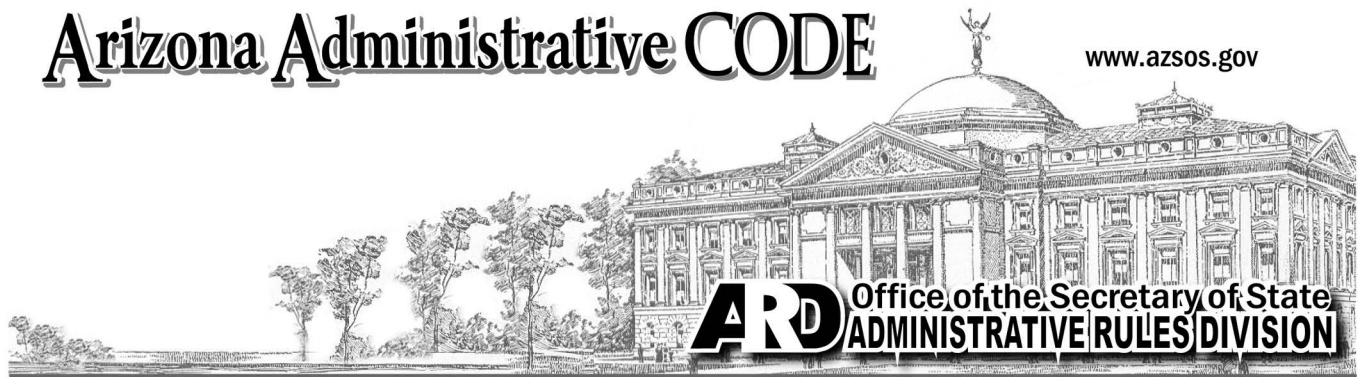




9 A.A.C. 33

Supp. 24-2

TITLE 9. HEALTH SERVICES

CHAPTER 33. DEPARTMENT OF HEALTH SERVICES - GROUP HOMES FOR INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
April 1, 2024 through June 30, 2024

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The release of this Chapter in Supp. 24-2 replaces Supp. 12-4, 1-8 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division

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TITLE 9. HEALTH SERVICES

CHAPTER 33. DEPARTMENT OF HEALTH SERVICES - GROUP HOMES FOR INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY

Authority: A.R.S. §§ 36-132(A)(21) and 36-591

Supp. 24-2

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ARTICLE 1. LICENSURE REQUIREMENTS**R9-33-101. Definitions**

In addition to the definitions in A.R.S. §§ 36-551 and 36-591.01, the following definitions apply in this Chapter unless otherwise specified:

1. "Accreditation" means recognition 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 or behavioral-supported group home.
3. "Application packet" means the forms, documents, and additional information the Department requires to be submitted by an applicant.
4. "Business organization" means the same as "entity" in A.R.S. § 10-140.
5. "Controlling person" means a person who, with respect to a business organization:
 - a. Through ownership, has the power to vote at least 10% of the outstanding voting securities of the business organization;
 - b. If the business organization is a partnership, is a general partner, or is a limited partner who holds at least 10% of the voting rights of the partnership;
 - c. If the business organization is a corporation, association, or limited liability company, is the president, the chief executive officer, the incorporator, an agent, or any person who owns or controls at least 10% of the voting securities; or
 - d. Holds a beneficial interest in 10% or more of the liabilities of the business organization.
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.
7. "Department" means the Arizona Department of Health Services.
8. "Documentation" means information in written, photographic, electronic, or other permanent form.
9. "Facility" means the building or buildings used for operating a group home or behavioral-supported group home.
10. "Fire risk prevention level" means a designation applied to a group home by the Division based on a formula aggregating safety factors existing at the group home or behavioral-supported group home.
11. "Hazard" means an object, equipment, situation, or condition that may result in physical injury or illness to an individual.
12. "Licensee" means the individual or business organization to which the Department has issued a license to operate a group home or behavioral-supported group home.
13. "Modification" means the substantial improvement, enlargement, reduction, alteration, or other substantial change in the facility or another structure on the premises at a group home or behavioral-supported group home.
14. "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.
15. "Premises" means:
 - a. A facility; and

- b. The grounds surrounding the facility that are owned, leased, or controlled by the licensee, including other structures.
16. "Private residential swimming pool" means the same as in A.A.C. R18-5-201.
 17. "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 or behavioral-supported group home.
 18. "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.
 19. "Service provider contract" means the entirety of an applicant's or licensee's qualified vendor agreement with the Division.
 20. "Spa" means the same as in A.A.C. R18-5-201.
 21. "Staff" means the employees or volunteers who provide habilitation to residents at a group home or behavioral-supported group home.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

R9-33-102. Requirement for Licensure

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

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

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

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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.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). R9-33-103 renumbered to R9-33-104; new R9-33-103 made by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4).

R9-33-104. Application and Inspection

- A. For a license to operate a group home or behavioral-supported group home, an applicant shall submit to the Department a completed application that contains:

1. An application in a Department provided format that includes:
 - a. The applicant's name;
 - b. The proposed group home's or behavioral-supported group home's name, if any;
 - c. The address and telephone number of the proposed group home or behavioral-supported group home;
 - d. The applicant's address and telephone number, if different from the address or telephone number of the proposed group home or behavioral-supported group home;
 - e. The applicant's email address;
 - f. The name and contact information of an individual acting on behalf of the applicant according to R9-33-103, if applicable;
 - g. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-33-108(C)(4);
 - h. Whether the applicant is a current service provider or intends to become a service provider;
 - i. The fire risk prevention level at which the applicant anticipates operating the group home or behavioral-supported group home; and
 - j. The applicant's signature and the date signed;
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. A copy of the applicant's:
 - a. Current service provider contract with the Division indicating that services are to be provided at the address of the proposed group home or behavioral-supported group home; or
 - b. Documentation from the Division demonstrating that the applicant has a service provider contract pending for providing services at the address of the proposed group home or behavioral-supported group home; and
4. A copy of the applicant's accreditation report issued by a nationally recognized accreditation organization, if applicable.

- B. An applicant or licensee shall allow the Department 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.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). R9-33-104 renumbered to R9-33-105; new R9-33-104 renumbered from R9-33-103 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

R9-33-105. License Renewal

- A. At least 60 days before the expiration date indicated on a license to operate a group home or behavioral-supported group home, for renewal of the license to operate a group home or behavioral-supported group home, a licensee shall submit to the Department the information and documents in R9-33-104(A)(3)(a) and R9-33-104(A)(4).
- B. The Department shall renew or deny renewal of a license to operate a group home or behavioral-supported group home as provided in R9-33-108.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). R9-33-105 renumbered to R9-33-106; new R9-33-105 renumbered from R9-33-104 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

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:
 1. Termination of operation of a group home or behavioral-supported group home;
 2. Termination of a service provider contract with the Division;
 3. A change in the ownership of the group home or behavioral-supported group home;
 4. A change in the name of the group home or behavioral-supported group home;
 5. If the licensee is an individual, a legal change of the licensee's name;
 6. Construction or modification of the facility or another structure on the premises other than construction or modification undertaken, in accordance with R9-33-203(A); or
 7. If approved by the Division, a change in the group home's or behavioral-supported group home's fire risk prevention level.
- B. If the Department receives the notification in subsection (A)(1), the Department shall void the licensee's license to operate a group home or behavioral-supported group home as of the termination date specified by the licensee.
- C. If the Department receives the notification in subsection (A)(2), the Department shall take the applicable action in R9-33-109.
- D. If the Department receives the notification in subsection (A)(3), the Department may void the licensee's license to operate a group home or behavioral-supported group home upon issuance of a new license to operate a group home or behavioral-supported group home to the entity assuming ownership of the group home or behavioral-supported group home.
- E. If the Department receives the notification in subsection (A)(4) or (5), the Department shall issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.

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- F. If the Department receives the notification in subsection (A)(6) or (7), the Department shall conduct an inspection of the premises as indicated in R9-33-104(B), and, if the group home or behavioral-supported group home is in compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter, if applicable, issue to the licensee an amended license that incorporates the change but retains the expiration date of the existing license.
- G. An individual or business organization planning to assume operation of an existing group home or behavioral-supported group home shall obtain a new license as required in R9-33-102(A) before beginning operation of the group home or behavioral-supported group home.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). R9-33-106 renumbered to R9-33-107; new R9-33-106 renumbered from R9-33-105 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

R9-33-107. Investigation of Complaints

- A. Upon receipt of a complaint or information indicating that a group home or behavioral-supported group home may not be in compliance with A.R.S. Title 36, Chapter 5.1 or this Chapter, the Department may:
 1. Investigate the complaint or information about noncompliance within 30 days after receipt of the complaint or information about noncompliance;
 2. Develop a written report documenting the investigation;
 3. Provide the licensee with the written report in subsection (A)(2); and
 4. If the complaint or information about noncompliance was substantiated, notify the Division of the outcome of the investigation.
- B. If the Department substantiates a complaint or information about noncompliance at a group home or behavioral-supported group home, the licensee of the group home or behavioral-supported group home shall:
 1. Establish a plan of correction, if applicable, for correction of a deficiency;
 2. Agree to carry out the plan of correction by signing the written report in subsection (A)(2); and
 3. Ensure that a deficiency listed on the plan of correction is corrected within 30 days after the date of the plan of correction or within a time period the Department and the licensee agree upon in writing.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). R9-33-107 renumbered to R9-33-109; new R9-33-107 renumbered from R9-33-106 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

R9-33-108. Time-frames

- A. The overall time-frame pursuant to A.R.S. § 41-1075(B) for the applicant or licensee, granted by the Department under this Chapter is set forth in Table 1.1. The applicant or licensee 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 or renewal 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 or licensee 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 or licensee.
 - c. If an applicant or licensee 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 applicant or licensee and the Department agree upon in writing, the Department shall consider the application withdrawn.
 2. If the Department issues a license 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 an initial license, the Department shall conduct an inspection that may require more than one visit to the group home or behavioral-supported group home.
 2. As part of the substantive review of an application for a renewal license, the Department shall issue a license for a compliant renewal application.
 3. The Department shall send a license or a written notice of denial of a license within the substantive review time-frame.
 4. Pursuant to A.R.S. § 41-1075, during the substantive review time-frame, the Department may make one comprehensive written request for additional information, unless the applicant or licensee has agreed in writing to allow the Department to submit supplemental requests for information.
 - a. If the Department determines that an applicant or licensee, a group home or behavioral-supported 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 or licensee 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

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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 applicant or licensee and the Department 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 or licensee 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)(4)(b), the Department shall deny the application.
5. The Department shall issue a license if the Department determines that the applicant or licensee and the group home or behavioral-supported group home, including the premises, are in substantial compliance with A.R.S. Title 36, Chapter 5.1 and this Chapter.
6. If the Department denies a license, the Department shall send to the applicant or licensee a written notice of denial setting forth the reasons for the denial and all other information required by A.R.S. § 41-1076.

Historical Note

New Section made by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

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

- A. The Department may deny an application or suspend or revoke a license to operate a group home or behavioral-supported group home if:
 1. An applicant or licensee does not meet the application requirements contained in R9-33-104 or R9-33-105(A);
 2. A licensee is not a service provider for the duration of one licensure period;
 3. A licensee does not correct the deficiencies according to the plan of correction contained in 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 or behavioral-supported 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 or behavioral-supported group home is suspended or revoked.

Historical Note

New Section renumbered from R9-33-107 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

Table 1.1 Time-frames (in days)

Type of approval	Statutory authority	Overall time-frame	Administrative completeness review time-frame	Substantive review time-frame
Application for a license under R9-33-104	A.R.S. § 36-132(A)(21)	120	60	60
Renewal of a license under R9-33-105	A.R.S. § 36-132(A)(21)	60	30	30

Historical Note

Table 1.1 made by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4).

ARTICLE 2. GROUP HOME OR BEHAVIORAL-SUPPORTED GROUP HOME REQUIREMENTS**R9-33-201. Emergency Procedures and Evacuation Drills**

- A. A licensee shall ensure that a written plan for emergencies:
 1. Is developed and implemented;
 2. Is available and accessible to staff and each resident at the facility;
 3. Contains procedures for responding to fire, emergency, severe weather conditions, and other disasters, 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

4. Includes procedures for when a resident is missing from the premises.
- B. A licensee shall ensure that:
 1. The facility's street address is painted or posted against a contrasting background so that the group home's or behavioral-supported group home'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. Except as described in subsection (D), an evacuation drill that includes all residents, except any residents otherwise specifically excluded from evacuation drills as indicated on documentation provided by the Division for the resident, is conducted at least once every six months on each shift; and

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2. Documentation of an evacuation drill is available for review at the facility for at least two years 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 or simulate the evacuation of all residents from the facility;
 - c. A summary 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, how long the drill took to complete, and, if applicable, a list of residents for whom evacuation was simulated; and
 - d. Except as provided in subsection (D)(2), 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 in case of an actual emergency requiring evacuation.
- D. If a group home or behavioral-supported group home provides services to a resident whom the Division has identified, through the assessment process used to determine the group home's or behavioral-supported group home's fire risk prevention level, as having a condition that could cause a resident to be harmed if the resident participated in an evacuation drill, a licensee shall ensure that:
 1. An evacuation drill:
 - a. Does not include the resident, and
 - b. Simulates the evacuation of the resident according to the plan required in subsection (A)(3)(c), and
 2. The documentation of an evacuation drill required in subsection (C)(2) also includes, if the length of time to evacuate or simulate the evacuation of all residents exceeds five minutes, a plan of correction to bring the evacuation time to five minutes or less in case of an actual emergency requiring evacuation.
- E. A licensee shall ensure that:
 1. A first aid kit is available in the facility that has the following items in a quantity sufficient to meet the needs of residents and staff:
 - a. Adhesive sterile bandages of assorted sizes,
 - b. Sterile gauze pads,
 - c. Sterile gauze rolls,
 - d. Adhesive or self-adhering tape,
 - e. Antiseptic solution or sealed antiseptic wipes,
 - f. Re-closable plastic bags of at least one-gallon size,
 - g. Single-use non-porous gloves,
 - h. Scissors,
 - i. Tweezers, and
 - j. A cardiopulmonary resuscitation mouth guard or mouth shield;
 2. All stairways, hallways, walkways, and other routes of evacuation are free of any obstacle that may prevent the evacuation of a resident in an emergency;
 3. 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;
 4. Each facility contains a working non-cellular telephone that is available and accessible to staff and each resident at all times; and
 5. The following are posted at the location of a facility's telephone:
 - a. Instructions to dial 911 or the telephone number of another local emergency response team, and
 - b. The address and telephone number of the group home or behavioral-supported group home.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

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 or behavioral-supported group home license if the group home or behavioral-supported group home meets the requirements in subsections (B) through (G); and
 2. A fire risk prevention level 2 group home or behavioral-supported group home license if the group home or behavioral-supported group home meets the requirements in subsections (B) through (H).
- B. A licensee shall ensure that the premises are in compliance with all applicable state and local fire safety regulations and that:
 1. Before a license is issued or renewed, a fire inspection is conducted by the local fire department, the Department, or an entity authorized by the Department;
 2. Any repair or correction stated in a fire inspection report is made or corrected according to the requirements and time in the fire inspection report; and
 3. A current fire inspection report is available for review at the group home or behavioral-supported group home.
- C. A licensee shall ensure that the facility has at least one working, portable, all-purpose fire extinguisher labeled as rated at least 2A-10-BC by Underwriters Laboratories, or two co-located working, portable, all-purpose fire extinguishers labeled as rated at least 1A-10-BC by Underwriters Laboratories, 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:
 1. Is either:
 - a. Disposable and has a charge indicator showing green or "ready" status; or
 - b. Serviced at least once every 12 months by a fire extinguisher technician certified by the National Fire Protection Agency, the International Code Council, or Compliance Services and Assessments; and
 2. 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 service, if applicable.
- 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 facility;
 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;
 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

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5. If the licensee has been cited more than once in the previous four years under subsections (E)(1) through (4), either:
 - a. Hard-wired to the electrical system of the group home or behavioral-supported group home with a battery backup; or
 - b. Connected to an early-warning fire detection system required in subsection (H)(2), if applicable.
 - F. A licensee shall ensure that each bedroom has at least one functional openable window or door to the outside for use as an emergency exit.
 - 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 furnace, heater, water heater, or usable fireplace.
 - H. A licensee of a fire risk prevention level 2 group home or behavioral-supported 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;
 2. The facility has an early-warning fire detection system that:
 - a. Is safety-approved;
 - b. Is hard-wired or connected wirelessly, with battery back-up;
 - c. Sounds every alarm in the facility when smoke is detected;
 - d. 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. Sufficient staff on duty to evacuate all residents present at the facility within three minutes or, if applicable under R9-33-201(D), within five minutes; or
 - b. An automatic sprinkler system installed according to the applicable standard incorporated by reference in A.A.C. R9-1-412 and installed according to NFPA 13, NFPA 13R, or NFPA 13D, as applicable, that:
 - i. Covers every room in the facility; and
 - ii. Is inspected at least once every 12 months by the manufacturer or by an entity that installs and repairs automatic sprinkler systems; and
 4. Documentation is available at the facility for two years after the date of an inspection:
 - a. For:
 - i. The emergency lighting system inspection required in subsection (H)(1)(c);
 - ii. The early-warning fire detection system inspection required in subsection (H)(2)(e); and
 - iii. If applicable, the automatic sprinkler system required in subsection (H)(3)(b)(ii); and
 - b. That includes:
 - i. The date of the inspection,
 - ii. The name of the entity performing the inspection,
- iii. A tag on the system or a written report of the results of the inspection, and
- iv. A description of any repairs made to the system as a result of the inspection.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

R9-33-203. Physical Plant Requirements

- A. A licensee shall ensure that:
 1. A group home or behavioral-supported group home is in compliance with applicable federal and state disability laws;
 2. If a group home or behavioral-supported group home has a resident with a mobility, sensory, or other physical impairment, documentation is available for review at the group home or behavioral-supported group home that:
 - a. Is provided by the Division; and
 - b. Identifies modifications, if any, needed to the premises to ensure that the premises are accessible to and usable by the resident;
 3. The premises have been modified as identified by the Division in subsection (A)(2)(b);
 4. Ramps, stairs, or steps on the premises are secured firmly to the ground or a permanent structure and have slip-resistant surfaces;
 5. If handrails and grab bars are installed in a facility, handrails and grab bars are securely attached and stationary;
 6. For behavioral-supported group homes, modifications to the room and closet are based on the behavioral-supported group home's assessment of the individual needs of each resident designed to minimize the opportunity for a resident to cause self-injury or injury towards others;
 7. For behavioral-supported group homes, there is a split floor plan and layout that allows for multiple ways to exit an area within the home and exit the home itself;
 8. For behavioral-supported group homes, furniture that is a tipping hazard or could be used as a weapon must be fixed to the wall or floor;
 9. For behavioral-supported group homes, wall hangings that have protective film when appropriate;
 10. For behavioral-supported group homes, windows have an alarm and a film installed to prevent injury;
 11. For behavioral-supported group homes, there is a designated area to keep all sharps locked at all times when not in use;
 12. For behavioral-supported group homes, all toilets are commercial grade and have a locking toilet tank;
 13. For behavioral-supported group homes, all doors have no slam features;
 14. For behavioral-supported group homes, the backyard is completely enclosed by a fence or block wall with a gate that latches for egress; and
 15. For behavioral-supported group homes, controls or alerts employees of the egress of a resident from the facility.
- B. A licensee shall ensure that:
 1. A method of heating and cooling maintains the facility between 65° F and 85° F in areas of the facility occupied by residents;

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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;
 4. Hot water temperatures in the facility are maintained between 95° F and 120° F;
 5. Bathtubs and showers contain slip-resistant strips, rubber bath mats, or slip-resistant surfaces; and
 6. For behavioral-supported group homes, a bathroom complies with the following:
 - a. Provides privacy when in use;
 - b. Contains a shatterproof mirror, unless the resident's treatment plan requires otherwise;
 - c. Bathtubs and showers contain slip-resistant strips, rubber bath mats, or slip-resistant surfaces;
 - d. If the bathroom or shower area has a door, the door swings outward to allow for staff emergency access; and
 - e. Appropriate assistive devices are provided to comply with the resident's treatment plan.
- C. A licensee shall ensure that:**
1. Electrical lighting is contained in each room in the facility;
 2. Electrical devices and equipment on the premises are safety-approved, 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 3 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; and
 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.
- D. A licensee shall ensure that:**
1. A facility contains a safe, working plumbing system;
 2. If a facility's plumbing system is connected to a non-municipal sewage disposal system, the plumbing system and connective piping are free of visible leakage; and
 3. The premises do not contain unfenced or uncovered wells, ditches, or holes into which an individual may step or fall.
1. The premises are free of accumulations of garbage or refuse;
 2. Garbage and refuse in the facility are:
 - a. Stored in cleanable containers or in sealable plastic bags; and
 - b. Removed from the facility at least once every seven days;
 3. Cleaning compounds and toxic substances are maintained in labeled containers that:
 - a. Are stored to prevent a hazard;
 - b. Are appropriate to the contents of each container;
 - c. If appropriate based on a resident's disability, are locked; and
 - d. Are stored in a separate location from food or medicine;
 4. 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; and
 5. There are no firearms or ammunition on the premises;
- B. A licensee shall ensure that:**
1. The facility is maintained free of insects and vermin;
 2. The premises and its structures and furnishings are:
 - a. In a clean condition,
 - b. Free of odors, such as urine or rotting food; and
 - c. In sufficiently good repair that no object, equipment, or condition present constitutes a hazard; and
 3. Standing water is not allowed to accumulate on the premises, except in an area or vessel the purpose of which is to hold standing water.
- C. A licensee shall ensure that:**
1. An unvented space heater or open-flame space heater is not used on the premises;
 2. An electric portable heater or electric radiant heater is not used on the premises unless the electric portable heater or electric radiant heater:
 - a. Has:
 - i. Either a non-porous casing or a grill with a mesh small enough to prevent cloth or a child's finger from entering the casing,
 - ii. A tilt switch that shuts off power to the electric portable heater if the electric portable heater tips over,
 - iii. An automatic shutoff control to prevent overheating, and
 - iv. A thermostat control; and
 - b. Is plugged directly into a wall outlet; and
 3. 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.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).

R9-33-204. Environmental Requirements**A. A licensee shall ensure that:****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Section repealed; new Section renumbered from R9-33-205 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4).

R9-33-205. Vehicle Safety Requirements**A. A licensee shall ensure that a vehicle used to transport a resident:**

1. Is maintained in safe and working order; and

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2. Is equipped with:
 - a. A working heating and air conditioning system;
 - b. A first aid kit that meets the requirements in R9-33-201(E)(1);
 - 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 each maintenance or repair of a vehicle used to transport a resident is available for review at the facility for at least two years after the date of the maintenance or repair.
- Historical Note**
- New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Section renumbered to R9-33-204; new Section renumbered from R-33-206 and amended by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4).
- R9-33-206. Swimming Pool Requirements**
- A. Except as provided in subsection (B), a licensee shall ensure that a private residential swimming pool on the premises:
 1. If filled with water, is surrounded by a fence or enclosure constructed of material that:
 - a. Is at least 5 feet high;
 - b. Has no vertical openings greater than 4 inches across;
 - 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;
 - e. Is clear of objects out to a distance of 30 inches on either side of the fence or enclosure from the level of the ground to a height of 5 feet above the fence or enclosure;
 - f. 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;
 - g. Is secured perpendicular to level ground; and
 - h. Is located at least 54 inches from the exterior wall of the facility to allow evacuation without entering the private residential swimming pool area;
 2. Is not located in the path of an emergency exit;
 3. If filled with water, is equipped with the following:
 - a. An operational water circulation system that clarifies the swimming pool water,
 - b. An operational vacuum cleaning system that maintains the sides and bottom of the pool free of dirt and debris,
 - c. A shepherd's crook that is attached to its own pole, and
 - d. A ring buoy with an attached rope that is at least 10 feet long plus the distance from the edge to the middle of the private residential swimming pool; and
 4. 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 1 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 at least one access hatch that is locked so that a resident cannot open it.
 - B. The requirements in subsection (A) do not apply to a group home or behavioral-supported group home if the Division provides to the Department written documentation indicating that the Division has determined that the private residential swimming pool is safe, based upon the functional level of the residents:
 1. At the time of initial licensure,
 2. At the time of license renewal, and
 3. Upon the placement of a resident at the group home or behavioral-supported group home.
 - C. A licensee shall ensure that a spa:
 1. Except as specified in subsection (C)(2), is covered and locked when not in use, with a mechanism that a resident cannot open; and
 2. If a resident is under 6 years of age, is enclosed by a fence specified in subsection (A)(1).
- Historical Note**
- New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Section renumbered to R9-33-205; new Section made by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4). Amended by exempt rulemaking at 30 A.A.R. 2045 (June 14, 2024), effective July 1, 2024 (Supp. 24-2).
- R9-33-207. Repealed**
- Historical Note**
- New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1). Repealed by final rulemaking at 18 A.A.R. 3295, effective February 3, 2013 (Supp. 12-4).