

**ARTICLE 18. ADULT BEHAVIORAL HEALTH THERAPEUTIC HOMES**

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## ARTICLE 18. ADULT BEHAVIORAL HEALTH THERAPEUTIC HOMES

### R9-10-1801. Definitions

In addition to the definitions in A.R.S. § 36-401 and R9-10-101, the following definitions apply in this Article unless otherwise specified:

1. “Acceptance” means, after a referral from a collaborating health care institution, an individual begins to live in and receive services from a provider in an adult behavioral health therapeutic home.
2. “Backup provider” means an individual designated by a provider to be present in an adult behavioral health therapeutic home, when a provider is not present, who ensures that a resident receives the behavioral health services and ancillary services in the resident’s treatment plan.
3. “Provider” means an individual who lives in an adult behavioral health therapeutic home and ensures that a resident receives the behavioral health services and ancillary services in the resident’s treatment plan.
4. “Release” means a documented termination of services to a resident by a provider that is authorized by a collaborating health care institution.
5. “Resident” means an individual referred by a collaborating health care institution to and accepted by an adult behavioral health therapeutic home.

### R9-10-1802. Supplemental Application Requirements

In addition to the license application requirements in A.R.S. § 36-422 and 9 A.A.C. 10, Article 1, an applicant shall include, in a format provided by the Department:

1. The name of the backup provider; and
2. For the adult behavioral health therapeutic home’s collaborating health care institution:
  - a. Name,
  - b. Address,
  - c. Class or subclass,
  - d. License number, and
  - e. Name and contact information for an individual assigned by the collaborating health care institution to monitor the adult behavioral health therapeutic home.

### R9-10-1803. Administration

- A. A governing authority of an adult behavioral health therapeutic home:

1. Consists of no more than two providers, who live in the adult behavioral health therapeutic home;
  2. Has the authority and responsibility to manage the adult behavioral health therapeutic home;
  3. Has a documented agreement with a collaborating health care institution that establishes the responsibilities of the adult behavioral health therapeutic home and the collaborating health care institution, consistent with the requirements in this Chapter;
  4. Shall establish, in writing, the adult behavioral health therapeutic home's scope of services, which are approved by the collaborating health care institution;
  5. Shall designate a back-up provider to be present in the adult behavioral health therapeutic home and accountable for services provided by the adult behavioral health therapeutic home when the provider is not present at the adult behavioral health therapeutic home; and
  6. Shall ensure that:
    - a. No more than three residents are accepted by the adult behavioral health therapeutic home;
    - b. Documentation required by this Article is provided to the Department within two hours after a Department request; and
    - c. When documentation or information is required by this Chapter to be submitted on behalf of the adult behavioral health therapeutic home, the documentation or information is provided to the unit in the Department that is responsible for licensing the adult behavioral health therapeutic home.
- B. A provider or back-up provider:
1. Is at least 21 years of age;
  2. Holds current certification in cardiopulmonary resuscitation and first aid training applicable to the ages of residents;
  3. Has the skills and knowledge established by the collaborating health care institution as specified in R9-10-118;
  4. Has documentation of completion of training in assistance in the self-administration of medication as specified in R9-10-118; and
  5. Has documentation of evidence of freedom from infectious tuberculosis:
    - a. On or before the date the provider or back-up provider begins providing services at or on behalf of the adult behavioral health therapeutic home, and
    - b. As specified in R9-10-113.

- C. A provider shall ensure that policies and procedures are:
  - 1. Established, documented, and implemented to protect the health and safety of a resident that cover:
    - a. Recordkeeping;
    - b. Resident acceptance and release;
    - c. Resident rights;
    - d. The provision of services, including coordinating the provision of behavioral health services;
    - e. Residents' medical records, including electronic medical records;
    - f. Assistance in the self-administration of medication;
    - g. Infection control; and
    - h. How a provider will respond to a resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual;
  - 2. Approved, in writing, by an adult behavioral health therapeutic home's collaborating health care institution before implementation and when the policies and procedures are reviewed or updated; and
  - 3. Reviewed by the provider and an adult behavioral health therapeutic home's collaborating health care institution at least once every three years and updated as needed.
- D. A provider shall provide written notification to the Department and the adult behavioral health therapeutic home's collaborating health care institution of a resident's:
  - 1. Death, if the resident's death is required to be reported according to A.R.S. § 11-593, within one working day after the resident's death; and
  - 2. Self-injury, within two working days after the resident inflicts a self-injury that requires immediate intervention by an emergency medical services provider.
- E. If abuse, neglect, or exploitation of a resident is alleged or suspected to have occurred before the resident was accepted or while the resident is not at an adult behavioral health therapeutic home and not receiving services from the adult behavioral health therapeutic home, a provider shall report the alleged or suspected abuse, neglect, or exploitation of the resident according to A.R.S. § 46-454.
- F. If a provider has a reasonable basis, according to A.R.S. § 46-454, to believe abuse, neglect, or exploitation has occurred on the premises or while a resident is receiving adult behavioral health therapeutic services, the provider shall:
  - 1. If applicable, take immediate action to stop the suspected abuse, neglect, or exploitation;

2. Immediately report the suspected abuse, neglect, or exploitation of the resident as follows:
    - a. To the adult behavioral health therapeutic home's collaborating health care institution; and
    - b. According to A.R.S. § 46-454;
  3. Document:
    - a. The suspected abuse, neglect, or exploitation;
    - b. Any action taken according to subsection (F)(1); and
    - c. The report in subsection (F)(2);
  4. Maintain the documentation in subsection (F)(3) for at least 12 months after the date of the report in subsection (F)(2);
  5. Initiate an investigation of the suspected abuse, neglect, or exploitation and document the following information within five working days after the report required in subsection (F)(2):
    - a. The dates, times, and description of the suspected abuse, neglect, or exploitation;
    - b. A description of any injury to the resident related to the suspected abuse or neglect and any change to the resident's physical, cognitive, functional, or emotional condition;
    - c. The names of witnesses to the suspected abuse, neglect, or exploitation; and
    - d. The actions taken by the provider to prevent the suspected abuse, neglect, or exploitation from occurring in the future; and
  6. Maintain a copy of the documented information required in subsection (F)(5) and any other information obtained during the investigation for at least 12 months after the date the investigation was initiated.
- G. A provider shall maintain a record for each provider and backup provider that includes:
1. For the provider and the backup provider:
    - a. Name;
    - b. Date of birth;
    - c. Contact telephone number; and
    - d. Documentation of:
      - i. Verification of skills and knowledge, completed by the adult behavioral health therapeutic home's collaborating health care institution;
      - ii. Certification in cardiopulmonary resuscitation and first aid training;

- iii. Completion of training in assistance in the self-administration of medication, provided by the adult behavioral health therapeutic home's collaborating health care institution;
  - iv. If the provider or backup provider provides behavioral health services, clinical oversight as required in R9-10-1805(C); and
  - v. Evidence of freedom from infectious tuberculosis; and
2. For the backup provider, home address.

**R9-10-1804. Resident Rights**

- A. A provider shall ensure that:
  1. A resident is treated with dignity, respect, and consideration;
  2. A resident is not subjected to:
    - a. Abuse;
    - b. Neglect;
    - c. Exploitation;
    - d. Coercion;
    - e. Manipulation;
    - f. Sexual abuse;
    - g. Sexual assault;
    - h. Seclusion;
    - i. Restraint;
    - j. Retaliation for submitting a complaint to the Department or another entity; or
    - k. Misappropriation of personal and private property by:
      - i. An adult behavioral health therapeutic home's provider or backup provider, or
      - ii. An individual other than a resident residing in the adult behavioral health therapeutic home; and
  3. A resident or the resident's representative:
    - a. Is informed of the resident complaint process;
    - b. Consents to photographs of the resident before the resident is photographed, except that the resident may be photographed when accepted by an adult behavioral health therapeutic home for identification and administrative purposes; and

- c. Except as otherwise permitted by law, provides written consent to the release of information in the resident's medical record.
- B. 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, or diagnosis;
  - 2. To receive services that support and respect the resident's individuality, choices, strengths, and abilities;
  - 3. To receive privacy in care for personal needs;
  - 4. To review, upon written request, the resident's own medical record according to A.R.S. §§ 12-2293, 12-2294, and 12-2294.01;
  - 5. To receive a referral to another health care institution if the provider is not authorized or not able to provide physical health services or behavioral health services needed by the resident; and
  - 6. To receive assistance from a family member, resident's representative, or other individual in understanding, protecting, or exercising the resident's rights.

**R9-10-1805. Providing Services**

- A. A provider shall ensure that behavioral health services and ancillary services are provided to a resident according to the resident's treatment plan obtained from the adult behavioral health therapeutic home's collaborating health care institution.
- B. A provider shall submit documentation of any significant change in a resident's behavior or physical, cognitive, or functional condition and the action taken by the provider to address the resident's changing needs to the adult behavioral health therapeutic home's collaborating health care institution or, if applicable, the resident's case manager.
- C. A provider who provides behavioral health services to a resident:
  - 1. For the purpose of an exception to licensing in A.R.S. § 32-3271, is considered a behavioral health technician; and
  - 2. Shall comply with the requirements for clinical oversight for a behavioral health technician in R9-10-115.

**R9-10-1806. Assistance in the Self-Administration of Medication**

- A. If a provider provides assistance in the self-administration of medication, the provider shall ensure that:

1. If a resident is receiving assistance in the self-administration of medication, the resident's medication is stored by the provider;
  2. The following assistance is provided to a resident:
    - a. A reminder when it is time to take the medication;
    - b. Opening the medication container or medication organizer for the resident;
    - c. Observing the resident while the resident removes the medication from the medication container or medication organizer;
    - 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 resident is taking the dosage of the medication as stated on the medication container label, and
      - iii. The resident is taking the medication at the time stated on the medication container label; or
    - e. Observing the resident while the resident takes the medication; and
  3. Assistance in the self-administration of medication provided to a resident is documented in the resident's medical record.
- B. When medication is stored by a provider, the provider shall ensure that:
1. A locked cabinet, closet, or self-contained unit is used for medication storage;
  2. Medication is stored according to the instructions on the medication container; and
  3. Medication, including expired medication, that is no longer being used is discarded.
- C. A provider shall immediately report a medication error or a resident's adverse reaction to a medication to the:
1. Medical practitioner who ordered the medication, or
  2. Contact individual at an adult behavioral health therapeutic home's collaborating health care institution.

**R9-10-1807. Medical Records**

- A. A provider shall ensure that:
1. A medical record is established and maintained for each resident according to A.R.S. Title 12, Chapter 13, Article 7.1;
  2. An entry in a resident's medical record is:

- a. Only recorded by the provider or individual designated by the provider to record an entry;
    - b. Dated, legible, and authenticated; and
    - c. Not changed to make the initial entry illegible;
  3. A resident's medical record is available to an individual:
    - a. Authorized by policies and procedures to access the resident's medical record;
    - b. If the individual is not authorized according to policies and procedures, with the written consent of the resident or the resident's representative; or
    - c. As permitted by law; and
  4. A resident's medical record is protected from loss, damage, or unauthorized use.
- B. If a provider maintains residents' medical records electronically, the provider shall ensure that safeguards exist to prevent unauthorized access.
- C. A provider 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. Any known allergies, and
    - d. Medication information for the resident;
  2. The names, addresses, and telephone numbers of:
    - a. The resident's medical practitioner;
    - b. The resident's case manager, if applicable;
    - c. The behavioral health professional assigned to the resident by the adult behavioral health therapeutic home's collaborating health care institution; and
    - d. An individual to be contacted in the event of an emergency;
  3. The date of the resident's acceptance by the adult behavioral health therapeutic home and, if applicable, the date of the resident's release from the adult behavioral health therapeutic home;
  4. If applicable, the name and contact information of the resident's representative and:
    - a. The document signed by the resident consenting for the resident's representative to act on the resident's behalf; or
    - b. If the resident's representative:
      - i. Has a health care power of attorney established under A.R.S. § 36-3221 or a mental health care power of attorney executed under A.R.S. § 36-

- 3282, a copy of the health care power of attorney or mental health care power of attorney; or
- ii. Is a legal guardian, a copy of the court order establishing guardianship;
- 5. A copy of the resident's treatment plan and any updates to the resident's treatment plan, obtained from the adult behavioral health therapeutic home's collaborating health care institution;
- 6. For a resident receiving assistance in the self-administration of medication, documentation that includes for each medication:
  - a. The date and time of assistance;
  - b. The name, strength, dosage, and route of administration;
  - c. The provider's signature or first and last initials; and
  - d. Any adverse reaction the resident has to the medication;
- 7. Documentation of the resident's refusal of a medication, if applicable;
- 8. Documentation of any significant change in a resident's behavior or physical, cognitive, or functional condition and the action taken by a provider to address the resident's changing needs;
- 9. If applicable, documentation of any actions taken to control the resident's sudden, intense, or out-of-control behavior to prevent harm to the resident or another individual; and
- 10. If applicable, a written notice of termination of residency.

**R9-10-1808. Food Services**

A provider shall ensure that:

- 1. Food is obtained, handled, and stored to prevent contamination, spoilage, or a threat to the health of a resident;
- 2. Three nutritionally balanced meals are served each day;
- 3. Nutritious snacks are available between meals;
- 4. Food served meets any special dietary needs of a resident as prescribed by the resident's physician or registered dietitian; and
- 5. Chemicals or detergents are not stored with food.

**R9-10-1809. Emergency and Safety Standards**

A provider shall ensure that:

- 1. A first aid kit is available at an adult behavioral health therapeutic home sufficient to meet the needs of residents;

2. If a firearm or ammunition for a firearm is stored at an adult behavioral health therapeutic home:
  - a. The firearm is stored separate from the ammunition for the firearm; and
  - b. The firearm and the ammunition for the firearm are:
    - i. Stored in a locked closet, cabinet, or container; and
    - ii. Inaccessible to a resident;
3. A smoke detector is installed in:
  - a. A bedroom used by a resident,
  - b. A hallway in an adult behavioral health therapeutic home, and
  - c. An adult behavioral health therapeutic home's kitchen;
4. A smoke detector required in subsection (3):
  - a. Is maintained in operable condition; and
  - b. Is battery operated or, if hard-wired into the electrical system of an adult behavioral health therapeutic home, has a back-up battery;
5. An adult behavioral health therapeutic home has a portable fire extinguisher that is labeled 1A-10-BC by the Underwriters Laboratory and available in the adult behavioral health therapeutic home's kitchen;
6. A portable fire extinguisher required in subsection (5) is:
  - a. If a disposable fire extinguisher, replaced when the fire extinguisher's indicator reaches the red zone; or
  - b. Serviced at least once every 12 months and has a tag attached to the fire extinguisher that includes the date of service;
7. A written evacuation plan is maintained and available for use by the provider and any resident in an adult behavioral health therapeutic home;
8. An evacuation drill is conducted at least once every six months; and
9. A record of an evacuation drill required in subsection (8) is maintained for at least one year after the date of the evacuation drill.

**R9-10-1810. Physical Plant, Environmental Services, and Equipment Standards**

- A. A provider shall ensure that an adult behavioral health therapeutic home:
  1. Is in a building that:
    - a. Is arranged, designed, and used for the living, sleeping, and housekeeping activities for one family on a permanent basis; and

- b. Is free of any plumbing, electrical, ventilation, mechanical, chemical, or structural hazard that may jeopardize the health or safety of a resident;
    2. Has a living room accessible at all times to a resident;
    3. Has a dining area furnished for group meals that is accessible to the provider, residents, and any other individuals present in the adult behavioral health therapeutic home;
    4. For each six individuals residing in the adult behavioral health therapeutic home, including residents, has at least one bathroom equipped with:
      - a. A working toilet that flushes and has a seat; and
      - b. A sink with running water accessible for use by a resident;
    5. Has equipment and supplies to maintain a resident's personal hygiene that are accessible to the resident;
    6. Is clean and free from accumulations of dirt, garbage, and rubbish; and
    7. Implements a pest control program to minimize the presence of insects and vermin at the adult behavioral health therapeutic home.
  - B. A provider shall ensure that pets and animals are:
    1. Controlled to prevent endangering the residents and to maintain sanitation;
    2. Licensed consistent with local ordinances; and
    3. For a dog or cat, vaccinated against rabies.
  - C. If a swimming pool is located on the premises, a provider shall ensure that:
    1. The swimming pool is equipped with the following:
      - a. An operational water circulation system that clarifies and disinfects the swimming pool water continuously and that includes at least:
        - i. A removable strainer,
        - ii. Two swimming pool inlets located on opposite sides of the swimming pool, and
        - iii. A drain located at the swimming pool's lowest point and covered by a grating that cannot be removed without using tools; and
      - b. An operational cleaning system;
    2. 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 (C)(2)(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 54 inches from the ground, and
    - iii. Is locked when the swimming pool is not in use; and
  - 3. A life preserver or shepherd's crook is available and accessible in the pool area.
- D. A provider shall ensure that a spa that is not enclosed by a wall or fence as described in subsection (C)(2) is covered and locked when not in use.
- E. A provider shall ensure that:
- 1. A bedroom for use by a resident:
    - a. Is separated from a hall, corridors, or other habitable room by floor-to-ceiling walls containing no interior openings except doors and is not used as a passageway to another bedroom or habitable room;
    - b. Provides sufficient space for an individual in the bedroom to have unobstructed access to the bedroom door;
    - c. Contains for each resident using the bedroom:
      - i. A separate, adult-sized, single bed or larger bed with a clean mattress in good repair;
      - ii. Clean bedding appropriate for the season; and
      - iii. An individual dresser and closet for storage of personal possessions and clothing; and
    - d. If used for:
      - i. Single occupancy, contains at least 60 square feet of floor space; or
      - ii. Double occupancy, contains at least 100 square feet of floor space; and
  - 2. A mirror is available to a resident for grooming;
  - 3. A resident does not share a bedroom with an individual who is not a resident;
  - 4. No more than two residents share a bedroom;
  - 5. If two residents share a bedroom, each resident agrees, in writing, to share the bedroom; and
  - 6. A resident's bedroom is not used to store anything other than the furniture and articles used by the resident and the resident's belongings.