



Bill Number: S.B. 1537

Carroll Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Replaces the two-year term of licensure for transitional housing facilities with a specification that transitional housing facility licenses do not expire and remain valid unless certain conditions apply.
2. Removes the restriction of transitional housing facility licensure based on bed count.
3. Requires Department of Health Services (DHS) to conduct annual inspections to verify transitional housing facility compliance with related statutes and DHS rules.
4. Reduces the cap on civil penalties that may be assessed on a transitional housing facility from \$5,000 to \$1,000 for each violation.
5. Increases, from eight hours to one business day, the amount of time a transitional housing facility has to notify DHS of a resident's death, if required by law, a sex crime or any other incident required by DHS rule.
6. Modifies the definition of *transitional housing facility*.

CARROLL FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1537
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 36-414, Arizona Revised Statutes, is amended to
3 read:

4 36-414. Health services licensing fund; exemption

5 A. The health services licensing fund is established consisting of
6 monies deposited pursuant to sections 30-654, 32-1308, 32-2805, 36-405,
7 36-765.05, 36-766.06, 36-851.01, 36-882, 36-897.01, ~~and~~ 36-1903, 36-2063
8 AND 36-4204. The department of health services shall administer the fund.

9 B. Monies in the fund are subject to legislative appropriation.

10 C. Monies in the fund are exempt from the provisions of section
11 35-190 relating to lapsing of appropriations.

12 Sec. 2. Section 36-2061, Arizona Revised Statutes, is amended to
13 read:

14 36-2061. Definitions

15 In this article, unless the context otherwise requires:

16 1. "Certifying organization" means an organization that certifies
17 homes as sober living homes and THAT is affiliated with a national
18 organization recognized by the department whose primary function is to
19 improve access to and the quality of sober living residences through
20 standards, education, research and advocacy.

21 2. "Medication-assisted treatment" means the use of pharmacological
22 medications that are approved by the United States food and drug
23 administration, in combination with counseling and behavioral therapies,
24 to provide a whole patient approach to ~~the treatment of~~ TREATING substance
25 use disorders.

26 3. "Sober living home":

27 (a) Means any premises, place or building that provides
28 alcohol-free or drug-free housing and that:

29 ~~(a)~~ (i) Promotes independent living and life skills development.

1 6. POLICIES AND PROCEDURES THAT REQUIRE EACH TRANSITIONAL HOUSING
2 FACILITY TO MAINTAIN AN ENVIRONMENT THAT PROMOTES THE SAFETY OF THE
3 SURROUNDING NEIGHBORHOOD AND THE COMMUNITY AT LARGE.

4 7. POLICIES AND PROCEDURES FOR DISCHARGE PLANNING OF PERSONS LIVING
5 IN THE TRANSITIONAL HOUSING FACILITY THAT DO NOT NEGATIVELY IMPACT THE
6 SURROUNDING COMMUNITY.

7 8. A GOOD NEIGHBOR POLICY TO ADDRESS NEIGHBORHOOD CONCERNS AND
8 COMPLAINTS.

9 9. A REQUIREMENT THAT EACH TRANSITIONAL HOUSING FACILITY POST A
10 STATEMENT OF INDIVIDUAL RIGHTS THAT INCLUDES THE RIGHT TO FILE A COMPLAINT
11 ABOUT THE TRANSITIONAL HOUSING FACILITY OR PROVIDER AND INFORMATION ABOUT
12 HOW TO FILE A COMPLAINT.

13 10. POLICIES REGARDING THE MAINTENANCE OF TRANSITIONAL HOUSING
14 FACILITIES, INCLUDING THE INSTALLATION OF FUNCTIONING SMOKE DETECTORS,
15 CARBON MONOXIDE DETECTORS AND FIRE EXTINGUISHERS AND COMPLIANCE WITH LOCAL
16 FIRE CODES.

17 11. POLICIES AND PROCEDURES THAT PROHIBIT A TRANSITIONAL HOUSING
18 FACILITY OWNER, EMPLOYEE OR ADMINISTRATOR FROM REQUIRING AN INDIVIDUAL TO
19 SIGN ANY DOCUMENT FOR THE PURPOSE OF RELINQUISHING THE INDIVIDUAL'S PUBLIC
20 ASSISTANCE BENEFITS, INCLUDING MEDICAL ASSISTANCE BENEFITS, CASH
21 ASSISTANCE AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.

22 12. POLICIES AND PROCEDURES FOR MANAGING COMPLAINTS ABOUT
23 TRANSITIONAL HOUSING FACILITIES.

24 13. REQUIREMENTS FOR NOTIFYING AN INDIVIDUAL'S FAMILY MEMBER OR
25 OTHER EMERGENCY CONTACT AS DESIGNATED BY THE INDIVIDUAL UNDER CERTAIN
26 CIRCUMSTANCES, INCLUDING DEATH.

27 B. ~~[THE LICENSURE OF A TRANSITIONAL HOUSING FACILITY UNDER THIS~~
28 ~~ARTICLE IS FOR TWO YEARS.]~~ A PERSON OR ORGANIZATION OPERATING A
29 TRANSITIONAL HOUSING FACILITY IN THIS STATE THAT HAS FAILED TO ATTAIN OR
30 MAINTAIN LICENSURE OF THE TRANSITIONAL HOUSING FACILITY SHALL PAY A CIVIL
31 PENALTY OF UP TO \$1,000.

32 C. TO RECEIVE AND MAINTAIN LICENSURE, A TRANSITIONAL HOUSING
33 FACILITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS, INCLUDING THE
34 AMERICANS WITH DISABILITIES ACT OF 1990 (P.L. 101-336; 104 STAT. 327).

35 D. A TREATMENT FACILITY THAT IS LICENSED BY THE DEPARTMENT TO TREAT
36 BEHAVIORAL HEALTH, MENTAL HEALTH, SUBSTANCE USE OR CO-OCCURRING DISORDERS
37 MAY BE LOCATED ON THE SAME CAMPUS AS A TRANSITIONAL HOUSING FACILITY. THE
38 TRANSITIONAL HOUSING FACILITY SHALL BE SEPARATELY LICENSED PURSUANT TO
39 THIS ARTICLE.

40 E. ONCE THE DIRECTOR ADOPTS THE MINIMUM STANDARDS AS REQUIRED IN
41 SUBSECTION A OF THIS SECTION, A PERSON OR ORGANIZATION MAY NOT ESTABLISH,
42 CONDUCT OR MAINTAIN IN THIS STATE A TRANSITIONAL HOUSING FACILITY UNLESS
43 THAT PERSON OR ORGANIZATION HOLDS A CURRENT AND VALID LICENSE ISSUED BY
44 THE DEPARTMENT. THE LICENSE IS VALID ONLY FOR THE ESTABLISHMENT, OPERATION
45 AND MAINTENANCE OF A TRANSITIONAL HOUSING FACILITY. THE LICENSEE MAY NOT:

46 1. IMPLY BY ADVERTISING OR DIRECTORY LISTING OR OTHERWISE IMPLY
47 THAT THE LICENSEE IS AUTHORIZED TO PERFORM SERVICES THAT ARE MORE

1 SPECIALIZED OR OF A HIGHER DEGREE OF CARE THAN IS AUTHORIZED BY THIS
2 ARTICLE AND RULES ADOPTED PURSUANT TO THIS ARTICLE FOR TRANSITIONAL
3 HOUSING FACILITIES.

4 2. TRANSFER OR ASSIGN THE LICENSE. A LICENSE IS VALID ONLY FOR THE
5 PREMISES OCCUPIED BY THE TRANSITIONAL HOUSING FACILITY AT THE TIME OF THE
6 ISSUANCE OF THE LICENSE.

7 36-4203. Staff education and training

8 THE DEPARTMENT SHALL ESTABLISH BY RULE ANNUAL CONTINUING EDUCATION
9 AND TRAINING REQUIREMENTS FOR EMPLOYEES, VOLUNTEERS AND CONTRACTORS WHO
10 WORK IN A TRANSITIONAL HOUSING FACILITY.

11 36-4204. Fees; licensure; inspections; violation;
12 classification; civil penalties

13 A. THE ~~[DEPARTMENT]~~ [DIRECTOR BY RULE] SHALL ESTABLISH FEES FOR
14 INITIAL [AND ANNUAL] LICENSURE ~~[AND LICENSE RENEWAL]~~ AND A FEE FOR THE
15 LATE PAYMENT OF LICENSING FEES THAT INCLUDES A GRACE PERIOD. ~~[THE INITIAL~~
16 ~~LICENSURE MAY NOT BE BASED ON BED COUNT BUT ON A PER FACILITY BASIS.]~~ THE
17 DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, NINETY
18 PERCENT OF THE FEES COLLECTED PURSUANT TO THIS SECTION IN THE HEALTH
19 SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414 AND TEN PERCENT OF
20 THE FEES COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.

21 [B. A TRANSITIONAL HOUSING FACILITY LICENSE DOES NOT EXPIRE AND
22 REMAINS VALID UNLESS EITHER:

23 1. THE DEPARTMENT SUBSEQUENTLY REVOKES OR SUSPENDS THE LICENSE
24 PURSUANT TO THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS ARTICLE.

25 2. THE LICENSE IS CONSIDERED VOID BECAUSE THE LICENSEE DID NOT PAY
26 THE LICENSING FEE, CIVIL PENALTIES OR PROVIDER AGREEMENT FEES BEFORE THE
27 RELEVANT DUE DATE OR DID NOT ENTER INTO AN AGREEMENT WITH THE DEPARTMENT
28 BEFORE THE RELEVANT DUE DATE TO PAY ALL OUTSTANDING FEES OR CIVIL
29 PENALTIES.]

30 ~~[B.]~~ [C. THE DEPARTMENT SHALL CONDUCT ANNUAL INSPECTIONS TO VERIFY
31 COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND THE RULES ADOPTED
32 PURSUANT TO THIS ARTICLE.] ON A DETERMINATION BY THE DIRECTOR THAT THERE
33 IS REASONABLE CAUSE TO BELIEVE A TRANSITIONAL HOUSING FACILITY IS NOT
34 ADHERING TO THE LICENSING REQUIREMENTS OF THIS ARTICLE, THE DIRECTOR OR
35 ANY DULY DESIGNATED EMPLOYEE OR AGENT OF THE DIRECTOR MAY ENTER ON AND
36 INTO THE PREMISES OF ANY TRANSITIONAL HOUSING FACILITY THAT IS LICENSED OR
37 REQUIRED TO BE LICENSED PURSUANT TO THIS ARTICLE AT ANY REASONABLE TIME
38 FOR THE PURPOSE OF DETERMINING THE STATE OF COMPLIANCE WITH THIS ARTICLE,
39 THE RULES ADOPTED PURSUANT TO THIS ARTICLE AND LOCAL FIRE ORDINANCES OR
40 RULES. AN APPLICATION FOR LICENSURE UNDER THIS ARTICLE CONSTITUTES
41 PERMISSION FOR AND COMPLETE ACQUIESCENCE IN ANY ENTRY OR INSPECTION OF THE
42 PREMISES DURING THE PENDENCY OF THE APPLICATION AND, IF LICENSED, DURING
43 THE TERM OF THE LICENSE. IF AN INSPECTION REVEALS THAT THE TRANSITIONAL
44 HOUSING FACILITY IS NOT ADHERING TO THE LICENSING REQUIREMENTS ESTABLISHED
45 PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY TAKE ACTION AUTHORIZED BY THIS
46 ARTICLE.

1 ~~[C.]~~ [D.] ANY TRANSITIONAL HOUSING FACILITY WHOSE LICENSE HAS BEEN
2 SUSPENDED OR REVOKED IN ACCORDANCE WITH THIS ARTICLE IS SUBJECT TO
3 INSPECTION ON APPLICATION FOR RELICENSURE OR REINSTATEMENT OF THE
4 TRANSITIONAL HOUSING FACILITY'S LICENSE. IF A TRANSITIONAL HOUSING
5 FACILITY LICENSE IS REVOKED IN THIS STATE OR ANY OTHER STATE, THE LICENSEE
6 OF THE TRANSITIONAL HOUSING FACILITY WHOSE LICENSE WAS REVOKED MAY NOT
7 REAPPLY FOR ANY LICENSE ISSUED PURSUANT TO THIS TITLE FOR A PERIOD OF AT
8 LEAST FIVE YEARS.

9 ~~[D.]~~ [E.] A TRANSITIONAL HOUSING FACILITY THAT KNOWINGLY OPERATES
10 IN THIS STATE WITHOUT A LICENSE IN VIOLATION OF THIS ARTICLE IS GUILTY OF
11 A CLASS 6 FELONY AND THE DIRECTOR SHALL ASSESS A CIVIL PENALTY OF
12 ~~[AT LEAST \$1,000 AND]~~ NOT MORE THAN ~~[\$5,000]~~ [\$1,000] FOR EACH VIOLATION.
13 EACH DAY THE TRANSITIONAL HOUSING FACILITY OPERATES WITHOUT A LICENSE IS A
14 SEPARATE VIOLATION.

15 ~~[E.]~~ [F.] THE DIRECTOR MAY IMPOSE A CIVIL PENALTY ON A PERSON THAT
16 VIOLATES THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE IN AN
17 AMOUNT OF ~~[AT LEAST \$1,000 AND]~~ NOT MORE THAN ~~[\$5,000]~~ [\$1,000] FOR EACH
18 VIOLATION. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE
19 VIOLATION. THE DIRECTOR SHALL ISSUE A NOTICE THAT INCLUDES THE PROPOSED
20 AMOUNT OF THE CIVIL PENALTY ASSESSMENT. IF A PERSON REQUESTS A HEARING TO
21 APPEAL AN ASSESSMENT, THE DIRECTOR MAY NOT TAKE FURTHER ACTION TO ENFORCE
22 AND COLLECT THE ASSESSMENT UNTIL THE HEARING PROCESS IS COMPLETE. THE
23 DIRECTOR SHALL IMPOSE A CIVIL PENALTY ONLY FOR THOSE DAYS FOR WHICH THE
24 VIOLATION HAS BEEN DOCUMENTED BY THE DEPARTMENT.

25 ~~[F.]~~ [G.] THE DEPARTMENT MAY IMPOSE SANCTIONS AND COMMENCE
26 DISCIPLINARY ACTIONS AGAINST A LICENSED TRANSITIONAL HOUSING FACILITY,
27 INCLUDING REVOKING THE LICENSE. A LICENSE MAY NOT BE SUSPENDED OR REVOKED
28 UNDER THIS ARTICLE WITHOUT AFFORDING THE LICENSEE NOTICE AND AN
29 OPPORTUNITY FOR A HEARING AS PROVIDED IN TITLE 41, CHAPTER 6, ARTICLE 10.

30 ~~[G.]~~ [H.] THE DEPARTMENT MAY CONTRACT WITH A THIRD PARTY TO ASSIST
31 THE DEPARTMENT WITH LICENSURE AND INSPECTIONS.

32 36-4205. Posting; transitional housing facility information

33 THE DEPARTMENT SHALL POST ON ITS PUBLIC WEBSITE THE NAME AND
34 TELEPHONE NUMBER, THE DEPARTMENT-ISSUED LICENSE NUMBER, THE LOCAL
35 JURISDICTION BUSINESS LICENSE NUMBER AND THE LICENSURE STATUS OF EACH
36 LICENSED TRANSITIONAL HOUSING FACILITY IN THIS STATE AND SHALL UPDATE THE
37 LIST QUARTERLY.

38 36-4206. Notification requirements; rules; sex offender
39 registration

40 A. TRANSITIONAL HOUSING FACILITY STAFF SHALL NOTIFY THE DEPARTMENT,
41 IN A DEPARTMENT-PROVIDED FORMAT, IMMEDIATELY AND NOT MORE THAN ~~[EIGHT~~
42 ~~HOURS]~~ [ONE BUSINESS DAY] AFTER ANY OF THE FOLLOWING OCCURS:

43 1. THE DEATH OF AN INDIVIDUAL RESIDING IN A TRANSITIONAL HOUSING
44 FACILITY [IF THE RESIDENT'S DEATH IS REQUIRED TO BE REPORTED PURSUANT TO
45 SECTION 11-593], INCLUDING WHETHER THE DEATH MAY HAVE BEEN DRUG-RELATED.

46 2. A SEX-RELATED CRIME MAY HAVE BEEN COMMITTED AT THE TRANSITIONAL
47 HOUSING FACILITY.

1 3. ANY OTHER INCIDENT SPECIFIED IN THE RULE BY THE DEPARTMENT.
2 B. TRANSITIONAL HOUSING FACILITY STAFF MAY NOT HAVE A PERSONAL OR
3 INTIMATE RELATIONSHIP WITH ANY INDIVIDUAL RESIDING IN THE TRANSITIONAL
4 HOUSING FACILITY.
5 C. TRANSITIONAL HOUSING FACILITY STAFF SHALL CONTACT LAW
6 ENFORCEMENT IF THE STAFF IS INFORMED THAT AN INDIVIDUAL RESIDING IN THE
7 TRANSITIONAL HOUSING FACILITY MAY HAVE BEEN INVOLVED IN A SEX-RELATED
8 CRIME.
9 D. A TRANSITIONAL HOUSING FACILITY LICENSEE SHALL ENSURE THAT ANY
10 INDIVIDUAL RESIDING IN THE LICENSEE'S TRANSITIONAL HOUSING FACILITY WHO IS
11 REQUIRED TO REGISTER PURSUANT TO SECTION 13-3821 REGISTERS WITHIN THE
12 STATUTORILY REQUIRED TIME FRAME AFTER ADMISSION TO THE TRANSITIONAL
13 HOUSING FACILITY.

14 Enroll and engross to conform
15 Amend title to conform

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