submit a plan of correction to the Board under R4-33-606(B) within 10 days after service of a notice of deficiency;
    - b. Failed to comply with R4-33-602 or R4-33-603 within the time set by the Board under R4-33-606(A)(3) for correction of deficiencies;
    - c. Failed to comply with a federal or state requirement;
    - d. Failed to allow the Board to conduct an evaluation under R4-33-602(G);
    - e. Failed to comply with R4-33-602(H);

- f. Lent or transferred training program approval to another individual or entity or another training program, including one owned by the same owner;
  - g. Conducted an assisted living facility manager training program before obtaining Board approval;
  - h. Conducted an assisted living facility manager training program after expiration of program approval without submitting an application for renewal under R4-33-605;
  - i. Falsified an application for assisted living facility manager training program approval under R4-33-604 or R4-33-605;
  - j. Violated an order, condition of probation, or stipulation issued by the Board; or
  - k. Failed to respond to a complaint filed with the Board.
2. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.
  3. The Board shall include in an order suspending or revoking approval of an assisted living facility manager training program the time and circumstances under which the owner of the suspended or revoked training program may apply again under R4-33-604 for training program approval.
- D.** Voluntary termination. If the owner of an approved assisted living facility manager training program decides to terminate the training program, the owner shall:
1. Provide written notice of the planned termination to the Board; and
  2. Ensure that the training program, including the instructors, is maintained according to this Article until the last student is transferred or completes the training program.

**ARTICLE 7.**  
**ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS**

**R4-33-701. Definitions**

A. The definitions in R4-33-601 apply to this Article.

In addition to the definitions in R4-33-601, the following definitions apply in this Article:

1. "CMA" means certified medication assistant, an LNA certified by the Arizona Board of Nursing under A.R.S. § 32-1650.02.
2. "CNA" means certified nursing assistant, an individual licensed by the Arizona Board of Nursing under A.R.S. § 32-1645.
3. "DCW" means direct-care worker, an individual who meets the standards and requirements specified in Section 1240(A) of the Arizona Health Care Cost Containment System policy manual.
4. "Distance learning" means the use of technology to teach students who may or may not be physically present in a classroom.
5. "LNA" means licensed nursing assistant, an individual licensed by the Arizona Board of Nursing under A.R.S. § 32-1645.
6. "Skills training" means experiential learning focused on acquiring the ability to provide caregiving services to residents.

**R4-33-702. Minimum Standards for Assisted Living Facility Caregiver Training Program**

A. Organization and administration. The owner of an assisted living facility caregiver training program shall:

1. Provide the Board with a written description of the training program that includes:
  - a. Length of the training program in hours:
    - i. Number of hours of classroom instruction,
    - ii. Number of hours of skills training, and
    - iii. Number of hours of distance learning, and
  - b. Educational goals that demonstrate the training program is consistent with state requirements;
2. Develop and adhere to written policies and procedures regarding:
  - a. Attendance. Ensure that a student receives at least 62 hours of instruction;
  - b. Grading. Require a student to attain at least 75 percent on each knowledge examination or 75 percent on a comprehensive knowledge examination;
  - c. Reexamination. Inform students that a reexamination:
    - i. Addresses the same competencies examined in the original examination,
    - ii. Contains items different from those on the original examination, and
    - iii. Is documented in the student's record;
  - d. Student records. Include the following information:
    - i. Records maintained,
    - ii. Retention period for each record,
    - iii. Location of records,
    - iv. Documents required under subsections (G)(1) and (G)(2), and
    - v. Procedure for accessing records and who is authorized to access records;
  - e. Student fees and financial aid, if any;
  - f. Withdrawal and dismissal;
  - g. Student grievances including a chain of command for disputing a grade;
  - h. Admission requirements including any criminal background or drug testing required;
  - i. Criteria for training program completion; and
  - j. Procedure for documenting before enrolling a student that the student has received notice of the fingerprint clearance card requirement;
3. Date each policy and procedure developed under subsection (A)(2), review within one year from the date made and every year thereafter, update if necessary, and date the policy or procedure at the time of each review;

4. Provide each student who completes the training program with evidence of completion, within 15 days of completion, which includes the following:
    - a. Name of the student;
    - b. Name and classroom location of the training program;
    - c. Number of classroom, skills training, and distance learning hours in the training program;
    - d. Date on which the training program was completed;
    - e. Board's approval number of the training program; and
    - f. Signature of the training program owner, administrator, or instructor;
  5. Provide the Board, within 15 days of completion, the following information regarding each student who completed the training program:
    - a. Student's name, date of birth, Social Security number, address, and telephone number;
    - b. Student's examination score as provided by the examining entity;
    - c. Name and classroom location of the training program;
    - d. Number of classroom hours in the training program;
    - e. Number of distance learning hours in the training program;
    - f. Number of skills training hours in the training program;
    - g. Date on which the training program was completed; and
    - h. Board's approval number of the training program; and
  6. Execute and maintain under subsections (G)(1) and (G)(2) the following documents for each student:
    - a. A skills checklist containing documentation the student achieved competency in the assisted living facility caregiver skills listed in R4-33-703(C);
    - b. A copy of the current food-handler's card issued to the student by the county in which the student lives; and
    - c. An evaluation form containing the student's responses to questions about the quality of the instructional experiences provided by the training program.
- B. Program administrator responsibilities.** The owner of an assisted living facility caregiver training program shall ensure that a program administrator performs the following responsibilities:
1. Supervises and evaluates the training program,
  2. Uses only instructors who are qualified under subsection (C), and
  3. Makes the written policies and procedures required under subsection (A)(2) available to each student on or before the first day of the training program;
- C. The owner of an assisted living facility caregiver training program shall ensure that a program instructor is qualified under subsection (C)(1), (C)(2), or (C)(3):**
1. Is a certified assisted living facility manager:
    - a. Holds an assisted living facility manager certificate that is in good standing and issued under A.R.S. Title 36, Chapter 4;
    - b. Has held the assisted living facility manager certificate referenced in subsection (C)(1)(a) for at least two years;
    - c. Has not been subject to disciplinary action against the assisted living facility manager certificate during the last two years; and
    - d. Has at least two years' experience within the last five years as an assisted living facility manager of record immediately before becoming a training program instructor;
  2. Is a licensed health professional:
    - a. Holds a license that is in good standing and issued under A.R.S. Title 32, Chapter, 13, 15, 17, or 25;
    - b. Has held the health professional license referenced in subsection (C)(2)(a) for at least two years;
    - c. Has not been subject to disciplinary action against the health professional license during the last two years; and
    - d. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor; or
  3. Other qualified individual:
    - a. Holds at least a baccalaureate degree in a health-related field from an accredited college or university;

- b. Has not been subject to disciplinary action against any professional or occupational license or certificate during the last two years; and
  - c. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor.
- D.** The owner of an assisted living facility caregiver training program shall ensure that a program instructor performs the following responsibilities:
  - 1. Plans each learning experience;
  - 2. Accomplishes educational goals of the training program and lesson objectives;
  - 3. Enforces a grading policy that meets or exceeds the requirement specified in subsection (A)(2)(b);
  - 4. Requires satisfactory performance of all critical elements of each assisted living facility caregiver skill specified under R4-33-703(C);
  - 5. Prevents a student from performing an activity unless the student has received instruction and been found able to perform the activity competently;
  - 6. Is present in the classroom during all instruction;
  - 7. Uses a maximum of 20 hours of distance learning;
  - 8. Supervises health professionals who assist in providing training program instruction; and
  - 9. Ensures that a health professional who assists in providing training program instruction:
    - a. Is licensed or certified as a health professional,
    - b. Has at least one year of experience in the field of licensure or certification, and
    - c. Teaches only a learning activity that is within the scope of practice of the field of licensure or certification.
- E.** Skill training requirements. The owner of an assisted living facility caregiver training program shall:
  - 1. Provide each student with at least 12 hours of instructor-supervised skills training; and
  - 2. Ensure that each student develops skill proficiency in the subjects listed in R4-33-703(C).
- F.** Instructional and educational resources. The owner of an assisted living facility caregiver training program shall provide or provide access to the following instructional and educational resources adequate to implement the training program for all students and staff:
  - 1. Current reference materials related to the level of the curriculum;
  - 2. Equipment in functional condition for simulating resident care, including:
    - a. Patient bed, over-bed table, and nightstand;
    - b. Privacy curtain and call bell;
    - c. Thermometers, stethoscopes, including a teaching stethoscope, blood-pressure cuff, and balance scale;
    - d. Hygiene supplies, elimination equipment, drainage devices, and linens;
    - e. Hand-washing equipment and clean gloves; and
    - f. Wheelchair, gait belt, walker, anti-embolic hose, and cane;
  - 3. Computer in good working condition;
  - 4. Audio-visual equipment and media; and
  - 5. Designated space that provides a clean, distraction-free, learning environment for accomplishing educational goals of the training program;
- G.** Records. The owner of an assisted living facility caregiver training program shall
  - 1. Maintain the following training program records for three years:
    - a. Curriculum and course schedule for each student cohort;
    - b. Results of state-approved written examination and skills checklist;
    - c. Evaluation forms completed by students, a summary of the evaluation forms for each student cohort, and measures taken, if any, to improve the training program based on student evaluations; and
    - d. Copy of all Board reports, applications, or correspondence related to the training program; and
  - 2. Maintain the following student records for three years:
    - a. Name, date of birth, and Social Security number;
    - b. Completed skills checklist;
    - c. Attendance record including a record of any make-up class sessions;

- d. Score on each test, quiz, and examination and, if applicable, whether a test, quiz, or examination was retaken;
  - e. Documentation from the program instructor indicating the:
    - i. Number of skills training hours completed by the student;
    - ii. Student performance during the skills training; and
    - iii. Verification of distance learning hours completed by the student; and
  - f. Copy of the evidence of completion issued to the student as required under subsection (A)(4);
- H.** Examination and evaluation requirements for students. The owner of an assisted living facility caregiver training program shall ensure each student in the training program:
- 1. Takes an examination that covers each of the subjects listed in R4-33-703(C) and passes each examination using the standard specified in subsection (A)(2)(b);
  - 2. Is evaluated and determined to possess the practical skills listed in R4-33-703(C);
  - 3. Passes, using the standard specified in subsection (A)(2)(b), a final examination approved by the Board and given by a Board-approved provider; and
  - 4. Does not take the final examination referenced in subsection (H)(3) more than three times. If a student fails the final examination referenced in subsection (H)(3) three times, the student is able to obtain evidence of completion only by taking the assisted living facility caregiver training program again;
- I.** Examination passing standard. The owner of an assisted living facility caregiver training program shall attain an annual first-time passing rate of 70 percent for all students who take the examination specified under subsection (H)(3). The Board may waive this requirement for a program if fewer than 10 students took the examination during the year.
- J.** Periodic evaluation. The owner of an assisted living facility caregiver training program shall allow a representative of the Board or a state agency designated by the Board to conduct:
- 1. An onsite scheduled evaluation:
    - a. Before initial approval of the training program as specified under R4-33-704(D),
    - b. Before renewal of the training program approval as specified under R4-33-705(C), and
    - c. During a time of correction as specified under R4-33-706(B); and
  - 2. An onsite unscheduled evaluation of the training program if the evaluation is in response to a complaint or reasonable cause, as determined by the Board;
- K.** Notice of change. The owner of an assisted living facility caregiver training program shall provide the documentation and information specified regarding the following changes within 10 days after making the change:
- 1. New training program administrator. Name and license number;
  - 2. New instructor. Name, license number, and evidence of being qualified under subsection (C);
  - 3. Decrease in number of training program hours. Description of and reason for the change, a revised curriculum outline, and revised course schedule;
  - 4. Change in classroom location. Address of new location, if applicable, and description of the new classroom; and
  - 5. For a training program that is based within an assisted living facility:
    - a. Change in name of the facility. Former and new name of the assisted living facility; and
    - b. Change in ownership of the facility. Names of the former and current owners of the assisted living facility.
- L.** Medication management training program. The owner of an assisted living facility caregiver training program may provide a medication management training program for a student who, at the time of admission, is in good standing and a CNA, LNA, or DCW.
- 1. The owner shall ensure the medication management training provides the classroom instruction listed in subsection R4-33-703(C)(14) and meets the standards in R4-33-703.1

**R4-33-703. Curriculum for Assisted Living Facility Caregiver Training Program**

- A.** The owner of an assisted living facility caregiver training program shall ensure that the training program consists of at least 62 hours of instruction including:
- 1. Fifty hours of classroom instruction, of which a maximum of 20 hours may be provided by distance learning, and
  - 2. Twelve hours of instructor-supervised skills training.

- B.** The owner of an assisted living facility caregiver training program shall provide a written curriculum plan to each student that includes overall educational goals and for each required subject:
1. Measurable learner-centered objectives,
  2. Outline of the material to be taught,
  3. Time allotted to each unit of instruction, and
  4. Learning activities or reading assignments.
- C.** The owner of an assisted living facility caregiver training program shall ensure that the training program includes classroom instruction and skills training regarding each of the following subjects:
1. Orientation to and overview of the assisted living facility caregiver training program (at least one classroom hour).
    - a. Levels of care within an assisted living facility, and
    - b. Impact of each level of care on residents;
  2. Legal and ethical issues and resident rights (at least two classroom hours).
    - a. Confidentiality (HIPAA);
    - b. Ethical principles;
    - c. Resident rights specified in R9-10-713;
    - d. Abuse, neglect, and exploitation;
    - e. Mandatory reporting; and
    - f. Do not resuscitate (DNR) order and advanced directives;
  3. Communication and interpersonal skills (at least two classroom hours).
    - a. Components of effective communication,
    - b. Styles of communication,
    - c. Attitude in communication,
    - d. Barriers to effective communication:
      - i. Culture,
      - ii. Language, and
      - iii. Physical and mental disabilities, and
    - e. Techniques of communication;
  4. Job management skills (at least one classroom hour).
    - a. Stress management, and
    - b. Time management;
  5. Service plans (at least two classroom hours). Developing, using, and maintaining resident service plans;
  6. Infection control (at least three classroom hours).
    - a. Common types of infectious diseases,
    - b. Preventing infection,
    - c. Controlling infection:
      - i. Washing hands,
      - ii. Using gloves, and
      - iii. Disposing of sharps and other waste;
  7. Nutrition and food preparation (at least two classroom hours).
    - a. Basic nutrition;
    - b. Menu planning and posting;
    - c. Procuring, handling, and storing food safely; and
    - d. Special diets;
  8. Fire, safety, and emergency procedures (at least two classroom hours).
    - a. Emergency planning,
    - b. Medical emergencies,
    - c. Environmental emergencies,
    - d. Fire safety,
    - e. Fire drills and evacuations, and
    - f. Fire-code requirements;
  9. Home environment and maintenance (at least two classroom hours).
    - a. Housekeeping,

- b. Laundry, and
  - c. Physical plant;
10. Basic caregiver skills (at least eight classroom hours).
    - a. Taking vital signs and measuring height and weight;
    - b. Maintaining a resident's environment;
    - c. Observing and reporting pain;
    - d. Assisting with diagnostic tests;
    - e. Providing assistance to residents with drains and tubes;
    - f. Recognizing and reporting abnormal changes to a supervisor;
    - g. Applying clean bandages;
    - h. Providing peri-operative care;
    - i. Assisting ambulation of residents including transferring and using assistive devices;
    - j. Bathing, caring for skin, and dressing;
    - k. Caring for teeth and dentures;
    - l. Shampooing and caring for hair;
    - m. Caring for nails;
    - n. Toileting, caring for perineum, and caring for ostomy;
    - o. Feeding and hydration including proper feeding techniques and use of assistive devices in feeding;
    - p. Preventing pressure sores; and
    - q. Maintaining and treating skin;
  11. Mental health and social service needs (at least three classroom hours).
    - a. Modifying the caregiver's behavior in response to resident behavior;
    - b. Understanding the developmental tasks associated with the aging process;
    - c. Responding to resident behavior;
    - d. Promoting resident dignity;
    - e. Providing culturally sensitive care;
    - f. Caring for the dying resident; and
    - g. Interacting with the resident's family;
  12. Care of the cognitively impaired resident (at least four classroom hours).
    - a. Anticipating and addressing the needs and behaviors of residents with dementia or Alzheimer's disease;
    - b. Communicating with cognitively impaired residents;
    - c. Understanding the behavior of cognitively impaired residents; and
    - d. Reducing the effects of cognitive impairment;
  13. Skills for basic restorative services (at least two classroom hours).
    - a. Understanding body mechanics;
    - b. Assisting resident self-care;
    - c. Using assistive devices for transferring, walking, eating, and dressing;
    - d. Assisting with range-of-motion exercises;
    - e. Providing bowel and bladder training;
    - f. Assisting with care for and use of prosthetic and orthotic devices; and
    - g. Facilitating family and group activities; and
  14. Medication management (at least 16 classroom hours).
    - a. Determining whether a resident needs assistance with medication administration and if so, the nature of the assistance;
    - b. Assisting a resident to self-administer medication;
    - c. Observing, documenting, and reporting changes in resident condition before and after medication is administered;
    - d. Knowing the five rights of a resident in medication administration;
    - e. Knowing classifications of and responses to medications;
    - f. Taking, reading, and implementing physician medication and treatment orders;
    - g. Storing medication properly and securely;
    - h. Documenting medication and treatment services;
    - i. Maintaining records of medication and treatment services;
    - j. Using medication organizers properly;



- k. Storing and documenting use of narcotic drugs and controlled substances;
  - l. Understanding how metabolism and physical conditions affect medication absorption;
  - m. Knowing the proper administration of all forms of medication;
  - n. Using drug-reference guides (PDR); and
  - o. Preventing, identifying, documenting, reporting, and responding to medication errors.
- D.** The owner of an assisted living facility caregiver training program shall ensure that the training program:
- 1. Provides a student with at least the number of classroom hours specified in subsection (C);
  - 2. Subject to the limitations specified, uses distance learning for a maximum of 20 hours only for the classroom hours specified in subsections (C)(1), through (C)(9), (C)(11) and (C)(12);
    - a. Only one of the classroom hours specified in subsection (C)(6) may be taught by distance learning; and
    - b. Only two of the classroom hours specified in subsection (C)(12) may be taught by distance learning.
  - 3. Provides a student with at least the number of skills training hours specified in subsection (A)(2).
- E.** The owner of an assisted living facility caregiver training program shall ensure that the training program uses textbooks that are relevant to the subjects being taught and have been published within the last five years.
- F.** The owner of an assisted living facility caregiver training program shall ensure that any distance learning provided uses materials that are relevant to the subjects being taught and have been produced within the last five years.

**R4-33-703.1. Minimum Standards and Curriculum for an Assisted Living Facility Caregiver Medication Management Training Program**

- A.** An assisted living facility caregiver medication management training program may be established by:
- 1. The owner or manager of an assisted living facility, or
  - 2. The owner of an assisted living facility caregiver training program.
- B.** A person under subsection (A) may offer an assisted living facility caregiver medication management training program to a:
- 1. A CNA who is in good standing and whose certification by the Arizona Board of Nursing under A.R.S. § 32.1645 is verified;
  - 2. An LNA who is in good standing and whose certification by the Arizona Board of Nursing under A.R.S. § 32.1645 is verified; and
  - 3. A DCW who is in good standing and whose training, including training about caregiving fundamentals and aging and physical disabilities, and testing record is verified through the AHCCCS online database.
- C.** A person under subsection (A) that offers an assisted living facility caregiver medication management training program to individuals specified under subsection (B) shall ensure the assisted living facility caregiver medication management training program:
- 1. Consists of at least the 16 classroom hours specified under R4-33-703(C)(14);
  - 2. Is not taught by distance learning;
  - 3. Is taught by a health professional who holds a license in good standing and issued under A.R.S. Title 32, Chapter 13, 15, 17, 18, or 25; and
  - 4. Requires passing an examination regarding assisted living facility caregiver medication management, using the standard specified in R4-33-702(A)(2)(b), that is approved by the Board and given by a Board approved provider. An individual under subsection (B) shall pass the required examination in no more than three attempts. After failing three times, the individual may take the assisted living facility caregiver medication management program again.
- D.** In addition to complying with subsection (C), a person under subsection (A) shall ensure each individual under subsection (B) who participates in an assisted living facility caregiver medication management training program:
- 1. Receives notice, before participating in the training program, of:

- a. The fingerprint clearance card requirement, and
- b. The need to obtain a food-handler's card from the county in which the individual lives.
- 2. Provides written documentation, which is dated and signed, indicating the person under subsection (A) complied with subsection (D)(1). The person under subsection (A) shall maintain the written documentation under R4-33-702(G)(2).
- E.** In addition to complying with subsection (C), a person under subsection (A) that offers an assisted living facility caregiver medication management training program to individuals specified under subsection (B) shall comply with the following subsections of R4-33-702:
  - 1. (A)(4)(a), (b), and (d) through (f);
  - 2. (A)(5)(a) through (d), (g), and (h);
  - 3. (A)(6)(b) and (c)
  - 4. (G)(1)(b) through (d);
  - 5. (G)(2)(a), (c), (d) and (f);
  - 6. (I) and
  - 7. (J).

**R4-33-704. Application for Approval of an Assisted Living Facility Caregiver Training Program**

- A.** The owner of an assisted living facility caregiver training program shall ensure no training is provided until the program is approved by the Board.
- B.** To obtain approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board an application packet that contains the following:
  - 1. Name, address, telephone number, and e-mail address of the owner;
  - 2. Name, address, telephone and fax numbers, and web site of the training program;
  - 3. Form of business organization under which the training program is operated and a copy of the establishing documents and organizational chart;
  - 4. A statement of whether the training program is based within an assisted living facility or other location;
  - 5. Name, telephone number, e-mail address and license or certificate number of the program administrator required under R4-33-702(B);
  - 6. Name, telephone number, e-mail address and license number of each program instructor and evidence that each program instructor is qualified under R4-33-702(C);
  - 7. A statement of whether the training program is accredited and if so, name of the accrediting body and date of last review;
  - 8. For all assisted living facilities at which the training program will provide instruction:
    - a. Name, address, and telephone number of the assisted living facility;
    - b. Name e-mail address, and telephone number of a contact person at the assisted living facility;
    - c. License number of the assisted living facility issued by the Department of Health Services;
    - d. A statement of whether the license of the assisted living facility is in good standing; and
    - e. Date and results of the most recent compliance inspection conducted by the Department of Health Services;
  - 9. Evidence of compliance with R4-33-702 and R4-33-703, including the following:
    - a. Written training program description, consistent with R4-33-702(A)(1), and an implementation plan that includes timelines;
    - b. Description of classroom facilities, equipment, and instructional tools available, consistent with R4-33-702(F);
    - c. Written curriculum, consistent with R4-33-703(C);
    - d. Skills checklist used to verify whether a student has acquired the necessary assisted living facility caregiver skills, consistent with R4-33-702(A)(6)(a);
    - e. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program;
    - f. Evidence of completion issued to a student under R4-33-702(A)(4);
    - g. Name of textbook used, author, publication date, and publisher;

- h. Name of any distance learning materials used, producer of the material, and date produced; and
  - i. Copy of written policies and procedures required under R4-33-702(A)(2);
10. Signature of the owner of the training program; and
  11. The fee prescribed under R4-33-104(D)(1).
- C. The owner of an assisted living facility caregiver training program shall ensure the application materials submitted under subsection (B) are printed on only one side of white, letter-sized paper, and are not bound in any manner.
  - D. After review of the materials submitted under subsection (B), the Board shall schedule an onsite evaluation of the training program and take one of the following actions:
    1. If requirements are met, approve the training program for one year; or
    2. If requirements are not met, deny approval of the training program.
  - E. The owner of an assisted living facility caregiver training program denied approval by the Board may request a hearing regarding the denial by filing a written request with the Board within 30 days after service of the Board's order denying approval of the training program. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

**R4-33-704.1. Application for Approval of an Assisted Living Facility Caregiver Medication Management Training Program**

- A. A person described under R4-33-703.1(A) shall ensure no training is provided until the assisted living facility medication management training program is approved by the Board.
- B. To obtain approval of an assisted living facility medication management training program, a person described under R4-33-703.1(A) shall submit to the Board an application packet the contains the following:
  1. Name, address, telephone number, and e-mail address of the person described under R4-33-703.1(A);
  2. A statement of whether the training program is based within an assisted living facility or other location and address of the location;
  3. Name, telephone number, e-mail address, and license number of each program instructor and evidence each program instructor is qualified under R4-33-703.1(C)(3);
  4. The information required under R4-33-704(B)(8);
  5. The following evidence of compliance with R4-33-703.1(D):
    - a. Skills checklist used to verify whether a student has acquired the necessary assisted living facility caregiver skills, consistent with R4-33-702(A)(6)(a);
    - b. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program; and
    - c. Evidence of completion issued to a student under R4-33-702(A)(4);
  6. Signature of the person described under R4-33-703.1(A); and
  7. The fee prescribed under R4-33-104(E)(1) except a person that has an assisted living facility caregiver training program approved under R4-33-704 is not required to pay a fee for approval under this Section.
- C. R4-33-704(C) through (E) applies to this Section.

**R4-33-705. Renewal of Approval of an Assisted Living Facility Caregiver Training Program**

- A. The approval of an assisted living facility caregiver training program expires one year from the date of approval. If the approval of the training program expires, the owner of the training program shall immediately stop all training program activity.
- B. To renew approval of an assisted living facility caregiver training program, the owner of the training program shall submit to the Board, no fewer than 60 and no more than 120 days before expiration of the current approval, an application packet that contains the following:
  1. Name, address, telephone number, and e-mail address of the owner;
  2. Name, address, telephone and fax numbers, and web site of the training program;
  3. Name, telephone number, e-mail address and license number of the program administrator required under R4-33-702(B);

4. Name, telephone number, e-mail address and license number of each program instructor and evidence each program instructor is qualified under R4-33-702(C);
  5. Written training program description, consistent with R4-33-702(A)(1);
  6. Written curriculum, consistent with R4-33-703(C);
  7. Since the time the training program was last approved:
    - a. Number of student-cohort classes to which training was provided,
    - b. Number of students who completed the training program,
    - c. Results obtained on the Board-approved written examination and skills checklist for each student, and
    - d. Percentage of students who passed the examination on the first attempt;
  8. For an assisted living facility at which the training program has started to provide instruction since the training program was last approved, the information required under R4-33-704(B)(8);
  9. Evaluation form required under R4-33-702(A)(6)(c) to enable students to assess the quality of the instructional experience provided by the training program;
  10. Summary of evaluations for each student cohort, required under R4-33-702(G)(1)(c), and measures taken, if any, to improve the training program based on student evaluations;
  11. Evidence of completion issued to a student under R4-33-702(A)(4);
  12. Name of textbook used, author, publication date, and publisher;
  13. Name of any distance learning materials used, producer of the material, and date produced;
  14. Copy of written policies and procedures required under R4-33-702(A)(2);
  15. Signature of the owner of the training program; and
  16. The fee prescribed under R4-33-104(D)(2).
- C.** After review of the materials submitted under subsection (A), the Board shall ensure that the training program is evaluated at either an on-site or telephonic meeting. The program owner shall ensure the program owner, program administrator, and all instructors are available to participate in the evaluation meeting.
- D.** The Board shall ensure each training program receives an on-site evaluation at least every four years. An on-site evaluation includes visiting each assisted living facility at which the training program provides instruction.
- E.** If the Board approves a training program following an on-site evaluation, no deficiencies were identified during the on-site evaluation, and no complaints are filed with the Board, the Board shall evaluate the training program under subsection (C) using a telephonic meeting for at least two years.
- F.** After conducting the evaluation required under subsection (C), the Board shall:
1. Renew approval of a training program the Board determines complies with R4-33-702 and R4-33-703; or
  2. Issue a notice of deficiency under R4-33-706 to the owner of a training program the Board determines does not comply with R4-33-702 or R4-33-703.
- G.** The owner of an assisted living facility training program issued a notice of deficiency by the Board under subsection (F)(2) may request a hearing regarding the deficiency notice by filing a written request with the Board within 30 days after service of the Board's order. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.

**R4-33-705.1. Renewal of Approval of an Assisted Living Facility Caregiver Medication Management Training Program**

- A.** The approval of an assisted living facility caregiver medication management training program expires one year from the date of approval. If the approval expires, the person described under R4-33-703.1(A) shall immediately stop all medication management training program activity.
- B.** To renew approval of an assisted living facility caregiver medication management training program, the person described under R4-33-703.1(A) shall submit to the Board, no fewer than 60 and no more than 120 days before expiration of the current approval, an application packet that contains the following:
1. Name, address, telephone number and e-mail address of the person described under R4-33-703.1(A);

2. Name, telephone number, e-mail address, and license number of each program instructor and evidence each program instructor is qualified under R4-33-703.1(C)(3);
  3. The information required under R4-33-705(B)(7) through (11);
  4. Signature of the person described under R4-33-703.1(A); and
  7. The fee prescribed under R4-33-104(E)(2) except a person that has approval of an assisted living facility caregiver training program renewed under R4-33-705 is not required to pay a fee for approval under this Section.
- C. R4-33-705(C) through (G) applies to this Section.

**R4-33-706. Notice of Deficiency; Correction Plan; Disciplinary Action; Voluntary Termination**

- A. Notice of deficiency. If the Board determines an assisted living facility caregiver or medication management training program does not comply with the requirements in this Article, the Board shall issue a written notice of deficiency to the program owner or person described under R4-33-703.1(A) of the training. The Board shall include the following in the notice of deficiency:
1. Description of each deficiency;
  2. Citation to the requirement in this Article with which the training program is not in compliance; and
  3. The time, to a maximum of three months, allowed by the Board for correction of the deficiencies.
- B. Correction plan.
1. Within 10 days after service of a notice of deficiency under subsection (A), the owner or person described under R4-33-703.1(A) of the served training program shall submit to the Board a written plan to correct the identified deficiencies;
  2. The Board may conduct on-site or telephonic evaluations during the time for correction to assess progress towards compliance;
  3. The owner or person described under R4-33-703.1(A) of a training program implementing a correction plan shall notify the Board when all corrections have been made; and
  4. After receiving notice under subsection (B)(3) or after the time provided under subsection (A)(3) has expired, the Board shall conduct an on-site evaluation to determine whether all deficiencies listed in the notice under subsection (A) have been corrected.
    - a. If the Board determines all deficiencies have been corrected, the Board shall renew approval of the training program; or
    - b. If the Board determines all deficiencies have not been corrected, the Board shall take disciplinary action under subsection (C).
- C. Disciplinary action.
1. Under A.R.S. § 36-446.03(P), the Board shall issue a civil money penalty, suspend or revoke approval of an assisted living facility caregiver training program, or place the training program on probation if, following a hearing, the Board determines that the owner or the person described under R4-33-703.1(A):
    - a. Failed to submit a plan of correction to the Board under R4-33-706(B) within 10 days after service of a notice of deficiency;
    - b. Failed to comply with R4-33-702, R4-33-703 or R4-33-703.1, as applicable, within the time set by the Board under R4-33-706(A)(3) for correction of deficiencies;
    - c. Failed to comply with a federal or state requirement;
    - d. Failed to allow the Board to conduct an evaluation under R4-33-702(J) or R4-33-703.1(D)(6);
    - e. Failed to comply with R4-33-702(K);
    - f. Lent or transferred training program approval to another individual or entity or another training program, including one owned by the same owner or person described under R4-33-703.1(A);
    - g. Conducted an assisted living facility caregiver or medication management training program before obtaining Board approval;
    - h. Conducted an assisted living facility caregiver or medication management training program after expiration of program approval without submitting an application for renewal under R4-33-705 or R4-33-705.1, as applicable;

- i. Falsified an application for assisted living facility caregiver or medication management training program approval under R4-33-704, R4-33-704.1, R4-33-705, or R4-33-705.1;
    - j. Violated an order, condition of probation, or stipulation issued by the Board; or
    - k. Failed to respond to a complaint filed with the Board.
  2. The Board shall conduct hearings under A.R.S. Title 41, Chapter 6, Article 10.
  3. The Board shall include in an order suspending or revoking approval of an assisted living facility caregiver or medication management training program the time and circumstances under which the owner or person described under R4-33-703.1(A) of the suspended or revoked training program may apply again under R4-33-704 or R4-33-704.1 for training program approval.
- D.** Voluntary termination. If the owner or person described under R4-33-703.1(A) of an approved assisted living facility caregiver or medication management training program decides to terminate the training program, the owner or person described under R4-33-703.1(A) shall:
  1. Provide written notice of the planned termination to the Board; and
  2. Ensure that the training program, including the instructors, is maintained according to this Article until the last student is transferred or completes the training program.