

Bureau of Residential Facilities Licensing Maintaining Compliance & Top 10 Deficiencies

Presenting To
Arizona AZLA | May 19, 2023

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
- Behavioral Health Residential Facility Data
- Maintaining Compliance
- Top 10 Deficiencies in Behavioral Health Residential Facilities
- BRFL Updates
- Available Online Tools and Resources



Office Location and Contact Information

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- Fax: 602-324-5872
- Website: www.azdhs.gov/residentialfacilities
- Email: Residential.Licensing@azdhs.gov



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Arizona Department of Health Services

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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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Behavioral Health Residential Facility Data

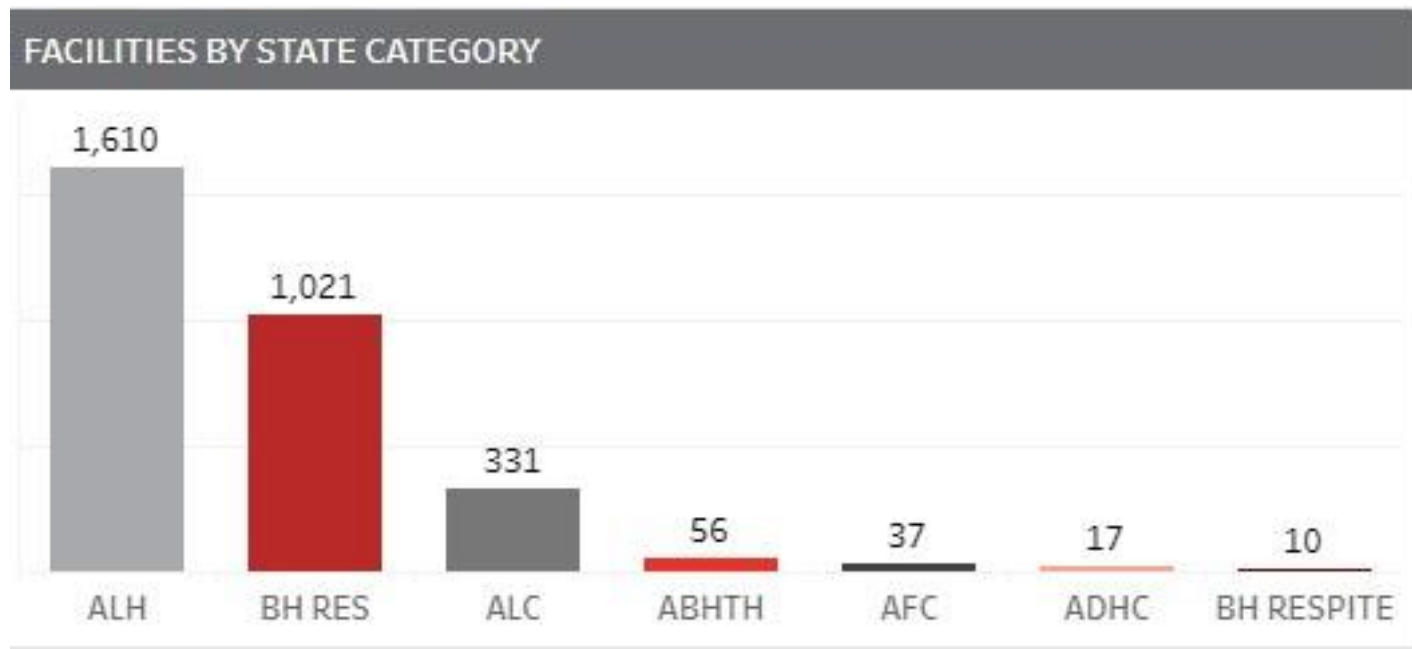


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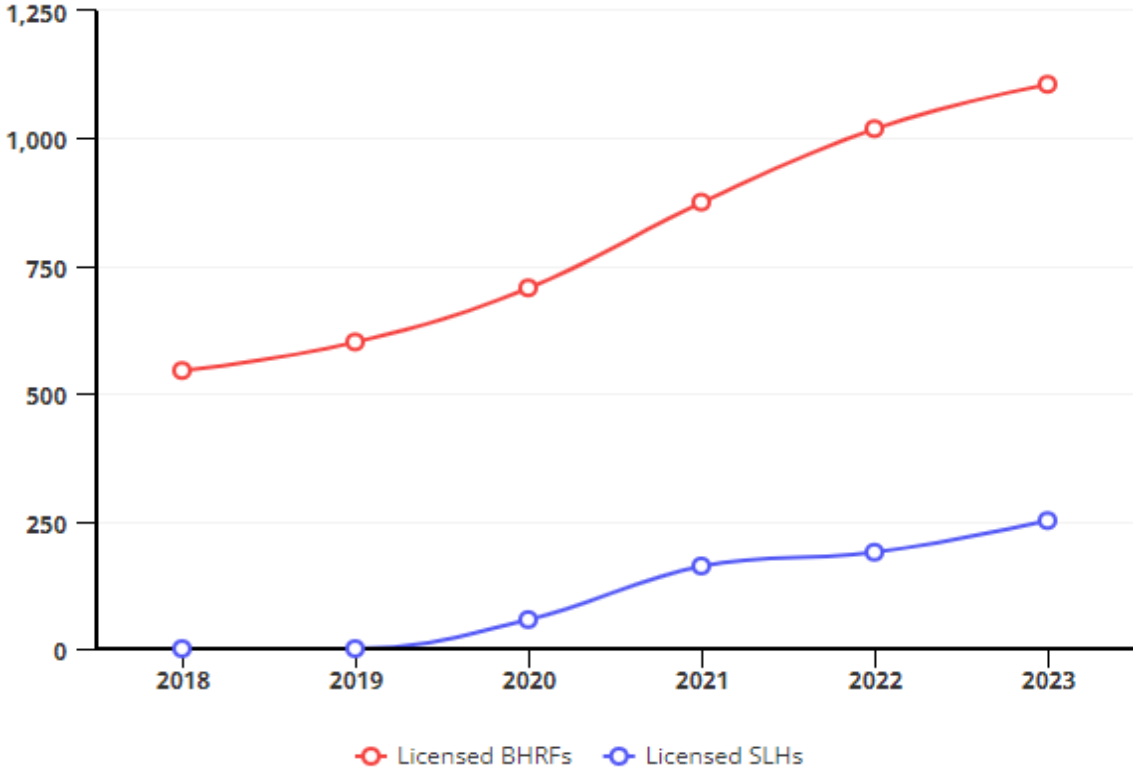
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Residential Health Care Institutions

↓ (Total = 3,082)



Fastest Growing Subclass



Average number of deficiencies per visit

COMPLIANCE	BOTH	COMPLAINT	INITIAL
7.46	9.33	4.09	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
 - No services provided on-site
 - Failure to allow the Department to inspect
 - False or misleading information/documentation

* Not a comprehensive list



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Top 10 Deficiencies

(Last 12 months)



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#10

R9-10-718(C)(6)(a)

R9-10-718. Medication Services

C. If a behavioral health residential facility provides assistance in the self-administration of medication, an administrator shall ensure that:

6. Assistance in the self-administration of medication provided to a resident:

a. Is in compliance with an order



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#9



R9-10-706(K)(3)(a-c)

R9-10-706. Personnel

K. An administrator shall ensure that:

3. There is a **daily staffing schedule** that: a. Indicates the date, scheduled work hours, and name of each employee assigned to work, **including oncall personnel** members; b. Includes documentation of the employees who work each calendar day and the hours worked by each employee; and c. Is maintained for at least 12 months after the last date on the documentation;



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#8



R9-10-722(B)(1)(a)

R9-10-722. Physical Plant Standards

B. An administrator shall ensure that:

1. A behavioral health residential facility has a:

a. Room that provides **privacy** for a resident to receive **treatment or visitors**



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#7



R9-10-706(G)(3)(e)

R9-10-706. Personnel

G. An administrator shall ensure that a personnel record is maintained for each personnel member, employee, volunteer, or student that includes:

3. Documentation of:

e. The individual's compliance with requirements in **A.R.S. §§ 36-411, 36-411.01, and 36-425.03**, as applicable



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#6



R9-10-707(A)(6)

R9-10-707. Admission; Assessment

A. An administrator shall ensure that:

6. Except as provided in subsection (E)(1)(a), a medical practitioner performs a medical history and physical examination or a registered nurse performs a nursing assessment on a resident **within 30 calendar days before admission or within 72 hours after admission** and documents the medical history and physical examination or nursing assessment in the resident's medical record within 72 hours after admission



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#5



Evacuation Drill

R9-10-720(B)(5)

R9-10-720. Emergency and Safety Standards

B. Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that:

5. An evacuation drill for **employees and residents** on the premises is conducted at least once **every six months on each shift**



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#4



R9-10-721(A)(14)

R9-10-721. Environmental Standards

A. Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator shall ensure that:

14. **Poisonous or toxic materials** stored by the behavioral health residential 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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#3



R9-10-720(B)(4)

R9-10-720. Emergency and Safety Standards

B. Except for an outdoor behavioral health care program provided by a behavioral health residential facility, an administrator 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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#2



R9-10-703(C)(5)(a)

R9-10-703. Administration

C. An administrator shall ensure that:

5. Unless otherwise stated: a. Documentation required by this Article is provided to the Department within **two hours** after a Department request



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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: facility information, including survey history and enforcement actions for the last 3 years for all active facilities



Online Resources



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AUDIENCES

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- 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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- Provider Resources** ←
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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

Online Resources

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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



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