

**TITLE 9. HEALTH SERVICES**  
**CHAPTER 10. DEPARTMENT OF HEALTH SERVICES –**  
**HEALTH CARE INSTITUTION: LICENSING**  
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## ARTICLE 4. NURSING CARE INSTITUTIONS

### R9-10-401. Definitions

In addition to the definitions in A.R.S. § 36-401 and 9 A.A.C. 10, Article 1, the following definitions apply in this Article:

- . "Administrator" has the meaning in A.R.S. § 36-446.
- . "Care plan" means a documented description of nursing services expected to be provided to a resident based on the resident's comprehensive assessment that includes measurable objectives and the methods for meeting the objectives.
- . "Direct care" means medical services, nursing services, or medically-related social services provided to a resident.
- . "Director of nursing" means an individual who is responsible for the nursing services provided in a nursing care institution.
- . "Full-time" means 40 hours or more every consecutive seven days.
- . "Highest practicable" means a resident's optimal level of functioning and well-being based on the resident's current functional status and potential for improvement as determined by the resident's comprehensive assessment.
- . "Interdisciplinary team" means a group of individuals consisting of a resident's attending physician, a registered nurse responsible for the resident, and other individuals as determined in the resident's comprehensive assessment.
- . "Medical director" means a physician who is responsible for the coordination of medical services provided to residents in a nursing care institution.
- . "Medically-related social services" means assistance provided to or activities provided for a resident to maintain or improve the resident's physical, mental, and psychosocial capabilities.
- . "Medication error" means:
  - a. The failure to administer an ordered medication;
  - b. The administration of a medication not ordered; or
  - c. A medication administered:
    - i. In an incorrect dosage,
    - ii. More than 60 minutes from the ordered time of administration unless ordered to do so, or
    - iii. By an incorrect route of administration.

- . "Nursing care institution services" means medical services, nursing services, health-related services, medically-related social services, and environmental services provided to a resident.
- . "Ombudsman" means a resident advocate who performs the duties described in A.R.S. § 46-452.02.
- . "Resident" means a patient receiving nursing care institution services.
- . "Resident group" means residents or residents' family members who:
  - a. Plan and participate in resident activities; or
  - b. Meet to discuss nursing care institution issues and policies.
- . "Resident's representative" means a resident's legal guardian, an individual acting on behalf of a resident with the written consent of the resident, or a surrogate under A.R.S. § 36-3201.
- . "Secured" means the use of a method, device, or structure that:
  - a. Prevents a resident from leaving an area of the nursing care institution's premises; or
  - b. Alerts a personnel member of a resident's departure from the nursing care institution.
- . "Total health condition" means a resident's overall physical and psychosocial well-being as determined by the resident's comprehensive assessment.
- . "Unnecessary drug" means a medication is not required because:
  - a. There is no documented indication for its use;
  - b. The medication is excessive or duplicative;
  - c. The medication is administered before determining whether the resident requires it; or
  - d. The resident has experienced an adverse reaction from the medication indicating that the medication should be reduced or discontinued.

**R9-10-402. Application Requirements**

In addition to the license application requirements in A.R.S. § 36-422 and R9-10-105, an applicant for a license as a nursing care institution shall include:

1. On the application whether the nursing care institution:
  - a. Has:
    - i. A secured area for residents with Alzheimer's disease or other dementia, or
    - ii. An area for residents on ventilators; or

- b. Is requesting authorization to provide:
  - i. Behavioral health services,
  - ii. Clinical laboratory services,
  - iii. Dialysis services,
  - iv. Radiology services and diagnostic imaging services,
  - v. Respiratory care services,
  - vi. Rehabilitation services, or
  - vii. A nutrition and feeding assistant training program; and
- 2. If the governing authority is requesting authorization to provide a nutrition and feeding assistant training program, the information in R9-10-115(B)(1)(a), (B)(1)(c) and (B)(2).

**R9-10-403. Administration**

- A. A governing authority shall:
  - 1. Consist of one or more individuals responsible for the organization, operation, and administration of a nursing care institution;
  - 2. Establish, in writing, the nursing care institution's scope of services;
  - 3. Designate, in writing, a nursing care institution administrator licensed according to A.R.S. Title 36, Chapter 4, Article 6;
  - 4. Approve a nursing care institution's policies and procedures;
  - 5. Adopt a quality management program according to R9-10-404;
  - 6. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
  - 7. Designate an acting administrator licensed according to A.R.S. § Title 36, Chapter 4, Article 6 if the administrator is:
    - a. Expected not to on the nursing care institution's premises for more than 30 calendar days, or
    - b. Is not on the nursing care institution's premises for more than 30 calendar days; and
  - 8. Except as permitted in subsection (A)(7), when there is a change of administrator, notify the Department according to A.R.S. § 36-425(I) and submit a copy of the new administrator's license under A.R.S. Title 36, Chapter 4, Article 6 to the Department.
- B. An administrator:
  - 1. Is directly accountable to the governing authority of a nursing care institution for the daily operation of the nursing care institution and all services provided by or at the nursing care institution;

2. Has the authority and responsibility to administer the nursing care institution;
3. Except as provided in subsection (A)(7), designates an individual, in writing, who is available and accountable for the nursing care institution when the administrator is not present on the nursing care institution's premises;
4. Ensure the nursing care institution's compliance with A.R.S. § 36-411; and
5. If the nursing care institution provides feeding and nutrition assistant training, ensures the nursing care institution complies with the requirements for the operation of a feeding and nutrition assistant training program in R9-10-115

C. An administrator shall ensure that:

1. Policies and procedures are established, documented, and implemented that:
  - a. Include job descriptions, duties, and qualifications including required skills and knowledge for personnel members, employees, volunteers, and students;
  - b. Cover orientation and in-service education for personnel members, employees, volunteers, and students;
  - c. Include how a personnel member may submit a complaint relating to resident care;
  - d. Cover cardiopulmonary resuscitation training required in R9-10-406(E)(3)(g) including:
    - i. The method and content of cardiopulmonary resuscitation training,
    - ii. The qualifications for an individual to provide cardiopulmonary resuscitation training,
    - iii. The time-frame for renewal of cardiopulmonary resuscitation training, and
    - iv. The documentation that verifies an individual has received cardiopulmonary resuscitation training;
  - e. Include a method to identify a resident to ensure the resident receives physical health services and behavioral health services as ordered;
  - f. Cover resident rights including assisting a resident who does not speak English or who has a disability to become aware of resident rights;
  - g. Cover health care directives;
  - h. Cover medical records, including electronic medical records;
  - i. Cover quality management, including incident documentation;
  - j. Cover resident's personal accounts;
  - k. Cover petty cash funds;

- l. Cover fees and refund policy;
  - m. Cover misappropriation of resident property; and
  - n. Cover when an individual may visit a resident in a nursing care institution;
2. Policies and procedures for physical health services and behavioral health services are established, documented, and implemented that:
    - a. Cover resident screening, admission, transport, transfer, discharge planning, and discharge;
    - b. Cover the provision of physical health services and behavioral health services;
    - c. Include when general consent and informed consent are required;
    - d. Cover dispensing, administering, and disposing of medication and biologicals;
    - e. Cover infection control;
    - f. Cover restraints that require an order, including the frequency of monitoring and assessing the restraint;
    - g. Cover seclusion of a resident including:
      - i. The requirements for an order, and
      - ii. The frequency of monitoring and assessing a resident in seclusion;
    - h. Cover telemedicine, if applicable; and
    - i. Cover environmental services that affect resident care;
  3. Policies and procedures are reviewed at least once every 24 months and updated as needed;
  4. Policies and procedures are available to personnel and medical staff;
  5. Unless otherwise stated:
    - a. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - b. When documentation or information is required by this Chapter to be submitted on behalf of a nursing care institution, the documentation or information is provided to the unit in the Department that is responsible for licensing and monitoring the nursing care institution.
- D. If abuse, neglect, or exploitation of a resident is alleged or suspected, an administrator shall:
1. Take immediate action to stop the alleged or suspected abuse, neglect, or exploitation;
  2. Immediately report the alleged or suspected abuse, neglect, or exploitation of the resident:
    - a. For an individual 18 years of age or older, according to A.R.S. § 46-454; or
    - b. For an individual under 18 years of age, according to A.R.S. § 13-3620;

3. Document the action in subsection (D)(1) and the report in subsection (D)(2) and maintain the documentation for 12 months after the date of the report;
4. Investigate the suspected or alleged abuse, neglect, or exploitation and develop a written report of the investigation within 48 hours after the report required in subsection (D)(2) that includes:
  - a. Dates, times, and description of the alleged or suspected abuse, neglect, or exploitation;
  - b. Description of any injury to the resident and any change to the resident's physical, cognitive, functional, or emotional condition;
  - c. Names of witnesses to the alleged or suspected abuse, neglect, or exploitation; and
  - d. Actions taken by the administrator to prevent the alleged or suspected abuse, neglect, or exploitation from occurring in the future; and
5. Submit a copy of the investigation report required in subsection (D)(4) to the Department within 48 hours after submitting the report in subsection (D)(2); and
6. Maintain a copy of the investigation report required in subsection (D)(4) for 12 months after the date of the report;
7. An injury to a resident from an unknown source that requires medical services, a disaster, or an incident is investigated by the nursing care institution and reported to the Department within 24 hours or the first business day after the injury, disaster, or incident occurs;
8. A resident advocate assists a resident, the resident's representative, or a resident group with a request or recommendation, and responds in writing to any complaint submitted to the nursing care institution;
9. The following are conspicuously posted on the premises:
  - a. The current nursing care institution license and quality rating issued by the Department;
  - b. The name, address, and telephone number of:
    - i. The Department's Office of Long Term Care,
    - ii. The State Long Term Care Ombudsman Program, and
    - iii. Adult Protective Services of the Department of Economic Security;
  - c. A notice that a resident may file a complaint with the Department concerning the nursing care institution;
  - d. A map for evacuating the nursing care institution; and

- e. A copy of the current license survey report with information identifying residents redacted, any subsequent reports issued by the Department, and any plan of correction that is in effect.
- E. An administrator shall provide written notification to the Department:
1. Within one working day after a resident's death;
  2. Within two working days after a resident's suicide attempt or infliction of self-injury that results in the resident needing medical services; and
  3. Within three working days after a resident has an accident, emergency, or serious injury that results in the resident needing medical services.
- F. If an administrator administers a resident's personal account at the request of the resident or the resident's representative, the administrator shall:
1. Comply with nursing care institution policies and procedures established according to subsection (C)(1)(j),
  2. Designate a personnel member who is responsible for the personal accounts,
  3. Maintain a complete and separate accounting of each personal account,
  4. Obtain written authorization from the resident or the resident's representative for a personal account transaction,
  5. Document an account transaction and provide a copy of the documentation to the resident or the resident's representative on request and at least every three months,
  6. Transfer all money from the resident's personal account in excess of \$50.00 to an interest-bearing account and credit the interest to the resident's personal account, and
  7. Within 30 days of the resident's death, transfer, or discharge, return all money in the resident's personal account and a final accounting to the individual or probate jurisdiction administering the resident's estate.
- G. If a petty cash fund is established for use by residents, the administrator shall ensure that:
1. The nursing care institution policies and procedures established according to subsection (C)(1)(k) include:
    - a. A prescribed cash limit of the petty cash fund, and
    - b. The hours of the day a resident may access the petty cash fund; and
  2. A resident's written acknowledgment is obtained for a petty cash transaction.

**R9-10-404. Quality Management**

An administrator shall ensure that:

1. A plan is established, documented, and implemented for an ongoing quality management program that, at a minimum, includes:

- a. A method to identify, document, and evaluate incidents;
  - b. A method to collect data to evaluate services provided to residents, including contracted services;
  - c. A method to evaluate the data collected to identify a concern about the delivery of services related to resident care;
  - d. A method to make changes or take action as a result of the identification of a concern about the delivery of services related to resident care; and
  - e. The frequency of submitting a documented report required in subsection (2) to the governing authority;
2. A documented report is submitted to the governing authority that includes:
    - a. An identification of each concern about the delivery of services related to resident care; and
    - b. Any change made or action taken as a result of the identification of a concern about the delivery of services related to resident care; and
  3. The report required in subsection (2) and the supporting documentation for the report are maintained for 12 months after the date the report is submitted to the governing authority.

**R9-10-405. Contracted Services**

An administrator shall ensure that:

1. Contract services are provided according to the requirements in this Article, and
2. A documented list of current contracted services is maintained that includes a description of the contracted services provided.

**R9-10-406. Personnel and Staffing**

A. An administrator shall ensure that:

1. A behavioral health technician is at least 21 years old, and
2. A behavioral health paraprofessional is at least 21 years old.

B. An administrator shall ensure that:

1. The qualifications, skills, and knowledge required for each type of personnel member:
  - a. Are based on:
    - i. The type of physical health services or behavioral health services expected to be provided by the personnel member according to the established job description, and
    - ii. The acuity of the residents receiving physical health services or behavioral health services from the personnel member according to the established job description; and

- b. Include:
      - i. The specific skills and knowledge necessary for the personnel member to provide the expected physical health services and behavioral health services listed in the established job description,
      - ii. The type and duration of education that may allow the personnel member to acquire the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description, and
      - iii. The type and duration of experience that may allow the personnel member to acquire the specific skills and knowledge for the personnel member to provide the expected physical health services or behavioral health services listed in the established job description;
- 2. A personnel member's skills and knowledge are verified:
  - a. Before the personnel member provides physical health services or behavioral health services at a nursing care institution, and
  - b. At least once every 12 months; and
- 3. There are personnel members present on a nursing care institution's premises with the qualifications, skills, and knowledge necessary to:
  - a. Provide the services in the nursing care institution's scope of services,
  - b. Meet the needs of a resident, and
  - c. Ensure the health and safety of a resident.
- C. An administrator shall ensure that an individual who is a baccalaureate social worker, master social worker, associate marriage and family therapist, associate counselor, or associate substance abuse counselor is under direct supervision as defined in 4 A.A.C. 6, Article 1.
- D. An administrator shall ensure that a personnel member or an employee or volunteer that has direct interaction with a resident provides evidence of freedom from infectious tuberculosis as specified in R9-10-112.
- E. An administrator shall ensure that a personnel record is maintained for each employee, volunteer, and student that contains:
  - 1. The individual's name, date of birth, home address, and home telephone number;
  - 2. The starting date of employment or contract service and, if applicable, the ending date; and
  - 3. As applicable, documentation of:

- a. The individual's qualifications including skills and knowledge applicable to the employee's job duties;
- b. The individual's work experience;
- c. Compliance with the requirements in A.R.S. § 36-411;
- d. The clinical oversight required in R9-10-114;
- e. The individual's completion of the orientation required;
- f. The individual's completion of the training required;
- g. The individual's documentation of CPR according to R9-10-403(C)(1)(d) and first aid training;
- h. The individual's freedom from infectious tuberculosis as required in subsection (D); and
- i. If the individual is a nutrition and feeding assistant, documentation of:
  - i. Completion the nutrition and feeding assistant training course required in R9-10-115, and
  - ii. A nurse's observations required in R9-10-422(C)(6).

F. An administrator shall ensure that personnel records are maintained:

- 1. Throughout the individual's period of providing services in or for the nursing care institution, and
- 2. For at least two years after the last date the individual provided services in or for the nursing care institution.

G. An administrator shall ensure that:

- 1. A plan to provide orientation specific to the duties of a personnel member, employee, volunteer, and student is developed, documented, and implemented;
- 2. A personnel member completes orientation before providing behavioral health services or physical health services;
- 3. An individual's orientation is documented, to include:
  - a. The individual's name,
  - b. The date of the orientation, and
  - c. The subject or topics covered in the orientation;
- 4. A director of nursing develops, documents, and implements a plan to provide in-service education specific to the duties of a personnel member;
- 5. A personnel member's in-service education is documented, to include:
  - a. The personnel member's name,
  - b. The date of the training, and

- c. The subject or topics covered in the training;
  6. A work schedule of each personnel member is developed and maintained at the nursing care institution for 12 months from the date of the work schedule; and
  7. A personnel record in subsection (E), documentation of orientation, and documentation of in-service education are maintained for at least two years after the last date of employment or volunteer service.
- H. An administrator shall designate:
1. A qualified individual to provide:
    - a. Medically-related social services, and
    - b. Recreational activities; and
  2. A full-time social worker if the nursing care institution has a licensed capacity of 120 or more.

**R9-10-407. Admission**

An administrator shall ensure that:

1. A resident is admitted only on a physician's order;
2. The physician's admitting order includes the nursing care institution services required to meet the immediate needs of a resident such as medication and food services;
3. A resident's needs do not exceed the medical services and nursing services available at the nursing care institution as established in the nursing care institution's scope of services;
4. Before or at the time of admission, a resident or the resident's representative:
  - a. Signs a written agreement with the nursing care institution that includes rates and charges,
  - b. Is informed of third-party coverage for rates and charges,
  - c. Is informed of the nursing care institution's refund policy and nursing care institution guidelines concerning resident conduct and responsibilities, and
  - d. Receives written information concerning the nursing care institution's policies and procedures related to a resident's health care directives;
5. Within 30 days before admission or 10 days after admission, a medical history and physical examination is completed on a resident by:
  - a. A physician, or
  - b. A physician assistant or a registered nurse practitioner designated by the attending physician;

6. Except as specified in subsection (7), a resident provides evidence of freedom from infectious tuberculosis as specified in R9-10-112;
7. A resident who transfers from a nursing care institution to another nursing care institution is not required to be rescreened for tuberculosis or provide another written statement by a physician, physician assistant, or registered nurse practitioner as specified in R9-10-112(1) if:
  - a. Fewer than 12 months have passed since the resident was screened for tuberculosis or since the date of the written statement; and
  - b. The documentation of freedom from infectious tuberculosis required in subsection (6) accompanies the resident at the time of transfer; and
8. Compliance with the requirements in subsection (4) is documented in the resident's medical records.

**R9-10-408. Discharge**

- A. An administrator shall ensure that:
  1. A resident is transferred or discharged if:
    - a. The nursing care institution is unable to meet the needs of the resident,
    - b. The resident's behavior is a threat to the health or safety of the resident or other individuals at the nursing care institution, or
    - c. The resident's health has improved and the resident no longer requires nursing care institution services; and
  2. Documentation of a resident's transfer or discharge includes:
    - a. The date of the transfer or discharge,
    - b. The reason for the transfer or discharge,
    - c. A 30-day written notice except in an emergency,
    - d. A notation by a physician or the physician's designee if the transfer or discharge is due to any of the reasons listed in subsection (A)(1); and
    - e. If applicable, actions taken by a personnel member to protect the resident or other individuals if the resident's behavior is a threat to the health and safety of the resident or other individuals in the nursing care institution.
- B. An administrator may transfer or discharge a resident for failure to pay for residency if:
  1. The resident or resident's representative receives a 30-day written notice of transfer or discharge, and
  2. The 30-day written notice includes an explanation of the resident's right to appeal the transfer or discharge.

- C. Except in an emergency and as provided in R9-10-409(C), a director of nursing shall ensure that before a resident is discharged:
1. Written follow-up instructions are developed with the resident or the resident's representative that includes:
    - a. Information necessary to meet the resident's need for medical services and nursing services; and
    - b. The state long-term care ombudsman's name, address, and telephone number;
  2. A copy of the written follow-up instructions is provided to the resident or the resident's representative; and
  3. A discharge summary is developed by a personnel member and authenticated by the resident's attending physician or designee and includes:
    - a. The resident's medical condition at the time of transfer or discharge,
    - b. The resident's medical and psychosocial history,
    - c. The date of the transfer or discharge, and
    - d. The location of the resident after discharge.

**R9-10-409. Transport; Transfer**

- A. Except for a transport of a resident due to an emergency, an administrator shall ensure that:
1. Policies and procedures are established, documented and implemented that protect the health and safety of a resident and:
    - a. Specify the process by which nursing care institution personnel members coordinate the transport and the services provided to the resident;
    - b. Establish the criteria for determining what a resident evaluation includes based on the resident's psychological condition, medical condition, and the type of services expected to be provided or are provided at the receiving health care institution;
    - c. Require an evaluation of the resident according to the criteria established in subsection (A)(1)(b) by a personnel member qualified according to policies and procedures before transporting the resident and, if applicable, after the resident's return;
    - d. Specify the resident's medical records that are required to accompany the resident, including the medical records related to the services to be provided to or are provided to the resident at the receiving health care institution;

- e. Specify how medical record information for the resident that is not provided at the time of transport but is requested by the receiving health care institution is communicated to the receiving health care institution; and
  - f. Specify how a personnel member qualified according to policies and procedures explains the risks and benefits of the transport to the resident or the resident's representative based on the:
    - i. Resident's condition, and
    - ii. Mode of transport; and
2. Documentation in the resident's medical record includes:
- a. Consent for transport by the resident or the resident's representative;
  - b. The acceptance by and communication with an individual at the receiving health care institution;
  - c. The date and the time of the transport;
  - d. The date and time of the resident's return to the sending nursing care institution, if applicable;
  - e. The mode of transportation; and
  - f. The type of personnel member assisting in the transport if an order or recommendation for transport requires that a resident be assisted during transport.
- B. Except for a transfer of a resident due to an emergency, an administrator shall ensure that:
- 1. Policies and procedures are established, documented, and implemented to protect the health and safety of a resident and:
    - a. Specify the process by which nursing care institution personnel members coordinate the transfer and the services provided to a resident;
    - b. Require an evaluation of the resident by a medical practitioner or registered nurse of the sending nursing care institution before the resident is transferred;
    - c. Specify how medical record information for a resident that is not provided at the time of transport but is requested by the receiving health care institution is provided to the receiving health care institution; and
    - d. Specify how a medical practitioner or registered nurse explains the risks and benefits of the transfer to the resident or the resident's representative based on the:
      - i. Resident's condition, and
      - ii. Mode of transport;

2. One of the following accompanies the resident during the transfer:
  - a. A copy of the resident's medical record for the current admission; or
  - b. All of the following for the current admission:
    - i. A medical practitioner's summary of services provided to the resident,
    - ii. A care plan containing current information,
    - iii. A record of medications administered to the resident for seven days before the date of the transfer,
    - iv. Medical practitioner's orders in effect at the time of transfer, and
    - v. Any known allergy; and
3. Documentation in the resident's medical record includes:
  - a. Consent for transfer by the resident or the resident's representative,
  - b. The acceptance of the resident by and communication with an individual at the receiving health care institution,
  - c. The date and the time of the transfer to the receiving health care institution;
  - d. The mode of transportation, and
  - e. The type of personnel member assisting in the transfer if an order or recommendation for transport requires that a resident be assisted during transfer.

**R9-10-410. Resident Rights**

- A. An administrator shall ensure:
  1. The requirements in subsection (B) and the resident rights in subsection (C) are conspicuously posted on the premises;
  2. At the time of admission, a resident or the resident's representative receives a written copy of the requirements in subsection (B) and the resident rights in subsection (C); and
  3. There are policies and procedures that include:
    - a. How and when a resident or the resident's representative is informed of resident rights in subsection (C), and
    - b. Where resident rights are posted as required in subsection (A)(1).
- B. An administrator shall ensure that a resident:
  1. Has privacy in:
    - i. Treatment,
    - ii. Bathing and toileting,
    - iii. Room accommodations, and
    - iv. A visit or meeting with another resident or an individual;
  2. Is not subjected to:

- a. The intentional infliction of physical, mental or emotional pain unrelated to the resident's condition;
  - b. Neglect;
  - c. Exploitation;
  - d. Coercion;
  - e. Manipulation;
  - f. Sexual abuse according to A.R.S. § 13-1404;
  - g. Sexual abuse according to A.R.S. § 13-1406;
  - h. Seclusion or restraint if not necessary to prevent harm to self or others;
  - i. Retaliation for submitting a complaint to the Department or another entity; and
  - j. Misappropriation of personal and private property; and
3. A resident or the resident's representative:
- a. Except in an emergency, either consents to or refuses treatment;
  - b. May refuse or withdraw consent to treatment before treatment is initiated;
  - c. Except in an emergency, is informed of proposed alternatives to psychotropic medication or a surgical procedure and the associated risks and possible complications or the psychotropic medication or surgical procedure;
  - d. Is informed of the following:
    - i. The health care institution's policy on health care directives, and
    - ii. The resident complaint process;
  - e. Consents to photographs of the resident before a resident is photographed;
  - f. May manage the resident's financial affairs;
  - g. May review the nursing care institution's current license survey report and, if applicable, plan of correction in effect;
  - h. Has access to and may communicate with any individual, organization, or agency;
  - i. May participate in a resident group;
  - j. May review the resident's financial records within two business days and medical records within one business day of the resident or the resident's representative's request;
  - k. May obtain a copy of the resident's financial records and medical records within two business days of the resident's request and in compliance with A.R.S. § 12-2295;

- l. May select a pharmacy of choice if the pharmacy complies with nursing care institution policies and procedures and does not pose a risk to the resident;
- m. Is informed of the method for contacting the resident's attending physician;
- n. Is informed of the resident's total health condition;
- o. Is provided with a copy of those sections of the resident's medical records that are required for continuity of care, free of charge according to A.R.S. § 12-2295, if the resident is transferred or discharged;
- p. Is informed in writing of a change in rates and charges 60 days before the effective date of the change; and
- q. Except in the event of an emergency, is informed orally or in writing before the nursing care institution makes a change in a resident's room or roommate assignment and notification is documented in the resident's medical records.

C. A resident has the following rights:

- 1. Not to be discriminated against based on race, national origin, religion, gender, sexual orientation, age, disability, marital status, diagnosis, or source of payment;
- 2. To receive treatment that supports and respects the resident's individuality, choices, strengths, and abilities;
- 3. To choose activities and schedules consistent with the resident's interests that do not interfere with other residents;
- 4. To participate in social, religious, political, and community activities that do not interfere with other residents;
- 5. To retain personal possessions including furnishings and clothing as space permits unless use of the personal possession infringes on the rights or health and safety of other residents;
- 6. To share a room with the resident's spouse if space is available and the spouse consents;
- 7. To receive a referral to another health care institution if the nursing care institution is unable to provide physical health services or behavioral health services for the resident;
- 8. To participate or have the resident's representative participate in the development of, or decisions concerning treatment;
- 9. To participate or refuse to participate in research or experimental treatment; and
- 10. To receive assistance from a family member, representative, or other individual in understanding, protecting, or exercising the resident's rights.

**R9-10-411. Medical Records**

- A. An administrator shall ensure that:

1. A resident's medical record is established and maintained for a resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a resident's medical record is:
    - a. Recorded only by a personnel member authorized by nursing care institution policies and procedures to make entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. An order is:
    - a. Dated when the order is entered in the resident's medical record and includes the time of the order;
    - b. Authenticated by a medical practitioner or behavioral health professional according to policies and procedures; and
    - c. If the order is a verbal order, authenticated by the medical practitioner or behavioral health professional issuing the order;
  4. If a rubber-stamp signature or an electronic signature code is used to authenticate an order, the individual whose signature the stamp or electronic code represents is accountable for the use of the stamp or the electronic code;
  5. A resident's medical record is available to personnel members, medical practitioners, and behavioral health professionals authorized by nursing care institution policies and procedures;
  6. Information in a resident's medical record is disclosed to an individual not authorized under subsection (4) only with the written consent of a resident or the resident's representative or as permitted by law; and
  7. A resident's medical record is:
    - a. Protected from loss, damage or unauthorized use; and
    - b. Maintained according to A.R.S. § 12-2297.
- B. If a nursing care institution keeps a resident's medical records electronically, an administrator shall ensure that:
1. Safeguards exist to prevent unauthorized access, and
  2. The date and time of an entry in a resident's medical record is recorded by the computer's internal clock.
- C. An administrator shall ensure that a resident's medical record contains:
1. Resident information that includes:
    - a. The resident's name;

- b. The resident's date of birth;
  - c. The name and contact information of the resident's representative, if applicable;  
and
  - d. Any known allergy including medication or biological allergies;
2. Admission date;
  3. Admitting diagnosis or presenting symptoms;
  4. Documentation of general consent, and if applicable, informed consent;
  5. The medical history and physical examination required in R9-10-407(5);
  6. Copy of the resident's living will, health care power of attorney, or other health care directive, if applicable;
  7. The name and telephone number of the resident's attending physician;
  8. Orders;
  9. Care plans;
  10. Documentation nursing care institution services provided to a resident;
  11. Progress notes;
  12. Disposition of the resident after discharge;
  13. Discharge plan;
  14. Discharge summary;
  15. Transfer documentation;
  16. If applicable:
    - a. A laboratory report,
    - b. A radiologic report,
    - c. A diagnostic report,
    - d. Documentation of restraint or seclusion, and
    - e. A consultation report,
  17. Documentation of freedom from infectious tuberculosis required in R9-10-407(6);
  18. Documentation of a medication or a biological administered to the resident that includes:
    - a. The date and time of administration;
    - b. The name, strength, dosage, and route of administration;
    - c. The type of vaccine, if applicable;
    - d. For a medication administered for pain:
      - i. An assessment of the resident's pain before administering the medication, and
      - ii. The effect of the medication administered;

- e. For a psychotropic medication:
  - i. An assessment of the resident's behavior before administering the psychotropic medication, and
  - ii. The effect of the psychotropic medication administered;
- f. The identification, signature, and professional designation of the individual administering or observing the self-administration of the medication or biological; and
- g. Any adverse reaction a resident has to the medication or biological;
- 19. If the resident has been assessed for receiving nutrition and feeding assistance, documentation of the assessment and the determination of eligibility; and
- 20. If applicable, a copy of written notices, including follow-up instructions, provided to the resident or the resident's representative.

**R9-10-412. Nursing Services**

- A. An administrator shall ensure that:
  - 1. Nursing services are provided 24 hours a day in a nursing care institution;
  - 2. A director of nursing is appointed who:
    - a. Is a registered nurse,
    - b. Works full-time at the nursing care institution, and
    - c. Is responsible for the direction of nursing services;
  - 3. The director of nursing or an individual designated by the administrator participates in the quality management program; and
  - 4. If the daily census of the nursing care institution is not more than 60, the director of nursing may provide direct care to residents on a regular basis.
- B. A director of nursing shall ensure that:
  - 1. A method is established and documented that identifies the types and numbers of nursing personnel that are necessary to provide nursing services to residents based on the residents' comprehensive assessments, orders for physical health services and behavioral health services, and care plans and the nursing care institution's scope of services;
  - 2. Sufficient nursing personnel, as determined by the method in subsection (B)(1), are on the nursing care institution premises to meet the needs of a resident for nursing services;
  - 3. At least one nurse is present and responsible for providing direct care to not more than 64 residents;
  - 4. Documentation of nursing personnel on duty each day is maintained at the nursing care institution and includes:

- a. The date,
  - b. The number of residents,
  - c. The name and license or certification title of each nursing personnel who worked that day, and
  - d. The actual number of hours each nursing personnel worked that day;
5. The documentation of nursing personnel required in subsection (B)(3) is maintained for 12 months from the date of the documentation and available to the Department for review within two hours from the Department's request;
  6. At the time of a resident's admission, an initial assessment is performed on the resident to ensure the resident's immediate needs such as medication and food services are met;
  7. A comprehensive assessment is performed by a registered nurse and coordinated by the registered nurse in collaboration with an interdisciplinary team and includes the information listed in subsection (B)(9);
  8. The comprehensive assessment required in subsection (B)(7) is performed on a resident:
    - a. Within 14 days of admission to a nursing care institution, and
    - b. No later than 12 months from the date of the last comprehensive assessment;
  9. A comprehensive assessment includes the resident's:
    - a. Heart rate, respiratory rate, blood pressure, and body temperature;
    - b. Diagnosis;
    - c. Medical history;
    - d. Treatment;
    - e. Dental condition;
    - f. Nutritional condition and nutritional needs;
    - g. Medications;
    - h. Clinical laboratory reports;
    - i. Diagnostic reports;
    - j. Capability to perform activities of daily living;
    - k. Psychosocial condition;
    - l. Cognitive condition;
    - m. Impairments in physical and sensory functioning;
    - n. Potential for recreational activities;
    - o. Potential for rehabilitation; and
    - p. Potential for discharge;

10. A new comprehensive assessment is not required for a resident who is hospitalized and readmitted to a nursing care institution unless a physician, a physician's designee, or a registered nurse determines the resident has a significant change in condition;
11. A care plan is developed, documented, and implemented for a resident within seven days of completing the comprehensive assessment required in subsection (B)(7);
12. The care plan required in subsection (B)(11):
  - a. Is reviewed and revised as necessary if a resident has had a significant change in condition, and
  - b. Ensures that a resident is provided nursing services to maintain the resident's highest practicable well-being according to the resident's comprehensive assessment;
13. A resident's comprehensive assessment is reviewed by a registered nurse at least once every three months from the date of the current comprehensive assessment and revised if there is a significant change in the resident's condition;
14. As soon as possible but not more than 24 hours after one of the following events occur, a nurse notifies a resident's attending physician and, if applicable, the resident's representative, if the resident:
  - a. Is injured,
  - b. Is involved in an incident that may require medical services, or
  - c. Has a significant change in condition, and
15. An unnecessary drug is not administered to a resident.

**R9-10-413. Medical Services**

- A. An administrator shall appoint a medical director.
- B. A medical director shall ensure that:
  1. A resident has an attending physician;
  2. An attending physician is available 24 hours a day;
  3. An attending physician designates a physician who is available when the attending physician is not available;
  4. A physical examination is performed on a resident at least once every 12 months from the date of admission by an individual listed in R9-10-407(5);
  5. As required in A.R.S. § 36-406, vaccinations for influenza and pneumonia are available to each resident at least once every 12 months unless:
    - a. The attending physician provides documentation that the vaccination is medically contraindicated,

- b. The resident or the resident's representative refuses the vaccination or vaccinations and documentation is maintained in the resident's medical records that the resident or the resident's representative has been informed of the risks and benefits of a vaccination refused, or
  - c. The resident or the resident's representative provides documentation that the resident received a pneumonia vaccination within the last five years or the current recommendation from the U.S. Department of Health and Human Services, Center for Disease Control and Prevention; and
6. If the any of the following services are not provided by the nursing care institution, a resident is assisted in obtaining, at the resident's expense:
- a. Vision services;
  - b. Hearing services;
  - c. Dental services;
  - d. Clinical laboratory services from a laboratory that holds a certificate of accreditation or certificate of compliance issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
  - e. Psychosocial services;
  - f. Physical therapy;
  - g. Speech therapy;
  - h. Occupational therapy;
  - i. Behavioral health services; and
  - j. Services for an individual who has a developmental disability as defined in A.R.S. Title 36, Chapter 5.1, Article 1.

**R9-10-414. Behavioral Health Services**

If a nursing care institution provides behavioral health services, an administrator shall ensure that:

- 1. The behavioral health services are provided:
  - a. Under the direction of a behavioral health professional, and
  - b. In compliance with the requirements in R9-10-1011 (B);
- 2. A behavioral health technician or a behavioral health paraprofessional complies with the requirements in R9-10-114; and
- 3. Except for a psychotropic drug used as a chemical restraint or administered according to an order from a court of competent jurisdiction, informed consent is obtained from a

resident or the resident's representative for a psychotropic drug and documented in the resident's medical record before the psychotropic drug is administered to the resident.

**R9-10-415. Clinical Laboratory Services**

If clinical laboratory services are provided on the premises of the nursing care institution, an administrator shall ensure that:

1. Clinical laboratory services and pathology services are provided through a laboratory that holds a certificate of accreditation, certificate of compliance, or certificate of waiver issued by the United States Department of Health and Human Services under the 1988 amendments to the Clinical Laboratories Improvement Act of 1967;
2. A copy of the certificate of accreditation or compliance in subsection (1) is provided to the Department for review upon the Department's request;
3. A nursing care institution:
  - a. Is able to provide the clinical laboratory services delineated in the nursing care institution's scope of services when needed by the residents,
  - b. Obtains specimens for the clinical laboratory services delineated in the nursing care institution's scope of services without transporting the residents from the nursing care institution's premises, and
  - c. Has the examination of the specimens performed by a clinical laboratory;
4. Clinical laboratory and pathology test results are:
  - a. Available to the ordering physician:
    - i. Within 24 hours after the test is complete with results if the test is performed at a laboratory on the nursing care institution's premises, or
    - ii. Within 24 hours after the test result is received if the test is performed at a laboratory outside of the nursing care institution's premises; and
  - b. Documented in a resident's medical record;
5. If a test result is obtained that indicates a resident may have an emergency medical condition, as defined in the nursing care institution's policies and procedures, laboratory personnel notify:
  - a. The ordering physician,
  - b. A registered nurse in the resident's assigned unit,
  - c. The nursing care institution's administrator, or
  - d. The director of nursing;
6. If a clinical laboratory report is completed on a resident, a copy of the report is included in the resident's medical record;

7. If the nursing care institution provides blood or blood products, there are policies and procedures for:
  - a. Procuring, storing, transfusing, and disposing of blood or blood products;
  - b. Blood typing, antibody detection, and blood compatibility testing; and
  - c. Investigating transfusion adverse reactions that specify a process for review through the quality management program; and
8. Expired laboratory supplies are discarded according to policies and procedures.

**R9-10-416. Dialysis Services**

If dialysis services are provided on the premises of the nursing care institution, an administrator shall ensure that the dialysis services are provided in compliance with the requirements in R9-10-1016.

**R9-10-417. Radiology Services and Diagnostic Imaging Services**

If radiology services or diagnostic imaging services are provided on the premises of the nursing care institution, an administrator shall ensure that:

1. Radiology services and diagnostic imaging services are provided in compliance with A.R.S. Title 30, Chapter 4 and 12 A.A.C.1;
2. A copy of a certificate documenting compliance with subsection (1) maintained by the nursing care institution;
3. When needed by a resident, radiology services and diagnostic imaging services delineated in the nursing care institution's scope of services are provided on the nursing care institution's premises;
4. Radiology services and diagnostic imaging services are provided:
  - a. Under the direction of a physician; and
  - b. According to an order that includes:
    - i. The resident's name,
    - ii. The name of the ordering individual,
    - iii. The radiological or diagnostic imaging procedure ordered, and
    - iv. The reason for the procedure;
5. A medical director, attending physician, or radiologist interprets the radiologic or diagnostic image;
6. A radiologic or diagnostic imaging resident report is prepared that includes:
  - a. The resident's name;
  - b. The date of the procedure;
  - c. A medical director, attending physician, or radiologist's interpretation of the image;

- d. The type and amount of radiopharmaceutical used, if applicable; and
  - e. The adverse reaction to the radiopharmaceutical, if any; and
7. A radiologic or diagnostic imaging resident report is included in the resident's medical record.

**R9-10-418. Respiratory Care Services**

If respiratory care services are provided on the premises of a nursing care institution, an administrator shall ensure that:

- 1. Respiratory care services are provided under the direction of a medical director or attending physician;
- 2. Respiratory care services are provided according to an order that includes:
  - a. The resident's name;
  - b. The name and signature of the ordering individual;
  - c. The type, frequency, and if applicable, duration of treatment;
  - d. The type and dosage of medication and diluent; and
  - e. The oxygen concentration or oxygen liter flow and method of administration;
- 3. Respiratory care services provided to a resident are documented in the resident's medical record and include:
  - a. The date and time of administration;
  - b. The type of respiratory care services;
  - c. The effect of respiratory care services;
  - d. The adverse reaction to respiratory care services, if any; and
  - e. The authentication of the individual providing the respiratory care services; and
- 4. Any area or unit that performs blood gases or clinical laboratory tests complies with the requirements in R9-10-415.

**R9-10-419. Rehabilitation Services**

If rehabilitation services are provided on the premises of a nursing care institution, an administrator shall ensure that:

- 1. Rehabilitation services are provided:
  - a. Under the direction of an individual qualified according to policies and procedures,
  - b. By an individual licensed to provide the rehabilitation services, and
  - c. According to an order; and
- 2. The medical record of a resident receiving rehabilitation services includes:

- a. An order for rehabilitation services that includes the name of the ordering individual and a referring diagnosis,
- b. A documented care plan that is developed in coordination with the ordering individual and the individual providing the rehabilitation services,
- c. The rehabilitation services provided,
- d. The resident's response to the rehabilitation services, and
- e. The authentication of the individual providing the rehabilitation services.

**R9-10-420. Medication Services**

- A. If a nursing care institution provides medication administration or assistance in the self-administration of medication, an administrator shall ensure that policies and procedures:
  - 1. Include:
    - a. A process for providing information to a resident about medication prescribed for the resident including:
      - i. The prescribed medication's anticipated results,
      - ii. The prescribed medication's potential adverse reactions,
      - iii. The prescribed medication's potential side effects, and
      - iv. Potential adverse reactions that could result from not taking the medication as prescribed;
    - b. Procedures for preventing, responding to, and reporting:
      - i. A medication error,
      - ii. An adverse response to a medication, or
      - iii. A medication overdose;
    - c. Procedures to ensure that a pharmacist reviews a resident's medications every three months and provides documentation to the resident's attending physician and the director of nursing indicating potential medication problems such as incompatible or duplicative medications;
    - d. Procedures for documenting medication services and assistance in the self-administration of medication; and
    - e. Procedures for assisting a resident in obtaining medication; and
  - 2. Specify a process for review through the quality management program of:
    - a. A medication administration error, and
    - b. An adverse reaction to a medication.
- B. If a nursing care institution provides medication administration, an administrator shall ensure that:

1. Policies and procedures for medication administration:
    - a. Are reviewed and approved by the director of nursing;
    - b. Specify the individuals who may:
      - i. Order medication, and
      - ii. Administer medication;
    - c. Ensure that medication is administered to a resident only as prescribed; and
    - d. A resident's refusal to take prescribed medication is documented in the resident's medical record;
  2. Verbal orders for medication services are taken by a nurse, unless otherwise provided by law;
  3. A medication administered to a resident:
    - a. Is administered in compliance with an order, and
    - b. Is documented in the resident's medical record;
  4. If pain medication is administered to a resident, documentation in the resident's medical record includes:
    - a. An identification of the resident's pain before administering the medication, and
    - b. The effect of the pain medication administered; and
  5. If a psychotropic medication is administered to a resident:
    - a. Is only administered to a resident for a diagnosed medical condition;
    - b. Unless clinically contraindicated or otherwise ordered by an attending physician or the attending physician's designee, is gradually reduced in dosage while the resident is simultaneously provided with interventions such as behavior and environment modification in an effort to discontinue the psychotropic medication unless a dose reduction is attempted and the resident displays behavior justifying the need for the psychotropic medication, and the attending physician documents the necessity for the continued use and dosage; and
    - c. Is documented as required in the resident's medical record and includes the resident's response to the medication.
- C. If a nursing care institution authorized to provide behavioral health services and provides assistance in the self-administration of medication, an administrator shall ensure that:
1. The interdisciplinary team determines that the resident is capable of self-administration and the attending physician documents authorization for medication self-administration in the resident's medical records;
  2. A resident's medication is stored by the nursing care institution;

3. The following assistance is provided to a resident:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container for the resident;
    - c. Observing the resident while the resident removes the medication from the container;
    - d. Verifying that the medication is taken as ordered by the resident's medical practitioner by confirming that:
      - i. The resident taking the medication is the individual stated on the medication container label,
      - ii. The dosage of the medication is the same as stated on the medication container label, and
      - iii. The medication is being taken by the resident at the time stated on the medication container label; or
    - e. Observing the resident while the resident takes the medication;
  4. Policies and procedures for assistance in the self-administration of medication are reviewed and approved by a medical practitioner or a registered nurse;
  5. Training for a personnel member, other than a medical practitioner or a registered nurse, in the self-administration of medication:
    - a. Is provided by a medical practitioner or a registered nurse or an individual trained by a medical practitioner or registered nurse;
    - b. Includes:
      - i. A demonstration of the personnel member's skills and knowledge necessary to provide assistance in the self-administration of medication,
      - ii. Identification of medication errors and medical emergencies related to medication that require emergency medical intervention, and
      - iii. Process for notifying the appropriate entities when an emergency medical intervention is needed;
  6. A personnel member, other than a medical practitioner or a registered nurse, completes the training in subsection (C)(5) before the personnel member provides assistance in the self-administration of medication; and
  7. Assistance with the self-administration of medication provided to a resident:
    - a. Is in compliance with an order, and
    - b. Is documented in the resident's medical record.
- D. An administrator shall ensure that:

1. A current drug reference guide is available for use by personnel members;
  2. A current toxicology reference guide is available for use by personnel members;
  3. If pharmaceutical services are provided:
    - a. The pharmaceutical services are provided under the direction of a pharmacist;
    - b. The pharmaceutical services comply with ARS Title 36, Chapter 27; A.R.S. Title 32, Chapter 18; and 4 A.A.C. 23; and
    - c. A copy of the pharmacy license is provided to the Department upon request;
- E. When medication is stored at a nursing care institution, an administrator shall ensure that:
1. There is a separate room, closet, or self-contained unit used for medication storage that includes a lockable door;
  2. If medication is stored in a room or closet, a locked cabinet or container is used for medication storage;
  3. Medication is stored according to the manufacturer's recommendations; and
  4. Policies and procedures are established, documented, and implemented for:
    - a. Receiving, storing, inventorying, tracking, dispensing, and discarding medication including expired medication;
    - b. Discarding or returning prepackaged and sample medication to the manufacturer if the manufacturer requests the discard or return of the medication;
    - c. A medication recall and notification of residents who received recalled medication; and
    - d. Storing, inventorying, and dispensing controlled substances.
- F. An administrator shall ensure that a personnel member immediately reports a medication error or a resident's adverse reaction to a medication to the medical practitioner who ordered the medication and the nursing care institution's director of nursing.

**R9-10-421. Infection Control**

- A. An administrator shall ensure that:
1. An infection control program is established, under the direction of an individual qualified according to the nursing care institution's policies and procedures, to prevent the development and transmission of infections and communicable diseases including:
    - a. A method to identify and document infections occurring at the nursing care institution;
    - b. Analysis of the types, causes, and spread of infections and communicable diseases at the nursing care institution;

- c. The development of corrective measures to minimize or prevent the spread of infections and communicable diseases at the nursing care institution; and
    - d. Documentation of infection control activities including:
      - i. The collection and analysis of infection control data,
      - ii. The actions taken related to infections and communicable diseases, and
      - iii. Reports of communicable diseases to the governing authority and state and county health departments;
  - 2. Infection control documentation is maintained for at least two years after the date of the documentation;
  - 3. Policies and procedures are established, documented, and implemented that cover:
    - a. Compliance with the requirements in 9 A.A.C. 6 for reporting and control measures for communicable diseases and infestations;
    - b. Handling and disposal of biohazardous medical waste;
    - c. Sterilization, disinfection, and storage of medical equipment and supplies;
    - d. Use of personal protective equipment such as aprons, gloves, gowns, masks, or face protection when applicable;
    - e. Cleaning of an individual's hands when the individual's hands are visibly soiled and before and after providing a service to a resident;
    - f. Training of personnel members, employees, and volunteers in infection control practices; and
    - g. Work restrictions for a personnel member with a communicable disease or infected skin lesion;
  - 4. Biohazardous medical waste is identified, stored, and disposed of according to 18 A.A.C. 13, Article 14 and policies and procedures;
  - 5. Soiled linen and clothing are:
    - a. Collected in a manner to minimize or prevent contamination;
    - b. Bagged at the site of use; and
    - c. Maintained separate from clean linen and clothing and away from food storage, kitchen, or dining areas; and
  - 6. A personnel member, employee, or volunteer washes hands or use a hand disinfection product after a resident contact and after handling soiled linen, soiled clothing, or potentially infectious material.
- B. An administrator shall comply with contagious disease reporting requirements in A.R.S. § 36-621 and communicable disease reporting requirements in 9 A.A.C. 6, Article 2.

**R9-10-422. Food Services**

**A.** An administrator shall ensure that:

1. The nursing care institution is licensed as a food establishment under 9 A.A.C. 8, Article 1;
2. A copy of the nursing care institution's food establishment license is maintained;
3. If a nursing care institution contracts with a food establishment, as defined in 9 A.A.C. 8, Article 1, to prepare and deliver food to the nursing care institution:
  - a. A copy of the contracted food establishment's license under 9 A.A.C. 8, Article 1 is maintained by the nursing care institution; and
  - b. The nursing care institution is able to store, refrigerate, and reheat food to meet the dietary needs of a resident;
4. A registered dietitian:
  - a. Reviews a food menu before the food menu is used to ensure that a resident's nutritional needs are being met,
  - b. Documents the review of a food menu, and
  - c. Is available for consultation regarding a resident's nutritional needs; and
5. If a registered dietitian is not employed full-time, an individual is designated as a director of food services who consults with a registered dietitian as often as necessary to ensure that the nutritional needs of a resident are met.

**B.** A registered dietitian or director of food services shall ensure that:

1. Food is prepared:
  - a. Using methods that conserve nutritional value, flavor, and appearance; and
  - b. In a form to meet the needs of a resident such as cut, chopped, ground, pureed, or thickened;
2. A food menu:
  - a. Is prepared at least one week in advance,
  - b. Includes the foods to be served on each day,
  - c. Is conspicuously posted at least one day before the first meal on the food menu will be served,
  - d. Includes any food substitution no later than the morning of the day of meal service with a food substitution, and
  - e. Is maintained for at least 60 days after the last day included in the food menu;
3. Meals for each day are planned and served using the applicable meal planning guides in [http://www.fns.usda.gov/cnd/Care/ProgramBasics/Meals/Meal\\_Pattern.htm](http://www.fns.usda.gov/cnd/Care/ProgramBasics/Meals/Meal_Pattern.htm);

4. A resident is provided:
    - a. A diet that meets the resident's nutritional needs as specified in the resident's comprehensive assessment and care plan;
    - b. Three meals a day with not more than 14 hours between the evening meal and breakfast except as provided in subsection (B)(4)(d);
    - c. The option to have a daily evening snack identified in subsection (B)(4)(d)(ii) or other snack; and
    - d. The option to extend the time span between the evening meal and breakfast from 14 hours to 16 hours if:
      - i. A resident group agrees; and
      - ii. The resident is offered an evening snack that includes meat, fish, eggs, cheese, or other protein, and a serving from either the fruit and vegetable food group or the bread and cereal food group;
  5. A resident is provided with food substitutions of similar nutritional value if:
    - a. The resident refuses to eat the food served, or
    - b. The resident requests a substitution;
  6. Recommendations and preferences are requested from a resident or the resident's representative for meal planning;
  7. A resident requiring assistance to eat is provided with assistance that recognizes the resident's nutritional, physical, and social needs, including the use of adaptive eating equipment or utensils;
  8. Tableware, utensils, equipment, and food-contact surfaces are clean and in good repair;
  9. A resident eats meals in a dining area unless the resident chooses to eat in the resident's room or is confined to the resident's room for medical reasons documented in the resident's medical records; and
  10. Water is available and accessible to residents at all times.
- C. If a nursing care institution has nutrition and feeding assistants, an administrator shall ensure that:
1. A nutrition and feeding assistant:
    - a. Is at least 16 years of age;
    - b. If applicable, complies with the fingerprint clearance card requirements in A.R.S. § 36-411;
    - c. Completes a nutrition and feeding assistant training course within 12 months before initially providing nutrition and feeding assistance;
    - d. Provides:

- i. Only nutrition and feeding assistance to an eligible resident;
    - ii. Nutrition and feeding assistance where nursing personnel are present;
  - e. Immediately reports an emergency to a nurse or, if a nurse is not present in the common area, to nursing personnel; and
  - f. If the nutrition and feeding assistant observes a change in a resident's physical condition or behavior, reports the change to a nurse or if a nurse is not present in the common area, to nursing personnel;
2. A resident is not eligible to receive nutrition and feeding assistance from a nutrition and feeding assistant if the resident:
  - a. Has difficulty swallowing,
  - b. Has had recurrent lung aspirations,
  - c. Requires enteral feedings,
  - d. Requires parenteral feedings, or
  - e. Has any other eating or drinking difficulty that may cause the resident's health or safety to be compromised if the resident receives nutrition and feeding assistance from a nutrition and feeding assistant;
3. Only an eligible resident receives nutrition and feeding assistance from a nutrition and feeding assistant;
4. A nurse determines if a resident is eligible to receive nutrition and feeding assistance from a nutrition and feeding assistant, based on:
  - a. The resident's comprehensive assessment,
  - b. The resident's care plan, and
  - c. An assessment conducted by the nurse when making the determination;
5. A method is implemented that identifies eligible residents that ensures only eligible residents receive nutrition and feeding assistance from a nutrition and feeding assistant;
6. When a nutrition and feeding assistant initially provides nutrition and feeding assistance and at least once every three months, a nurse observes the nutrition and feeding assistant while the nutrition and feeding assistant is providing nutrition and feeding assistance to ensure that the nutrition and feeding assistant is providing nutrition and feeding assistance appropriately;
7. A nurse documents the nurse's observations required in subsection (C)(6); and
8. A nutrition and feeding assistant is provided additional training:
  - a. According to the nursing care institution's policies and procedures, and

- b. If a nurse identifies a need for additional training based on the nurse's observation in subsection (C)(6).

**R9-10-423. Emergency and Safety Standards**

A. An administrator shall ensure that:

1. A disaster plan is developed, documented, maintained in a location accessible to personnel members and other employees, and, if necessary, implemented that includes:
  - a. When, how, and where residents will be relocated, including:
    - i. Instructions for the evacuation, transport, or transfer of residents;
    - ii. Assigned responsibilities for each employee and personnel member; and
    - iii. A plan for continuing to provide services to meet a resident's needs;
  - b. How a resident's medical record will be available to individuals providing services to the resident during a disaster;
  - c. A plan for back-up power and water supply;
  - d. A plan to ensure a resident's medication will be available to administer to the resident during a disaster;
  - e. A plan to ensure a resident is provided nursing services and other services required by the resident during a disaster; and
  - f. A plan for obtaining food and water for individuals present in the nursing care institution or the nursing care institution's relocation site during a disaster;
2. The disaster plan required in subsection (A)(1) is reviewed at least once every 12 months;
3. Documentation of a disaster plan review required in subsection (A)(2) is created, is maintained for at least 12 months after the date of the disaster plan review, and includes:
  - a. The date and time of the disaster plan review;
  - b. The name of each personnel member, employee, or volunteer participating in the disaster plan review;
  - c. A critique of the disaster plan review; and
  - d. If applicable, recommendations for improvement;
4. An evacuation drill for employees is conducted on each shift at least once every three months;
5. An evacuation drill for employees and residents:
  - a. Is conducted at least once every six months, and
  - b. Except for a resident whose care plan contains documentation that evacuation from the nursing care institution would cause harm to the resident, includes all individuals in the nursing care institution;

6. Documentation of each evacuation drill is created, is maintained for at least 12 months after the date of the evacuation drill, and includes:
    - a. The date and time of the evacuation drill;
    - b. Whether the evacuation drill was for employees only or for both employees and residents;
    - c. The amount of time taken for all employees and, if applicable, residents to evacuate the nursing care institution;
    - d. If applicable:
      - i. An identification of residents needing assistance for evacuation, and
      - ii. An identification of residents who were not evacuated;
    - e. Any problems encountered in conducting the evacuation drill; and
    - f. Recommendations for improvement, if applicable; and
  7. An evacuation path is conspicuously posted on each hallway of each floor of the nursing care institution.
- B. An administrator shall ensure that, if applicable, a sign is placed at the entrance to a room or area indicating that oxygen is in use.
- C. An administrator shall:
1. Obtain a fire inspection conducted according to the time-frame established by the local fire department or the State Fire Marshal,
  2. Make any repairs or corrections stated on the fire inspection report, and
  3. Maintain documentation of a current fire inspection.

**R9-10-424. Environmental Standards**

- A. An administrator shall ensure that:
1. A nursing care institution's premises and equipment are:
    - a. Cleaned and disinfected according to policies and procedures or manufacturer's instructions to prevent, minimize, and control illness and infection; and
    - b. Free from a condition or situation that may cause a resident or an individual to suffer physical injury;
  2. A pest control program is used to minimize the presence of insects and vermin to ensure the health and safety of a resident;
  3. Equipment used to provide direct care is:
    - a. Maintained in working order;

- b. Tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
    - c. Used according to the manufacturer's recommendations;
4. Documentation of equipment testing, calibration, and repair is maintained for at least 12 months after the date of the testing, calibration, or repair;
5. Garbage and refuse are:
  - a. Stored in covered containers lined with plastic bags, and
  - b. Removed from the premises at least once a week;
6. Heating and cooling systems maintain the nursing care institution at a temperature between 70° F and 85° F at all times;
7. Common areas:
  - a. Are lighted to assure the safety of residents, and
  - b. Have lighting sufficient to allow personnel members to monitor resident activity;
8. The supply of hot and cold water is sufficient to meet the personal hygiene needs of residents and the cleaning and sanitation requirements in this Article;
9. Linens are clean before use, without holes and stains, and are not in need of repair;
10. Oxygen containers are secured in an upright position;
11. Poisonous or toxic materials stored by the nursing care institution are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and inaccessible to residents;
12. Combustible or flammable liquids and hazardous materials stored by the nursing care institution are stored in the original labeled containers or safety containers in a locked area outside the nursing care institution and inaccessible to residents;
13. If pets or animals are allowed in the nursing care institution, pets or animals are:
  - a. Controlled to prevent endangering the residents and to maintain sanitation;
  - b. Licensed consistent with local ordinances; and
  - c. Vaccinated as follows:
    - i. A dog is vaccinated against rabies and leptospirosis; and
    - ii. A cat is vaccinated against rabies;
14. If a non-municipal water source is used:
  - a. The water source is tested at least once every 12 months for total coliform bacteria and fecal coliform or *E. coli* bacteria;
  - b. If necessary, corrective action is taken to ensure the water is safe to drink; and

- c. Documentation of testing is retained for 24 months after the date of the test; and
- 15. If a non-municipal sewage system is used, the sewage system is in working order and is maintained according to all applicable state laws and rules.
- B. An administrator shall ensure that:
  - 1. Smoking or the use of tobacco products is not permitted within a nursing care institution, and
  - 2. Smoking and the use of tobacco products may be permitted outside a nursing care institution if:
    - a. Signs designating smoking areas are conspicuously posted, and
    - b. Smoking is prohibited in areas where combustible materials are stored or in use.
- C. If a swimming pool is located on the premises, an administrator shall ensure that:
  - 1. At least one personnel member with cardiopulmonary resuscitation training that meets the requirements in R9-10-403(C)(1)(d) is present in the pool area when a resident is in the pool area, and
  - 2. At least two personnel members are present in the pool area when two or more residents are in the pool area.

**R9-10-425. Physical Plant Standards**

- A. An administrator shall ensure that:
  - 1. A nursing care institution complies with:
    - a. The applicable physical plant health and safety codes and standards, incorporated by reference in A.A.C. R9-1-412, in effect on the date the nursing care institution submitted architectural plans and specifications to the Department for approval; and
    - b. The requirements for Existing Health Care Occupancies in National Fire Protection Association 101, Life Safety Code, incorporated by reference in A.A.C. R9-1-412;
  - 2. The premises and equipment are sufficient to accommodate:
    - a. The services stated in the nursing care institution's scope of services; and
    - b. An individual accepted as a resident by the nursing care institution;
  - 3. A nursing care institution is ventilated by windows or mechanical ventilation, or a combination of both;
  - 4. The corridors are equipped with handrails on each side that are firmly attached to the walls and are not in need of repair;
  - 5. No more than two individuals reside in a resident room unless:

- a. The nursing care institution was operating before October 31, 1982, and
  - b. The resident room has not undergone a modification as defined in 9 A.A.C. 10, Article 1;
6. A resident has a separate bed, a nurse call system, and furniture to meet the resident's needs in a resident room or suite of rooms;
7. A resident room has:
- a. A window to the outside with window coverings for controlling light and visual privacy, and the location of the window permits a resident to see outside from a sitting position;
  - b. A closet with clothing racks and shelves accessible to the resident; and
  - c. If the resident room contains more than one bed, a curtain or similar type of separation between the beds for privacy; and
8. A resident room or a suite of rooms:
- a. Is accessible without passing through another resident's room;
  - b. Does not open into any area where food is prepared, served, or stored.
- B. If a swimming pool is located on the premises, an administrator shall ensure that:
1. The swimming pool is enclosed by a wall or fence that:
- a. Is at least five feet in height as measured on the exterior of the wall or fence;
  - b. Has no vertical openings greater than four inches across;
  - c. Has no horizontal openings, except as described in subsection (B)(1)(e);
  - d. Is not chain-link;
  - e. Does not have a space between the ground and the bottom fence rail that exceeds four inches in height; and
  - f. Has a self-closing, self-latching gate that:
    - i. Opens away from the swimming pool,
    - ii. Has a latch located at least five feet from the ground, and
    - iii. Is locked when the swimming pool is not in use; and
2. A life preserver or shepherd's crook is available and accessible in the pool area.
- C. An administrator shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (B)(1) is covered and locked when not in use.

**R9-10-426. Quality Rating**

- A. As required in A.R.S. § 36-425.02(A), the Department shall issue a quality rating to each licensed nursing care institution based on the results of a renewal license survey.
- B. The following quality ratings are established:

1. A quality rating of "A" for excellent is issued if the nursing care institution achieves a score of 90 to 100 points;
  2. A quality rating of "B" is issued if the nursing care institution achieves a score of 80 to 89 points;
  3. A quality rating of "C" is issued if the nursing care institution achieves a score of 70 to 79 points; and
  4. A quality rating of "D" is issued if the nursing care institution achieves a score of 69 or fewer points.
- C. The quality rating is determined by the total number of points awarded based on the following criteria:
1. Nursing Services:
    - a. 15 points: The nursing care institution is implementing a system that ensures residents are provided nursing services to maintain the resident's highest practicable physical, mental, and psychosocial well-being according to the resident's comprehensive assessment and care plan.
    - b. 5 points: The nursing care institution ensures that each resident is free from medication errors that resulted in actual harm.
    - c. 5 points: The nursing care institution ensures the resident's representative is notified and the resident's attending physician is consulted if a resident has a significant change in condition or if the resident is in an incident that requires medical services.
  2. Resident Rights:
    - a. 10 points: The nursing care institution is implementing a system that ensures a resident's privacy needs are met.
    - b. 10 points: The nursing care institution ensures that a resident is free from physical and chemical restraints for purposes other than to treat the resident's medical condition.
    - c. 5 points: The nursing care institution ensures that a resident or the resident's representative is allowed to participate in the planning of, or decisions concerning treatment including the right to refuse treatment and to formulate a health care directive.
  3. Administration:
    - a. 10 points. The nursing care institution has no repeat deficiencies that resulted in actual harm or immediate jeopardy to residents that were cited during the last

- survey or other survey or complaint investigation conducted between the last survey and the current survey.
- b. 5 points. The nursing care institution is implementing a system to prevent abuse of a resident and misappropriation of resident property, investigate each allegation of abuse of a resident and misappropriation of resident's property, and report each allegation of abuse of a resident and misappropriation of resident's property to the Office of Long Term Care Licensure and as required by A.R.S. § 46-454.
  - c. 5 points. The nursing care institution is implementing a quality management program that addresses nursing care institution services provided to residents, resident grievances, and resident concerns, and documents actions taken for response, resolution, or correction of issues about nursing care institution services provided to residents, resident grievances, and resident concerns.
  - d. 1 point. The nursing care institution is implementing a system to provide medically-related social services and a program of ongoing recreational activities to meet the resident's needs based on the resident's comprehensive assessment.
  - e. 1 point. The nursing care institution is implementing a system to ensure that records documenting freedom from infectious pulmonary tuberculosis are maintained for each personnel member, volunteer, and resident.
  - f. 2 points. The nursing care institution is implementing a system to ensure that a resident is free from unnecessary drugs.
  - g. 1 point. The nursing care institution is implementing a system to ensure a personnel member who provides direct care to residents attends 12 hours of in-service education every 12 months from the starting date of employment.
4. Environment and Infection Control:
- a. 5 points. The nursing care institution environment is free from a condition or situation within the nursing care institution's control that may cause a resident injury.
  - b. 1 point. The nursing care institution establishes and maintains a pest control program.
  - c. 1 point. The nursing care institution develops a written disaster plan that includes procedures for protecting the health and safety of residents.

- d. 1 point. The nursing care institution ensures orientation to the disaster plan for each personnel member is completed within the first scheduled week of employment.
  - e. 1 point. The nursing care institution maintains a clean and sanitary environment.
  - f. 5 points. The nursing care institution is implementing a system to prevent and control infection.
  - g. 1 point. An employee washes hands after each direct resident contact or where hand washing is indicated to prevent the spread of infection.
5. Food Services:
- a. 1 point. The nursing care institution complies with 9 A.A.C. 8, Article 1, for food preparation, storage and handling as evidenced by a current food establishment license.
  - b. 3 points. The nursing care institution provides each resident with food that meets the resident's needs as specified in the resident's comprehensive assessment and care plan.
  - c. 2 points. The nursing care institution obtains input from each resident or the resident's representative and implements recommendations for meal planning and food choices consistent with the resident's dietary needs.
  - d. 2 points. The nursing care institution provides assistance to a resident who needs help in eating so that the individual's nutritional, physical, and social needs are met.
  - e. 1 point. The nursing care institution prepares menus at least one week in advance, conspicuously posts each menu, and adheres to each planned menu unless an uncontrollable situation such as food spoilage or non-delivery of a specified food requires substitution.
  - f. 1 point. The nursing care institution provides food substitution of similar nutritive value for residents who refuse the food served or who request a substitution.
- D. A nursing care institution's quality rating remains in effect until a survey is conducted by the Department for the next renewal period except as provided in subsection (E).
- E. If the Department issues a provisional license the current quality rating is terminated. A provisional licensee may submit an application for a substantial compliance survey. If the Department determines that as a result of a substantial compliance survey the nursing care

institution is in substantial compliance, the Department shall issue a new quality rating according to subsection (C).

- F. The issuance of a quality rating does not preclude the Department from seeking a civil penalty as provided in A.R.S. § 36-431.01, or suspension or revocation of a license as provided in A.R.S. § 36-427.

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