

# Bureau of Residential Facilities Licensing Maintaining Compliance & Top 10 Deficiencies

Presenting To  
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Presented by  
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Bureau of Residential Facilities Licensing



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# What Will be Covered

- Bureau of Residential Facilities Licensing (BRFL) Overview
- Assisted Living Facility Data
- Maintaining Compliance
- Top 10 Deficiencies in Assisted Living Centers
- BRFL Updates
- Available Online Tools and Resources



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# **Arizona Department of Health Services**

Jennie Cunico, Acting Director

## **Division of Public Health Licensing**

Tom Salow, Assistant Director

### **Bureau of Residential Facilities Licensing**

Tiffany Slater, Bureau Chief



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# ADHS Vision, Mission, and Tools

- Our Vision:
  - *Health and Wellness for all Arizonans*
- Our Mission:
  - *To promote, protect, and improve the health and wellness of individuals and communities in Arizona*
- Our Regulatory Authority:
  - Arizona Revised Statutes (Title 36, Chapter 4: Public Health and Safety)
  - Arizona Administrative Code (Title 9, Chapter 10: Health Care Institutions Licensing)



# Bureau of Residential Facilities Licensing ("BRFL")

## **Mission Statement:**

*"To protect the health and safety of Arizonans by providing information, establishing standards, and licensing and regulating health and child care services."*



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# Assisted Living Facility Data



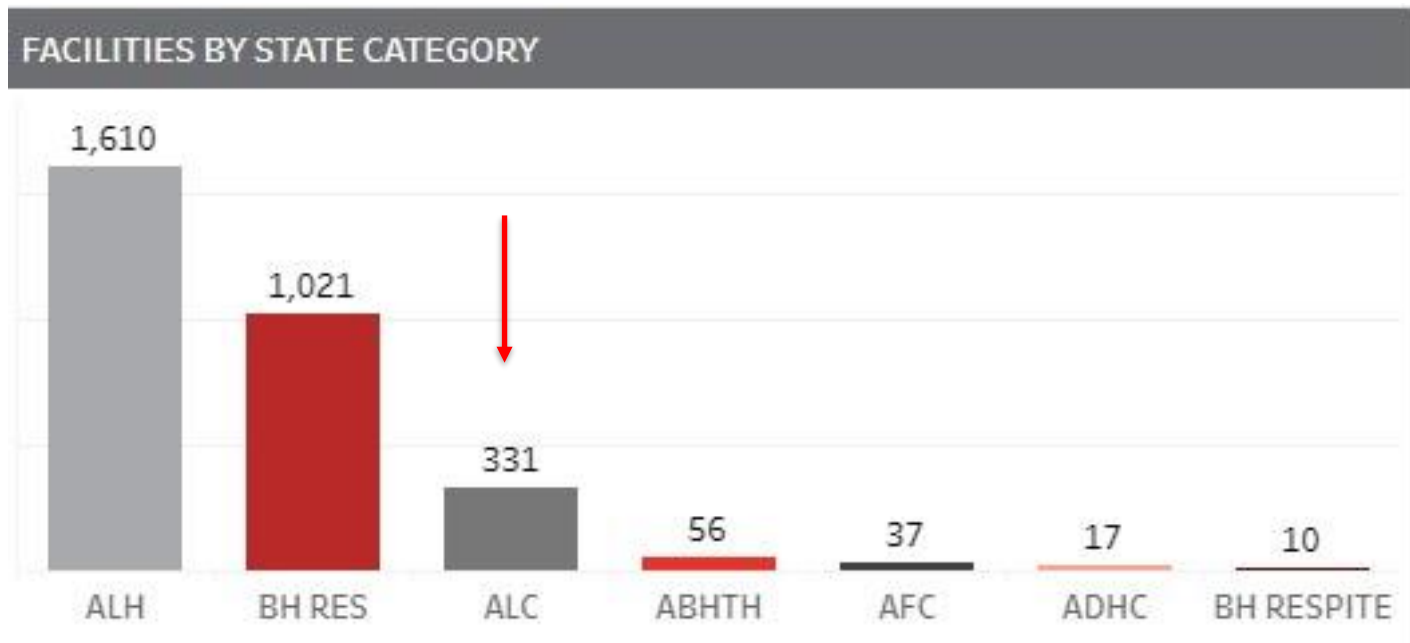
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# Residential Health Care Institutions



(Total = 3,082)



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**\*Facility totals as of 5/9/23**



# Average number of deficiencies per visit

## AL Homes

COMPLIANCE	BOTH	COMPLAINT	INITIAL
4.60	6.82	3.98	1.00

## AL Centers

COMPLIANCE	BOTH	COMPLAINT	INITIAL
5.41	6.94	2.92	1.00



# Maintaining Compliance



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# Regulatory Compliance

- BRFL's goal is **compliance** – We want you to have and use all available resources to be in substantial compliance
- It is the Licensee's **responsibility** to be aware of the rules as they apply to your facility



# Survey/Inspection Types

- There are 5 types of surveys that a Compliance Officer will conduct:
  - Initial
  - Change of Ownership (CHOW)
  - Compliance
  - Complaint
  - Amendment/Modification



# Surveys/Inspections

- Most inspections are **unannounced**
- Length of the inspection varies and depends on:
  - The size of the facility
  - Completeness and organization of records
  - Timeliness of staff to provide records and documents for review
  - Compliance with the rules and statutes



# Compliance Inspections

- Conducted at least annually unless exempt according to statute
- The Compliance Officer will check for health and safety issues and risk of negative outcomes
- Will include a tour of the facility, a review of policies and procedures, resident records, personnel records, facility documentation and interviews



# Compliance Inspections

- You are encouraged to participate during the inspection process and accompany the Compliance Officer during the facility tour and ask questions
- It is your responsibility to take notes during the inspection as the Compliance Officer will not provide you a copy of their notes
- Always strive to be deficiency-free



# Exit Interview

- The exit interview is considered the completion of an inspection
- The Compliance Officer will informally discuss all deficient practices that require correction
- You will not be provided an opportunity to submit documentation after the Compliance Officer leaves the facility
- The exit interview is your last opportunity to provide information that may clarify an issue or deficient practice





# Exit Interview

- Some items discussed may be technical assistance
- Ensure you write down every resident record and personnel record reviewed, as a roster will not be provided after the Compliance Officer leaves the facility



# Enforcement



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# Enforcement Team

- Department management team that reviews enforcement referrals and determines appropriate enforcement action
- Enforcement action may include, but not limited to:
  - Civil Penalties (Fines)
  - License Revocation
  - Cease & Desists
  - Injunctions



# Enforcement Team

- Ensures consistency with enforcement actions
- Considerations include:
  - Direct risk to the life, health, or safety of a resident
  - Repeated violation(s) of statutes or rules
  - Pattern of violation(s)
  - Severity of violation(s)
  - Number of violations



# Enforcement Referrals

- Common items\* referred to the Enforcement Team include:
  - Negative outcomes related to resident health & safety
  - Repeat/uncorrected deficiencies
  - Fingerprinting issues
  - Personnel issues
  - Residents left alone
  - Over capacity
  - False or misleading information/documentation

\* Not a comprehensive list



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# Top 10 Deficiencies

(Last 12 months)



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# #10



R9-10-815(F)(2)(a)(i-ii):

## **R9-10-815. Directed Care Services**

F. A manager of an assisted living facility authorized to provide directed care services shall ensure that:

2. There is a means of exiting the facility for a resident who does not have a key, special knowledge for egress, or the ability to expend increased physical effort that meets one of the following:

- a. Provides access to an outside area that:
  - i. Allows the resident to be at least 30 feet away from the facility, and
  - ii. Controls or alerts employees of the egress of a resident from the facility



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# #9



R9-10-807(B)(1)(a-b)

## **R9-10-807. Residency and Residency Agreements**

B. A manager shall ensure that **before or at the time of acceptance** of an individual, the individual submits documentation that is **dated within 90 calendar days before** the individual is accepted by an assisted living facility and:

1. If an individual is requesting or is expected to receive supervisory care services, personal care services, or directed care services:

- a. Includes whether the individual requires:

- i. Continuous medical services,
- ii. Continuous or intermittent nursing services, or
- iii. Restraints; and

- b. Is dated and signed by a:

- i. Physician, ii. Registered nurse practitioner, iii. Registered nurse, or iv. Physician assistant;



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#8



R9-10-803(E)(1):

**R9-10-803. Administration**

E. A manager shall ensure that, unless otherwise stated:

1. Documentation required by this Article is provided to the Department within two hours after a Department request



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#7



R9-10-803(A)(9):

## **R9-10-803. Administration**

A. A governing authority shall:

9. **Ensure compliance with A.R.S. § 36-411**



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#6



R9-10-818(A)(4):

**R9-10-818. Emergency and Safety Standards**

A. A manager shall ensure that:

4. A disaster drill for employees is conducted on each shift at least once every three months and documented



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# #5



R9-10-808(C)(1)(g):

## **R9-10-808. Service Plans**

C. A manager shall ensure that:

1. A caregiver or an assistant caregiver

g. Documents the services provided in the resident's medical record



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# #4

R9-10-816(B)(3)(b):

## R9-10-816. Medication Services

B. If an assisted living facility provides medication administration, a manager shall ensure that:

3. A medication administered to a resident:

b. Is administered in compliance with a medication order



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# #3



R9-10-816(F)(1):

## R9-10-816. Medication Services

A. When medication is stored by an assisted living facility, a manager shall ensure that:

1. Medication is stored in a separate locked room, closet, cabinet, or self-contained unit used only for medication storage



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# #2



## R9-10-819(A)(11):

### R9-10-819. Environmental Standards

A. A manager shall ensure that:

11. **Poisonous or toxic materials** stored by the assisted living facility are maintained in labeled containers in a locked area separate from food preparation and storage, dining areas, and medications and **are inaccessible to residents**



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# #1



## **A.R.S. § 36-420.01. Health care institutions; fall prevention and fall recovery; training programs; definition**

A. Each health care institution shall develop and administer a training program for all staff regarding fall prevention and fall recovery. The training program shall include initial training and continued competency training in fall prevention and fall recovery. A health care institution may use information and training materials from the department's Arizona falls prevention coalition in developing the training program.



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# Updates



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# A.R.S. § 36-411



- Fingerprint Clearance Cards, effective September 24, 2022
- Approved House Bill (HB) 2049, amending Arizona Revised Statutes (A.R.S.) § 36-411
- Prohibits residential care institutions, nursing care institutions or home health agencies from allowing employees, **volunteers** or contracted persons from continuing employment or providing services if the person has been denied a FPCC or has had a FPCC **suspended or revoked**
- HB2049 eliminates A.R.S. 36-411(H) and A.R.S. 36-411(I). Therefore, employees who previously met this requirement will be required to obtain a valid fingerprint clearance card
- HB 2049 defines “**direct supportive services**”



# A.R.S. § 36-420

- Staff shall initiate CPR and First Aid if advanced directives allows for it, before EMS arrives to the facility
- Facilities may not establish or implement policies that prevent employees from providing CPR and First Aid
- We are receiving reports from Fire Departments and investigating them



# TB Rules A.A.C. R9-10-113

- TB Infection Control Program
- New Hires/New Residents need initial TB test and symptom screening
- Only people who have latent TB or previous TB infection need annual symptom screening
- All employees need annual TB training



# Reminders

- All communication from the Bureau of Residential Facilities Licensing is done through email and phone
- Please ensure we have the correct email address to avoid missing critical information that applies to your facility
- Please contact your assigned Compliance Officer or the Compliance Officer of the day if you have any questions
- Read all communications from the Department carefully as there may be critical deadlines



Please check the BRFL  
website for updates,  
tools, & resources



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# Online Resources

- Bureau of Residential Facilities Licensing:
  - <http://azdhs.gov/licensing/residential-facilities/index.php>
    - Frequently asked questions
    - License application forms
    - How to prepare a Plan of Correction (POC)
    - Informal Dispute Resolution process
    - Links to rules, statutes, enforcement actions
  - [www.azcarecheck.com](http://www.azcarecheck.com): facility information, including survey history and enforcement actions for the last 3 years for all active facilities



# Online Resources



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HOME

AUDIENCES

TOPICS

DIVISIONS

A-Z INDEX

ENHANCED BY Google



## Residential Facilities Licensing

ADHS Home / Public Health Licensing Services / Residential Facilities Licensing - Home

Home

Enforcement Action Search

Online Complaint Form

Online Provider Services

Consumers >

Providers >

Contact Us

Signup for email updates



Home



- Tuberculosis Screening
- Long-term Care Facility COVID-19 Guidance
- Licensing Fee Payment Reminder
- Notice: Electronic Correspondence
- Notice: SB 1203 Eliminates Architectural Plan Reviews for Health Care Institutions
  - Architecture Attestation (DRAFT only)



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# Online Resources

## Residential Facilities Licensing

ADHS Home / Public Health Licensing Services / Residential Facilities Licensing - Providers - Provider Resources

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- Consumers >
- Providers** ▾
- Home
- Application Forms
- Architectural Reviews & Safety Code Inspections
- Emergency Preparedness Resources
- Provider FAQs
- Provider Resources**
- Training
- Contact Us

### Providers - Provider Resources

- [Plan of Correction Example](#)
- [Informal Dispute Resolution Process](#)
- [Conspicuously Posted Phone Numbers Required by A.A.C. R9-10-803\(D\)\(3\)\(a-d\)](#)
- [Top 10 Deficiencies for Assisted Living Centers](#)
- [Top 10 Deficiencies for Assisted Living Homes](#)
- [Top 10 Deficiencies for Behavioral Health Residential Facilities](#)
- [Behavioral Health Facility Food Establishment Permit FAQs \(for BH facilities licensed for 11+ residents only\)](#)
- [Behavioral Health Facility Food Establishment Permit Fact Sheet \(for BH facilities licensed for 11+ residents only\)](#)
- [Opioid Safety & Naloxone Use Brochure](#)
- [Opioid Prescribing & Treatment Rule Handout for Providers](#)
- [Fingerprint Criminal History Affidavit for Children's Behavioral Health Facilities](#)
- [Perpetual Licensing Portal – Provider Training Manual](#)
- [Perpetual Licensing Portal – Provider Training Video](#)

Feedback & Support



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# Online Resources

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Enforcement Action Search

Online Complaint Form

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Application Forms and Resources

Architectural Reviews & Safety Code

Inspections

Emergency Preparedness Resources

Provider FAQs

Provider Resources

Training

Contact Us

## Providers - Home

### Rules & Regulations

- [Arizona Administrative Code, Title 9, Chapter 10 - Health Care Institutions Licensing](#)
  - Article 1 General
  - Article 7 Behavioral Health Residential Facilities
  - Article 8 Assisted Living Facilities
  - Article 11 Adult Day Health Care Facilities
  - Article 16 Behavioral Health Respite Homes
  - Article 18 Adult Behavioral Health Therapeutic Homes
- [Arizona Revised Statutes, Title 36, Chapter 4 - Public Health and Safety](#)
- [Smoke-Free AZ Rules](#)
- [ADHS Substantive Policy Statements](#)
- [ADHS Guidance Documents](#)



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# Questions

If you have any licensing/application process questions for our administrative support staff team or any questions about the survey process or regulations for our Compliance Officer of the Day, please call us at 602-364-2639

OR

Via email at [Residential.Licensing@azdhs.gov](mailto:Residential.Licensing@azdhs.gov)



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