

TITLE 9. HEALTH SERVICES
CHAPTER 33. DEPARTMENT OF HEALTH SERVICES
GROUP HOMES FOR INDIVIDUALS
WHO ARE DEVELOPMENTALLY DISABLED

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ARTICLE 1. LICENSURE REQUIREMENTS

R9-33-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Accredited" means ~~accredited by~~ recognized as having met the operating standards and criteria of a nationally recognized accreditation organization.
2. "Applicant" means an individual or business organization requesting a license under R9-33-104 to open a group home. the following if requesting a group home license:
 - a. ~~An individual, if a sole proprietorship;~~
 - b. ~~Any two of the corporation's officers, if a corporation;~~
 - c. ~~The managing partner, if a partnership or limited liability partnership; or~~
 - d. ~~The designated manager, or if no manager is designated, any two members of a limited liability company, if a limited liability company.~~

3. "Application packet" means the forms, documents, and additional information the Department requires to be submitted by an applicant.
4. "Business organization" has the same meaning as "entity" in A.R.S. § 10-140.
5. "Controlling person" has the meaning in A.R.S. § 36-881.
- ~~4-6.~~ "Day" means a calendar day-, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, or state holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday.
- ~~5-7.~~ "Department" means the Arizona Department of Health Services.
- ~~6-8.~~ "Developmental disability" ~~means the same as defined~~ has the meaning in A.R.S. § 36-551.
- ~~7-9.~~ "Division" means the Division of Developmental Disabilities in the Arizona Department of Economic Security.
- ~~8-10.~~ "Documentation" means ~~written evidence~~ information in written, photographic, electronic, or other permanent form.
- ~~9-11.~~ "Facility" means ~~a~~ the building or buildings used as a group home.
- ~~10-12.~~ "Group home" has the meaning in A.R.S. § 36-551 ~~means a residential setting for not more than six persons with developmental disabilities that is operated by a service provider under contract with the division and that provides, in a shared living environment, room and board and daily habilitation. Group home does not include an adult developmental home, a child developmental foster home, secure setting or an intermediate care facility for the mentally retarded.~~
- ~~11-13.~~ "Habilitation" has the meaning in A.R.S. § 36-551 ~~means the process by which an individual is assisted to acquire and maintain those life skills which enable the person to cope more effectively with the demands of his person and environment and to raise the level of his physical, mental and social efficiency.~~
- ~~12-14.~~ "Hazard" means a condition or situation that may result in physical injury or illness to a ~~resident~~ an individual.
- ~~13-15.~~ "Licensee" means the individual or business organization to which the Department has issued a license ~~partnership, or corporation approved by the Department~~ to operate a group home.
16. "Plumbing system" means fixtures, pipes, and related parts, including a septic apparatus, assembled to carry clean water into a structure and to carry sewage out of a structure.
- 14-17. "Premises" means:

- a. A facility; and
 - b. The grounds surrounding the facility used for operating a group home that are owned, leased, or controlled by the licensee, including other structures.
- ~~15.~~18. "Private residential swimming pool" ~~means the same as defined~~ has the meaning in A.A.C. R18-5-201.
- ~~16.~~19. "Resident" means an individual who is accepted by a licensee under the terms of a contract with the Division to live at the licensee's group home.
20. "Safety-approved" means tested and designated as meeting applicable safety standards by one or more of the following organizations:
- a. Underwriters Laboratories,
 - b. Canadian Standards Association, or
 - c. Factory Mutual Insurance Company Global.
- ~~17.~~21. "Service provider" has the meaning in A.R.S. § 36-551 ~~means a person or agency that provides services to clients pursuant to a contract or service agreement with the division.~~
- ~~18.~~22. "Spa" ~~means the same as defined~~ has the meaning in A.A.C. R18-5-201.
- ~~19.~~23. "Staff" or "staff member" means an employee of a group home.
- ~~20.~~24. "Supervision" has the meaning in A.R.S. § 36-551 ~~means the process by which the activities of an individual with developmental disabilities are directed, influenced or monitored.~~

R9-33-102. Requirement for Licensure

- A.** An applicant shall obtain a license to operate a group home from the Department before providing supervision or habilitation to an individual with a developmental disability in a group home.
- B.** A license to operate a group home is valid for the following, as indicated on the license:
 - 1. Address of the group home indicated on the license;
 - 2. Name of the licensee indicated on the license;
 - 3. Name of the group home, if applicable;
 - 4. Fire risk prevention level; and
 - 3-5. Period of time indicated on the license Licensing period for the group home.

R9-33-103. Individuals to Act for Applicant or Licensee

When an applicant or licensee is required by this Chapter to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or licensee:

1. If the applicant or licensee is an individual, the individual; and
2. If the applicant or licensee is a business organization, the individual who the business organization has designated to act on the business organization's behalf for purposes of this Chapter and who:
 - a. Is a controlling person of the business organization,
 - b. Is a U.S. citizen or legal resident, and
 - c. Has an Arizona address.

R9-33-103, R9-33-104. Application and Issuance of License Inspection

- A. ~~At least 30 days before the anticipated date of~~ Before opening a group home, an applicant shall submit to the Department a completed application packet that contains:
1. An application form provided by the Department that includes:
 - a. ~~The applicant's name, address, telephone number, facsimile number, and electronic mail address, if applicable;~~
 - b. ~~The proposed group home's name, if any, address, telephone number, facsimile number, and electronic mail address, if applicable;~~
 - e. ~~Whether the proposed group home is accredited by a nationally recognized accreditation organization;~~
 - c. The address and telephone number of the proposed group home;
 - d. The applicant's address and telephone number, if different from the address or telephone number of the proposed group home;
 - e. The applicant's e-mail address;
 - f. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-33-108(C)(3);
 - ~~d.g.~~ Whether the applicant is a current service provider or intends to become a service provider; and
 - e.h. The applicant's signature and the date signed; and
 2. A copy of the applicant's:
 - a. U.S. Passport, current or expired;
 - b. Birth certificate;
 - c. Naturalization documents; or
 - d. Documentation of legal resident alien status;
 3. Either:
 - a. A copy of the applicant's current service provider contract with the Division, or

- b. Documentation from the Division demonstrating that the applicant has a service provider contract application pending; and
- 2.4. A copy of the applicant's accreditation report issued by a nationally recognized accreditation organization, if applicable.
- ~~B.~~ To ensure compliance with applicable federal and state laws, rules, or local ordinances, an An applicant or licensee shall ensure that an official of allow the Department is ~~allowed~~ immediate access to all areas of the premises, a resident, record, or vehicle used to transport a resident, according to A.R.S. § 41-1009.
- ~~C.~~ For Department licensure of a group home:
- 1. ~~The overall time frame described in A.R.S. § 41-1072(2) is 120 days. The applicant and the Department may agree in writing to extend the overall time frame. The substantive review time frame may not be extended by more than 25% of the overall time frame;~~
 - 2. ~~The administrative completeness review described in A.R.S. § 41-1072(1) is 60 days and begins on the date the Department receives an application packet;~~
 - a. ~~If any of the documents are missing or if information in the documents is deficient, the Department shall send to the applicant a written notice of incompleteness that states each deficiency and the information or documents needed to complete the application packet. The 60 day time frame for the Department to finish the administrative completeness review is suspended from the date the Department provides the notice of incompleteness to the applicant until the date the Department receives the required information or missing document;~~
 - b. ~~If all of the documents are submitted and the information on the documents is complete, the Department shall provide a written notice of administrative completeness to the applicant. The notice shall include the date and time of the Department's inspection of the group home;~~
 - e. ~~If the missing or deficient documents or information are not submitted within 120 days from the date of notice of incompleteness, the Department shall consider the application withdrawn;~~
 - d. ~~If the Department grants a license during the time provided to assess administrative completeness, the Department shall not issue a separate notice of administrative completeness;~~

3. ~~The substantive review time frame described in A.R.S. § 41-1072(3) is 60 days and begins on the date the Department provides written notice of administrative completeness to the applicant;~~
- a. ~~As part of the substantive review, the Department shall conduct an onsite inspection of the group home;~~
 - b. ~~During the substantive review time frame, the Department may make one comprehensive written request for additional information or documents;~~
 - e. ~~The time frame for the Department to complete the substantive review is suspended from the postmark date of the comprehensive written request until the Department receives the additional information or documents;~~
 - d. ~~The applicant shall submit to the Department the information or documents identified in the comprehensive written request within 30 days of receipt of the comprehensive written request;~~
 - e. ~~If an applicant meets the requirements of this Section and Chapter, the Department shall issue to the applicant:~~
 - i. ~~A two year regular license to operate a group home; or~~
 - ii. ~~If the applicant is accredited, a regular license to operate a group home for the duration of the accreditation period, not to exceed three years;~~
 - f. ~~The Department shall provide the applicant with a written notice of denial if:~~
 - i. ~~The applicant does not submit the additional information or documents within the time frame in subsection (C)(3)(d); or~~
 - ii. ~~Upon receipt of the additional information or documents from the applicant, the Department determines that the applicant does not meet the requirements of this Section and Chapter; and~~
 - g. ~~An applicant may appeal the Department's determination according to A.R.S. Title 41, Chapter 6.~~

R9-33-104. R9-33-105. License Renewal

- A. A licensee shall submit to the Department a completed application packet for renewal of a license to operate a group home;
- 1. Containing the information in R9-33-104(A)(1), R9-33-104(A)(3), and R9-33-104(A)(4); and
 - 2. at At least 60 days before the expiration date indicated on the license. An application shall contain the information in R9-33-103(A).

- B.** The Department shall renew a regular license to operate a group home:
1. If, after conducting an onsite inspection, the Department determines that the licensee is in compliance with the applicable requirements in this Chapter; and
 2. According to the time-frames in ~~R9-33-103(C)~~ R9-33-108.

~~R9-33-105.~~ R9-33-106. Changes Affecting a License

- A.** A licensee shall notify the Department in writing at least 30 days before the effective date of ~~termination of:~~
1. ~~Operation~~ Termination of operation of a group home; ~~or~~
 2. ~~A Termination of a service provider contract with the Division;~~
 3. A change in the ownership of the group home;
 4. A change in the name of the group home;
 5. If the licensee is an individual, a legal change of the licensee's name;
 6. Construction or modification of any facility on the premises; or
 7. If approved by the Division, a change in the group home's fire risk prevention level.
- B.** If the Department receives the notification in subsection (A)(1), (A)(2), or (A)(3), the Department shall take the applicable action in R9-33-109.
- C.** If the Department receives the notification in subsection (A)(4) or (A)(5), the Department shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.
- D.** If the Department receives the notification in subsection (A)(6) or (A)(7), the Department shall conduct an inspection of the premises as indicated in R9-33-104(B) and, if the group home is in compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter, issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.
- E.** An individual or business organization planning to assume operation of an existing group home shall obtain a new license as required in R9-33-102(A) before beginning operation of the group home.

~~R9-33-106.~~ R9-33-107. Investigation of Complaints

- A.** Upon receipt of a complaint or ~~if there is a reasonable cause to believe~~ information indicating that a group home ~~is not~~ may not be in compliance with the Department's applicable ~~laws~~ statutes and rules, the Department shall:

1. Investigate the complaint or information about noncompliance within 30 days ~~of~~ after receipt of the complaint or information about noncompliance;
 2. Develop a written report that:
 - a. Indicates whether the complaint or information about noncompliance is substantiated;
 - b. Identifies the statute or rule or law being violated, if applicable;
 - c. ~~Contains~~ Establishes a plan of correction, if applicable acceptable to the Department, for the correction of a deficiency; and
 - d. Contains the signature of the licensee, indicating that the licensee agrees to carry out the plan of correction;
 3. Provide the licensee with the written report in subsection (A)(2); and
 4. ~~Notify~~ If the complaint or information about noncompliance was substantiated, notify the Division of the outcome of the investigation.
- B.** A licensee shall ensure that a deficiency listed on a plan of correction is corrected within 30 days ~~from~~ after the date of the plan of correction or within a time period the Department and the licensee agree upon in writing.

R9-33-108. Time-frames

- A.** The overall time-frame described in A.R.S. § 41-1072 for a license granted by the Department under this Chapter is set forth in Table 1.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25% of the overall time-frame.
- B.** The administrative completeness review time-frame described in A.R.S. § 41-1072 for a license granted by the Department under this Chapter is set forth in Table 1.1 and begins on the date that the Department receives an application packet.
1. The Department shall send a notice of administrative completeness or deficiencies to the applicant within the administrative completeness review time-frame.
 - a. A notice of deficiencies shall list each deficiency and the information or items needed to complete the application.
 - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is sent until the date that the Department receives all of the missing information or items from the applicant.

- c. If an applicant fails to submit to the Department all of the information or items listed in the notice of deficiencies within 120 days after the date that the Department sent the notice of deficiencies or within a time period the Department and the applicant agree upon in writing, the Department shall consider the application withdrawn.
 - 2. If the Department issues a license to the applicant during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is set forth in Table 1.1 and begins on the date of the notice of administrative completeness.
 - 1. As part of the substantive review of an application for a license, the Department shall conduct an inspection that may require more than one visit to the group home.
 - 2. The Department shall send a license or a written notice of denial of a license to an applicant within the substantive review time-frame.
 - 3. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the Department and the applicant have agreed in writing to allow the Department to submit supplemental requests for information.
 - a. If the Department determines that an applicant, a group home, or the premises are not in substantial compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter, the Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies stating each statute and rule upon which noncompliance is based.
 - b. An applicant shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of the corrections required in a statement of deficiencies, within 30 days after the date of the comprehensive written request for additional information or the supplemental request for information or within a time period the Department and the applicant agree upon in writing.
 - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department sends a comprehensive written request for additional information or a supplemental request for information until the date

that the Department receives all of the information requested, including, if applicable, documentation of corrections required in a statement of deficiencies.

d. If an applicant fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of corrections required in a statement of deficiencies, within the time prescribed in subsection (C)(3)(b), the Department shall deny the application.

4. The Department shall issue a license if the Department determines that the applicant and the group home, including the premises, are in substantial compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter, and the applicant submits documentation of corrections, which is acceptable to the Department, for any deficiencies.

5. If the Department denies a license, the Department shall send to the applicant a written notice of denial setting forth the reasons for denial and all other information required by A.R.S. § 41-1076.

Table 1.1 Time-frames (in days)

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Review Time-frame</u>	<u>Substantive Review Time-frame</u>
<u>Application for a license under R9-33-104</u>	<u>A.R.S. § 36-132(A)(21)</u>	<u>120</u>	<u>60</u>	<u>60</u>
<u>Renewal of a license under R9-33-105</u>	<u>A.R.S. § 36-132(A)(21)</u>	<u>60</u>	<u>30</u>	<u>30</u>

R9-33-107. R9-33-109. Denial, Revocation, or Suspension of a License

A. The Department may deny an application or revoke or suspend a license to operate a group home if:

1. An applicant or licensee does not meet the application requirements contained in ~~R9-33-103~~ R9-33-104;
2. A licensee is not a service provider;
3. A licensee does not correct the deficiencies according to the plan of correction contained in ~~R9-33-106~~ R9-33-107 by the time stated in the plan of correction; or
4. The nature or number of violations revealed by any type of inspection or investigation of a group home poses a direct risk to the life, health, or safety of a resident.

- B. An applicant or licensee may appeal the Department's determination in subsection (A) according to A.R.S. Title 41, Chapter 6, Article 10.
- C. The Department shall immediately notify the Division when an application is denied and when a license to operate a group home is suspended or revoked.

ARTICLE 2. GROUP HOME REQUIREMENTS

R9-33-201. Emergency Procedures and Evacuation Drills

- A. A licensee shall ensure that a written plan for emergencies:
 - 1. ~~is~~ Is developed and implemented;
 - 2. ~~The plan shall be~~ Is available and accessible to staff and each resident at the facility;
 - 3. ~~The plan shall include:~~ Contains ~~1. Procedures~~ procedures for responding to a fire, emergency, ~~and~~ severe weather conditions, ~~and other disasters,~~ that include including:
 - a. Routes of evacuation, location of firefighting equipment, and evacuation devices identified on a floor plan of the facility;
 - b. Instructions on the use of fire alarm systems, firefighting equipment, and evacuation devices;
 - c. Procedures for evacuating each resident, including a resident who is not capable of self-preservation or who has a mobility, sensory, or other physical impairment; and
 - d. Procedures for notifying an emergency response team, law enforcement, and the licensee or the licensee's designee; and
 - 2.4. ~~Procedures~~ Includes procedures for when a resident is missing from the premises.
- B. A licensee shall ensure ~~that~~:
 - 1. ~~The~~ the facility's street address is painted or posted ~~and~~ against a contrasting background so that the facility's street address is visible from the street; ~~or~~
 - 2. ~~The local emergency response team, such as the local fire department, is notified of the location of the facility in writing at least once every 12 months. The licensee shall make the written notification available for review at the facility for at least two years from the date of the notification.~~
- C. A licensee shall ensure that:
 - 1. An evacuation drill that includes all residents is conducted at least once every six months on each shift; and

- ~~2.~~ ~~The licensee shall make documentation~~ Documentation of an evacuation drill is available for review at the facility for at least two years ~~from~~ after the date of the evacuation drill that includes:
- a. The date and time of the evacuation drill;
 - b. The length of time to evacuate all residents from the facility;
 - c. A ~~description~~ critique of the evacuation drill, including a list of the residents and staff who were present at the time of the drill, how the drill was performed, and how long the drill took to complete; and
 - d. A ~~corrective action plan, if~~ If the length of time to evacuate all residents from the facility exceeds three minutes, a plan of correction to bring the evacuation time to three minutes or less;

D. A licensee shall ensure that:

- ~~2-1.~~ All stairways, hallways, walkways, and other routes of evacuation are free of any obstacle that may prevent evacuation of a resident in an emergency;
- ~~3-2.~~ If a window or door contains locks, bars, grills, or other devices that obstruct evacuation, each device contains a release mechanism that is operable from the inside of a facility and that does not require the use of a key, special knowledge, or special effort; ~~and~~
- ~~4-3.~~ Each The facility contains a working non-cellular telephone that is available and accessible to staff and each resident at all times; and
4. The following are posted at the location of a group home's telephone ~~licensee shall post current telephone numbers for:~~
 - a. Instructions to dial 911 or the telephone number of another ~~other~~ local emergency response team; and
 - b. The address and telephone number of the group home.

R9-33-202. Fire Safety Requirements

- A.** The Department shall issue to an applicant or licensee:
1. A fire risk prevention level 1 group home license if the group home meets the requirements in R9-33-202(B) through ~~R9-33-202(F)~~ R9-33-202(G); and
 2. A fire risk prevention level 2 group home license if the group home meets the requirements in R9-33-202(B) through ~~R9-33-202(G)~~ R9-33-202(H).
- B.** A licensee shall ensure that the ~~facility is~~ premises are in compliance with all applicable state and local fire safety regulations and that:

1. ~~A~~ Before a license is issued or renewed, a fire inspection is conducted ~~at least once every 12 months~~ by the local fire department, the Department, or an entity authorized by the Department;
2. Any repair or correction stated in ~~the~~ a fire inspection report is made or corrected according to the requirements and time in the fire inspection report; and
3. ~~The~~ A current fire inspection report is available for review at the facility ~~for at least two years from the date of the inspection~~.

C. A licensee shall ensure that the group home has at least one ~~a~~ working, portable, all-purpose fire extinguisher ~~with~~ labeled as rated at least ~~a~~ 2A-10-BC ~~rating~~ by the ~~Underwriter's~~ Underwriters Laboratories ~~as described in Publication 10 of the National Fire Code, incorporated by reference in A.A.C. R9-1-412, or two co-located working, portable, all-purpose fire extinguishers labeled as~~ rated at least 1A-10-BC by Underwriters Laboratories, is installed and maintained in the facility as prescribed by the manufacturer or the fire authority having jurisdiction.

D. A licensee shall ensure that a fire extinguisher is:

1. Is either:
 - a. Disposable and has a charge indicator showing green or "ready" status, or
 - b. Serviced at least once every 12 months ~~or as recommended by the manufacturer~~ by a fire extinguisher technician certified by the National Fire Protection Agency, the International Code Council, or Compliance Services and Assessments; and
2. ~~Tagged~~ If serviced, is tagged specifying:
 - a. The date of purchase or the date of recharging, whichever is more recent; and
 - b. The name of the organization performing the ~~work~~ service, if applicable.

D.E. A licensee shall ensure that smoke detectors are:

1. Working and audible at a level of 75db from the location of each bed used by a resident in the group home;
2. Capable of alerting all residents in the facility, including a resident with a mobility or sensory impairment;
3. Installed according to the manufacturer's instructions; ~~and~~
4. Located in at least the following areas:
 - a. Each bedroom;
 - b. Each room or hallway adjacent to a bedroom, except a bathroom or a laundry room; and
 - c. Each room or hallway adjacent to the kitchen, except a bathroom, a pantry, or a laundry room; and

5. If the licensee has been cited more than once under subsection (E)(1) through (E)(4), either:

- a. Hard-wired to the electrical system with a battery backup, or
- b. Connected to an early-warning fire detection system required in subsection (H)(2), if applicable.

~~E.F.~~ A licensee shall ensure that each bedroom has at least one openable window or door to the outside for use as an emergency exit.

~~F.G.~~ A licensee shall ensure that:

- 1. A usable fireplace is covered by a protective screen or covering at all times; and
- 2. Combustible or flammable materials are not stored within three feet of a fireplace, furnace, heater, or water heater.

~~G.H.~~ A licensee of a fire risk prevention level 2 group home shall ensure that:

- 1. The facility contains an emergency lighting system that:
 - a. Works without in-house electrical power;
 - b. Illuminates the path of evacuation; and
 - c. Is inspected at least once every 12 months by the manufacturer or an entity that installs and repairs emergency lighting systems; and
- 2. ~~Documentation of an emergency lighting system inspection is available for Department review at the facility for two years from the date of the inspection and includes~~ The facility has an early-warning fire detection system that:
 - a. ~~The date of the inspection,~~ Is safety-approved;
 - b. ~~The name of the entity performing the inspection,~~ Is hard-wired or connected wirelessly, with battery back-up;
 - c. ~~A tag on the emergency lighting system or a written report of the results of the inspection, and~~ Sounds every alarm in the facility when smoke is detected;
 - d. ~~A description of any repairs made to the system as a result of the inspection~~ Is installed in each bedroom, each room or each hallway adjacent to a bedroom, and each room or each hallway adjacent to a kitchen; and
 - e. Is inspected at least once every 12 months by the manufacturer or by an entity that installs and repairs early-warning fire detection systems;
- 3. The facility has one of the following:
 - a. At least two staff members on duty ~~at the facility~~ at all times ~~and the facility has an early warning fire detection system that:~~
 - i. ~~Is hard-wired with battery back-up;~~

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1. A method of heating and cooling maintains the facility between 65° F and 85° F in areas of the facility occupied by residents;
2. Ventilation is provided by an openable window, air conditioning, or other mechanical device;
3. Working, safe appliances for cooling and cooking food are provided in the facility that:
 - a. Are safety-approved;
 - b. If used to refrigerate food, maintain the food at a temperature of 40° F or below at all times; and
 - c. If used to freeze food, maintain the food at a temperature of 0° F or below at all times; and
4. Hot water temperatures in the facility are maintained between 95° F and 120° F.

B. A licensee shall ensure that:

1. Electrical lighting is contained in each room in the facility; ~~and~~
2. Electrical equipment ~~in the facility~~ on the premises is safe and in working order;
3. Electrical outlets on the premises are safe, covered with a faceplate, and installed in accordance with the requirements of the local jurisdiction;
4. If the facility was built or modified on or after the effective date of this Chapter, any electrical outlet located within three feet of a water source includes a ground fault circuit interrupt (GFCI);
5. An appliance, light, or other device with a frayed or spliced electrical cord is not used on the premises;
6. An electrical cord, including an extension cord, on the premises is not:
 - a. Used as a substitute for permanent wiring,
 - b. Run under a rug or carpeting,
 - c. Run over a nail, or
 - d. Run from one room to another;
7. An unvented space heater, open-flame space heater, or electric portable heater is not used on the premises; and
8. A vented space heater used on the premises is:
 - a. Safety-approved;
 - b. Professionally installed in accordance with the requirements of the local jurisdiction; and
 - c. Mounted as a permanent fixture in a wall, floor, or ceiling.

C. A licensee shall ensure that:

1. A facility contains a safe, working plumbing ~~and sewage~~ system;
2. If a facility's plumbing system is connected to a non-municipal sewage disposal system is used, the sewage plumbing system and connective piping are ~~is in working order~~ and free of visible leakage; and
3. Water is standing only in an area or vessel the purpose of which is designated to hold standing water.

R9-33-204. Accessible and Usable Facilities

A licensee shall ensure that:

1. A group home is in compliance with applicable federal and state disability laws; ~~and~~
2. If a group home has a resident with a mobility, sensory, or other physical impairment, ~~the licensee shall ensure that~~ documentation is available for review at the group home that:
 - a. Is provided by the Division; and
 - b. Identifies modifications, if any, needed to the premises to ensure that the premises ~~is~~ are accessible to and usable by the resident; and
3. ~~Modifications are made to the~~ The premises have been modified as identified by the Division in subsection (2).

R9-33-205. Clean and Sanitary Conditions

A. A licensee shall ensure that:

1. ~~a facility is~~ The premises are free of accumulations of garbage or refuse; ~~and~~
2. ~~garbage~~ Garbage and refuse in the facility is:
 - 1.a. Stored in cleanable containers or in sealable plastic bags; and
 - 2.b. Removed from the facility at least once every seven days.

B. A licensee shall ensure that the ~~facility is~~ group home:

1. ~~In good repair or has an on-going system to ensure repairs are made and that the facility does not contain a hazard~~ Does not contain any object, equipment, or condition that may be a hazard; and
2. Is:
 - a. Clean so that a condition in the facility is not a hazard;
 - b. In good repair;
 - 3.c. Free of odors, such as urine or rotting food; and
 4. Free of any object, equipment, or condition that may be a hazard; and

- ~~5.d.~~ Free of insects and rodents ~~or has an on-going system to eliminate insects or rodents from the facility.~~

R9-33-206. Vehicle Safety

- A. A licensee shall ensure that a vehicle used to transport a resident:
1. Is maintained in safe and working order; and
 2. ~~Has a record of each maintenance or repair that is available for review at the facility for at least two years from the date of repair; and~~
 3. Is equipped with:
 - a. A working heating and air conditioning system;
 - b. A first aid kit that meets the requirements in R9-33-207(A)(8);
 - c. Working seat belts for the driver and each passenger; and
 - d. Floor mounted seat belts and wheel chair lock-down devices for each wheel chair passenger transported, if the vehicle is used to transport a passenger in a wheelchair.
- B. ~~A licensee shall ensure that documentation of the requirements in subsection (A) is completed at least once every six months on a vehicle used to transport a resident and that the documentation is available for review at the facility for at least two years from the date of the vehicle inspection~~ A licensee shall ensure that documentation of each maintenance or repair of a vehicle used to transport a resident is available for review at the group home for at least two years after the date of the maintenance or repair.

R9-33-207. Hazards and Dangers

- A. A licensee shall ensure that:
1. Ramps, stairs, or steps have slip-resistant surfaces;
 2. If handrails and grab bars are installed in a facility, handrails and grab bars are securely attached and stationary;
 3. There are no firearms or ammunition ~~at the facility~~ on the premises;
 4. The ~~facility does~~ premises do not contain unprotected or uncovered wells, ditches, or holes that an individual may step or fall into;
 5. Cleaning compounds and toxic substances are maintained in labeled containers ~~and that:~~
 - a. Are stored to prevent a hazard;
 - b. Are appropriate to the contents of each container, and
 - c. Are stored in a separate location from food or medicine;

6. Bathtubs and showers contain slip-resistant strips, rubber bath mats, or slip-resistant surfaces;
7. Unused furniture, equipment, fabrics, or devices are removed from the facility or maintained in a covered area on the premises that is designated by the licensee for storage in a manner that does not create a hazard under R9-33-205; and
8. A facility group home contains a first aid kit that has the following items in a quantity sufficient to meet the ~~resident's~~ needs of residents and staff:
 - a. Adhesive ~~strip~~ sterile bandages of assorted sizes;
 - b. Sterile, ~~individually wrapped~~ gauze squares pads;
 - c. Rolled Sterile gauze rolls;
 - d. Adhesive or self-adhering tape;
 - e. ~~Individually wrapped non-stick sterile pads~~ Antiseptic solution or sealed antiseptic wipes;
 - f. ~~A triangle bandage for use as a sling~~ Reclosable plastic bags of at least one-gallon size;
 - g. ~~Disposable~~ Single-use non-porous gloves;
 - h. Scissors;
 - i. Tweezers; and
 - j. A cardiopulmonary resuscitation mouth guard or mouth shield.

B. ~~A licensee shall ensure that a private residential swimming pool meets the following requirements unless the Division provides to the Department, at the time of initial licensure and renewal, written documentation indicating that, based upon a determination by the Division, the private residential swimming pool is safe, based upon the functional level of the residents. A licensee shall ensure that a private residential swimming pool:~~

1. Is surrounded by a fence or enclosure constructed of rigid material that:
 - a. Is at least five feet high;
 - b. Is free of an opening that exceeds four inches; or, if a wire mesh fence, is free of an opening that exceeds 1 3/4 inches ~~A chain link or wire mesh fence, other than chicken wire, may be used if the openings do not exceed 1 3/4 inches;~~
 - c. Is free of openings for handholds or footholds on the exterior of the fence or enclosure;
 - d. Is at least 20 inches from the edge of the private residential swimming pool; ~~and~~

- e. ~~Has self-closing, self-latching gates that open out from the private residential swimming pool and that are locked when the private residential swimming pool is not in use;~~
 - e. Has at least one gate that:
 - i. Opens outward from the private residential swimming pool,
 - ii. Has a self-closing latch attached no less than 54 inches above ground level as measured from the exterior side of the fence or enclosure, and
 - iii. Is locked when the private residential swimming pool is not in use;
 - f. Is secured perpendicular to level ground; and
 - g. Does not contain an object within 30 inches on either side of the fence or enclosure from the level of the ground to a height of five feet above the fence or enclosure; and
 - 2. Is located at least 54 inches from the exterior wall of the facility to allow evacuation without entering the private residential swimming pool area; and
 - 3. Is not located in the path of an emergency exit; and
 - 4. If filled with water, 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. If the private residential swimming pool was constructed or modified on or after the effective date of this Chapter, filtration inlets located on opposite sides of the private residential swimming pool, and
 - iii. A drain located at the private residential swimming pool's lowest point that is covered by a grating that cannot be removed without using tools;
and
 - b. An operational vacuum cleaning system; and
 - 5. If not filled with water, is covered completely by a covering that:
 - a. Is permitted by the local jurisdiction;
 - b. Is free of an opening that exceeds one inch;
 - c. Withstands weight of at least 495 pounds per square foot on all parts of the covering without any distortion or compression; and
 - d. Has locked access hatches that a resident cannot open.
- C. A licensee shall ensure that a private residential swimming pool ~~contains~~ is equipped with water rescue items, including:

1. A shepherd's crook that is attached to its own pole; and
2. A ring buoy with a an attached rope that attached. ~~The rope~~ is at least ten feet long plus the distance from the edge to the middle of the private residential swimming pool.

D. A licensee shall ensure that a spa:

1. ~~Is enclosed by a fence described in subsection (B), if a resident is under the age of six; and~~
2. ~~That is not enclosed by a fence~~ Except as specified in subsection (B)(D)(2), is covered and locked when not in use to prevent access by a resident; and
2. If a resident is under six years of age, is enclosed by a fence specified in subsection (B)(1).