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TITLE 6. ECONOMIC SECURITY
CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY
DEVELOPMENTAL DISABILITIES
ARTICLE 10. ~~CHILD DEVELOPMENTAL FOSTER HOME LICENSE LICENSING~~

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ARTICLE 10. ~~CHILD DEVELOPMENTAL FOSTER HOME LICENSE LICENSING~~

~~R6-6-1001. — Application for License~~

- ~~A. Married or single persons desiring to be licensed as a child developmental foster home shall apply for a license to the Division on the prescribed forms.~~
- ~~B. The license applicant and any adult member of the household shall be fingerprinted for a criminal history record check. Any adult living on the premises and not residing in the home may be required to be fingerprinted for a criminal history record check.~~
- ~~C. The license applicant, any adult member of the household, and any adult living on the premises shall authorize the Division to perform a background check through Adult Protective Services and Child Protective Services referral files.~~
- ~~D. The license applicant shall participate in interviews with the Division and the home study process as required by the Division. The home study process shall include:
 - 1. An interview of all members of the license applicant's household,
 - 2. An interview of other knowledgeable parties as the Division determines appropriate, and
 - 3. An inspection of the physical premises by the Arizona Department of Health Services and the Division for compliance with this Article.~~
- ~~E. To be eligible for licensure as a Child Developmental Foster Home, the license applicant shall:
 - 1. Be at least 21 years of age,
 - 2. Have income or resources independent of the Division room and board payments to meet the needs of the license applicant's family unit,
 - 3. Not have employment that conflicts with the care and supervision of the foster child,
 - 4. Be of reputable and honest character; and
 - 5. Submit documentation that each child living in the home has received the immunizations appropriate to the child's age and state of health unless the license applicant has submitted a signed statement that the children have not been immunized because of affiliation with a religion which is opposed to such immunizations or because the license applicant is opposed to such immunizations.~~
- ~~F. The license applicant and members of the household shall cooperate with the Division in obtaining information necessary to determine if the home meets the requirements of this Article. Such cooperation shall include, but is not limited to:
 - 1. Providing releases of information;
 - 2. Authorizing release of medical records; and
 - 3. Submitting to psychological, psychiatric, drug testing, or other evaluations as required by the Division.~~
- ~~G. The license applicant shall provide the Division with a minimum of three references who are familiar with the applicant's family and are not related to the license applicant by blood or by marriage. The Division may~~

~~contact the references for further information regarding the character of the license applicant and ability of the license applicant to care for children with developmental disabilities.~~

- ~~H. The Division may require the license applicant to submit references from current or previous employers.~~
- ~~I. All members of the license applicant's household shall agree with the decision to be licensed as a child developmental foster home.~~
- ~~J. The license applicant shall demonstrate an understanding of and the ability to meet the emotional, physical, social, developmental, educational, and intellectual needs of children.~~
- ~~K. The license applicant shall demonstrate the ability to nurture, to provide intellectual stimulation, to be sensitive to the needs of the foster children, and to protect children placed in the applicant's home from harm.~~
- ~~L. The license applicant shall not have any medical or emotional problems that may prevent the person from properly caring for foster children or that may negatively impact on foster children in the home.~~
 - ~~1. Following approval of the home study by the Division, the license applicant shall submit, on forms prescribed by the Division, written statements from a licensed medical practitioner for each adult living in the home. The statement shall include the following:
 - ~~a. Confirmation that the physician has examined the adult in the last six months,~~
 - ~~b. A description of the person's general physical and emotional health,~~
 - ~~c. A list of all regularly prescribed medications and the purpose of the medication, and~~
 - ~~d. Identification of any medical or emotional problems that may prevent the person from caring for foster children or may impact on foster children in the home.~~~~
 - ~~2. The Division may require the license applicant to submit physician statements as described in this Section for other adults living on the premises.~~

~~M. The license applicant shall attend prelicensure training as required by R6-6-1005.~~

R6-6-1001. Definitions and Location of Definitions

A. Location of definitions. Definitions applicable to Article 10 are found in the following:

<u>Definition</u>	<u>Section or Citation</u>
<u>"Abuse"</u>	<u>R6-6-1001(B)</u>
<u>"Administrative Completeness Review"</u>	<u>R6-6-1001(B)</u>
<u>"Administrative Completeness Review Time Frame"</u>	<u>A.R.S. § 41-1072</u>
<u>"Adult"</u>	<u>R6-6-1001(B)</u>
<u>"Adult Developmental Home"</u>	<u>A.R.S. § 36-551</u>
<u>"Adult Household Member"</u>	<u>A.R.S. § 36-551</u>
<u>"Adverse Licensing Action"</u>	<u>R6-6-1001(B)</u>
<u>"Alternative Supervision"</u>	<u>R6-6-1001(B)</u>
<u>"Alternative Supervision Plan"</u>	<u>R6-6-1001(B)</u>
<u>"Appeals Board"</u>	<u>R6-6-101(B)</u>

<u>“Applicant”</u>	<u>R6-6-1001(B)</u>
<u>“Application”</u>	<u>R6-6-1001(B)</u>
<u>“Authorized Presence”</u>	<u>R6-6-1001(B)</u>
<u>“Bed”</u>	<u>R6-6-1001(B)</u>
<u>“Bedroom”</u>	<u>R6-6-1001(B)</u>
<u>“Behavior Plan”</u>	<u>R6-6-1001(B)</u>
<u>“Certification”</u>	<u>R6-6-1001(B)</u>
<u>“Certifying Agency”</u>	<u>R6-6-1001(B)</u>
<u>“Child”</u>	<u>R6-6-1001(B)</u>
<u>“Child Developmental Certified Homes”</u>	<u>A.R.S. § 36-551</u>
<u>“Child Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Corrective Action Plan”</u>	<u>R6-6-1001(B)</u>
<u>“CPR”</u>	<u>R6-6-1001(B)</u>
<u>“Criminal History Self-Disclosure Affidavit”</u>	<u>R6-6-1001(B)</u>
<u>“Department”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Disability”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Home”</u>	<u>R6-6-1001(B)</u>
<u>“Developmental Home Subcontract”</u>	<u>R6-6-1001(B)</u>
<u>“Division”</u>	<u>A.R.S. § 36-551</u>
<u>“Fitness”</u>	<u>R6-6-1001(B)</u>
<u>“Foster Home”</u>	<u>A.R.S. § 8-501</u>
<u>“Habilitation”</u>	<u>A.R.S. § 36-551</u>
<u>“Health Self-Disclosure”</u>	<u>R6-6-1001(B)</u>
<u>“Hearing Officer”</u>	<u>R6-6-101(B)</u>
<u>“HCBS Certification”</u>	<u>R6-6-1001(B)</u>
<u>“Home”</u>	<u>R6-6-1001(B)</u>
<u>“Home and Community Based Services” or “HCBS”</u>	<u>R6-6-1001(B)</u>
<u>“Home Study”</u>	<u>R6-6-1001(B)</u>
<u>“Household”</u>	<u>R6-6-1001(B)</u>
<u>“Household Member”</u>	<u>R6-6-1001(B)</u>
<u>“IEP”</u>	<u>20 U.S.C. § 1401</u>
<u>“Inappropriate Behavior”</u>	<u>R6-6-1001(B)</u>
<u>“Incident”</u>	<u>R6-6-1001(B)</u>
<u>“Individual Residing on the Premises”</u>	<u>R6-6-1001(B)</u>
<u>“Level One Fingerprint Clearance Card”</u>	<u>R6-6-1001(B)</u>

<u>“License”</u>	<u>R6-6-1001(B)</u>
<u>“Licensed Foster Parent”</u>	<u>R6-6-1001(B)</u>
<u>“Licensee”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Agency”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Concern”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Decision”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Record”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Supervisor”</u>	<u>R6-6-1001(B)</u>
<u>“Licensing Worker”</u>	<u>R6-6-1001(B)</u>
<u>“Life Safety Inspection”</u>	<u>R6-6-1001(B)</u>
<u>“Medically Complex Developmental Home”</u>	<u>R6-6-1001(B)</u>
<u>“Medication”</u>	<u>R6-6-1001(B)</u>
<u>“Member”</u>	<u>R6-6-1001(B)</u>
<u>“Neglect”</u>	<u>R6-6-1001(B)</u>
<u>“Overall Time Frame”</u>	<u>A.R.S. § 41-1072</u>
<u>“Personally Identifiable Information”</u>	<u>R6-6-1001(B)</u>
<u>“Physical Punishment”</u>	<u>R6-6-1001(B)</u>
<u>“Physician’s Statement”</u>	<u>R6-6-1001(B)</u>
<u>“Planning Document”</u>	<u>R6-6-1001(B)</u>
<u>“Planning Team”</u>	<u>R6-6-1001(B)</u>
<u>“Pool”</u>	<u>R6-6-1001(B)</u>
<u>“Premises”</u>	<u>R6-6-1001(B)</u>
<u>“PRN”</u>	<u>R6-6-1001(B)</u>
<u>“Protected Health Information”</u>	<u>R6-6-1001(B)</u>
<u>“Protective Services”</u>	<u>R6-6-1001(B)</u>
<u>“Reinstatement”</u>	<u>R6-6-1001(B)</u>
<u>“Responsible Person”</u>	<u>A.R.S. § 36-551</u>
<u>“Service”</u>	<u>R6-6-1001(B)</u>
<u>“Service Provider”</u>	<u>A.R.S. § 36-551</u>
<u>“Smoking”</u>	<u>R6-6-1001(B)</u>
<u>“Special Health Care Needs”</u>	<u>R6-6-1001(B)</u>
<u>“Statement of Understanding”</u>	<u>R6-6-1001(B)</u>
<u>“Substantive Review”</u>	<u>R6-6-1001(B)</u>
<u>“Substantive Review Time Frame”</u>	<u>A.R.S. § 41-1072</u>
<u>“Successful Experience”</u>	<u>R6-6-1001(B)</u>

<u>“Support Coordinator”</u>	<u>R6-6-1001(B)</u>
<u>“Unsafe Behavior”</u>	<u>R6-6-1001(B)</u>
<u>“Vaping”</u>	<u>R6-6-1001(B)</u>

B. The following definitions apply to Article 10:

1. “Abuse” means:
 - a. For a child, the same as “Abuse” as defined in [A.R.S. § 8-201](#); and
 - b. For an adult, the same as “Abuse” as defined in [A.R.S. § 46-451](#).
2. “Administrative Completeness Review” means the process to determine if an Application contains each component required by this Article for a License.
3. “Adult” means a person aged 18 years or above.
4. “Adverse Licensing Action” means a determination by the Department to deny, suspend, or revoke a License under this Article.
5. “Alternative Supervision” means care arranged to meet the needs of a Member as a means for providing routine care for the Member when the Licensee has other employment or intermittent relief for a Licensee.
6. “Alternative Supervision Plan” means a document created by the Licensing Agency and presented to the Planning Team for approval that outlines how Alternative Supervision will be provided for a Member when the Licensee is not available.
7. “Applicant” means an individual or a married couple who applies for a License or to renew a License to operate a Developmental Home.
8. “Application” means the documentation and information required by the Department to initiate the licensing process and to authorize the Department to conduct assessments and investigations to verify an Applicant’s qualifications and compliance with licensing requirements.
9. “Authorized Presence” means an individual provided documentation of the individual's presence in the United States, as described in [A.R.S. § 41-1080](#).
10. “Bed” means a mattress that is placed on top or within a frame or platform. A Bed does not include a sleeper sofa, rollaway Bed, trundle Bed, couch, inflatable mattress, cot, sleeping bag, portable crib, or mat.
11. “Bedroom” means a room that is:
 - a. Used only for the purpose of an individual’s living space;
 - b. Large enough to accommodate a Bed, furniture to store clothing and display personal belongings, durable medical equipment, and space for an individual to dress and move about;
 - c. A minimum of 70 square feet in area; and
 - d. Not less than seven feet in width in any direction.
12. “Behavior Plan” means an integrated, individualized, written plan that may be based on a Behavioral Health Professional’s provisional or principal diagnosis and assessment of behavior and the treatment needs,

- abilities, resources, and circumstances of a Member, that includes one or more treatment goals and one or more treatment methods.
13. “Certification” means accreditation by the Department to operate a Child Developmental Certified Home.
 14. “Certifying Agency” means an organization authorized by the Department to assist an Applicant who is a Licensed Foster Parent with completing an Application to become a Child Developmental Certified Home under [A.R.S. § 36-593.01](#).
 15. “Child” means any individual in the Home who is younger than 18 years of age.
 16. “Corrective Action Plan” means a written document outlining the actions necessary to remedy a violation of a licensing requirement within a specific period.
 17. “CPR” means infant or Child and Adult cardiopulmonary resuscitation.
 18. “Criminal History Self-Disclosure Affidavit” means an individual’s statement of self-disclosing criminal history made under penalty of perjury on the designated form provided by the Department.
 19. “Developmental Home” means a Child Developmental Home, an Adult Developmental Home, a Child Developmental Certified Home, or a Medically Complex Developmental Home.
 20. “Developmental Home Subcontract” means a document signed by the Licensee and a representative of the Service Provider outlining the responsibilities of the Licensee and the Service Provider for the provision of Developmental Home Services.
 21. “Emergency and Disaster Plan” means a written plan that includes:
 - a. Contact information for each Member and Responsible Person including the name and telephone number of the Member’s primary care physician, the Support Coordinator, Department of Child Safety case manager, if applicable, and the Licensing or Certifying Agency;
 - b. An emergency evacuation plan for the Home; and
 - c. A plan for relocation from the Home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.
 22. “Fitness” means an Applicant's or Licensee's ability to:
 - a. Meet the physical, emotional, social, psychological, educational, and medical needs of a Member; and
 - b. Follow the licensing requirements.
 23. “Health Self-Disclosure” means an Adult Household Member’s declaration attesting to a Member’s physical and mental health.
 24. “HCBS Certification” means the process by which the Department ensures that an Applicant meets the standards in this Chapter to provide an HCBS to a Member and which results in the issuance of an HCBS Certificate to the Applicant.
 25. “Home” means the residence where an Applicant or Licensee lives.
 26. “Home and Community Based Services” or “HCBS” means services provided pursuant to [A.R.S. § 36-2939\(B\)\(2\)](#).

27. “Home Study” means a comprehensive professional evaluation of an Applicant's or Licensee's Fitness to operate a Developmental Home.
28. “Household” means all individuals residing in a Licensee’s Home.
29. “Household Member” means a Child or Adult who lives or intends to live in a Home for a total of 30 or more days, periodically or consecutively during the licensing year, and includes all individuals living in the Home such as the Applicant, Licensee, housemates, and relatives of the Applicant, Licensee, and housemates. A Household Member excludes a Member living in a Home who has been determined eligible for Division services.
30. “Inappropriate Behavior” means a Member’s action that a Behavioral Health Professional, Service Provider, or the Planning Team reasonably believes to be impeding a Member's ability to interact in a socially acceptable manner as detailed in behavioral goals put forward in the Planning Document.
31. “Incident” means an occurrence that has the potential to affect the health and well-being of a Member or pose a risk to the community.
32. “Individual Residing on the Premises” means an individual who does not share an Applicant’s Home but occupies a domicile on the same property.
33. “Level One Fingerprint Clearance Card” means the card issued by the Arizona Department of Public Safety described under [A.R.S. § 41-1758.07](#).
34. “License” means the permission granted by the Department to legally operate a Developmental Home and includes an initial, renewed, provisional, reinstated, or amended License.
35. “Licensed Foster Parent” means the same as “foster parent,” as defined in [A.R.S. § 8-501](#), and operating under the requirements of [A.R.S. § 8-509](#).
36. “Licensee” means an individual or a married couple approved by the Department to operate a Developmental Home.
37. “Licensing Agency” means an individual or entity authorized by the Department to:
 - a. Recruit individuals to operate a Developmental Home;
 - b. Assist an Applicant with completing an Application for licensure;
 - c. Perform a Home Study;
 - d. Train, monitor, and support Licensees;
 - e. Recommend licensing or re-licensing of a Licensee; or
 - f. Recommend Certification or recertification of a Foster Home to be a Child Developmental Certified Home.
38. “Licensing Concern” means the Licensee may not be in compliance with this Article or there are concerns with the care of the Member receiving an HCBS in the Home.
39. “Licensing Decision” means the Department's determination to issue, deny, suspend, revoke, or amend a License in response to the receipt and review of:

- a. An Application for initial License;
 - b. An Application to renew a License;
 - c. An Application to amend a License; or
 - d. The results of an inquiry or investigation.
40. “Licensing Record” means the information maintained by a Licensing Agency or _____ by _____ the Department for the purpose of documenting the Fitness of an Applicant or Licensee and the safety of the Home.
41. “Licensing Supervisor” means an employee of a Licensing Agency who supervises a Licensing Worker.
42. “Licensing Worker” means an employee of a Licensing Agency who provides training, technical assistance, and oversight of Applicants and Licensees.
43. “Life Safety Inspection” means the Department's examination of a Premises to verify compliance with standards intended to safeguard a Member from fire and other Hazardous conditions.
44. “Medically Complex Developmental Home” means:
- a. For a Child, a Developmental Home where each Licensee has met the licensing requirements of a Child Developmental Home and has completed specialized training to provide care to a Child with medically complex needs, including a Child who has or is at risk for chronic physical or developmental conditions and who require health-related services beyond that required by a Member in general; or
 - b. For an Adult, a Developmental Home where each Licensee has met the licensing requirements of an Adult Developmental Home and has completed specialized training to provide care to an Adult with medically complex needs, including an Adult who has or is at risk for chronic physical or developmental conditions and who require health-related services beyond that required by a Member in general.
45. “Medication” means one of the following used to maintain health or to prevent or treat a medical condition or behavioral health issue:
- a. Over the counter medications, supplements, and treatments;
 - b. Prescription medication as defined under [A.R.S. § 32-1901](#); or
 - c. Nonprescription drug as defined under [A.R.S. § 32-1901](#).
46. “Member” means the same as “Client,” as defined in [A.R.S. § 36-551](#).
47. “Neglect” means:
- a. For a child, the same as “Neglect” as defined in [A.R.S. § 8-201](#); and
 - b. For an adult, the same as “Neglect” as defined in [A.R.S. § 46-451](#).
48. “Personally Identifiable Information” means a person’s name, address, date of birth, social security number, tribal enrollment number, telephone or fax number, email address, social media identifier, driver’s license number, places of employment, school identification or military identification number, or any other distinguishing characteristic that tends to identify a particular person as specified in [A.R.S. § 41-3804\(K\)](#).

49. “Physical Punishment” means the deliberate infliction of pain or discomfort as a form of behavior modification.
50. “Physician’s Statement” means information about the physical and mental health of the Applicant and any Adult Household Member, using a form prescribed by the Department which is completed by a physician licensed in the United States.
51. “Planning Document” means a written plan developed through an assessment of functional needs that reflects the services and supports, paid and unpaid, that are important for and important to the Member in meeting the identified needs and preferences for the delivery of such services and supports.
52. “Planning Team” means a defined group of individuals comprised of the Member, the Responsible Person if other than the Member, and, with the Responsible Person’s consent, any individuals important in the Member’s life, including extended family members, friends, service providers, community resource providers, representatives from religious/spiritual organizations, and agents from other service systems.
53. “Pool” means any natural or manmade body of water, including a swimming Pool, spa, hot tub, fountain, or pond that:
- a. May be used for swimming, recreational, agricultural, therapeutic, or decorative purposes; and
 - b. Is greater than 18 inches in depth.
54. “Premises” means the Home, property, and any other structure surrounding the Home that is owned, leased, or controlled by an Applicant or Licensee.
55. “PRN” or “Pro Re Nata” means administered as circumstances require but not on a regular schedule.
56. “Protected Health Information” means Personally Identifiable Health Information about a Member that is transmitted or maintained in any medium where the information is:
- a. Created or received by a:
 - i. Health care provider;
 - ii. Health plan;
 - iii. Employer; or
 - iv. Health care clearinghouse.
 - b. In relation to the:
 - i. Past, present, or future physical or mental health condition of a Member;
 - ii. Provision of health care to a Member; or
 - iii. Payment for the provision of health care to a Member.
 - iv. Protected Health Information excludes information in:
 - c. An education record covered by the Family Educational Rights and Privacy Act as amended, [20 U.S.C. § 1232g\(a\)\(4\)\(B\)\(IV\)](#);
 - d. A records described at [20 U.S.C. § 1232g\(a\)\(4\)\(B\)\(IV\)](#);
 - e. An employment record held by a Covered Entity in the role as an employer; or

- f. Regarding a person who has been deceased for more than 50 years.
57. “Protective Services” means the Department’s Adult Protective Services, the Arizona Department of Child Safety, and similar agencies in other states.
58. “Reinstatement” means an action by the Department to reactivate a License that has expired or been closed for less than one year.
59. “Service” means any Developmental Disability program and activity that is consistent with the family-support philosophy and are operated by, or contracted for, the Department directly or indirectly, subject to eligibility and available appropriations, as follows:
- a. Case management;
 - b. Resources; and
 - c. Long-term Services and Supports.
60. “Smoking” means the possession or control of a lighted or heated product containing plant-based or synthetic substances, including but not limited to cigarettes, marijuana, and cannabis, regardless of whether the smoke is being actively inhaled or exhaled.
61. “Special Health Care Needs” means a chronic physical, developmental, behavioral, or emotional condition that requires health care and related services of a type or amount beyond that required by a Child or Adult generally.
62. “Statement of Understanding” means a document signed by the Applicant that confirms the Applicant has read, understands, and agrees to follow all applicable federal and state laws and Department rules and policies relating to the operation of a Developmental Home.
63. “Substantive Review” means the process to determine if an Application or Applicant meets all substantive criteria required by this Article for a Developmental Home License.
64. “Successful Experience” means that the Applicant or Licensee has been responsible for the health, safety, and well-being of a Child or Adult with medically complex needs for a minimum of 20 hours per week without any negative action, such as termination for cause.
65. “Support Coordinator” means the same as “Case Manager,” as defined in [A.R.S. § 36-551](#).
66. “Unsafe Behavior” means a Member's action or activity, whether intentional, unintentional, or negligent, that causes a risk of imminent harm to the Member or others.
67. “Vaping” means the inhalation of aerosol or vapor produced by a device designed for that purpose, regardless of whether the vapor contains nicotine, flavoring, or other substances excluding prescribed Medications.

R6-6-1002. Issuing an Initial License Applicability

A. The license applicant shall comply with the requirements of this Article.

B. Except as provided in R6-6-1004(C), a regular license is effective for one year from the date of issuance.

- ~~C. Based upon records, reports, and observations, if the Division determines that the license applicant may be unable to meet the physical or emotional needs of clients, the Division may require further psychological or physical evaluations, at no expense to the license applicant, to determine whether a license may be issued.~~
- ~~D. A regular license for a child developmental foster home is not transferable and is valid only for the licensee and the address stated on the license.~~

This Article applies to:

1. An individual Licensed to operate a Developmental Home;
2. Two unmarried individuals Licensed to operate a Developmental Home at the same address;
3. A Licensing Agency for a Developmental Home;
4. A Certifying Agency for a Child Developmental Certified Home;
5. A Child Developmental Certified Home; and
6. A Medically Complex Developmental Home.

R6-6-1003. Issuing a Renewal License General Requirements for Licensing Agencies

- ~~A. A regular license is renewable annually for a one-year period.~~
- ~~B. The Division shall renew a child developmental foster home regular license when:

 1. The licensee has met the annual training requirements of R6-6-1005;
 2. The home meets the requirements of R6-6-1001, except as noted in this subsection:
 - a. The licensee shall submit a written statement every three years from the date of initial licensure from a licensed medical practitioner indicating that no adult living in the home or on the premises has any medical, emotional, or psychological problems that would adversely impact on the health and welfare of a child with developmental disabilities.
 - b. References are not required for license renewal.
 - c. The child developmental foster home shall receive a health inspection from the Arizona Department of Health Services every three years prior to license renewal, unless otherwise indicated by this Article.
 3. Any person fingerprinted pursuant to R6-6-1001(B) and who is still residing in the home shall have a criminal record check every three years.~~
- ~~C. Based upon records, reports, and observations, if the Division determines that the license applicant for license renewal may be unable to meet the physical or emotional needs of clients, the Division shall have the authority to require further mental or physical evaluations, at no expense to the license applicant, to determine whether to renew a license.~~
- ~~D. A license to provide child developmental foster home services is not transferable and is valid only for the licensee and the address stated on the license.~~
- A. A Licensing Agency shall accept and process an Application from an Applicant meeting the requirements specified in this Article, regardless of sex, race, religion, political affiliation, national origin, disability, or sexual orientation of the Applicant required under federal and state laws and Department rules and policies.

- B.** The Licensing Agency shall adopt a written code of ethics consistent with the Department's contractual requirements and provide the code of ethics to the Department upon request.
- C.** The Licensing Agency shall not delegate, assign, or subcontract:
1. Recruitment of an individual to operate a Developmental Home;
 2. A Home Study;
 3. Monitoring, support, or oversight of a Developmental Home provider described under [A.R.S. § 36-592](#);
 4. Recommendation of licensing or re-licensing of a Licensee;
 5. Clinical oversight for a Medically Complex Developmental Home Licensee; or
 6. Recommendation of Certification or recertification of a Foster Home to be a Child Developmental Certified Home.
- D.** The Licensing Agency shall ensure that each Applicant and Licensee is informed in writing of and afforded the rights specified in R6-6-1005, in addition to the inspection and due process rights specified under [A.R.S. § 41-1009](#).
- E.** A Licensing Agency shall ensure that a Licensee:
1. Maintains current training as required by this Article throughout the term of the License,
 2. Provides to the Licensing Agency updated information regularly and as requested by the Department; and
 3. Complies with all Division requirements, as stated in Division policy.
- F.** With the exception of the items listed in subsection (G), the Licensing Agency shall ensure that an Applicant or Licensee is permitted to access the Licensing Record upon written request and is afforded the opportunity to provide a written response to a finding or comment in the Home Study, investigative report, or any correspondence.
- G.** The Licensing Agency shall not release the following information to an Applicant or Licensee:
1. Information supplied by a confidential reference during the licensing process; or
 2. Any name of an individual and entity identified as a source in a licensing complaint unless investigation of the complaint results in a legal proceeding and disclosure is ordered by the court.
- H.** The Licensing Agency shall request the following background checks on each Applicant and Adult Household Member:
1. A check of the Department of Child Safety central registry and the Adult Protective Services registry in Arizona.
 2. For a Child Developmental Home License Application, a check of the Child Protective Services registries in other states where the Applicant or Household Member lived during the previous five years.
- I.** The Licensing Agency shall verify that all equipment, including an age-appropriate Bed, car seat, durable medical equipment, and restraints required by this Chapter are appropriately installed and in place at the time a Child or Adult moves into a Developmental Home.

J. The Licensing Agency shall compile and maintain a Licensing Record for each Applicant and Licensee according to Department requirements. The Licensing Record shall contain:

1. All documentation or evidence gathered during the licensing process and throughout the term of the License;
2. Documentation gathered to complete the Application for licensure and the Home Study;
3. Evidence of compliance with licensing requirements specified in this Chapter;
4. Date and detail of each visit to the Home, contact, and communication with the Applicant;
5. Evidence that an Applicant's rights described under [A.R.S. § 41-1009](#) were provided in writing to the Applicant;
6. Date and detail of each clinical oversight visit to the Home of the Medically Complex Developmental Home Applicant; and
7. A copy of each inspection report.

K. The Licensing Agency shall:

1. Provide to the Applicant in writing information on each applicable Life Safety Inspection rule;
2. Conduct a preliminary inspection of the Applicant's Home to assess compliance with each rule;
3. Complete the required form to request a Life Safety Inspection to be performed by the Department at least 30 calendar days before an inspection is due;
4. Verify each correction is made by the Applicant in response to each violation, as directed by the Department;
6. Maintain documentation of each of the Department and Agency inspections in the Licensing Record;
7. Ensure each contact from the Licensing Agency with the Licensee is entered into the Department's licensing database within 10 calendar days of contact;
8. Ensure that no more than 20 Developmental Homes are assigned to a Licensing Worker; and
9. Ensure that no more than 10 Medically Complex Developmental Homes are assigned to a Licensing Worker.

L. The Licensing Agency shall not submit an Application for an individual who is not eligible under R6-6-1006(C).

M. The Licensing Agency shall ensure a Licensing Worker has:

1. A bachelor's degree in a related human services field;
2. Two years of higher education in a related human services field and two years of related work experience;
3. A minimum of five years of directly-related work experience, such as work in the field of developmental disabilities, family Home licensing, or child welfare; or
4. A state of Arizona nursing license or physician license in good standing when the Licensing Worker is assigned a Medically Complex Developmental Home.

N. A Licensing Supervisor shall meet the requirements of subsection (M) and have two years of supervisory experience or demonstrated leadership experience.

O. A Licensing Worker and Licensing Supervisor shall:

1. Have a current Level One Fingerprint Clearance Card within the first 90 days of employment;
2. Meet Department training requirements; and
3. Complete a minimum of 10 hours of continuing education training related to Developmental Disabilities each calendar year following the initial hire calendar year.

P. A Licensing Worker or Licensing Supervisor who is waiting for the Level One Fingerprint Clearance Card to be issued shall perform work involving interaction with a Member under the direct supervision of a Licensing Worker or Licensing Supervisor who has a Level One Fingerprint Clearance Card.

Q. The Licensing Agency shall verify a Licensee's compliance with this Article by evaluating information provided by the Licensee and information obtained through background checks, references, interviews, public records, and any other information the Department deems relevant.

R6-6-1004. Issuing a Provisional License Information and Records to Be Provided to the Licensee by the Licensing Agency

~~A. The Division may issue a provisional license for up to six months when:~~

- ~~1. The license applicant is temporarily unable to meet the requirements of this Article, and~~
- ~~2. The Division is satisfied that the listed deficiencies can be corrected within six months or less by the license applicant.~~

~~B. The Division shall not issue a provisional license pursuant to A.R.S. § 36-592 when conditions exist which could endanger the health or safety of the children.~~

~~C. When the licensee has met the requirements of the provisional license and a regular license is issued, the regular license is valid for one year from the date the Division issued the provisional license.~~

~~D. A provisional license for a child developmental foster home is not transferable and is valid only for the licensee and the address stated on the license.~~

The Licensing Agency shall provide a Licensee with the following documents and information for each Member in the Licensee's care:

1. The health insurance card or health insurance identification number and written consent authorizing the Licensee to access a Member's medical records and obtain a Member's routine, nonsurgical, and emergency medical care;
2. Medication that is to be administered to the Member and any relevant instructions for the administration of the Medication;
3. The most current Planning Document, including any Member preferences for cultural or religious beliefs and practices; and

4. Contact information for the Member's emergency contact and a means to contact the Support Coordinator and Licensing Agency.

~~R6-6-1004.01. Time Frame for Granting or Denying a License Repealed~~

For the purpose of A.R.S. § 41-1073, the Division establishes the following licensing time frames:

1. ~~Administrative completeness review time frame:~~
 - a. ~~For an initial license, 90 days;~~
 - b. ~~For a renewal license, 30 days; and~~
 - c. ~~For an amended license, 30 days.~~
2. ~~Substantive review time frame:~~
 - a. ~~For an initial license, 30 days;~~
 - b. ~~For a renewal license, 31 days; and~~
 - c. ~~For an amended license, 10 days.~~
3. ~~Overall time frame:~~
 - a. ~~For an initial license, 120 days;~~
 - b. ~~For a renewal license, 61 days; and~~
 - c. ~~For an amended license, 40 days.~~

~~R6-6-1004.02. Administrative Completeness and Substantive Review Process Repealed~~

- ~~A. The Division shall send the license applicant a written notice within the administrative completeness review time frame indicating that the application package is either complete or incomplete.~~
- ~~B. If the application package is incomplete, the Division shall list the missing information in the notice and ask the license applicant to supply the missing information within 60 days from the date of notice. If the license applicant fails to do so, the Division may close the file.~~
- ~~C. A license applicant whose file has been closed and who later wishes to become licensed may reapply to the Division. The administrative completeness time frame starts over when the Division receives the written request to reapply.~~
- ~~D. When the application is complete, the Division shall complete a substantive review of the license applicant's qualifications. The Division shall:~~
 1. ~~Review the application form and all required documents to ensure compliance with this Article;~~
 2. ~~Complete a home study as prescribed in R6-6-1001(D); and~~
 3. ~~Gather additional information needed to determine the license applicant's fitness to serve as a foster parent and ability to comply with foster care requirements, which may include:~~
 - a. ~~Interviewing the license applicant;~~
 - b. ~~Contacting references;~~
 - c. ~~Verifying information provided in the application;~~
 - d. ~~Visiting the license applicant's home; and~~

e. ~~Requesting additional information, assessments, or tests as prescribed in R6-6-1001(F) and R6-6-1003(C).~~

~~E. If a license is denied, the Division shall send a notice to the license applicant as prescribed in R6-6-1018(F) and A.R.S. § 41-1076.~~

~~F. An applicant shall submit a license application package to DES/DDD, P.O. Box 6123, Site Code 791A, Phoenix, Arizona 85005-6123, Attention: Developmental Home Licensing Unit.~~

~~**R6-6-1004.03. Contents of a Complete Application Package—Initial License Repealed**~~

~~An initial application package is complete when the Division has all of the following information:~~

~~1. From the license applicant, a completed application form as prescribed in R6-6-1001(A) which contains the following information:~~

~~a. Personally identifying information, as follows:~~

- ~~i. Name and gender,~~
- ~~ii. Date and place of birth,~~
- ~~iii. Social security number,~~
- ~~iv. Ethnicity and religious preference,~~
- ~~v. Current and previous address,~~
- ~~vi. Dates resided at previous address,~~
- ~~vii. Length of Arizona residency,~~
- ~~viii. Current marital status and marital history, and~~
- ~~ix. Any other names by which the license applicant has been known.~~

~~b. Personally identifying information on the license applicant's household members, as follows:~~

- ~~i. Name,~~
- ~~ii. Gender,~~
- ~~iii. Date of birth,~~
- ~~iv. Relationship to license applicant, and~~
- ~~v. Length of time living in the home.~~

~~c. Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~

- ~~i. Name;~~
- ~~ii. Current address;~~
- ~~iii. Date of birth; and~~
- ~~iv. Occupation or school, if currently attending.~~

~~d. Any current or prior licenses or certificates held by the license applicant to provide care to a child or adult, as follows:~~

- ~~i. Type of license or certificate;~~

- ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which each license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended, and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
- e. ~~A description of the license applicant's home, as follows:~~
- i. ~~The name of the school district in which the license applicant's home is located;~~
 - ii. ~~Identification and description of any swimming pool, spa, fish pond, or other body of water; and~~
 - iii. ~~Number of bedrooms.~~
- f. ~~Information about the license applicant, as follows:~~
- i. ~~Educational background;~~
 - ii. ~~Employment history;~~
 - iii. ~~Previous experience in providing room and board for any person;~~
 - iv. ~~Any contact with Child Protective Services (CPS) or Adult Protective Services (APS) and the circumstances;~~
 - v. ~~Any arrests and the circumstances;~~
 - vi. ~~Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;~~
 - vii. ~~If currently or previously employed by the Department of Economic Security or the Division, position, title, name of the supervisor, and name of the program;~~
 - viii. ~~The reason for wanting to provide foster care;~~
 - ix. ~~Gender, age, characteristics, and special needs of the individual the license applicant would prefer to take into the home;~~
 - x. ~~Any experience caring for individuals who have special needs;~~
 - xi. ~~Discipline techniques used or believed appropriate for rearing children; and~~
 - xii. ~~Anticipated changes in the license applicant's family in the next 12 months.~~
- g. ~~Information about the license applicant's household members, as follows:~~
- i. ~~Any contact with CPS or APS by anyone currently or formerly residing with the license applicant and the circumstances;~~
 - ii. ~~Any arrests and the circumstances;~~
 - iii. ~~Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;~~
 - iv. ~~If currently or previously employed by the Department of Economic Security or the Division, position, title, name of supervisor, and name of the program;~~

- v. Any experience caring for individuals with special needs; and
 - vi. Discipline techniques used or believed appropriate for rearing children.
- h. Reference information for the license applicant, as follows:
- i. Three references who can attest to the license applicant's character and skill; and
 - ii. If the license applicant is working or has worked with children or adults with developmental disabilities, one employment reference;
 - i. List of any individuals who live on the property on which the license applicant's home is located but not in the license applicant's home.
2. From the license applicant, the following documents as listed on the application form:
- a. A completed declaration of criminal history for the license applicant and each adult household member on a Division form with the following information:
 - i. Name;
 - ii. Social security number;
 - iii. Date of birth;
 - iv. Address;
 - v. A declaration of whether the individual has committed any of the crimes listed in A.R.S. § 36-594(3) and R6-6-1018, and
 - vi. Dated signature.
 - b. Documentation showing that the license applicant and each adult household member have been fingerprinted;
 - e. Documentation showing that the license applicant has a current driver's license, and current vehicle liability insurance as prescribed in R6-6-1012(A);
 - d. A completed monthly budget on a Division form showing the license applicant's monthly income, and monthly expenses, and the circumstances for any declaration of bankruptcy;
 - e. A physician's statement for the license applicant and each adult household member as prescribed in R6-6-1001(L);
 - f. Documentation of current immunizations for each child living in the license applicant's home as prescribed in R6-6-1001(E)(5);
 - g. Documentation that the license applicant has completed training as prescribed in R6-6-1005(A).
3. From sources other than the applicant, the documents listed on the application form, as follows:
- a. Three letters of reference for the license applicant as prescribed in R6-6-1001(G);
 - b. If the license applicant works with children or adults with developmental disabilities, one employment letter of reference as prescribed in R6-6-1001(H);
 - e. Documentation that the license applicant and each adult household member have had a criminal history check as prescribed in R6-6-1001(B);

- d. ~~Documentation showing that the license applicant's home has passed:~~
 - i. ~~A fire inspection as prescribed in R6-6-1011(E), and~~
 - ii. ~~A health and safety inspection as prescribed in R6-6-1011(D).~~
- e. ~~Documentation that vehicles used for transporting foster children have passed a Division safety inspection to meet the safety requirements set forth in R6-6-1012(B); and~~
- f. ~~Documentation that the CPS/APS Central Registry has been checked as prescribed in R6-6-1001(C).~~

~~R6-6-1004.04. Contents of a Complete Application Package—Renewal License Repealed~~

~~A license renewal application package is complete when the Division has all the following information:~~

- 1. ~~From the license applicant, a completed renewal application form as prescribed in R6-6-1001(A) which contains the following information:~~
 - a. ~~Personally identifying information, as follows:~~
 - i. ~~Name,~~
 - ii. ~~Address, and~~
 - iii. ~~Phone number.~~
 - b. ~~Personally identifying information on the license applicant's household members, as follows:~~
 - i. ~~Name,~~
 - ii. ~~Gender,~~
 - iii. ~~Age,~~
 - iv. ~~Relationship to the license applicant, and~~
 - v. ~~School or occupation.~~
 - e. ~~Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Age;~~
 - iii. ~~Address; and~~
 - iv. ~~Occupation or school, if currently attending.~~
 - d. ~~Information about the license applicant, as follows:~~
 - i. ~~Any arrest or investigation for a criminal offense, including charge, and arresting agency; and~~
 - ii. ~~Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, in the last year.~~
 - e. ~~Information about the license applicant's household members, including:~~
 - i. ~~Any arrest or investigation for a criminal offense, including charge, and arresting agency;~~
 - ii. ~~Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, in the last year.~~

- f. ~~Any current or prior license or certificate held by the license applicant to provide care to a child or adult, as follows;~~
 - i. ~~Type of license or certificate;~~
 - ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which the license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended, and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
- g. ~~List of any individuals who live on the property on which the license applicant's home is located, but not in the license applicant's home;~~
- h. ~~List of the household members and their relationship to the applicant and each other;~~
- i. ~~Any changes that should be made to the license conditions;~~
- j. ~~Dated signature.~~
- 2. ~~From the license applicant, the items listed in R6-6-1004.03(2)(c), (2)(d), (2)(f), and the following:~~
 - a. ~~A completed declaration of criminal history for each new adult household member and, at three year intervals, a completed declaration for all adult household members;~~
 - b. ~~Documentation showing that each new adult household member has been fingerprinted and, at three year intervals, that all adult household members have been fingerprinted;~~
 - e. ~~A physician's statement every three years from the date of the initial license for the license applicant and all adult household members; and~~
 - d. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1005(B).~~
- 3. ~~From sources other than the applicant, the documents listed in R6-6-1004.03(3)(d)(i), (3)(e), and (3)(f) and the following:~~
 - a. ~~Documentation that each new adult household member has had a criminal history check and that all adult household members have had a criminal history check every three years, and~~
 - b. ~~Documentation that the license applicant's home has passed a health and safety inspection every three years since the date of the initial license.~~

~~R6-6-1004.05. Contents of a Complete Request for an Amended License Repealed~~

~~A request for an amended license is complete when the Division has the following:~~

- 1. ~~A description of the change requested to the license, and~~
- 2. ~~Documentation that the requested change complies with this Article~~

~~R6-6-1005. — Training Requirements for Child Developmental Home Foster Parents Rights of the Developmental Home Applicant and Licensee~~

- ~~A. A license applicant for an initial license as a Child Developmental Foster Home shall meet the following training requirements:~~
- ~~1. Prelicensing training in the following subjects:

 - ~~a. Cardiopulmonary resuscitation appropriate for children and adults provided by an instructor certified in cardiopulmonary resuscitation;~~
 - ~~b. First aid provided by an instructor certified in first aid; and~~
 - ~~c. Child developmental foster home parent orientation training of 16 to 20 hours, as determined by the Division.~~~~
 - ~~2. Up to ten additional hours of training based upon the needs of the license applicant or the foster child, as determined by the Division.~~
- ~~B. The licensee shall annually complete a minimum of ten hours of training, as required by the Division, prior to license renewal and must maintain all certifications obtained for the initial licensure. Up to four hours of the annual training may be allowed for training related to maintenance of certifications.~~
- ~~C. The license applicant or licensee shall participate in additional training based upon the specific needs of the foster family or a child placed in the foster home, as required by the Division, or shall demonstrate the ability to meet the needs of a specific child.~~
- ~~D. The license applicant or licensee shall submit documentation which demonstrates satisfactory completion of these training requirements to the Division.~~

In addition to the inspection and due process rights specified under [A.R.S. § 41-1009](#), an Applicant or Licensee has the right to:

1. At no cost to the Applicant or Licensee:

 - a. Choose a Licensing Agency approved by the Department; and
 - b. Transfer to a Licensing Agency approved by the Department, as long as the Licensee has no open Licensing Concerns;
2. Be treated with courtesy, dignity, and fairness by the Licensing Agency and the Department;
3. Be free from discrimination in the licensing process;
4. Request information and training from the Licensing Agency, Department, or other Department-approved entity relevant to the responsibilities of a Licensee;
5. Request technical assistance provided by the Licensing Agency or the Department to assist the Applicant or Licensee in understanding the licensing requirements;
6. Direct the Licensing Agency to submit the Applicant's information for licensure;
7. Be informed of and provided the opportunity to appeal an Adverse Licensing Action conducted by the Department as described in Article 22 of this Chapter;
8. Elevate any concern about the licensing process in writing to the Department;

9. Be free from retaliation by a Licensing Agency or the Department, in the event of a disagreement, an appeal, or an elevation of concerns;
10. Decline to provide a Developmental Home service to a Member or make a request of the Member's Planning Team to identify an alternative living arrangement if the Licensee cannot meet the Member's needs in the Home;
11. Access the Licensee's own Licensing Records; and
12. Obtain a copy of the Licensee's own Licensing Records.

R6-6-1006. ~~Foster Parent Responsibilities in Child Developmental Foster Homes~~ Requirements to Apply for a License

- ~~A. The licensee shall provide the child with positive emotional support and guidance including but not limited to:

 1. Including the child in daily activities;
 2. Providing the child with positive reinforcement;
 3. Assisting the child with day to day concerns with school, with friends, and with family;
 4. Providing appropriate care, concern, and support;
 5. Protecting the child from harm; and
 6. Assisting the child in developing and fostering personal relationships.~~
- ~~B. The licensee shall follow written and verbal instructions and orders from qualified professionals regarding the medical, dental, habilitative, and therapeutic needs of the child.~~
- ~~C. The licensee shall provide opportunities for social and physical development appropriate to the child's developmental level and interest, through recreation and leisure time activities.~~
- ~~D. The licensee shall cooperate with the Division in providing opportunities for the child to pursue the child's own religious beliefs or those of the child's parent, family, or guardian. The licensee shall not require the child to participate in the licensee's religious activities or practices.~~
- ~~E. The licensee shall assign tasks and work appropriate to the child's age and abilities and which do not present a health or safety hazard and do not interfere with the child's educational or recreational activities.~~
- ~~F. The licensee shall ensure children are dressed each day in clothing which is clean and appropriate to the age of the child, the climate, and the situation.~~
- ~~G. The licensee shall provide a well balanced and adequate diet to meet the nutritional needs of the child.~~
- ~~H. The licensee shall ensure that the child has transportation to meet the educational, medical, habilitative, therapeutic, and social needs of the child.~~
- ~~I. The licensee shall make reasonable efforts to support and maintain the child's relationships with parents, guardians, other family members, and other persons important to the child's life, approved or as required by the Division, the child placing agency, or the courts.~~
- ~~J. The licensee shall ensure that visitations or outings with other adults, without the licensee present, have the prior approval of the Division or are consistent with the child's ISPP or case plan.~~

- ~~K. The licensee shall ensure that money designated for the child is only used for the specific purpose intended and for the benefit of the child.~~
- ~~L. The licensee shall provide appropriate hygiene for the child including bathing, tooth brushing, hair care, toileting, diapering, menstrual care, and shaving, as appropriate.~~
- ~~M. The licensee shall not provide foster care or respite care to adults in the licensee's home.~~
- ~~N. The licensee shall provide care only for the number of children and conditions listed on the license.~~
- ~~O. The licensee shall obtain approval from the Division before accepting placements from other agencies or private parties.~~
- ~~P. When the child developmental foster home also provides respite services, the licensee shall ensure that the respite placement is within the conditions stated on the Child Developmental Foster Home license.~~
- ~~Q. The licensee shall not accept adult roomers or boarders without prior approval of the Division.~~
- ~~R. The licensee shall treat information concerning a child placed in the licensee's home and the child's family and guardian as confidential in accordance with A.R.S. § 36-568.~~
- ~~S. The licensee shall participate in the IEP meetings, unless otherwise specified by the Division, and advocate for the implementation of the IEP.~~
- ~~T. The licensee shall participate in the ISPP meetings, shall carry out the tasks identified by the ISPP team as being the responsibility of the licensee, and shall advocate for the implementation of the ISPP.~~
- ~~U. The licensee shall cooperate with the Division when a foster child moves from the foster home by:

 - ~~1. Providing information, including the records required in R6-6-1010(A) and (C);~~
 - ~~2. Ensuring personal belongings such as usable clothing, furniture, television sets, bicycles, toys, and other items purchased specifically for the child go with the child; and~~
 - ~~3. Assisting the Division in preparing the child for the move.~~~~
- ~~V. The licensee shall comply with the terms of the Child Developmental Foster Home Parent Agreement.~~
- A. An individual or married couple shall:
 1. Be eligible to apply for a Developmental Home License regardless of sex, race, religion, political affiliation, national origin, disability, sexual orientation, or as otherwise prohibited by federal or state law and Department rules; and
 2. Have a contract to provide a Developmental Home service with a Licensing Agency.
- B. The Department may License up to two unmarried Applicants who reside together and shall link the unmarried Applicants in the Department's electronic database to the same address.
- C. To be eligible for a Developmental Home License, an Applicant shall:
 1. Maintain a valid Level One Fingerprint Clearance Card;
 2. Maintain a clear Protective Services check;
 3. Be at least 21 years old;

4. Reside in Arizona and provide documentation of United States citizenship or Authorized Presence in the United States;
5. Not be Licensed or certified to provide any other service in the Developmental Home, including:
 - a. Child care services;
 - b. Adult foster care for the elderly or for persons who do not have a Developmental Disability; and
 - c. Department of Child Safety foster care, except certifications as described in this Article.
6. Not provide other HCBS concurrent with providing Developmental Home services to the Member;
7. Effectively communicate with Members, the Licensing Agency, and other Service Providers;
8. Have the following personal attributes:
 - a. Flexibility in expectations, attitudes, behavior, and use of help when necessary;
 - b. Ability to model effective strategies to manage separation, loss, frustration, and conflict;
 - c. Capacity to respect individuals with differing lifestyles and philosophies, and individuals of different races, cultures, and religious beliefs;
 - d. Ability to support a Member's relationship with the important people in the Member's life; and
 - e. Willingness and ability to commit the time necessary to provide a Member with supervision and guidance according to the Member's individual needs.
9. Be literate in English, with the ability to read labels on Medication to administer Medication properly;
10. Maintain sufficient income as determined by the Department to meet the needs of the Developmental Home and Household Members;
11. Have the ability to exercise sound judgment;
12. Be of reputable and honest character;
13. Have one of the following minimum experience or education:
 - a. One year of Successful Experience as a Licensed Foster Parent with a successful placement;
 - b. Six months of Successful Experience as the caregiver for an individual with a Developmental Disability or a similar condition;
 - c. A bachelor's or graduate degree in health care, education, social work, psychology, or a related human services field; or
 - d. Two years of post-secondary education in a human services field and one year of related work experience.
14. Cooperate with the Licensing Agency, by providing accurate background history, which the Licensing Agency shall verify by evaluating information provided by the Applicant and information obtained through background checks, references, interviews, public records, and any other information deemed relevant by the Department;
15. Demonstrate that employment does not conflict with the care and supervision of the Member; and

16. Demonstrate that each Household Member agrees to support the decision of the Applicant or Licensee to provide Developmental Home care.

D. To be eligible for a Medically Complex Developmental Home License, an Applicant shall:

1. Meet each requirement described in subsection (C)(1) through (16);
2. Use adaptive equipment and encourage the Member to use adaptive equipment to facilitate the Member's participation in daily living activities; and
3. Provide the Member with opportunities to participate in community activities on a regular basis unless there is a compelling medical reason not to do so; and
 - a. Have three months of Successful Experience in child welfare, foster care, health care, education, or a related profession as approved by OLCR;
 - b. Be a currently Arizona licensed or certified health care professional, such as a doctor, nurse, or certified nursing assistant; or
 - c. Have a bachelor's or graduate degree in health care, such as medicine or nursing.

E. The Department shall not accept an Application from an individual who:

1. Is an owner, director, board member, principal, agent, employee, contractor, subcontractor, volunteer, or staff of the Licensing Agency processing the individual's Application;
2. Is related by blood, marriage, or adoption to an owner, director, board Member, principal, agent, Licensing Supervisor or Licensing Worker of the Licensing Agency processing the individual's Application. For the purpose of this subsection, relatives include the following biological, adoptive, or step:
 - a. Child;
 - b. Grandchild;
 - c. Parent;
 - d. Parent of a spouse;
 - e. Grandparent;
 - f. Grandparent of a spouse;
 - g. Sibling;
 - h. Sibling of a spouse;
 - i. Aunt; or
 - j. Uncle.
3. Does not have a valid Level One Fingerprint Clearance Card;
4. Fails Protective Services checks; or
5. Does not have Authorized Presence in the United States.

R6-6-1007. Behavior Management Application for an Initial License

- A.** The licensee shall comply with the Division's requirements for behavior management as specified in Article 9.
- B.** The licensee shall establish well-defined rules which set the limits of behavior.

- ~~C. The licensee shall provide discipline appropriate to the age, life experience, and individuality of each child:~~
- ~~1. The licensee shall develop and implement fair, reasonable, age and developmentally appropriate, and consistent rewards and consequences for implementing the rules established in subsection (B).~~
 - ~~2. The licensee shall not use discipline which deprives the child of food, shelter, or medical care.~~
 - ~~3. The licensee shall not use any form of corporal or physical punishment.~~
 - ~~4. The licensee shall not participate in the use of verbal abuse or derogatory remarks.~~
- ~~D. The licensee shall identify behavioral issues and report them to the Division.~~
- A. The Applicant or Licensing Agency shall submit a completed Application to the Department on the Department-approved form for an initial Developmental Home License.
- B. The Application shall include:
1. The Applicant's and each Household Member's full legal name
 2. The Applicant's and each Household Member's other names and aliases including birth names and names used in previous marriages;
 3. The Applicant's current marital status;
 4. The Applicant's and each Household Member's date of birth;
 5. The Applicant's and each Household Member's Social Security number for the purpose of conducting a background check;
 6. The Applicant's relationship to each Household Member;
 7. The Applicant's telephone number and email address;
 8. The Applicant's mailing address and physical address of the Applicant's Home;
 9. Each address occupied by the Applicant during the previous 10 years from the date of the Application;
 10. For Child Developmental Homes, each address occupied by each Adult Household Member in a Child Developmental Home during the previous five years from the date of the Application, if the address is outside Arizona;
 11. The name, date of birth, current address, and telephone number of each minor and Adult child of the Applicant who lives outside the Applicant's Home;
 12. The Applicant's employment history, including the name of each employer, dates of employment, and positions held during the previous 10 years from the date of the Application;
 13. A summary of the Applicant's education;
 14. A description of the Applicant's experience in caring for a Child or an Adult;
 15. The Applicant's Household budget, including income, resources, assets, debts, and obligations;
 16. Plan for each Household Member's or potential Member's sleeping arrangement;
 17. Evidence of compliance with transportation requirements in this Article;
 18. A list of each Pool located on the Premises;

19. A description of the Applicant's prior efforts to be certified by the Department to provide HCBS under Article 15 of this Chapter or Licensed for adoption, foster care, assisted living, child care, and any other service for children or vulnerable Adults, including:
 - a. Each Application that was withdrawn or denied;
 - b. Each Application that resulted in a License or Certification that was suspended or revoked; and
 - c. Each Application that resulted in a current or expired License or Certification.
20. The names, addresses, and telephone numbers of three references to attest that the Applicant is of reputable and honest character, has the ability to exercise sound judgment, and has the qualifications to care for a Member.
 - a. At least one of the references shall be the Applicant's Adult child living outside the Home unless there is not an Adult child living outside the Home, then it shall be a relative.
 - b. If the Applicant is married, then at least one of the references shall be familiar with the Applicant as a couple.
 - c. If another Adult Household Member is applying for a License or is currently Licensed, then at least one of the references shall be familiar with both Household Members.
 - d. The Department may require the Applicant to submit references from current or previous employers, or additional references at the Department's discretion;
21. A disclosure of any court proceeding in which the Applicant has been a party, including any:
 - a. Criminal proceeding;
 - b. Lawsuit;
 - c. Proceeding under Title 8 of the Arizona Revised Statutes in which a Child is found dependent, as defined in [A.R.S. § 8-201](#), or parental rights are terminated;
 - d. Charge of Abuse, Neglect, or exploitation;
 - e. Child support enforcement proceeding within the last five years from the date of the Application;
 - f. Bankruptcy within the last five years from the date of the Application;
 - g. Divorce, separation, or any other civil proceedings; and
 - h. Adoption.
22. A notarized Criminal History Self-Disclosure Affidavit form provided by the Department completed by the Applicant and each Adult Household Member dated no more than six months prior to the date of Application;
23. Evidence that each Applicant and Adult Household Member has a current and valid Level One Fingerprint Clearance Card;
24. A disclosure by the Applicant of any allegation or substantiated report of Abuse, Neglect, or exploitation of any Child or vulnerable Adult;
25. Authorization for a Protective Service registry check;

- a. For each Applicant and Adult Household Member; and
 - b. When providing an HCBS to a child, for each state the Applicant and Adult Household Member has resided in during the previous five years from the date of Application;
26. A Health Self-Disclosure completed by each Applicant and each Adult Household Member dated no more than six months prior to the date of Application;
27. A Physician's Statement on a Department-approved form completed for each Applicant and for each Adult Household Member dated no more than six months prior to the date of Application;
28. An up-to-date immunization record as outlined in Division policy, for each Applicant and Household Member unless the Department receives a written statement of religious or personal objection from the Applicant. Religious and personal objections by the Applicant or Household Member will result in the Licensing Agency being required to disclose to any Members or non Member who may move into the Developmental Home that the Applicant or Household Member does not have all immunizations as required by the Department.
29. A Statement of Understanding signed by the Applicant and each Adult Household Member on a Department-approved form attesting to the truth of the information provided during the Application and authorizing the required background checks; and
30. Evidence of training in CPR, first aid, and all other Department-required training.
31. For a Medically Complex Developmental Home License, evidence of having:
- a. A current Arizona license or certification as a health care professional, such as a doctor, nurse, or certified nursing assistant;
 - b. Three months of Successful Experience in Child welfare, foster care, health care, education, or a related profession as approved by OLCR; or
 - c. A bachelor's or graduate degree in health care, such as medicine or nursing.

C. The Licensing Agency shall:

- 1. Collect and maintain a signed Application to ensure that the Applicant confirms the accuracy of the information submitted in the Department's licensing Application;
- 2. Collect and maintain any document that supports the Application that includes proof of the Applicant's:
 - a. Income and resources;
 - b. Current training in CPR, first aid, and all other Department-required training;
 - c. Current immunization record for each Child Household Member or written objection;
 - d. Valid Arizona driver's license for each Applicant and Household Member who transports a Member, unless the Applicant is on active duty with the United States military and has an out-of-state driver's license;
 - e. Current Arizona registration and insurance for each vehicle used to transport a Member, unless the Applicant is on active duty with the United States military and has an out-of-state driver's license;

- f. Authorized Presence in the United States in the form of one of the documents specified under [A.R.S. § 41-1080](#); and
- g. Dogs over the age of six months and each dog's rabies vaccination record.
- 3. Collect and maintain any document that supports the Application for an Applicant applying for a Medically Complex Developmental Home License, which includes items identified in Section R6-6-1007(C)(2)(a) through (g), and include proof of the Applicant's:
 - a. Current Arizona license or certification as a health care professional, such as a doctor, nurse, or certified nursing assistant;
 - b. Three months of Successful Experience in Child welfare, foster care, health care, education, or a related profession as approved by OLCR; or
 - c. A bachelor's or graduate degree in health care, such as medicine or nursing.
- 4. Provide verification, on any form prescribed by the Department, that the Licensing Agency has collected and maintains all documentation specified in subsection (C)(2) and (3).
- 5. Provide the Department the following documents with the License Application:
 - a. Criminal History Self-Disclosure Affidavit completed by each Applicant and Adult Household Member;
 - b. Health Self-Disclosure statement completed by each Applicant and Adult Household Member dated no more than six months prior to the Application;
 - c. Physician's Statement for the Applicant and each Adult Household Member on an Department-approved form; and
 - d. The Statement of Understanding for the Applicant and each Adult Household Member on an Department-approved form.

R6-6-1008. Home Study and Assessment

A. Each Applicant shall:

- 1. Complete a self-assessment of factors relating to providing care for a Child or Adult with Developmental Disabilities on a Department-approved form and submit the self-assessment to the Licensing Agency; or
- 2. Complete a self-assessment of factors relating to providing care for a Child or Adult with Developmental Disabilities and complex medical needs on a Department-approved form and submit the self-assessment to the Licensing Agency, when an Applicant is applying for a Medically Complex Developmental Home;
- 3. Participate in interviews conducted by the Licensing Agency;
- 4. Facilitate the Licensing Agency interview for each Household Member, including each Child Household Member, if appropriate to the Child's age and developmental level;
- 5. Participate in and successfully complete Department-required training prior to providing Developmental Home services, which shall be summarized in the Home Study by the Licensing Agency;

6. Provide additional information as needed to evaluate the Applicant's Fitness and to conduct the Home Study; and
7. Cooperate with and pass the Life Safety Inspection of the Applicant's Home.

B. The Licensing Agency shall:

1. Assess the Applicant and write the initial Home Study;
2. Conduct an interview with each Applicant, Adult Household Member, and Child Household Member if appropriate to the Child's age and developmental level, as designated by the Department;
3. Complete and verify each reference described under R6-6-1007(B)(21) and summarize the responses in the Home Study;
4. Request a Arizona Protective Services registry check for each Applicant and Adult Household Member;
5. For a Child Developmental Home Applicant, request Child Protective Service a registry check from each state in which each Applicant and Adult Household Member resided during the previous five years;
6. Ensure completion of training by the Applicant and summarize the training in the Home Study;
7. Visit the Applicant's Home and provide information to help the Applicant prepare for the Life Safety Inspection to be conducted by the Department;
8. Request a Life Safety Inspection from the Department for the Applicant's Home and verify each correction noted in the inspection, if requested by the Department; and
9. Submit the Home Study in the form and manner prescribed in Division policy.

C. The Home Study shall include each element specified by the Department, including information about the Applicant's:

1. Motivation and expectation for applying for licensure;
2. Preferred Member population based on skill set and availability;
3. Family background and upbringing;
4. Licensing history;
5. Current marriage and marital history;
6. A description of Household and family relationships;
7. Experience with caregiving, including parenting and supporting individuals with complex medical needs;
8. Ability to support a Member with challenging behavior;
9. Evidence of financial security including income and expenditures;
10. Employment;
11. Plan for supervision of Members;
12. History of alcohol and drug use;
13. Medical, physical, and behavioral health history;
14. Spiritual beliefs;
15. Home and Premises;

- 16. Transportation plan;
- 17. Criminal history, prior arrests, and prior court involvement;
- 18. Protective Services registry findings;
- 19. Summary of references; and
- 20. Other information identified in Division policy.

D. The Home Study shall include a recommendation to issue or deny a License, based on the information available to the Licensing Agency.

E. A Licensing Agency shall provide justification for a recommendation to deny a License using specific examples that demonstrate that, from an objective analysis by the Licensing Agency, the Applicant does not meet licensing requirements.

F. The Licensing Agency may provide additional recommendations in the Home Study to limit the terms and conditions of a License, at the Licensing Agency's discretion.

R6-6-1009. Application for License Renewal

A. To initiate the License renewal, the Licensee shall complete and submit an Application to renew the License in the Department approved manner.

B. The Licensee shall cooperate with the Licensing Agency and the Department by:

1. Participating in and facilitating each interview necessary for the Licensing Agency to update the Home Study;
2. Assembling the documents necessary to demonstrate ongoing compliance with each licensing requirements, as specified in this Article;
3. Completing Department-required training, if applicable;
4. Passing the Life Safety Inspection of the Home annually and each time the Licensee makes a material change to the Home or Premises or moves to a new address;
5. Providing a current Health Self-Disclosure for the Licensee and each Adult Household Member;
6. Obtaining a Physician's Statement for the Licensee and each Adult Household Member at least once every two years and when determined to be necessary by the Department based on reports and observations that the Licensee may be unable to meet the physical or emotional needs of individuals with developmental disabilities;
7. Maintaining a current and valid Level One Fingerprint Clearance Card for the Licensee and each Adult Household Member; and
8. Signing a Statement of Understanding and a Developmental Home Subcontract on Department-provided forms.

C. The Licensing Agency shall:

1. Track when a License is due for a renewal and assist a Licensee, as needed, in applying for License renewal;
2. Submit the Application for License renewal completed by the Licensee before the expiration of the License;

3. Update all the information since the previous Home Study, including:
 - a. In-Service training completed by the Licensee;
 - b. Each monitoring visit and safety inspection conducted by the Licensing Agency;
 - c. The status of each violation, if applicable;
 - d. The status of each corrective Action Plan implemented, if applicable;
 - e. Each Inquiry and investigation, as specified in this Article, completed since the previous Home Study or that are pending completion, if applicable;
 - f. Annual Protective Services registry checks requested by the Licensing Agency for the Licensee and each Adult Household Member;
 - g. Confirmation of a current and valid Level One Fingerprint Clearance Card for the Licensee and each Adult Household Member;
 - h. A summary of each event and change occurring since the previous Home Study, including:
 - i. The Licensee's income and expenditures;
 - ii. Employment and work schedule;
 - iii. The health of the Licensee and each Household Member;
 - iv. Household composition;
 - v. The dynamics of the Licensee's family and support network, including each change in role, interaction, attitude, and relationship;
 - vi. The Home; and
 - vii. Any Court action, arrest, and fingerprint.
 - i. The Licensee's Arizona license or certification as a health care professional, when applicable;
 - j. Provide a current copy from the previous six months of the following documents:
 - i. Criminal History Self-Disclosure Affidavit for the Licensee and each Adult Household Member annually;
 - ii. Health Self-Disclosure for the Licensee and each Adult Household Member, completed annually;
 - iii. Physician's Statements for the Licensee and each Adult Household Member, completed every two years;
 - iv. The Statement of Understanding signed by the Licensee and each Adult Household Member annually;
 - k. Update all information since the previous Home Study including a recommendation whether to renew, amend, or deny a License, based on the information available to the Licensing Agency. A Licensing Agency shall provide justification for a recommendation to deny a License using specific examples that demonstrate that the Applicant is in violation of a licensing rule; and
 - l. Provide additional recommendations and supporting documentation, if any, in the Home Study to limit the terms or conditions of a License.

R6-6-1010. Recordkeeping Application for License Reinstatement

- ~~A. The licensee shall maintain a record for each child which shall include the child's medical history, dental history, educational experiences, and habilitation services.~~
- ~~B. The licensee shall obtain and provide to the Division receipts for expenditures for the child, as required by the Division.~~
- ~~C. The licensee shall maintain a personal record for the child, which may include mementos, photos, letters, cards, report cards, school projects, art, and toys.~~
- ~~D. The licensee shall keep copies of all licenses, certificates, and correspondence in a separate file to document compliance with sanitation, health, and environmental codes of state and local authorities.~~
- A. The Licensing Agency shall submit to the Department an Application for Reinstatement for any License that has been expired or voluntarily closed for less than one year using the same process as an Application for License renewal and shall include a statement describing the reason for the prior License closure, and subsequent changes.
- B. Coordinate with the Department to attempt to resolve any open Licensing Concerns, as applicable.
- C. An Applicant shall submit an initial Application for any License that has expired or has voluntarily closed for more than one year.
- D. The Department shall evaluate an Applicant for Reinstatement the same as an Applicant for a License renewal.

R6-6-1011. Health and Safety Standards in Child Developmental Foster Homes Training Requirements

- ~~A. The licensee shall maintain the premises of the child developmental foster home in a clean and sanitary condition to the degree that it does not present a health or safety hazard.~~
- ~~B. The child developmental foster home shall not have an accumulation of litter, rubbish, or garbage on the premises. Litter, rubbish, and garbage shall be contained in cleanable containers with lids or sealed disposable containers and shall be removed from the property not less than once a week.~~
- ~~C. The licensee shall ensure that the child developmental foster home is free from, or has an ongoing system to eradicate, insects, rodents, and other vermin.~~
- ~~D. Before initial licensure and every three years thereafter, the child developmental foster home shall be inspected and meet the safety and sanitation guidelines of the Department of Health Services unless otherwise specified by the Division.~~
- ~~E. Child developmental foster homes located in mobile homes shall pass an annual fire safety inspection as arranged by the Division.~~
- ~~F. The licensee shall keep toxic, poisonous, hazardous, and corrosive materials in locked storage separate from food or medications, unless otherwise specified in the ISPP.~~
- ~~G. The licensee shall keep medicines in locked storage separate from food, toxic, poisonous, hazardous, or corrosive materials.~~

- ~~H. The licensee shall keep firearms in locked storage and shall keep ammunition locked separately from the firearms.~~
- ~~I. Bedrooms shall have light, ventilation, and a usable, unobstructed exit to the outside in case of an emergency.~~
- ~~J. Telephone service or similar two-way communication methods shall be available in the home and shall be in working order.~~
- ~~K. Any permanent body of water shall be fenced and inaccessible to children and shall meet the guidelines of the Arizona Department of Health Services unless otherwise specified by the Division.~~
- ~~L. The licensee shall not allow foster children in swimming pool areas or in the area of other bodies of water unless supervised by a responsible adult or as specified in the ISPP.~~
- ~~M. The licensee shall store alcoholic beverages responsibly.~~
- ~~N. The licensee shall not use tobacco products while in an enclosed area with a foster child.~~
- ~~O. The licensee shall make reasonable efforts to ensure family pets do not present a health or safety hazard to foster children.~~
- ~~P. The licensee shall develop a fire evacuation plan and shall periodically practice the plan with the household members. The licensee shall update the fire evacuation plan as needed based on placement changes, household member changes, or structural changes to the foster home.~~
- ~~Q. The licensee shall equip the child developmental foster home with smoke detectors and fire extinguishers which are in good working order.~~
- A. Before an initial License is issued, the Applicant shall complete:**
 - 1. At least 18 hours of pre-Service training using a curriculum that is coordinated through a Licensing Agency on the topics identified in Division policy.
 - 2. CPR training taught by an instructor certified by a nationally recognized entity identified by the Department that requires the Applicant to demonstrate mastery of CPR skills to the instructor.
 - 3. First aid training taught by an instructor certified to teach first aid by a nationally recognized entity identified in Division policy. An Applicant or Licensee who is a doctor of medicine, physician assistant, registered nurse, certified nursing assistant, paramedic, or emergency medical technician is exempt from the first aid training requirement.
- B. Before an initial Medically Complex Developmental Home License is issued, the Applicant shall complete:**
 - 1. The training requirements described in subsections (A)(1) through (A)(3); and
 - 2. Training and skills testing by Registered Nurse or physician in good standing in Arizona to include:
 - a. Transferring, positioning, and ambulation;
 - b. Medication administration;
 - i. Oral;
 - ii. Sublingual;
 - iii. Topical;

- iv. Respiratory;
- v. Gastrostomy Tube; and
- vi. PRN.
- c. G-Tube Feeding;
- d. Catheter Care;
- e. Range of Motion;
- f. Vital Signs;
- g. Blood Pressure; and
- h. Documentation and reporting of abnormal vital signs and blood pressure.

C. Annually, the Licensee shall:

- 1. Complete a minimum of 10 hours of training on topics relevant to Member rights, health, growth, development, or as recommended by the Licensing Agency. Up to 4 hours of the 10 hours may be allowed for training related to maintenance of Certifications specified in subsections (B) and (C).
- 2. Present evidence to the Licensing Agency of:
 - a. Current CPR certification that meets each standard specified in subsection (A)(2);
 - b. Current first aid certification completed within the previous three years that meets each standard specified in subsection (A)(3); and
 - c. Article 9 certification as described in this Chapter.

D. Annually, a Medically Complex Developmental Home Licensee shall:

- 1. Complete a minimum of 12 hours of specialized training prior to License renewal related to the medically complex needs of a Member and other approved topics by the Department; and
- 2. Present evidence to the Licensing Agency of:
 - a. Current CPR certification that meets each standard specified in subsection (A)(2);
 - b. Current first aid certification completed within the previous three years that meets each standard specified in subsection (A)(3);
 - c. Article 9 certification as described in this Chapter; and
 - d. Current Arizona license or certification as a health care professional, such as a doctor, nurse, or certified nursing assistant; or
 - e. Three months of Successful Experience in child welfare, foster care, health care, education, or a related profession as approved by OLCR; or
 - f. A bachelor's or graduate degree in health care, such as medicine or nursing.

E. The Applicant or Licensee shall complete additional training based on the needs of the Developmental Home provider as identified by the Licensing Agency or the Department.

F. The Applicant or Licensee shall complete additional training based on the needs of the Member as outlined in the Member's Planning Document.

G. In addition to the requirements in subsections (A) through (F), an Applicant or Licensee who serves or intends to serve a Child in a setting Licensed under this Chapter shall complete the training curriculum required by the Department of Child Safety for initial foster care licensure.

H. Prior to a Member moving into a Medically Complex Developmental Home, the Licensee shall be required to be oriented and trained to the Member's specific complex medical needs. The Licensing Worker shall document and verify that the Licensee has been trained and is able to meet the Member's complex medical needs.

R6-6-1012. Transportation Licensing Time Frames

~~A. A licensee who transports foster children shall have a current and valid driver's license and shall have liability insurance for any vehicle which will be used to transport foster children. A child developmental foster home household member who transports children must be 18 years of age or older and must be identified to the Division.~~

~~B. A licensee shall ensure that each vehicle used for transporting foster children is maintained in a safe operating condition.~~

~~C. The licensee shall ensure foster children wear seat belts or use an appropriate child safety seat while being transported.~~

~~D. A vehicle used to transport children in wheelchairs shall also be equipped with floor mounted seat belts and wheelchair lock downs for each wheelchair being transported.~~

A. Within 30 calendar days of receiving an Application, the Department shall conduct an Administrative Completeness Review to determine whether all required documentation and information has been submitted. Within the 30-day Administrative Completeness Review Time Frame:

1. If the Application is complete, the Department shall conduct a Substantive Review of the Application described under subsection (C); or

2. If the Application is incomplete, the Department shall issue a notice of incomplete Application to the Applicant and the Licensing Agency containing a comprehensive list of items and information necessary to complete the Application.

a. The Applicant shall have 30 calendar days from issuance of the notice to submit the missing items and information to the Department.

b. If the Applicant does not submit the requested items and information within 30 calendar days of receiving the notice of incomplete Application, the Department may close the file.

c. If the Applicant submits the required items and information to the Department within 30 calendar days, the Department shall conduct a Substantive Review of the Application described under subsection (C).

B. The Department shall complete a Substantive Review to evaluate the Applicant's Fitness for receiving a License within 30 days following a successful Administrative Completeness Review of an Application.

1. The Department may request additional information from the Applicant within the 30-day Substantive Review Time Frame to evaluate the Applicant's Fitness for licensure, if needed.

- a. The Applicant shall have an additional 30 calendar days to provide the requested information to the Department;
 - b. The Substantive Review Time Frame shall not include the time allowed for in subsection (a); and
 - c. If the Applicant does not submit the requested items and information for the Substantive Review within the additional time allowed, the Department may close the file.
2. The Department shall make the decision to issue or deny the License as described in R6-6-1013 and notify the Applicant.
- C. Within an Overall Time Frame of 60 calendar days of receipt of a completed Application, not including days specifically excluded by this Section, the Department shall:
- 1. Complete an Administrative Completeness Review of an Application;
 - 2. Complete a Substantive Review of whether an Applicant meets the criteria for licensure; and
 - 3. Notify the Applicant of the decision to grant or deny a License.
- D. The time frames for initial licensure shall also apply to renewing, reinstating, and amending a License.

R6-6-1013. ~~Dual Licensure or Certification of Child Developmental Foster Homes~~ The Licensing Decision

- ~~A. Foster parents licensed pursuant to A.R.S. § 8-509 shall cooperate with the certification process of the Division to care for children with developmental disabilities.~~
- ~~1. To be granted certification the home shall meet all requirements of this Article.~~
 - ~~2. The licensee shall cooperate with the Division in the annual certification study.~~
 - ~~3. A licensee certified by the Division shall not be certified to serve more than a total of three children.~~
 - ~~4. The licensee shall cooperate with a home visit as part of the certification process.~~
- ~~B. Foster parents residing off reservation and licensed by a tribal jurisdiction shall also be licensed by the Division for children placed by the Division.~~
- ~~1. To be granted licensure, the home shall meet all requirements of this Article.~~
 - ~~2. Foster parents licensed by a tribal jurisdiction, seeking licensure by the Division, shall sign a release of information from the tribal licensure files.~~
 - ~~3. A person licensed by the Division as a Child Developmental Foster Home shall not be licensed to serve more than a total of three children.~~
 - ~~4. The licensee shall notify the Division of a pre placement conference with another agency or jurisdiction.~~
- A. Prior to making a Licensing Decision and if still necessary before the Licensing Decision is made, the Department may:
- 1. Require the Applicant or Licensee to provide additional documentation to verify compliance with licensing requirements, including:
 - a. Lease or purchase agreement for the Home where an HCBS will be provided;
 - b. Marriage Licenses;

- c. Divorce decrees;
- d. Legal separation agreements;
- e. Child support orders and payments;
- f. Income and expenditures;
- g. Bankruptcy documents;
- h. Arizona license or certification as a health care professional;
- i. Bachelor's or graduate degree in health care; and
- j. Any other documentation necessary for the Department to assess the Applicant's or Licensee's ability to provide care in the Home.

2. Require the Applicant or Licensee to provide additional information if:

- a. The physical or mental health needs of a Household Member would interfere with the care, supervision, and monitoring of a Member;
- b. Adults residing outside the Household would have frequent or close contact with a Member; or
- c. An Applicant, Licensee, or Household Member has been charged with or convicted of a crime, even if the specific crime does not preclude the issuance of a Level One Fingerprint Clearance Card.

3. Gather additional information necessary to determine the Applicant's or Licensee's Fitness, including:

- a. Interviewing the Applicant;
- b. Verifying references;
- c. Verifying information provided in the Application by review of public records; and
- d. Inspecting the Applicant's Home.

B. When making a Licensing Decision, the Department shall consider the Licensing Agency's recommendations and factors that have a bearing on the Applicant's or Licensee's Fitness, including:

- 1. The Applicant's or Licensee's history of parenting or caring for children or vulnerable Adults;
- 2. A detailed summary of the Applicant's current family, work, and other commitments, including known future commitments, that may impact their availability to support a Member in their Home.
- 3. The Applicant's or Licensee's financial stability and ability to meet obligations, without receipt of room and board payments on behalf of the Member;
- 4. Physical or mental health concerns that impact the Applicant's or Licensee's ability to provide safe care, supervision, and mentoring to a Member, including accommodations presented by the Applicant or Licensee to reduce or eliminate any physical or mental health conditions;
- 5. Criminal charges or allegations;
- 6. Other significant factors in the Applicant's or Licensee's life; and
- 7. For each Medically Complex Developmental Home Decision, the Department shall also consider the Applicant or Licensee's history of caring for individuals who have a Developmental Disability and a complex medical need.

C. The Department has the final authority on the License parameters related to the number, age, and sex of Members permitted in the Home.

D. In compliance with [A.R.S. § 36-594](#), the Department shall deny, suspend, or revoke a License for an Applicant or Licensee who has a proposed substantiated or substantiated allegation of Abuse, Neglect, or exploitation by the Arizona Department of Child Safety or Arizona Adult Protective Services.

R6-6-1014. Rights of Children in Child Developmental Foster Homes The License

~~The licensee shall uphold and safeguard the rights of clients consistent with applicable federal and state laws, specifically including A.R.S. § 36-551.01, unless legally restricted or as addressed in the ISPP in accordance with Article 9. Rights for children shall allow for reasonable standards of parental guidance and protection. In addition to those rights specifically stated in statute, rights shall include, at a minimum:~~

- ~~1. The right to be provided choices and to express preferences which will be respected and accepted whenever appropriate and possible;~~
- ~~2. The right to be free from personal and financial exploitation;~~
- ~~3. The right to a safe, clean, and humane physical environment;~~
- ~~4. The right to own and have appropriate access to personal property;~~
- ~~5. The right to associate with persons of the child's own choosing as appropriate to the age and developmental level of the child;~~
- ~~6. The right to participate in social, religious, educational, cultural, and community activities;~~
- ~~7. The right to have access to their personal spending money and to be taught to manage their spending money;~~
- ~~8. The right to the least amount of physical assistance necessary to accomplish a task;~~
- ~~9. The right to privacy, including during treatment and care of personal needs, and with regard to written correspondence, telephone communications, and visitations;~~
- ~~10. The right to have care for personal needs provided, except in cases of emergency, by a caregiver of the gender appropriate to the age of the child or as specified in the ISPP; and~~
- ~~11. The right to be treated with dignity and respect.~~

A. The Department issues:

1. An Initial License;
2. A Renewed License;
3. An amended License; and
4. A Provisional License under [A.R.S. § 36-593](#).

B. A License shall specify:

1. The type of License, as described under subsection (A);
2. The Licensee's full legal name;
3. The Home's physical address;
4. The date the License becomes effective and the date of expiration;

5. The maximum number of Members who may receive Developmental Home Services;
6. The age range of Members who may receive Developmental Home Services;
7. The sex of a Member who may receive Developmental Home Services;
8. Each applicable License restriction and the date the restriction is effective;
9. The name of the Licensing Agency; and
10. If the License is applicable to a Medically Complex Developmental Home.

C. A License shall:

1. Be valid for the Licensee, address, and period of time specified on the License; and
2. Expire at midnight on the expiration date, unless an Application for renewal was made prior to the expiration date.
 - a. Not expire until the Department issues a determination on the Application for renewal if the Application is made before the renewal date; and
 - b. Not expire until the last day for seeking review as described under [A.R.S. § 41-1064\(B\)](#).

D. The Department shall License an unmarried Applicant individually at the Home.

E. The Department shall License married Applicants jointly, unless a married Applicant applies to be Licensed individually because the spouse is:

1. Expected to be absent from the Household for nine months or more within a year of the issuance of the License due to employment, including military service. The absent spouse shall provide documentation required by a Household Member as described in this Article.
2. Legally separated and living in another residence and the Applicant has the right to exclusive use of the residence; or
3. Medically or physically incapacitated to the degree that the spouse is unable to provide care for a Member.

F. A Licensee shall not simultaneously hold more than one License to provide Services at the Home.

G. The issuance of a License to a qualified Applicant does not guarantee that a Member will be authorized to receive an HCBS in the Home.

R6-6-1015. Exemption Specifications on the License; Capacity Requirements

~~A licensee may request from the Division an exemption of a rule contained in this Article. The request shall demonstrate that the intent of the rule will be met by alternate means and that the exemption will not endanger the lives or health of clients.~~

A. Except as permitted by subsection (E):

1. During the first six months of licensure, the capacity of a License shall be for one Member.
2. After six months of providing a Developmental Home Service to Members at the Home, upon the request of the Licensee, the Department may increase the capacity.

B. To determine capacity, the Department shall consider:

1. Adequacy of each sleeping arrangement;

2. The support network available to the Licensee;
 3. The Licensee's willingness, availability, and ability to provide care for each additional Member;
 4. The Licensee's prior experience providing care;
 5. The number and needs of each Household Member, including the Licensee's natural and adopted children.
 6. Any other consideration determined by the Department that may impact a Licensee's ability to provide care for a Member who has a complex medical need.
- C.** The Licensee shall provide a Developmental Home Service only for the number of Members and conditions listed on the License.
- D.** The Licensee shall not provide an HCBS to a Member while directly responsible for the care and supervision of a Member receiving a Developmental Home Service in the Home.
- E.** For Child Developmental Homes:
1. The total number of children receiving care and supervision by a Developmental Home Licensee at one time, including the children who are Household Members, shall not exceed:
 - a. Two, who are 12 months of age or younger, unless otherwise approved by the Department;
 - b. Four, who are five years of age or younger; and
 - c. Six children total.
 2. No more than four children with Special Health Care Needs may be in the care of the Licensee at any given time.
 3. The Department may amend the License to increase the number and the age limits of children allowed in the Home to keep a sibling group together, but not to exceed more than six individuals receiving Developmental Home services.
- F.** For Adult Developmental Homes, no more than four Members, including Household Members or individuals with Special Health Care Needs, may be in the care of the Licensee at any given time.
- G.** A Medically Complex Developmental Home License shall not support more than two individuals with complex medical needs in the Home including Household Members, unless approved by the Department.

R6-6-1016. Home Inspections and Monitoring Transferring an Application or License

- A.** ~~The licensee shall cooperate with the Division in assessing compliance with this Article.~~
- B.** ~~The licensee shall allow the Division access to the setting for inspections and monitoring visits and shall allow the Division access to the licensee's records, reports, and vehicles used to transport clients.~~
- C.** ~~Inspections and monitoring visits shall include, at a minimum:~~
1. ~~An annual home visit as part of the license renewal process; and~~
 2. ~~Two monitoring visits each year, at least one of which will be unannounced.~~
- D.** ~~The licensee shall comply with corrective action plans as required by the Division.~~

- A. If a Licensing Agency determines the Licensing Agency cannot provide assistance to an Applicant or Licensee who wishes to apply for a License, the determination shall not be based on race, religion, national origin, sex, sexual orientation, or a similar protected class.
- B. The Licensing Agency shall assist any Applicant or Licensee that the Licensing Agency declines to assist to find an alternative Licensing Agency, or if no alternative Licensing Agency is available, refer the Applicant or Licensee to the Department.
- C. The transferring Licensing Agency shall, use Department-provided forms to communicate to the receiving Licensing Agency regarding the Applicant or Licensee and agree on a transfer date prior to submitting the request to the Department.
- D. During the transfer of a License, the Member may choose a different Licensing Agency for receiving a Developmental Home service.
- E. An Applicant or Licensee for a Medically Complex Developmental Home may only transfer the Applicant's or Licensee's Application or License to a Licensing Agency with a Licensing Worker that meets the requirements described in R6-6-1003.

R6-6-1017. Complaints The Licensing Record

- ~~A. Any person who has a complaint about a child developmental foster home may make the complaint known verbally or in writing to the Department.~~
- ~~B. A complainant who has provided his name and address shall be notified that his complaint has been received and the notice shall indicate what investigative actions shall be taken.~~
- ~~C. The Department shall investigate complaints about child developmental foster homes within ten calendar days of the receipt of the complaint and shall notify the licensee of the investigation. In a case where there is reason to believe that imminent danger exists, the investigation shall be conducted immediately and the licensee shall be notified.~~
- ~~D. The name or identifying characteristics of the complainant shall not be disclosed unless the complainant consents in writing to the disclosure or investigation of the complaint results in a legal proceeding and disclosure is ordered by an appropriate authority.~~
- ~~E. The Department shall notify the licensee of the results of an investigation conducted pursuant to this rule and the requirement for any corrective action that the Department deems necessary.~~
- ~~F. The licensee shall cooperate with the Division in completing investigations of complaints or concerns regarding the Child Developmental Foster Home and regarding children placed in the home.~~
- A. The Licensing Agency shall compile and maintain a Licensing Record for each Applicant or Licensee as prescribed by the Department.
- B. Upon written request by the Applicant or Licensee during the process of an attempted License transfer, the Licensing Agency shall forward a copy of the complete initial Licensing Record to another Licensing Agency:
 1. Within 30 calendar days of receiving the request; and

2. At no cost to the Applicant or Licensee.

R6-6-1018. Denial, Suspension, and Revocation of Child Developmental Foster Home Licenses Amending the License

- ~~A. The Division may deny, suspend, or revoke a license for violations of A.R.S. § 36-594.~~
- ~~B. The Division may deny or revoke a license if a license Applicant or licensee has been arrested for, convicted of, charged with, or pled no contest to any of the following criminal acts:~~
- ~~1. Sexual abuse of a child or vulnerable adult,~~
 - ~~2. Incest,~~
 - ~~3. First or second degree murder,~~
 - ~~4. Kidnapping,~~
 - ~~5. Arson,~~
 - ~~6. Sexual assault,~~
 - ~~7. Sexual exploitation of a child or vulnerable adult,~~
 - ~~8. Commercial sexual exploitation of a child or vulnerable adult,~~
 - ~~9. Felony offenses within the previous ten years involving the manufacture or distribution of marijuana or dangerous or narcotic drugs,~~
 - ~~10. Robbery,~~
 - ~~11. Child prostitution as defined in A.R.S. § 13-3206,~~
 - ~~12. Child abuse or abuse of a vulnerable adult,~~
 - ~~13. Sexual conduct with a child,~~
 - ~~14. Molestation of a child or vulnerable adult,~~
 - ~~15. Voluntary manslaughter, or~~
 - ~~16. Aggravated assault.~~
- ~~C. Upon notification that a member of the household or person living on the premises of a Child Developmental Foster Home is found to have been arrested for, convicted of, charged with, or pled no contest to any of the criminal acts listed in subsection (B), the licensee shall immediately take the following actions:~~
- ~~1. Remove the person from direct contact with children;~~
 - ~~2. Notify the Division, unless the licensee initially received notice from the Division.~~
- ~~D. If a licensee fails to comply with subsection (C), the Division shall revoke or suspend the license.~~
- ~~E. If the criminal record check indicates that an individual has been convicted of or found by a court to have committed, or is reasonably believed to have committed, offenses pursuant to A.R.S. § 36-594, other than those listed in subsection (B), the Division shall consider the following factors when determining what corrective action to take against the licensee:~~
- ~~1. The extent of the individual's criminal record;~~
 - ~~2. Length of time since the commission of the offense;~~

3. Nature of the offense;
 4. Mitigating circumstances surrounding commission of the offense. The burden is on the person to demonstrate that there were mitigating circumstances;
 5. The degree of the person's participation in the offense. The burden is on the person to demonstrate that the involvement was not direct; and
 6. The extent of the person's rehabilitation, including but not limited to:
 - a. The person shall provide that probation has been completed and complete restitution or compensation for the offense has been made, and
 - b. Evidence of positive action to change criminal behavior such as completion of a drug treatment program or counseling.
 7. Personal references attesting to the person's rehabilitation.
- F.** ~~When an application for a license is denied, or a license is suspended or revoked, pursuant to A.R.S. § 36-594, the Division shall deliver a written notice of the action in person or send a written notice of the action by certified mail to the license applicant or licensee. The notice shall state the reasons for the denial, suspension, or revocation with reference to applicable statutes and rules.~~
- G.** ~~If the reason for denial, suspension, or revocation of a license involves the health, welfare, or safety of clients, the clients shall be immediately removed from the child developmental foster home.~~
- H.** ~~When a license is denied, suspended, or revoked, the license applicant or licensee has the right to appeal the decision pursuant to Article 22.~~
- I.** ~~The Division may suspend a child developmental foster home license for:~~
1. ~~Up to six months during an investigation or while the licensee completes a corrective action plan.~~
 2. ~~Up to 12 months due to the temporary inability of the licensee to provide services.~~
- J.** ~~No child can be placed in the foster home during a suspended license status.~~
- A.** The Licensing Agency shall request an amendment to modify a License when there is a request to change:
1. Number, age range, or sex of each Member who may receive a Developmental Home service in the Home;
 2. The License to or from a Medically Complex Developmental Home;
 3. The Home's physical address;
 4. The Licensee's full legal name;
 5. The Licensee's current marital status;
 6. The Licensing Agency providing oversight and monitoring to the Licensee; or
 7. An element of the License as listed in R6-6-1014(B).
- B.** The Licensing Agency shall provide the following information to the Department to amend a License:
1. A description of the requested change;
 2. Justification for the change; and

3. The Licensing Agency's recommendation to issue or deny an amendment to the License or to limit the terms or conditions of the License, if applicable.

C. To add the name of a new spouse, the Licensing Agency shall conduct interviews and assessments to evaluate the spouse's Fitness according to licensing requirements in this Article.

D. The Department may initiate the action to amend a License if a violation has occurred.

E. An amendment shall not change the issuance date or expiration date on a License.

R6-6-1019. Appeals Home or Household Changes

~~A. When an application for a license is denied, or a license is suspended or revoked, the Division shall notify the license applicant or licensee of the right of appeal pursuant to R6-6-2201 et seq. (Appeals and Hearings), except that appeals from the decision of a hearing officer shall be in accordance with A.R.S. § 41-1992 (Hearing Officers Powers and Duties).~~

~~B. If the license applicant or licensee appeals a licensing decision, the denial, suspension, or revocation of the license shall not become final until the appeal decision is rendered.~~

~~C. If the children have been removed from the child developmental foster home because of a health, welfare, or safety issue, they shall remain out of the home while the appeal is pending.~~

A. A Licensee shall notify the Licensing Agency, in advance when possible but no later than the next business day, of each change in the Household composition, including:

1. A Licensee's marriage, divorce, or legal separation;
2. Another Licensee's or a Household Member's death;
3. When a Household Member moves out of the Home;
4. Each change in the living arrangements or circumstances of the unlicensed spouse when a Licensee is married and Licensed individually;
5. The addition of a visitor or Household Member to the Premises for:
 - a. Thirty or more consecutive days; or
 - b. Thirty or more cumulative days in a year;
6. Arrest of a Licensee or Household Member; or
7. Any complaint, allegation, or investigation initiated by Protective Services or law enforcement.

B. A Licensee shall provide advance notice as prescribed in Division policy to the Licensing Agency of a material change to the Home or Premises, including:

1. Relocation to another Home;
2. The addition of any Pool; or
3. Significant structural modification to the Home including:
 - a. Adding or removing a wall, window, or door; or
 - b. Converting a garage, attic, basement, or other similar space into a Bedroom.

- C. The Licensing Agency shall file an amendment request with the Department within 15 calendar days of notice of any event or change listed in subsection (A)(1) through (5) or subsection (B).
- D. The Licensing Agency shall evaluate the impact of the event or the change on the dynamics within the Home and on the provision of care or supervision to a Child or Adult Member and recommend any changes to the License as a result of the event or change.

R6-6-1020. Evaluating Changes in Household Composition

- A. If there is a change in the Household composition, the Licensing Agency shall evaluate the impact of the change in the dynamics within the Home and on the provision of care or supervision to a Member.
- B. Prior to an individual moving into the Home during the term of the License, the Licensee shall:
 - 1. Notify the Licensing Agency of an addition to the Household described under this Article; and
 - 2. Ensure that each new Household Member complies with the requirements specified in R6-6-1022.
- C. When a Household Member is added during the term of the License, the Licensing Agency shall:
 - 1. Conduct interviews, gather required documents, and make observations to evaluate the new Household Member, including:
 - a. The length of time the Licensee has known the new Household Member;
 - b. The background of the new Household Member, including any criminal history and allegations of Abuse, Neglect, or exploitation;
 - c. Financial arrangements, if any, between the Licensee and the new Household Member;
 - d. The role of the new Household Member in the care and supervision of a Member;
 - e. A Change in sleeping arrangements;
 - f. Whether the new Household Member presents a risk to the health, safety, or well-being of a Member; and
 - g. Whether licensing requirements continue to be met with the addition of the new Household Member.
 - 2. Make a recommendation to the Department on the need for an Adverse Licensing Action in response to the new Household Member as applicable;
 - 3. Inform the Licensee that a Household Member's failure to meet each requirement specified in this Article may constitute grounds for an Adverse Licensing Action;
 - 4. Ensure that within seven calendar days of the addition of an Adult Household Member in the Home, the Adult Household Member applies for a Level One Fingerprint Clearance Card and completes the Criminal History Self-Disclosure Affidavit, Statement of Understanding, Health Self-Disclosure, Physician's Statement and a background check with the Protective Services registries in Arizona; and
 - 5. Submit an amendment to the Department within 15 calendar days of the addition of a Household Member.

R6-6-1021. Requirements for Household Members and Individuals Residing on the Premises

- A. The Applicant or Licensee shall ensure that each Adult Household Member participates in interviews with the Licensing Agency to evaluate the:

1. Role of the Household Member in the care, supervision, and mentoring of a Member;
2. Household Member's support of, and agreement with, the Applicant's decision to apply for a License;
3. Financial contribution of the Household Member to the Household; and
4. Social history of each Household Member including employment, education, marriage, divorce, and children.

B. The Applicant or Licensee shall ensure that each Child Household Member participates in interviews with the Licensing Agency to evaluate the Household Member's support of, and agreement with, the Applicant's decision to apply for a License.

C. The Applicant or Licensee shall ensure that each Adult Household Member provides the Licensing Agency with:

1. Information and consent necessary to conduct a background check with the Protective Services registries in Arizona, and, for a Child Developmental Home, with the Protective Services registries in other states in which the Household Member has lived during the previous five years;
2. A completed Health Self-Disclosure;
3. A Physician's Statement;
4. A Criminal History Self-Disclosure Affidavit; and
5. Verification that the Household Member has a current and valid Level One Fingerprint Clearance Card.

D. The Applicant or Licensee shall provide current immunization records for each Child Household Member. If the Home is not a Medically Complex Developmental Home, the Department may accept a letter from the Applicant documenting the reason the Child Household Member does not have immunizations.

E. Upon Department approval, an Individual Residing on the Premises does not have to provide the documentation required in subsection (C) . The Department shall only approve an individual as an Individual Residing on Premises, if the Licensing Agency provides evidence that the individual:

1. Does not share a common address or living space with the Applicant;
2. Is not related to the Applicant by blood, adoption, marriage, or prior marriage;
3. Pays rent to the Applicant that is included as part of the budget summary; and
4. Is not approved for Alternative Supervision of Members.

F. The Applicant or Licensee shall ensure that each licensing requirement continues to be met with the addition of a new Household Member or Individual Residing on the Premises.

R6-6-1022. Responsibilities of a Licensee

A. A Licensee shall:

1. Cooperate with the Licensing Agency;
2. Communicate with the Licensing Agency to determine which Members may be a good fit for the Household;

3. Ensure that each Household Member is free of physical or mental health conditions that may interfere with the safe care, supervision, and mentoring of a Member;
4. Provide or arrange for supervision of each Member at all times;
5. Demonstrate that employment does not conflict with the care and supervision of a Member;
6. Provide a statement to the Licensing Agency when an employment conflict is identified, and prior to placement, change the employment schedule to ensure that the employment does not conflict with the care and supervision of a Member;
7. Not conduct Home business activities that prevent the Licensee from caring for a Member according to License requirements;
8. Upon transition of a Member from the Licensee's care, ensure that the Member's Medications, personal funds, durable medical equipment, and belongings are provided to the Member or Responsible Person;
9. Follow the spending plan of a Member when assisting the Member in making purchases;
10. Ensure that money designated for a Member is only used for the specific purpose intended and for the benefit of the Member;
11. Keep an updated record of a Member's personal property with items that are added and discarded;
12. Assist a Member in developing and fostering personal relationships; and
13. Provide care for a Member including, transportation.

B. When providing Alternative Supervision to a Member receiving a Developmental Home service in a different Developmental Home, the Licensee providing the Alternative Supervision shall follow the conditions and restrictions specified on the License, including capacity, age, and sex.

C. A Licensee shall not provide care to an Adult Member in a Child Developmental Home or in a Medically Complex Developmental Home when the License is for a Member who is a Child. When a Child becomes an Adult, and there are other children in the Home, the Licensee may become Licensed as an Adult Developmental Home, or the Medically Complex Developmental Home License may be amended to extend the age range, and provide continuing care to the other children in the Home at the discretion of the Department.

D. The Licensee shall obtain approval from the Department before accepting individuals from other agencies or private parties.

E. The Licensee shall follow the Statement of Understanding.

R6-6-1023. Certification of a Child Developmental Certified Home

A. As authorized under [A.R.S. § 36-593.01](#), a Licensed Foster Parent shall cooperate with the Department of Child Safety and the Department of Economic Security to apply for Certification from the Department of Economic Security.

1. To be granted Certification, the Home and the Licensed Foster Parent applying for Certification shall meet each requirement of this Article except the maximum number of foster children who may be placed in a

Child Developmental Certified Home at any one time may not exceed five foster children, not more than three of whom have Developmental Disabilities under A.R.S. § 36-593.01.

2. The Licensed Foster Parent shall cooperate with the Department's annual Certification.
3. The Licensed Foster Parent shall cooperate with visits to the Home as part of the Certification process.

B. The Certifying Agency shall follow each requirement of this Article.

C. The Department shall add the initials of the Child, the date the Certification was issued, and the Certifying Agency to the existing License when the Department approves the Certification.

R6-6-1024. Rights of Members

A. A Licensee shall uphold the rights of a Member listed in A.R.S. § 36-551.01 and R6-6-102.

B. If a Licensee is not able to protect or uphold the rights of a Member, the Licensee shall immediately notify the Licensing Agency and the Department so that an alternative arrangement or assistance may be made to protect the rights of the Member.

R6-6-1025. Care of Members

A Licensee shall care for each Member by:

1. Providing the Member with opportunities to develop emotionally, socially, culturally, physically, educationally and vocationally, as appropriate to the Member's skill and developmental level;
2. Helping the Member develop a positive identity by respecting the Member's race, ethnicity, religion, sex, culture, language, and sexual orientation;
3. Integrating the Member into the Licensee's family;
4. Providing the Member with opportunities to make choices and to express preferences appropriate to the Member's age and developmental level;
5. Providing the Member with opportunities for social and physical development appropriate to the Member's interests through recreation and leisure time activities; and for a Child, providing the Child with a variety of safe and developmentally appropriate play equipment, toys, and recreational supplies;
6. Implementing behavior supports in compliance with the Member's Planning Document;
7. Assisting the Member with day-to-day concerns;
8. Providing the Member with assistance, comfort, and emotional support;
9. Encouraging the Member's connection and contact with family, friends, community, and culture;
10. Protecting the Member from harm; and
11. Using adaptive equipment, and encouraging the Member to use adaptive equipment to facilitate the Member's participation in daily living activities.

R6-6-1026. Supervising Members

A. A Licensee shall commit the time necessary to provide each Member with care, supervision, and guidance, based on the Member's age and developmental level, and be consistent with the Planning Document.

B. When a Member chooses to engage in community activities, such as camp, overnights, or activities that are not intended to provide relief from caregiving, Alternative Supervision Plan requirements as described in R6-6-1043 do not apply. For a , the Licensee shall provide orientation to the responsible individual sponsoring the activity regarding the Member prior to participation.

C. For routine care of a Child or Adult or unless described in subsection (B), a Developmental Home provider shall have arrangements approved by the Licensing Agency and the Planning Team and consistent with this Article. For the purpose of this subsection, “routine care” refers to care that is recurrent and predictable, including preschool care, before or after-school care, or care that allows the Licensee to attend recurring activities other than employment.

R6-6-1027. Positive Behavioral Support

A. A Licensing Agency shall participate with the Member’s Planning Team to develop any necessary Behavior Plan established described under Article 9 of this Chapter and Division policy.

B. A Licensee shall:

1. Follow the requirements for behavioral support under Article 9 of this Chapter;
2. Establish well-defined guidelines that set the limits of behavior and communicate the guidelines to the Member;
3. Identify, report to the Support Coordinator, and document in the Member file behavioral issues that have the potential to impact the health, safety, or training needs of the Member; and
4. Participate in the Member’s Planning Team to develop any necessary Behavior Plan established described under Article 9 of this Chapter.

C. In addition to any other requirements put forward by the Department in Arizona State Administrative Code or Department policy, a Licensee or anyone living in the Home shall not use or threaten to use harmful or negative action against a Member, including:

1. Any form or threat of Physical Punishment, such as hitting, spanking, biting, pinching, shaking, slapping, smacking, punching, or kicking;
2. Humiliation, verbal Abuse, or profane language targeting a Member;
3. Derogatory remarks about the Member, or about an individual who is significant to the Member;
4. Threats to remove the Member from the Home;
5. Cruel, severe, depraved, humiliating, or frightening actions or statements; or
6. Denial of a Member’s visitation or communication with the Member’s family or with an individual who is significant to the Member when such denial is inconsistent with the Planning Document.

R6-6-1028. Bedrooms, Beds, and Bedding

A. A Licensee shall not use a closet, passageway, or space primarily for purposes unrelated to sleeping as a Bedroom for a Member or for a Household Member.

B. A Licensee shall provide a Member with a Bedroom that accommodates the privacy and safety needs of the Member, and that is a finished room demonstrated by:

1. Floor-to-ceiling walls;
2. A door with a working doorknob;
3. Lighting;
4. Ventilation;
5. A window or door that opens directly to the outdoors and is accessible for emergency evacuation;
6. A place to store clothing and personal belongings; and
7. Is not a detached room or casita.

C. Except as permitted by subsection (F), a Licensee shall provide each Member with a Bed that is safe and appropriate based on the Member's age and needs. A Licensee shall ensure:

1. Each Member is provided with a separate Bed or crib, as appropriate;
2. Any Member under the age of 3 does not sleep on a waterbed; and
3. A Member does not sleep on the top tier of a bunk Bed or similar style Bed in which the top of the mattress is elevated four or more feet above the floor, if the Member:
 - a. Is under 6 years old;
 - b. Has a seizure disorder; or
 - c. Has a medical condition or need that would increase the risk of harm.

D. A Licensee shall ensure that the bedding for a Member is clean and includes:

1. A pillow and pillowcase;
2. Bottom sheet;
3. A top sheet and blankets, or covers, appropriate for the weather;
4. A clean, undamaged mattress; and
5. A waterproof mattress cover, as needed.

E. A Licensee shall ensure that the bedding for infants is clean and follows the American Academy of Pediatrics recommendations for infant sleep safety.

R6-6-1008. R6-6-1029.-Sleeping Arrangements

~~The licensee shall provide appropriate, comfortable, and safe sleeping arrangements for each child consistent with the requirements of this Section.~~

1. ~~Each child shall have his or her own bed and place to store clothing and personal belongings.~~
2. ~~No child shall sleep in an unfinished room, a hallway, or any room which is normally used for other than sleeping arrangements by family members.~~
3. ~~A child six years of age or older shall not share a bedroom with persons of the opposite sex.~~
4. ~~A child shall not share a bedroom with an adult except in the following circumstances:~~
 - a. ~~A child under two years of age may share a bedroom with the licensee.~~

b. ~~A child two years of age and older may share a bedroom with the licensee for special temporary care, such as during the child's illness or as specified in the ISPP.~~

5. ~~The licensee shall sleep within hearing distance of the child.~~

A. The Planning Team shall review and approve sleeping arrangements for individuals receiving Developmental Home services.

B. A Licensee shall ensure that the sleeping arrangement for each Member is safe and appropriate, based on the Member's age, sex, needs, behavior, and history.

C. A Licensee shall ensure compliance with the following sleeping arrangements:

1. A Member who is a Child shall not share a Bedroom with an Adult, except:

a. A Member under the age of 3 may share a Bedroom, but not a Bed, with a Licensee;

b. A Member age 3 and older may share a Bedroom, but not a Bed, with a Licensee when the Member temporarily needs the attention of the Licensee during sleeping hours; or

c. A Member who has regularly shared a Bedroom with another Child who has become an Adult may continue to share the Bedroom unless the Department determines that the arrangement is contrary to the best interests of the Member.

2. Any Member in the Home, 6 years and older, shall not share a Bedroom with a non-sibling of the opposite sex. When siblings of the opposite sex share a Bedroom, the Planning Team shall consider the previous history.

3. Except as provided in subsection (B)(1)(c), an Adult Member shall not share a Bedroom with a Child, unless the Member is the parent of that Child.

4. An Adult Member shall not share a Bedroom with another Adult Member unless:

a. Each Member or Member's representative agrees to the arrangement;

b. Each Member has a separate Bed and space for storing clothing and personal belongings in the Bedroom; and

c. The arrangement is approved in the Planning Documents for each Member.

R6-6-1030. Meals and Nutritional Needs

A. A Licensee shall:

1. Encourage the Member to participate in meals as a Member of the family;

2. Provide the Member with nutritious meals consistent with the Member's health needs and the Member's preferences and in alignment with federal guidelines for nutrition;

3. Provide for specialized dietary needs of the Member, as prescribed by a medical or nutritional provider;

4. Provide for the Member's dietary preferences as practiced by the Member's religion or culture; and

5. Involve the Member in meal planning and meal preparation based on the Member's preferences and abilities.

B. A Medically Complex Developmental Home Licensee shall:

1. Be required to adhere to the requirements in subsection (A); and
2. Prepare and provide nutrition through a Member's external feeding tube when applicable.

R6-6-1031. Hygiene and Daily Needs

The Licensee shall provide a Member with:

1. The supplies, instruction, and assistance necessary to care for the Member's hygiene, including tooth brushing, bathing, hair care, toilet use, hand washing, laundry care, menstrual care, and shaving, as appropriate;
2. Privacy while dressing, bathing, and during the care of other personal needs;
3. Assistance in obtaining clothing that is in good repair and appropriate to the Member's age, size, developmental level, the weather conditions, and the occasion, based on the Member's preferences when appropriate;
4. Assistance in maintaining clothing in a clean and hygienic fashion and in good repair; and
5. Assistance in maintaining all hygiene supplies and durable medical equipment clean and in good repair.

R6-6-1032. Health and Medical Care

A. The Licensee shall protect and care for the health and well-being of a Member. The Licensee shall:

1. Provide necessary first aid and care to treat any common ailment and injury;
2. Obtain medical and dental examinations for each Member according to medical or dental recommendations;
3. Provide necessary care and treatment for medical, dental, mental health, and any other Service identified in the Planning Document;
4. Obtain immunizations for an infant, school-aged Child, and an Adult according to recommendations by the Centers for Disease Control and Prevention, unless otherwise specified in the Planning Document;
5. Administer prescription Medication only as prescribed or approved in writing by a medical professional;
6. Carry out the written and oral instructions from qualified professionals regarding the medical, dental, and therapeutic needs of the Member; and
7. Communicate any medical or health-related concerns to the Member's Licensing Worker and Support Coordinator.

B. A Medically Complex Developmental Home Licensee shall:

1. Be required to adhere to the requirements in subsection (A);
2. Prepare and provide Medication through a Member's external feeding tube when applicable;
3. Take and track a Member's vital signs and blood pressure when applicable; and
4. Complete oral suctioning of a Member's mouth and airway when applicable.

R6-6-1033. Smoking Restrictions

A. The Licensee shall ensure that Smoking is prohibited in the Home and in the immediate vicinity of Members. For the purposes of this Section, Smoking includes the use of e-cigarettes and Vaping devices.

B. For each Adult Member who smokes, the Licensee and the Member shall develop mutually acceptable rules regarding the use of Smoking products and designated areas for Smoking.

C. A Medically Complex Developmental Home Applicant, Licensee, or Household Member is prohibited from Smoking in the Home, on the Premises, and in any vehicle used to transport a Member.

R6-6-1034. Transportation Responsibilities

A. The Licensee shall supervise, provide, or arrange appropriate local transportation to meet a Member's educational, medical, recreational, social, religious, employment, and any other reasonable transportation needs.

B. Unless a Member is transported by state-funded transportation, public transportation, or paid professional transportation such as taxi or ridesharing, the Licensee shall ensure that:

1. The vehicle used to transport a Member:

a. Is maintained in safe operating condition;

b. Is legally registered in Arizona and has liability insurance; and

c. Has operational safety restraints available and in use under applicable state laws;

2. The Licensee shall ensure a Member is transported in passenger safety restraints appropriate for the Member's needs and as outlined in the Planning Document;

3. If a Member is transported in a wheelchair, the Member is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lock-down devices;

4. The driver who transports a Member is 18 years of age or older and has a valid Arizona driver's license or, if the driver is on active duty with the United States military, has a valid out of State driver's license;

5. A Member is not transported by a motorcycle, in a truck bed, in the cargo area, or in a trailer attached to a motor vehicle; and

6. A Member shall not be left unattended in a vehicle unless permitted in the Member's Planning Document.

C. A Licensee, Household Member, or an individual providing Alternative Supervision with a driving restriction on the Level One Fingerprint Clearance Card shall not transport a Member.

D. A Licensee, Household Member, or an individual providing Alternative Supervision shall follow any driving restriction on the Licensee's state issued driver's license.

R6-6-1035. Education, Employment, and Day Services

The Licensee shall:

1. Communicate developmental and educational progress and concerns to the Member's Support Coordinator;

2. Ensure attendance of a school-age Member in public school unless an alternative educational arrangement, such as private school, charter school, or homeschooling, has been approved in the Planning Document;

3. Encourage a Member's academic progress by supporting the completion of homework and participation in the IEP, Vocational, and planning meetings, as appropriate;

4. Encourage an Adult Member or Member who has completed school to attend employment or day services; and
5. Schedule appointments, visitations, and other activities to avoid conflict with education, employment, or day services.

R6-6-1036. Religious and Cultural Practices

A. The Licensee shall:

1. Protect and support a Member's right to participate in the Member's preferred religious and cultural practices;
2. Provide opportunities for a Member's participation in the Member's preferred religious and cultural activities; and
3. Not compel a Member to participate in the Licensee's religious or cultural activities or practices against the Member's will or the wishes of the Responsible Person.

B. If there is a conflict between the religious or cultural practices of a Licensee and a Member, the Licensee shall notify the Licensing Agency so that the Licensing Agency may make alternative arrangements.

R6-6-1037. Recreation

The Licensee shall:

1. Encourage the Member to participate in indoor and outdoor recreation that is appropriate and safe for the Member;
2. Provide adequate supervision, protection, and guidance during the use of recreational equipment, including Pools;
3. Ensure that the use of recreational equipment follows manufacturers' guidelines; and
4. Promote the Member's use of appropriate safety gear for recreational activities.

R6-6-1038. Out-of-State Travel

A. Before taking a Member out of the state of Arizona, the Licensee shall:

1. Notify the Licensing Agency, Responsible Person, and Support Coordinator in writing of the proposed destination and dates of travel;
2. Obtain prior written permission from the Licensing Agency, Responsible Person, and Department for the travel; and
3. Ensure a Member's durable medical equipment travels with the Member or a suitable alternative is identified and approved by the prescribing medical professional, the Member's Planning Team, and documented in the Planning Document.

B. If a Licensee intends to travel out of state without a Member, the Licensee needs to follow R6-6-1043 Alternative Supervision.

R6-6-1039. Participation in the Planning Team

A. A Licensee is a member of the Planning Team for each Member in the Licensee's care.

B. The Licensee and the Licensing Worker shall participate in each Planning Team meeting.

C. The Licensee shall implement each element in the Planning Document, as applicable.

R6-6-1040. Emergency and Disaster Plan

A. A Licensee shall develop and maintain in the Home an Emergency and Disaster Plan.

B. The Licensee shall provide a copy of the Emergency and Disaster Plan to the Licensing Agency.

C. The Licensee shall review and practice the evacuation plan and maintain records of the practice:

1. With the Member:

a. Within 72 hours of the Member residing in the Home;

b. Within 72 hours of the Licensee's relocation to another Home; and

c. At least twice each year following the Member's move to the Developmental Home; and

2. With each Household Member at least twice per year.

D. The Licensee shall provide each Member with a description of the Emergency and Disaster Plan for the Home as appropriate to the Member's age and developmental level, upon request.

R6-6-1041. Health and Safety Standards in Developmental Homes

A. The Licensee shall:

1. Follow each Life Safety Inspections requirement under Article 11 of this Chapter;

2. Maintain the Premises of the Developmental Home in a clean and sanitary condition to the degree that the Premises does not present a health or safety hazard;

3. Ensure that the Developmental Home shall not have an accumulation of litter, rubbish, or garbage on the Premises. The Licensee shall ensure that litter, rubbish, and garbage are contained in cleanable containers with lids or sealed disposable containers and are removed from the Premises not less than once per week;

4. Ensure that the Developmental Home is free from, and has an ongoing system to eradicate insects, rodents, and other vermin;

5. Follow the safety and sanitation guidelines of each applicable Life Safety Inspection under Article 11 of this Chapter;

6. Ensure that telephone service or similar two-way communication methods are available in the Home and are in working order;

7. Provide prior notification to the Licensing Agency and cooperate with the Department in obtaining a Life Safety Inspection under Article 11 of this Chapter in the event of an addition to the Home, a material change to the Home or Premises, reallocation of space within the Home, or addition of a Pool;

8. Have a continuous source of hot water;

9. Equip the kitchen with a refrigerator, stove, cooktop, and oven; and

10. Ensure a system is in place to maintain the temperature of the Home as required in Article 11 of this Chapter.

B. The Licensing Agency shall also ensure that, before initial licensure and annually thereafter, the Developmental Home is inspected and meets the safety and sanitation guidelines of the applicable Life Safety Inspection under Article 11 of this Chapter.

R6-6-1042. Alternative Supervision

A. To meet the needs of a Member when the Licensee is not available due to other employment, the Planning Team may allow Alternative Supervision as outlined in Division policy.

B. To meet the needs of a Member when the Licensee needs intermittent relief from providing care to a Member, the Planning Team may allow Alternative Supervision as outlined in Division policy.

C. The Licensing Agency shall ensure that the Alternative Supervision Plan is approved by the Member's Planning Team. Prior to approving an Alternative Supervision Plan, the Planning Team shall consider:

1. The developmental needs of the Member;
2. The age of the Member;
3. Any existing Alternative Supervision Plans;
4. An arrangement that is the least disruptive to the Member's schedule;
5. Any other factors that may impact the Member; and
6. Any other factors as determined by the Division.

D. The Licensing Agency shall ensure that Alternative Supervision is provided by:

1. An individual that meets HCBS Certification requirements under Article 15 of this Chapter and verified by the Licensing Agency including orientation to the Member; or
2. A Child Developmental Home Licensee, Adult Developmental Home Licensee, or a Medically Complex Developmental Home Licensee, provided that the Alternative Supervision meets the parameters established on the License and does not conflict with the care and supervision of a Member in the Developmental Home.

R6-6-1009. R6-6-1043. Notification Requirements

A. The licensee shall notify the Division or placing agency of the following events:

1. An addition to the foster home, structural remodeling of the foster home, or addition of a swimming pool or spa. The licensee shall provide prior notification to the Division and shall cooperate with the Division in obtaining an Arizona Department of Health Services inspection as prescribed in A.R.S. § 8-504;
2. Changes in marital status or living arrangement of the licensee;
3. A plan to make a change in location of residence;
4. Arrests, indictments, or convictions of any household member or of persons living on the Premises;
5. Serious injury, illness, illegal substance use or substance abuse, suicidal behavior, attempted suicide, or death of any foster family member. The Division may require the licensee provide written documentation from a physician regarding the change in medical status;
6. Changes which impact on the ability of the foster family to meet the needs of the child;

7. ~~Addition of a new household member shall be made to the Division prior to the addition;~~
 8. ~~A temporary visitor staying more than one month; and~~
 9. ~~A change in the primary care giver or a person leaving the household who contributed to the care of the child. Notification shall be made to the Division prior to the change.~~
- B.** ~~For children placed by the Division in the licensee's home, the licensee shall notify the Division of incidents including but not limited to:~~
1. ~~Possible child abuse or neglect as per A.R.S. § 13-3620 and R6-6-1601;~~
 2. ~~Hospitalization, the intervention of a medical practitioner, or emergency medical care as a result of serious illness, injury, medication error, or suicidal behavior;~~
 3. ~~Death of a child;~~
 4. ~~A child missing. A child missing must be reported to law enforcement officials and the Division as soon as the child is determined to be missing;~~
 5. ~~Theft of money or property;~~
 6. ~~Incidents which involve or may potentially involve the police or media;~~
 7. ~~Significant damage to the property of the child, the property of the state, the property of the licensee, or the property of others; and~~
 8. ~~Illegal substance use or substance abuse.~~
- C.** ~~The licensee shall obtain prior approval from the Division for alternative supervision plans. Alternate supervision shall only be provided by persons 18 years of age or older.~~
- A.** The Licensing Agency shall notify the Department of all Incidents as outlined in Division policy.
- B.** The Licensing Agency shall notify the Department in writing of each complaint or allegation involving a Licensee and Household Member and each investigation initiated by Protective Services or law enforcement under R6-6-1048(A) within one business day.
- C.** The Licensee shall notify the Department or Licensing Agency as soon as possible but to exceed one calendar day from the date of the occurrence of:
1. An arrest, indictment, or conviction of any Licensee or Household Member or individual living on the Premises, or law enforcement visits to the Home;
 2. Serious injury, illness, illegal substance use, substance abuse, suicidal ideation, suicidal behavior, attempted suicide, or death of any Licensee or Household Member. The Department may require the Licensee to provide written documentation from a physician regarding the medical status;
 3. A change that impacts the ability of the Licensee to meet the Member's needs; and
 4. Any other unusual circumstance that may impact compliance with this Article, or care of the Member.
- D.** For the purposes of this Article, the Licensee shall adhere to the same notification responsibility for a non-Member living in the Home that is in the care and custody of a Child Protective Services agency as a Member receiving an HCBS in the Home.

R6-6-1044. Records to Be Maintained by the Licensee

A. A Licensee shall maintain a record of:

1. The name and contact information of the Member's family members and other significant individuals;
2. Educational, medical, dental, or therapeutic care provided to a Member while living in the Home;
3. Progress notes on Habilitation goals and outcomes and data related to goals and outcomes in the teaching strategy that have been established in the Planning Document;
4. Incident reports;
5. Records of how a Member's funds are spent in alignment with the Member's Planning Document;
6. A copy of the current Planning Document;
7. A Medication log, that accurately contains the following information:
 - a. The name of the Member who received the Medication;
 - b. The name of the Medication as written on the pharmacy label;
 - c. The Medication dosage as written on the pharmacy label;
 - d. The date and time of administration;
 - e. The route of administration as listed on the pharmacy label;
 - f. Special instructions for administering Medications as listed on the pharmacy label;
 - g. Signature and initials of the individual who administered the Medication or supervised each administration. If a Medication is administered by an individual outside the Home, indicate the responsible administering party; and
 - h. Documentation of a Medication sent for administration to the Member off Premises.
8. Seizure logs, pressure injury reports, and any other medical tracking as identified by the Member's Planning Document; and
9. A current inventory of the Member's personal belongings.

B. A Licensee shall protect a Member's records required under R6-6-1046.

C. A Licensee shall transfer all records regarding Service provision to the Licensing Agency upon the Member transitioning from the Licensee's Home.

R6-6-1045. Confidential Information

A. A Licensing Agency and Licensee shall protect and maintain the confidentiality of all Personally Identifiable Information and Protected Health Information regarding a Member.

B. A Licensee shall protect a Member's records in a manner that prevents loss, theft, improper disposal, tampering, or unauthorized use or disclosure.

C. A Licensee may only share confidential, Personally Identifiable Information, or Protected Health Information:

1. As permissible under the HIPAA Privacy Rule, including sharing with individuals or entities who have a critical need to know, access, or possess the information to carry out official duties or to provide an HCBS to a Member;

2. As authorized in writing by the Responsible Person; or
3. As authorized under federal and state law.

R6-6-1046. Routine Monitoring and Verification of Ongoing Compliance

- A.** Throughout the term of a License, a Licensee shall make the Home available for announced and unannounced monitoring and inspections required under [A.R.S. § 36-592](#).
- B.** Inspection and monitoring activities by a Licensing Agency or the Department include:
1. A review of records and reports maintained by the Licensee on the care, services, and treatment provided;
 2. Interviews with each Licensee and Household Member;
 3. Interviews with each Member residing in the Home; and
 4. An inspection of the Home, Premises, and vehicles used to transport Members.
- C.** At least monthly, a Licensing Agency shall conduct a documented onsite visit to assess and monitor compliance with this Article when a non-Member or Member is receiving Developmental Home Services.
- D.** At least monthly, unless otherwise designated by the Department, a Licensing Agency shall conduct a documented onsite visit to assess and monitor compliance with this Article.
- E.** At least one visit per calendar year shall be unannounced. An unannounced visit shall include an inspection of the Premises.
- F.** The Department and the Licensing Agency shall follow the requirements of [A.R.S. § 41-1009](#) regarding inspections and audits.
- G.** A Licensing Agency shall keep a copy of each monitoring and inspection record and report and make the record and report available to the Department upon request.
- H.** The Licensee shall allow the Home to be inspected as permitted under [A.R.S. § 36-595.01](#).

R6-6-1047. License Closure

The Department shall close a License when:

1. A Licensee voluntarily closes the License;
2. A Licensee moves to a different residence without first notifying the Licensing Agency and the Department;
3. A Licensee moves out of Arizona;
4. A License expires without an Application being submitted timely; or
5. A Licensee fails to respond timely to a request for additional information.

R6-6-1048. Licensing Complaints

- A.** Unless the original notification to the Licensing Agency came from the Department, the Licensing Agency shall notify the Department in writing within 24 hours after the Licensing Agency becomes aware of:
1. A complaint or allegation involving a Licensee or a Household Member;
 2. An investigation initiated by Protective Services or law enforcement involving a Licensee or a Household Member; or

3. A general community complaint about a Licensee, Household Member, or a complaint that impacts a Member.
- B.** A Licensing Agency's notification to the Department shall include the:
1. Date and place of the Incident;
 2. Nature of the complaint or allegation; and
 3. Names of each individual involved in the complaint or allegation.
- C.** Upon the Department identifying a Licensing Concern, a Licensing Agency shall not permit any additional Member to receive any Developmental Home service under the License until the Department closes the concern.
- D.** At the request of the Department, a Licensing Agency shall conduct an investigation within 10 calendar days of receiving the request and submit a written report on a Department-approved form within 30 calendar days from the date of receipt of the request, unless the Department provides other instructions to the Licensing Agency in writing. The written report shall include:
1. The scope of the inquiry, including a list of each individual interviewed and a list of the documentation reviewed;
 2. All responses to any question proposed by the Department;
 3. The validity of any allegation and other finding related to each licensing violation;
 4. A citation of each rule violated and the specific action that constituted the violation; and
 5. A recommendation by the Licensing Agency regarding corrective action or a summary of corrective actions already completed.
- E.** The Department may conduct an inquiry or investigation independent of, or in conjunction with, the Licensing Agency, law enforcement, or Protective Services.
- F.** A Licensing Agency, Licensee, and each Household Member shall cooperate with any Department investigative activities, law enforcement, and Protective Services.
- G.** The Department shall not permit a new Member or non-Member to receive any Developmental Home service from a Licensee while a Licensing Concern is still open.

R6-6-1049. Corrective Action Plans

- A.** The Department and the Licensing Agency may require a Corrective Action Plan containing a list of any corrective action necessary for a Licensee to remedy a violation of this Article.
- B.** The Department shall notify the Service Provider in writing of each deficiency, the corrective action to be taken, and the deadlines for each corrective action. A Licensing Agency shall develop a Corrective Action Plan for a Licensee and submit the Corrective Action Plan to the Department and the Department shall review and accept the corrective action or make additional recommendations. The Department shall approve each Corrective Action Plan prior to implementation. The Department shall follow escalation processes according to Division policy when the Licensee fails to follow the Corrective Action Plan by the established due date.
- C.** The Department and a Licensing Agency shall specify a date for completion for any required corrective action.

D. The Department and a Licensing Agency may conduct unannounced monitoring visits to verify the implementation or completion of the corrective action.

R6-6-1050. Adverse Licensing Actions

A. The Department may deny, suspend, or revoke a License if an Applicant or Licensee:

1. Commits any violations listed in [A.R.S. § 36-594](#);
2. Violates this Article or Article 9 of this Chapter;
3. Refuses or fails to provide the Licensing Agency or the Department with information necessary to evaluate compliance with licensing requirements;
4. Misrepresents or falsifies information provided to the Licensing Agency or the Department to evaluate compliance with licensing requirements;
5. Fails to report a misrepresentation or falsification of information presented by a Household Member during the licensing process;
6. Refuses or fails to follow the licensing requirements under federal or state laws, local codes, or local ordinances;
7. Refuses or fails to carry out a required Corrective Action Plan to correct a violation or deficiency;
8. Has been denied a certificate or License to provide care to a Child or vulnerable Adult, unless the denial was based on failure to complete the process;
9. Has had a certificate or License to provide care to a Child or vulnerable Adult suspended or revoked;
10. Is unable to meet the physical, emotional, social, medical, psychological, or educational needs of Members;
11. Has a dependency case with Protective Services;
12. Has a violation of licensing requirements that is not correctable;
13. Has a violation of licensing requirements that poses a risk to the health, safety, or well-being of a Child;
14. Is a Licensed Foster Parent that has a history or pattern of similar violations with licensing requirements;
or
15. Has a violation that is ongoing or continuing.

B. The Department shall deny, suspend, or revoke a License if an Applicant, Licensee, or Household Member:

1. Fails to obtain or maintain a Level One Fingerprint Clearance Card;
2. Has a record of a proposed or substantiated allegation of Abuse, Neglect, or exploitation from the Department of Child Safety or Adult Protective Services; or
3. Fails to cooperate with the licensing process.

C. In assessing complaints and violations of statutes, rules, and licensing requirements, the Department shall consider:

1. The type of complaint or violation;
2. The severity of each violation;
3. The number of complaints or violations;

4. A pattern of complaints or violations; and
5. An Applicant's or Licensee's response to a Corrective Action Plan.

D. In the event of an Adverse Licensing Action:

1. A Licensee shall not provide care to new Members;
2. A Licensing Agency shall not allow a new Member to move in to the Home with the Licensee;
3. A Licensee shall not provide Alternative Supervision as described in this Article; and
4. A Licensing Agency shall remove a Member from the Home at the direction of the Department.

E. In the event of a License revocation, suspension, or denial, an Adverse Licensing Action shall be effective:

1. Fifteen calendar days after the date of the notice if an appeal is not requested;
2. On the date that a Hearing Officer or Appeals Board issues a written decision affirming the revocation, if a Licensee appeals the Adverse Licensing Action; or
3. Immediately, if the Department determines that the health, safety, or welfare of a Member is at risk, as described under [A.R.S. § 41-1064\(C\)](#).

R6-6-1051. **The Appeal Process**

A. An Applicant or Licensee shall have the right to appeal a denial, suspension, or revocation of a License following the process specified in Article 22 of this Chapter.

B. If a License is under appeal, the Department or the Licensing Agency shall not move a new Member into the Home until the appeal is resolved.

C. The following actions are not appealable:

1. Restrictions or limits specified by the Department on the License, including the number, age group, or sex of a Member that may be placed in the Home;
2. The issuance to a Licensee of a required Corrective Action Plan, as specified in this Article;
3. An Adverse Licensing Action taken as a result of a Level One Fingerprint Clearance Card expiration, suspension, denial, or revocation; and
4. The Department's decision not to transfer a License.

TITLE 6. ECONOMIC SECURITY
CHAPTER 6. DEPARTMENT OF ECONOMIC SECURITY
DEVELOPMENTAL DISABILITIES

ARTICLE 11. ~~ADULT DEVELOPMENTAL HOME LICENSE~~ LIFE SAFETY INSPECTION

Section

- ~~R6-6-1101.~~ ~~Application for License~~ Repealed
- R6-6-1101. Definitions and Location of Definitions
- ~~R6-6-1102.~~ ~~Issuing an Initial License~~ Repealed
- R6-6-1102. Applicability
- ~~R6-6-1103.~~ ~~Issuing a Renewal License~~ Repealed
- R6-6-1103. General Condition and Cleanliness of the Setting
- ~~R6-6-1104.~~ ~~Issuing a Provisional License~~ Repealed
- R6-6-1104. Safeguarding of Hazards
- ~~R6-6-1104.01.~~ ~~Time Frame for Granting or Denying a License~~ Repealed
- ~~R6-6-1104.02.~~ ~~Administrative Completeness and Substantive Review Process~~ Repealed
- ~~R6-6-1104.03.~~ ~~Contents of a Complete Application Package—Initial License~~ Repealed
- ~~R6-6-1104.04.~~ ~~Contents of a Complete Application Package—Renewal License~~ Repealed
- ~~R6-6-1104.05.~~ ~~Contents of a Complete Request for an Amended License~~ Repealed
- ~~R6-6-1105.~~ ~~Training Requirements for Adult Developmental Home Providers~~
- R6-6-1105. Storage of Medication
- ~~R6-6-1106.~~ ~~Adult Developmental Home Licensee Responsibility~~ Repealed
- R6-6-1106. Safe Appliances
- ~~R6-6-1107.~~ ~~Behavior Management~~ Repealed
- R6-6-1107. Electrical Safety
- ~~R6-6-1108.~~ ~~Sleeping Arrangements~~ Repealed
- R6-6-1108. Water and Plumbing Requirements
- ~~R6-6-1109.~~ ~~Notification Requirements~~ Repealed
- R6-6-1109. Fire Safety and Evacuation Requirements
- ~~R6-6-1110.~~ ~~Recordkeeping~~ Repealed
- R6-6-1110. Pool Requirements
- ~~R6-6-1111.~~ ~~Health and Safety Standards in an Adult Developmental Home~~ Repealed
- R6-6-1111. Compliance and Accountability
- ~~R6-6-1112.~~ ~~Transportation~~ Repealed
- ~~R6-6-1113.~~ ~~Dual Licensure of Adult Developmental Homes~~ Repealed
- ~~R6-6-1114.~~ ~~Client Rights in Adult Developmental Homes~~ Repealed

- R6-6-1115. Exemption Repealed
- R6-6-1116. Home Inspections and Monitoring Repealed
- R6-6-1117. Complaints Repealed
- R6-6-1118. Denial, Suspension, and Revocation of Adult Developmental Home Licenses Repealed
- R6-6-1119. Appeals Repealed

ARTICLE 11. ADULT DEVELOPMENTAL HOME LICENSE LIFE SAFETY INSPECTION

R6-6-1101. Application for License Definitions and Location of Definitions

- ~~A. Married or single persons desiring to be licensed as an adult developmental home shall make written application for a license to the Division on the prescribed forms.~~
- ~~B. The license applicant and any adult member of the household shall be fingerprinted for a criminal history record check as prescribed by the Division. Any adult living on the premises, not residing in the home, may be required to be fingerprinted for a criminal history record check.~~
- ~~C. The license applicant and any adult member of the household shall authorize the Division to perform a background check through Adult Protective Services and Child Protective Services referral files. Any adult living on the premises may be required to authorize a background check through Adult Protective Services and Child Protective Services referral files.~~
- ~~D. The license applicant and all members of the license applicant's household shall participate in interviews with the Division and the home study process as required by the Division. The home study process shall include:

 - ~~1. Interviews with all members of the license applicant's household.~~
 - ~~2. Interviews with other knowledgeable parties as the Division determines appropriate.~~
 - ~~3. Inspection of the home and grounds by the Arizona Department of Health Services and the Division for compliance with this Article.~~~~
- ~~E. To be eligible for licensure as an adult developmental home provider, the license applicant shall:

 - ~~1. Be at least 21 years of age,~~
 - ~~2. Have income or resources independent of the Division room and board payments to meet the needs of the license applicant's family unit,~~
 - ~~3. Not have employment that conflicts with the care and supervision of adults placed by the Division,~~
 - ~~4. Be of reputable and honest character, and~~
 - ~~5. The license applicant shall submit documentation that each child living in the home has received the immunizations appropriate to the child's age and state of health unless the license applicant has submitted a signed statement that the children have not been immunized because of affiliation with a religion which is opposed to such immunizations or because the license applicant is opposed to such immunizations.~~~~
- ~~F. The license applicant and members of the household shall cooperate with the Division in obtaining information regarding the license applicant or household members necessary to determine if the home meets licensing standards. Such cooperation shall include, but is not limited to:~~

1. Providing releases of information;
 2. Authorizing release of medical records; and
 3. Submitting to psychological, psychiatric, drug testing, or other evaluations as required by the Division.
- G.** ~~The license applicant shall provide the Division with a minimum of three references who are familiar with the family and are not related to the license applicant by blood or marriage. The Division may contact the references for further information regarding the license applicant's character and ability to care for individuals with developmental disabilities.~~
- H.** ~~The Division may require the license applicant to submit references from current or previous employers.~~
- I.** ~~All members of the household shall agree with the decision to be licensed as an adult developmental home.~~
- J.** ~~The license applicant shall demonstrate an understanding of and the ability to meet the emotional, physical, social, developmental, educational, and intellectual needs of individuals with developmental disabilities.~~
- K.** ~~The license applicant shall demonstrate the ability to provide encouragement, guidance, and support; to be sensitive to the needs of the individuals with developmental disabilities; and to protect individuals with developmental disabilities from harm.~~
- L.** ~~The applicant shall not have any medical or emotional problems that may prevent the person from properly caring for adults with developmental disabilities or may negatively impact on clients in the home.~~
1. ~~Following approval of the home study by the Division, the license applicant shall submit, on forms prescribed by the Division, written statements from a licensed medical practitioner for each adult living in the home. The statement shall include, at a minimum:~~
 - a. ~~Confirmation that the physician has examined the adult within the last six months;~~
 - b. ~~A description of the person's general physical and emotional health;~~
 - c. ~~A list of all regularly prescribed medications and the purpose of the medication; and~~
 - d. ~~Identification of any medical or emotional problems that may prevent the person from caring for adults with developmental disabilities or may impact on clients in the home.~~
 2. ~~The Division may require the license applicant to submit physician statements as described in this Section regarding the physical and emotional health of other adults living on the premises.~~
- M.** ~~The license applicant shall attend prelicensure training as required by R6-6-1105.~~

A. Location of definitions. The definitions applicable to Article 11 are found in the following:

<u>Definition</u>	<u>Section or Citation</u>
<u>“Adequate Heating and Cooling”</u>	<u>R6-6-1101(B)</u>
<u>“Adult Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Agency”</u>	<u>R6-6-1101(B)</u>
<u>“Applicant”</u>	<u>R6-6-1101(B)</u>
<u>“Bedroom”</u>	<u>R6-6-1101(B)</u>
<u>“Behavior Plan”</u>	<u>R6-6-1101(B)</u>
<u>“Child Developmental Certified Homes”</u>	<u>A.R.S. § 36-551</u>
<u>“Child Developmental Home”</u>	<u>A.R.S. § 36-551</u>
<u>“Department”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Disability”</u>	<u>A.R.S. § 36-551</u>
<u>“Developmental Home”</u>	<u>R6-6-1101(B)</u>
<u>“Direct Support Professional”</u>	<u>R6-6-1101(B)</u>
<u>“Firearm”</u>	<u>A.R.S. § 13-3101</u>
<u>“First Aid Kit”</u>	<u>R6-6-1101(B)</u>
<u>“Habilitation”</u>	<u>A.R.S. § 36-551</u>
<u>“Hazard”</u>	<u>R6-6-1101(B)</u>
<u>“Home and Community Based Services” or “HCBS”</u>	<u>R6-6-1101(B)</u>
<u>“HCBS Certification”</u>	<u>R6-6-1101(B)</u>
<u>“License”</u>	<u>R6-6-1101(B)</u>
<u>“Licensed Veterinarian”</u>	<u>A.R.S. § 32-2201</u>
<u>“Life Safety Inspection”</u>	<u>R6-6-1101(B)</u>
<u>“Lock”</u>	<u>R6-6-1101(B)</u>
<u>“Locked Storage”</u>	<u>R6-6-1101(B)</u>
<u>“Major Appliances”</u>	<u>R6-6-1101(B)</u>
<u>“Medication”</u>	<u>R6-6-1101(B)</u>
<u>“Member”</u>	<u>R6-6-1101(B)</u>
<u>“Mid-sized Appliances”</u>	<u>R6-6-1101(B)</u>
<u>“Planning Document”</u>	<u>R6-6-1101(B)</u>
<u>“Pool”</u>	<u>R6-6-1101(B)</u>
<u>“Qualified Vendor”</u>	<u>R6-6-1101(B)</u>
<u>“Qualified Vendor Agreement”</u>	<u>R6-6-1101(B)</u>
<u>“Quick Release Mechanism”</u>	<u>R6-6-1101(B)</u>

<u>“Safeguard”</u>	<u>R6-6-1101(B)</u>
<u>“Service”</u>	<u>R6-6-1101(B)</u>
<u>“Service Provider”</u>	<u>A.R.S. § 36-551</u>
<u>“Setting”</u>	<u>R6-6-1101(B)</u>
<u>“Skirting”</u>	<u>R6-6-1101(B)</u>
<u>“Slip-resistant Surface”</u>	<u>R6-6-1101(B)</u>
<u>“Toxic Substance”</u>	<u>R6-6-1101(B)</u>
<u>“Trigger Locked”</u>	<u>R6-6-1101(B)</u>
<u>“Underwriters Laboratories (UL) Approved”</u>	<u>R6-6-1101(B)</u>
<u>“Weapon”</u>	<u>R6-6-1101(B)</u>

B. The following definitions apply to Article 11:

1. “Adequate Heating and Cooling” means the Setting has an ambient temperature between 65° F and 85° F and does not have stagnant air.
2. “Agency” means an entity that has the legal authority to do business in Arizona and intends to provide HCBS as described in Article 15 of this Chapter. For the purposes of this Article, an Agency is a Service Provider.
3. “Applicant” means an individual or a married couple who applies for a License or to renew a License to operate a Developmental Home.
4. “Bedroom” means a room that is:
 - a. Used only for the purpose of an individual’s living space;
 - b. Is large enough to accommodate a Bed, furniture to store clothing and display personal belongings, durable medical equipment, and space for an individual to dress and move about;
 - c. Is a minimum of 70 square feet in area; and
 - d. Is not less than 7 feet in width in any direction.
5. “Behavior Plan” means an integrated, individualized, written plan that may be based on a Behavioral Health Professional’s provisional or principal diagnosis and assessment of behavior and the treatment needs, abilities, resources, and circumstances of a Member, that includes one or more treatment goals and one or more treatment methods.
6. “Developmental Home” means a Child Developmental Home, an Adult Developmental Home, a Child Developmental Certified Home, or a Medically Complex Developmental Home.
7. “Direct Support Professional” means an individual who delivers direct support in HCBS Settings and meets all training, certification, and licensing requirements for the service provided. This includes Direct-care Workers when the services involve assistance with activities of daily living.
8. “First Aid Kit” means a collection of supplies and equipment used to provide immediate medical care including:

- a. Sterile bandages including:
 - i. Adhesive bandages of assorted sizes,
 - ii. Sterile gauze pads; and
 - iii. Sterile gauze rolls,
 - b. Antiseptic solution or sealed antiseptic wipes,
 - c. Single-use non-porous gloves,
 - d. Reclosable plastic bags of at least one-gallon size,
 - e. Scissors; and
 - f. Adhesive or self-adhering tape
9. “Hazard” means a condition or situation that may cause or result in physical injury or illness.
 10. “Home and Community Based Services” or “HCBS” means services provided pursuant to [A.R.S. § 36-2939\(B\)\(2\)](#).
 11. “HCBS Certification” means the process by which the Department ensures that an Applicant meets the standards in this Chapter to provide an HCBS to a Member and results in the issuance of an HCBS Certificate to the Applicant.
 12. “License” means the permission granted by the Department to legally operate a Developmental Home and includes an initial, renewed, provisional, reinstated or amended License.
 13. “Life Safety Inspection” means the Department’s examination of a premises to verify compliance with standards intended to Safeguard a Member from fire and other Hazardous conditions.
 14. “Lock” means a device operated by a key, combination, magnet, keycard, or biometric function to Safeguard Medications, Pools, Firearms, and Toxic Substances.
 15. “Locked Storage” means a container, cabinet, or closet secured with a Lock and used solely for the purpose of storing items.
 16. “Major Appliances” means refrigerators, freezers, microwaves, dishwashers, stoves, ovens, washers, and dryers.
 17. “Medication” means one of the following used to maintain health or to prevent or treat a medical condition or behavioral health issue:
 - a. Over the counter medications, supplements, and treatments;
 - b. Prescription medication as defined under [A.R.S. § 32-1901](#); or
 - c. Nonprescription drug as defined under [A.R.S. § 32-1901](#).
 18. “Member” means the same as “Client” in [A.R.S. § 36-551](#).
 19. “Mid-sized Appliances” means computers, televisions, and stereo equipment.
 20. “Planning Document” means a written plan developed through an assessment of functional needs that reflects the services and supports, paid and unpaid, that are important for and important to the Member in meeting the identified needs and preferences for the delivery of such services and supports.

21. “Pool” means any natural or manmade body of water, including a swimming Pool, spa, hot tub, fountain, or any pond that:
 - a. May be used for swimming, recreational, agricultural, therapeutic, or decorative purposes; and
 - b. Is greater than 18 inches in depth.
22. “Qualified Vendor” means a Service Provider of Community Developmental Disability Services that has submitted an Application, meets the criteria as described under Article 21 of this Chapter, and has entered into a Qualified Vendor Agreement (QVA) with the Department.
23. “Qualified Vendor Agreement” means the valid, executed contract between a Qualified Vendor and the Department which includes the service requirements, scope of work, the terms and conditions, the service specifications, the schedules, the exhibits, the attachments, and any RFQVA amendments.
24. “Quick Release Mechanism” means a Lock that has the ability to be opened from inside the Setting without special knowledge such as a combination, or equipment such as a key.
25. “Safeguard” means to take reasonable measures to eliminate the risk of harm to individuals. Where a specific method is not otherwise prescribed in this Article, Safeguarding includes:
 - a. Putting a substance or item out of reach;
 - b. Erecting a barrier that prevents a Member from reaching a particular place, item, or substance; or
 - c. Using protective safety devices.
26. “Service” means an activity designed to assist a Member with a Developmental Disability to lead a self-directed, healthy, and meaningful life.
27. “Setting” means:
 - a. The structure used to provide care or supervision; and
 - b. The surrounding property and structures that are owned, leased, or controlled by the Qualified Vendor, Direct Support Professional, or Agency.
28. “Skirting” means a barrier around the base of a Setting that is intended to protect utility connections from damage or unauthorized contact.
29. “Slip-resistant Surface” means flooring that provides friction to help prevent falls when the surface is wet.
30. “Toxic Substance” means a chemical or mixture that presents injury or unreasonable risk to health or the environment.
31. “Trigger Locked” means a method to render a Firearm temporarily or permanently inoperable by blocking the firing or discharge mechanism for the Firearm with a locked device.
32. “Underwriters Laboratories (UL) Approved” means an electrical device bears the safety certification mark of a recognized testing laboratory, such as UL or Electro-Technical Laboratory (ETL).
33. “Weapon” means the same as “Deadly Weapon” in [A.R.S. § 13-3101](#).

R6-6-1102. Issuing an Initial License Applicability

- A.** ~~The license applicant shall comply with the requirements of this Article.~~

- ~~B. Except as provided in R6-6-1104(C), a regular license is effective for one year from the date of issuance.~~
- ~~C. Based upon records, reports, and observations, if the Division determines that the license applicant may be unable to meet the physical or emotional needs of clients, the Division may require further psychological or physical evaluations, at no expense to the license applicant, to determine whether a license shall be denied.~~
- ~~D. A regular license to provide adult developmental home services is not transferable and is valid only for the licensee and the address stated on the license.~~
- A. The rules under this Article provide safety requirements and guidelines for Settings providing HCBS and applies to:
 - 1. Developmental Homes regulated under Article 10 of this Chapter;
 - 2. Child Developmental Certified Homes regulated under Article 10 of this Chapter; and
 - 3. Settings providing HCBS for individuals with Developmental Disabilities that are regulated under Article 15 of this Chapter, when the HCBS is provided in a Setting that is not the home of the Member.
- B. This Article does not apply to group homes Licensed under [A.R.S. § 36-132\(A\)\(21\)](#).

R6-6-1103. Issuing a Renewal License General Condition and Cleanliness of the Setting

- ~~A. A regular license is renewable annually for a one-year period.~~
- ~~B. The Division shall renew an adult developmental home regular license when:~~
 - 1. ~~The licensee has met the annual training requirements according to R6-6-1105;~~
 - 2. ~~The home meets the requirements of R6-6-1101 except as noted in this subsection:~~
 - a. ~~The licensee shall submit a written statement every three years from the date of initial license from a licensed medical practitioner as required by R6-6-1101(M);~~
 - b. ~~References are not required for license renewal;~~
 - c. ~~The adult developmental home shall receive a health inspection from the Department of Health Services every three years prior to license renewal unless otherwise indicated by this Article;~~
 - 3. ~~Any person fingerprinted pursuant to R6-6-1101(B) and still residing in the home or on the premises shall have a criminal history record check every three years.~~
- ~~C. Based upon records, reports, and observations, if the Division determines that the license applicant for license renewal may be unable to meet the physical or emotional needs of adults with developmental disabilities, the Division shall have the authority to require further psychological or physical evaluations at no expense to the developmental home provider to determine whether to renew a license.~~
- ~~D. A license to provide adult developmental home services is not transferable and is valid only for the licensee and the address stated on the license.~~

A Qualified Vendor shall ensure:

- 1. The interior and exterior of the Setting are maintained in good repair and do not constitute a Hazard. Damage that constitutes a Hazard includes:
 - a. Broken glass;

- b. A surface that is rusted, has sharp or jagged edges, or has protruding nails;
 - c. A hole in the Setting's walls, ceilings, doors, or floors;
 - d. Broken furniture, fixtures, appliances, or equipment; or
 - e. Any other damage that the Department determines is a Hazard.
2. The interior of the Setting is clean, sanitary, and disinfected to prevent, minimize, and control illness, infection, or injury.
 3. Each play area and therapy equipment is stable, in good repair, and does not constitute a Hazard.
 4. Each trampoline that is 6 feet or greater in diameter is free from defects, enclosed, secured to the ground, and the springs are covered.
 5. The Setting is clean to the degree that the condition does not constitute a Hazard. Conditions that constitute a Hazard include:
 - a. Rotting food;
 - b. Stale or accumulated urine or feces;
 - c. An accumulation of mold;
 - d. An accumulation of items such that the items impedes movement around the Setting or delivery of Services; or
 - e. Any other condition that the Department determines is a Hazard.
 6. Garbage is removed from the Setting at least once per week.
 7. The Setting and outside play areas are free of insect and rodent infestation, and the Setting has a method-to eliminate insects or rodents.
 8. Water in a Pool on the premises is maintained, is not stagnant, and is clear enough to see through the water to the bottom surface of the Pool.
 9. Swing sets are securely anchored to the ground.
 10. Excessive weeds, brush, and plant litter that pose a Hazard are trimmed or removed.
 11. The Setting is free from unpleasant odors including urine, blood, feces, or vomit.

R6-6-1104. Issuing a Provisional License Safeguarding of Hazards

- ~~A. The Division may issue a provisional license for up to six months when:

 1. The license applicant is temporarily unable to meet the requirements of this Article, and
 2. The Division is satisfied that the listed deficiencies can be corrected within six months or less by the license applicant.~~
- ~~B. When conditions exist which could endanger the health or safety of adults with developmental disabilities, the Division shall not issue a provisional license pursuant to A.R.S. § 36-592.~~
- ~~C. When the license applicant has met the requirements of the provisional license and a regular license is issued, the regular license is valid for one year from the date the Division issued the provisional license.~~

~~D. A provisional license to provide adult developmental home services is not transferable and is valid only for the licensee and the address stated on the license.~~

A Qualified Vendor or Direct Support Professional shall ensure:

1. Toxic Substances and materials are kept in Locked Storage. Toxic Substances include:
 - a. Gasoline;
 - b. Lighter fluid;
 - c. Pesticides;
 - d. Radiator fluid;
 - e. Drain cleaner;
 - f. Products that contain ammonia and bleach;
 - g. Isopropyl alcohol;
 - h. Spray paint;
 - i. Pool chemicals;
 - j. Turpentine; and
 - k. Other substances that have the ability to cause serious bodily harm or death if improperly used.
2. Toxic Substances are maintained in Locked Storage unless:
 - a. The Planning Document for each Member receiving care in a Setting allows the Member to access the Toxic Substances; and
 - b. The Toxic Substances are Safeguarded to prevent improper use.
3. Household cleaning supplies are Safeguarded to prevent unsafe or improper use. Household cleaning supplies include:
 - a. Spray cleaners;
 - b. Laundry detergent;
 - c. Furniture polish; and
 - d. Dishwasher detergent.
4. Access to personal hygiene supplies is not restricted unless the Planning Document for a Member specifically restricts such access. Personal hygiene supplies include:
 - a. Toothpaste;
 - b. Hand and body soap;
 - c. Hair care products;
 - d. Deodorant;
 - e. Menstrual products;
 - f. Skin care products;
 - g. Razors;
 - h. Nail clippers; and

- i. Hygiene products that contain alcohol.
- 5. Weapons including crossbows, bows, arrows, stun guns, tasers, air guns, paint guns, hunting knives, and survival knives are kept in Locked Storage to prevent unsafe or improper use.
- 6. Firearms are unloaded, Trigger Locked, or rendered inoperable and kept in a Locked Storage container that is made of unbreakable material.
- 7. Ammunition is maintained in Locked Storage that is separate from Firearms.
- 8. All dogs older than 6 months are licensed and have current rabies vaccination administered by a Licensed Veterinarian.
- 9. All animals required to be vaccinated by state or tribal law against diseases that have the ability to be transmitted to humans, including rabies, are vaccinated.
- 10. The vaccination is administered by a Licensed Veterinarian.
- 11. The vaccination records are maintained in the Setting.
- 12. Each animal kept in the Setting or on the property does not pose a Hazard due to behavior, venom, or disease. If an animal displays signs of aggressive or abnormal behavior or disease, the Department may require an assessment by a Licensed Veterinarian to determine whether the animal poses a Hazard.
- 13. Each animal is in compliance with county and city requirements, as applicable.
- 14. Each ramp, bathtub, and shower has a Slip-resistant Surface.
- 15. Handrails and grab-bars are securely attached and stationary.
- 16. Skirting is intact around the base of the Setting, if the underside of the home is accessible.
- 17. That the home maintains a First Aid Kit.

R6-6-1104.01. Time Frame for Granting or Denying a License Repealed

For the purpose of A.R.S. § 41-1073, the Division establishes the following licensing time frames:

- 1. ~~Administrative completeness review time frame:~~
 - a. ~~For an initial license, 90 days;~~
 - b. ~~For a renewal license, 30 days; and~~
 - e. ~~For an amended license, 30 days.~~
- 2. ~~Substantive review time frame:~~
 - a. ~~For an initial license, 30 days;~~
 - b. ~~For a renewal license, 31 days; and~~
 - e. ~~For an amended license, 10 days.~~
- 3. ~~Overall time frame:~~
 - a. ~~For an initial license, 120 days;~~
 - b. ~~For a renewal license, 61 days; and~~
 - e. ~~For an amended license, 40 days.~~

~~R6-6-1104.02. Administrative Completeness and Substantive Review Process Repealed~~

- ~~A. The Division shall send the license applicant a written notice within the administrative completeness review time frame indicating that the application package is either complete or incomplete.~~
- ~~B. If the application package is incomplete, the Division shall list the missing information in the notice and ask the license applicant to supply the missing information within 60 days from the date of notice. If the license applicant fails to do so, the Division may close the file.~~
- ~~C. A license applicant whose file has been closed and who later wishes to become licensed may reapply to the Division. The administrative completeness time frame starts over when the Division receives the written request to reapply.~~
- ~~D. When the application is complete, the Division shall complete a substantive review of the license applicant's qualifications. The Division shall:
 - ~~1. Review the application form and all required documents to ensure compliance with this Article,~~
 - ~~2. Complete a home study as prescribed in R6-6-1101(D), and~~
 - ~~3. Gather additional information needed to determine the license applicant's fitness to serve as an Adult Developmental Home service provider and ability to comply with Adult Developmental Home requirements, which may include:
 - ~~a. Interviewing the license applicant;~~
 - ~~b. Contacting references;~~
 - ~~c. Verifying information provided in the application;~~
 - ~~d. Visiting the license applicant's home; and~~
 - ~~e. Requesting additional information, assessments, or tests as prescribed in R6-6-1101(F) and R6-6-1103(C).~~~~~~
- ~~E. If a license is denied, the Division shall send a notice to the license applicant as prescribed in R6-6-1118(F) and A.R.S. § 41-1076.~~
- ~~F. An applicant shall submit a license application package to DES/DDD, P.O. Box 6123, Site Code 791A, Phoenix, Arizona 85005-6123, Attention: Developmental Home Licensing Unit.~~

~~R6-6-1104.03. Contents of a Complete Application Package – Initial License Repealed~~

~~An initial application package is complete when the Division has all of the following information:~~

- ~~1. From the license applicant, a completed application form as prescribed in R6-6-1101(A) which contains the following information:
 - ~~a. Personally identifying information, as follows:
 - ~~i. Name and gender,~~
 - ~~ii. Date and place of birth,~~
 - ~~iii. Social security number,~~
 - ~~iv. Ethnicity and religious preference,~~~~~~

- v. Current and previous address;
 - vi. Dates resided at previous address;
 - vii. Length of Arizona residency;
 - viii. Current marital status and marital history, and
 - ix. Any other names by which the license applicant has been known.
- b. ~~Personally identifying information on the license applicant's household members, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Gender;~~
 - iii. ~~Date of birth;~~
 - iv. ~~Relationship to license applicant, and~~
 - v. ~~Length of time living in the home.~~
 - e. ~~Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Current address;~~
 - iii. ~~Date of birth; and~~
 - iv. ~~Occupation or school, if currently attending.~~
 - d. ~~Any current or prior licenses or certificates held by the license applicant to provide care to a child or adult, as follows;~~
 - i. ~~Type of license or certificate;~~
 - ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which each license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
 - e. ~~A description of the license applicant's home, as follows:~~
 - i. ~~The name of the school district in which the license applicant's home is located;~~
 - ii. ~~Identification and description of any swimming pool, spa, fish pond, or other body of water; and~~
 - iii. ~~Number of bedrooms.~~
 - f. ~~Information about the license applicant, as follows:~~
 - i. ~~Educational background;~~
 - ii. ~~Employment history;~~
 - iii. ~~Previous experience in providing room and board for any person;~~
 - iv. ~~Any contact with CPS or APS and the circumstances;~~

- v. Any arrest and the circumstances;
 - vi. Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;
 - vii. If currently or previously employed by the Department of Economic Security or the Division, position, title, name of the supervisor, and name of the program;
 - viii. The reason for wanting to provide care to an adult;
 - ix. Gender, age, characteristics, and special needs of the individual the license applicant would prefer to take into the home;
 - x. Any experience caring for individuals who have special needs;
 - xi. Discipline techniques used or believed appropriate; and
 - xii. Anticipated changes in the license applicant's family in the next 12 months.
- g. Information about the license applicant's household member, as follows:
- i. Any contact with CPS or APS by anyone currently or formerly residing with the license applicant and the circumstances;
 - ii. Any arrests and the circumstances;
 - iii. Any history of mental illness or treatment for a mental illness or emotional disorder including hospitalization for alcohol, drug, or mental health issues and the circumstances;
 - iv. If currently or previously employed by the Department of Economic Security or the Division, position, title, name of the supervisor, and name of the program;
 - v. Any experience caring for individuals with special needs; and
 - vi. Discipline techniques used or believed appropriate.
- h. Reference information for the license applicant, as follows:
- i. Three references who can attest to the license applicant's character and skill; and
 - ii. If the license applicant is working or has worked with children or adults with developmental disabilities, one employment reference;
 - i. List of any individuals who live on the property on which the license applicant's home is located, but not in the license applicant's home.
2. From the license applicant, the following documents listed on the application form:
- a. A completed declaration of criminal history for the license applicant and each adult household member on a Division form with the following information:
 - i. Name;
 - ii. Social security number;
 - iii. Date of birth;
 - iv. Address;

- v. ~~A declaration of whether the individual has committed any of the crimes listed in A.R.S. § 36-594(3) and R6-6-1118, and~~
- vi. ~~Dated signature.~~
- b. ~~Documentation showing that the license applicant and each adult household member have been fingerprinted;~~
- e. ~~Documentation showing that the license applicant has a current driver's license, and current vehicle liability insurance as prescribed in R6-6-1112(A);~~
- d. ~~A completed monthly budget on a Division form showing the license applicant's monthly income, and monthly expenses, and the circumstances for any declaration of bankruptcy;~~
- e. ~~A physician's statement for the license applicant and each adult household member as prescribed in R6-6-1101(L);~~
- f. ~~Documentation of current immunizations for each child living in the license applicant's home as prescribed in R6-6-1101(E)(5);~~
- g. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1105(A).~~
- 3. ~~From sources other than the applicant, the documents listed on the application form, as follows:~~
 - a. ~~Three letters of reference for the license applicant as prescribed in R6-6-1101(G);~~
 - b. ~~If the license applicant works with children or adults with developmental disabilities, one employment letter of reference as prescribed in R6-6-1101(H);~~
 - e. ~~Documentation that the license applicant and each adult household member have had a criminal history check as prescribed in R6-6-1101(B);~~
 - d. ~~Documentation showing that the license applicant's home has passed:~~
 - i. ~~A fire inspection as prescribed in R6-6-1111(E), and~~
 - ii. ~~A health and safety inspection as prescribed in R6-6-1111(D).~~
 - e. ~~Documentation that vehicles used for transporting individuals with developmental disabilities have passed a Division safety inspection to meet the safety requirements in R6-6-1112(B); and~~
 - f. ~~Documentation that the CPS/APS Central Registry has been checked as prescribed in R6-6-1101(C).~~

~~R6-6-1104.04. Contents of a Complete Application Package – Renewal License Repealed~~

~~A license renewal application package is complete when the Division has all the following information:~~

- 1. ~~From the license applicant, a completed renewal application form as prescribed in R6-6-1101(A) which contains the following information:~~
 - a. ~~Personally identifying information, as follows:~~
 - i. ~~Name;~~
 - ii. ~~Address, and~~
 - iii. ~~Phone number.~~
 - b. ~~Personally identifying information on the license applicant's household members, as follows:~~

- i. Name;
 - ii. Gender;
 - iii. Age;
 - iv. Relationship to the license applicant, and
 - v. School or occupation.
- e. ~~Personally identifying information on the license applicant's children who do not live with the license applicant, including emancipated children, as follows:~~
- i. Name;
 - ii. Age;
 - iii. Address; and
 - iv. Occupation or school, if currently attending.
- d. ~~Information about the license applicant, as follows:~~
- i. ~~Any arrest or investigation for a criminal offense, including charge, and arresting agency;~~
 - ii. ~~Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, in the last year.~~
- e. ~~Information about the license applicant's household member, including:~~
- i. ~~Any arrest or investigation for a criminal offense, including charge, and arresting agency;~~
 - ii. ~~Any referral to or treatment for a psychiatric or psychological problem, including substance abuse, treatment in the last year.~~
- f. ~~Any current or prior license or certificate held by the license applicant to provide care to a child or adult, as follows:~~
- i. ~~Type of license or certificate;~~
 - ii. ~~Date of each license and certificate;~~
 - iii. ~~State in which the license or certificate was issued;~~
 - iv. ~~Any license or certificate which was revoked, denied, voluntarily surrendered, or suspended and the circumstances; and~~
 - v. ~~Name of any other agency with which the license applicant is currently licensed or certified to provide services to children or adults.~~
- g. ~~List of any individuals who live on the property on which the license applicant's home is located, but not in the license applicant's home;~~
- h. ~~List of the household members and their relationship to the applicant and to each other;~~
- i. ~~Any changes that should be made to the license conditions;~~
 - j. ~~Dated signature.~~
2. From the license applicant, the items listed in R6-6-1104.03(2)(c), (2)(d), (2)(f), and the following:

- a. ~~A completed declaration of criminal history for each new adult household member and, at three year intervals, a completed declaration for all adult household members;~~
 - b. ~~Documentation showing that each new adult household member has been fingerprinted and, at three year intervals, that all adult household members have been fingerprinted;~~
 - c. ~~A physician's statement every three years from the date of the initial license for the license applicant and all adult household members; and~~
 - d. ~~Documentation that the license applicant has completed training as prescribed in R6-6-1105(B).~~
3. ~~From sources other than the applicant, the documents listed in R6-6-1104.03(3)(d)(i), (3)(e), and (3)(f) and the following:~~
- a. ~~Documentation that each new adult household member has had a criminal history check and that all adults household members have had a criminal history check every three years; and~~
 - b. ~~Documentation that the license applicant's home has passed a health and safety inspection every three years since the date of the initial license.~~

~~R6-6-1104.05. Contents of a Complete Request for an Amended License Repealed~~

~~A request for an amended license is complete when the Division has the following:~~

- 1. ~~A description of the change requested to the license, and~~
- 2. ~~Documentation that the requested change complies with this Article.~~

~~R6-6-1105. Training Requirements for Adult Developmental Home Providers Storage of Medication~~

- ~~A. An applicant for an initial license as an adult developmental home provider shall meet the following training requirements:~~
- 1. ~~Prelicensing training in the following subjects:~~
 - a. ~~Cardiopulmonary resuscitation appropriate for children and adults provided by an instructor certified in cardiopulmonary resuscitation;~~
 - b. ~~First aid provided by an instructor certified in first aid; and~~
 - c. ~~Orientation training of 12 to 20 hours, as prescribed by the Division.~~
 - 2. ~~Up to ten additional hours of training based upon the needs of the license applicant or the adult placed by the Division, as determined by the Division.~~
- ~~B. The licensee shall annually complete a minimum of ten hours of training, as required by the Division, prior to license renewal and must maintain cardiopulmonary resuscitation and first aid certifications obtained for the initial license. Up to four hours of the annual training may be allowed for training related to maintenance of certificates.~~
- ~~C. The licensee shall participate in additional training, as required by the Division, based upon the specific needs of the license applicant or licensee or an adult placed by the Division or shall demonstrate the ability to meet the needs of the specific client.~~

~~D. The license applicant or licensee shall submit documentation to the Division demonstrating satisfactory completion of the training requirements.~~

A Qualified Vendor or Direct Support Professional shall ensure that:

1. Medication is maintained in Locked Storage, except:
 - a. Medication that may be accessed by a Member in a Setting as specified in that Member's Planning Document; and
 - b. Medication required to be readily and immediately accessible, such as an asthma inhaler or an autoinjector used to deliver a measured dose of epinephrine to treat a severe allergic reaction.
2. Medication that may be unlocked under subsection (1) is Safeguarded to prevent improper use.
3. Medication may be unlocked under subsection (1)(a) only if each Member in the Setting is eligible to have unlocked access to Medications.
4. Medication required to be refrigerated is Safeguarded in Locked Storage within the refrigerator, without preventing access to refrigerated food.

R6-6-1106. Adult Developmental Home Licensee Responsibility Safe Appliances

~~A. The licensee shall provide the client with positive emotional support and guidance including but not limited to:~~

1. ~~Including the client in daily activities;~~
2. ~~Providing the client with positive reinforcement;~~
3. ~~Assisting the client with day to day concerns with school, work, friends, and family;~~
4. ~~Providing appropriate care, concern, and support;~~
5. ~~Protecting the client from exploitation; and~~
6. ~~Assisting the client in developing and fostering personal relationships.~~

~~B. The licensee shall follow written and verbal instructions and orders from qualified professionals regarding the medical, dental, habilitation, and therapeutic needs of the client.~~

~~C. The licensee shall provide opportunities for social and physical development appropriate to the client's abilities and interest, through recreation and leisure time activities.~~

~~D. The licensee shall provide opportunities for the client to pursue the client's own religious beliefs. The licensee shall not require the client to attend or participate in the licensee's religious activities or practices.~~

~~E. The licensee shall develop an agreement with the client for shared household tasks which do not present a health or safety hazard and do not interfere with the client's school, work, day programs, or recreational activities.~~

~~F. The licensee and any client who smokes tobacco products shall develop mutually acceptable rules regarding the smoking of tobacco products.~~

~~G. The licensee shall provide appropriate direction in the selection of clothing while allowing individual choice.~~

~~H. In cooperation with the client, the licensee shall plan and provide well balanced and adequate meals to meet the nutritional needs of the client.~~

- ~~I. The licensee shall ensure transportation is arranged to meet the educational, employment, medical, habilitative, therapeutic, and social needs of the client.~~
- ~~J. The licensee shall make reasonable efforts to support and maintain the client's relationships with parents, guardians, other family members, and other persons important to the client's life as indicated in the ISPP.~~
- ~~K. The licensee shall ensure that money designated for or earned by the client is only used for the specific purpose intended and for the benefit of the client consistent with the Individual Spending Plan.~~
- ~~L. The licensee shall ensure that the client is provided opportunities to make choices regarding the client's own spending money.~~
- ~~M. The licensee shall not provide residential care or respite services to children in the adult developmental home.~~
- ~~N. The licensee shall provide care only for the number of clients and conditions listed on the license.~~
- ~~O. The licensee shall obtain approval from the Division before accepting placements from other agencies or private parties.~~
- ~~P. When the licensee also provides respite services, the licensee shall ensure that the respite placement is within the conditions stated on the license.~~
- ~~Q. The licensee shall not accept roomers or boarders without prior approval of the Division.~~
- ~~R. The licensee shall treat information concerning a client placed in the licensee's home and the client's family or guardian as confidential in accordance with A.R.S. § 36-568.~~
- ~~S. When the client is attending school, the licensee shall encourage and promote the educational development of the client by participating in the IEP meetings, unless otherwise specified by the Division, and by advocating for the implementation of the IEP.~~
- ~~T. The licensee shall participate in the ISPP meetings, shall carry out the tasks identified by the ISPP team as being the responsibility of the licensee, and shall advocate for the implementation of the ISPP.~~
- ~~U. The licensee shall cooperate with the Division when a client moves from the adult developmental home. The licensee shall:

 - ~~1. Provide information including records of the client's medical and dental history, educational experience, and progress on ISPP activities.~~
 - ~~2. Ensure personal belongings such as usable clothing, furniture, television sets, bicycles, the personal record, and other items purchased specifically for the client go with the client.~~
 - ~~3. Assist the Division in preparing the client for the move.~~~~
- ~~V. The licensee shall assist the client in maintaining an inventory of the client's personal property such as furniture, bicycles, radios, television sets, and adaptive equipment.~~
- ~~W. The licensee shall comply with the terms of the Adult Developmental Home Agreement.~~

A Qualified Vendor or Direct Support Professional shall ensure:

1. Safe and functioning appliances are available for food refrigeration and cooking.

- a. Each refrigerator used to store perishable food shall maintain food at a temperature of 40° F or below; and
- b. An outdoor cooking appliance that uses charcoal or gas shall not be used indoors.
2. Electrical lighting is available in each Bedroom, living area, and room used to provide a Service.
 - a. Lighting is sufficient to perform any activity appropriate to the Setting; and
 - b. Each light socket is equipped with light bulbs or are safely covered to prevent electrical shock.
3. Adequate heating, cooling, and ventilation are available in each Bedroom, living area, and room used to provide HCBS. An Indoor temperature outside the range of 65° F to 85° F are indicators of inadequate heating or cooling.
4. At least one operable phone is available in the Setting at all times when an HCBS is provided.
5. If the Setting has a clothes dryer, the dryer is safely vented according to the manufacturer's instructions with a non-flammable vent hose, and there is not an accumulation of clothes, garbage, or other flammable materials around or behind the dryer.
6. If a portable heater is in the Setting, the portable heater has a protective covering to keep hands and objects away from the heating element and the portable heater is:
 - a. Electric;
 - b. UL or FM approved;
 - c. Equipped with a tip-over shut-off switch;
 - d. Placed at least 3 feet from curtains, paper, furniture, and any flammable object when in use;
 - e. Not used as the primary source of heat in the Setting;
 - f. Not used in Bedrooms;
 - g. Never left on unattended or while asleep;
 - h. Never plugged into a power strip or extension cord; and
 - i. Only used on flat, non-flammable surfaces.
7. If the Setting has an appliance or heating device using combustible fuel such as gas, oil, kerosene, wood, pellets, or charcoal or has an attached garage used for storing vehicles, a carbon monoxide detector is installed on each level of the Setting.

R6-6-1107. ~~Behavior Management~~ Electrical Safety

- A.** ~~The licensee shall comply with the Division requirements for behavior management as specified in Article 9.~~
- B.** ~~The licensee shall establish, with the client, house rules for sharing the living environment which are appropriate to the life experience and individuality of each client.~~
 1. ~~The licensee and the client shall develop and implement a fair and reasonable process for resolving disputes.~~
 2. ~~The licensee shall contact the Division if a dispute cannot be resolved.~~
 3. ~~The licensee shall not deprive the client of meals, shelter, or medical care.~~
 4. ~~The licensee shall not allow any form of corporal or physical punishment.~~

5. ~~The licensee shall not allow the use of verbal abuse or derogatory remarks.~~
6. ~~The licensee shall identify and report to the Division behavioral issues which may impact the health, safety, or training needs of the client.~~

A Qualified Vendor or Direct Support Professional shall ensure:

1. Electrical cords are in good condition and no broken or frayed cords are in use.
2. Electrical panels and outlets are unobstructed and in good condition, no wiring is exposed, and covers are in place.
3. Extension cords are used temporarily and not as a permanent power source.
4. Electrical outlets are in good repair and are not overloaded.
5. Major appliances including refrigerators, freezers, dishwashers, stoves, ovens, washers, and dryers are plugged directly into grounded outlets.
6. Mid-sized appliances including computers, televisions, and stereo equipment, are plugged into:
 - a. Grounded outlets; or
 - b. Power strips or surge protectors that are plugged into grounded outlets.

R6-6-1108. Sleeping Arrangements Water and Plumbing Requirements

The licensee shall provide appropriate, comfortable, safe, and private sleeping arrangements for each client.

1. ~~Clients shall have their own beds and places to store clothing in the bedroom and a place for storing personal belongings.~~
2. ~~The client's bedrooms shall not be unfinished rooms, hallways, or rooms which are normally used for other than sleeping arrangements by family members.~~
3. ~~A client shall not share a bedroom with another person unless each person agrees to the arrangement and each client has a separate bed and space for storing clothing in the bedroom and a place for storing personal belongings.~~
4. ~~A client shall not share a bedroom with a person of the opposite sex unless otherwise specified in the ISPP.~~
5. ~~An adult client and a child shall not share a bedroom.~~
6. ~~The licensee shall sleep within hearing distance of the client if indicated by the needs of the client.~~

A. A Qualified Vendor or Direct Support Professional shall ensure that a continuous source of safe drinking water is available to a Member.

B. If the Setting has a non-municipal source of water:

1. A Qualified Vendor or Direct Support Professional shall provide evidence that a sample of the drinking water was submitted to a water testing laboratory approved by the Arizona Department of Health Services as part of the initial inspection process and every year after that. The water analysis shall indicate that the water is within acceptable state and federal standards for drinking water.
2. If a water analysis does not meet the criteria in subsection (B)(1), the Qualified Vendor or Direct Support Professional shall, within 10 calendar days of receiving the results, prepare a signed plan to include:

- a. How the Qualified Vendor or Direct Support Professional will ensure safe drinking water is available in the Setting;
 - b. Efforts to reduce identified contaminants to meet state and federal standards for drinking water; and
 - c. Approval by the Department.
- C.** A Qualified Vendor or Direct Support Professional shall ensure that the sewage disposal for the Setting is functioning. If the Setting has a septic tank, the Qualified Vendor or Direct Support Professional shall ensure that the septic tank is in good working order, with no visible signs of leakage and sewage back up.
- D.** A Qualified Vendor or Direct Support Professional shall ensure the hot water temperature in the areas for bathing does not exceed 120° F.
- E.** A Qualified Vendor or Direct Support Professional shall ensure that at least one working toilet and wash basin is available for every 10 individuals living, working, or receiving HCBS in the Setting at the same time.
- F.** If overnight care is provided, a Qualified Vendor or Direct Support Professional shall ensure that at least one working shower or tub, toilet, and wash basin is available for every eight individuals living, working, or receiving care in the Setting at the same time.

R6-6-1109. Notification Requirements Fire Safety and Evacuation Requirements

- A.** ~~The licensee shall notify the Division of the following events:~~
- 1. ~~Prior to building an addition to the home or structural remodeling of the home, or adding a swimming pool or spa, and shall cooperate with the Division in obtaining an Arizona Department of Health Services inspection as prescribed in A.R.S. § 8-504 for any home additions.~~
 - 2. ~~Changes in marital status or living arrangement of the licensee.~~
 - 3. ~~A plan to make a change in residence.~~
 - 4. ~~Known arrests, indictments, or convictions of any house hold member or of persons living on the premises.~~
 - 5. ~~Serious injury, major illness, illegal substance use or substance abuse, suicidal behavior, attempted suicide, or death of any house hold member. The Division may require the licensee to provide written documentation from a physician regarding the change in medical status.~~
 - 6. ~~Changes which may impact on the ability of the licensee to meet the needs of the client.~~
 - 7. ~~Notification shall be made to the Division prior to the addition of a household member.~~
 - 8. ~~A temporary visitor staying more than one month.~~
 - 9. ~~The licensee shall notify the Division prior to a change in primary caregiver or a person moving from the household who contributed to the care of the client.~~
- B.** ~~For adults placed by the Division in the licensee's home, the licensee shall notify the Division of incidents including but not limited to:~~
- 1. ~~Possible abuse or neglect as per A.R.S. § 13-3620 and R6-6-1601.~~
 - 2. ~~Hospitalizations, the intervention of a medical practitioner, or emergency medical care as a result of serious illness, injury, medication errors, or suicidal behavior.~~

3. ~~Death of the client.~~
4. ~~A client missing. A client missing must be reported to law enforcement officials and the Division as soon as the client is determined to be missing.~~
5. ~~Theft of money or property.~~
6. ~~Incidents which have involved or may potentially involve the police or media.~~
7. ~~Significant damage to client property, licensee property, state property, or the property of others.~~
8. ~~Illegal substance use or substance abuse.~~
- C. ~~The licensee shall obtain Division prior approval for alternative supervision plans.~~
 1. ~~The licensee shall involve the client in the development of alternative supervision plans.~~
 2. ~~The licensee shall ensure that alternative supervision is only provided by persons 18 years of age or older.~~

A Qualified Vendor or Direct Support Professional shall ensure:

1. Flammables and combustibles are stored more than 3 feet from water heaters, furnaces, portable heaters, fireplaces, and wood-burning stoves.
2. If the Setting has a working fireplace or wood-burning stove, the fireplace or wood-burning stove is protected by a fire screen sufficient to shield the room from open flames and flying embers.
3. A functioning fire extinguisher with an unexpired tag and with a rating of “2A 10BC” or greater is available near the kitchen area. If the Setting has multiple levels, at least one functioning fire extinguisher with a rating of “2A 10BC” or greater is available on each level.
4. A UL Approved and working smoke detector is installed:
 - a. In each main living or program areas of the Setting;
 - b. In each Bedroom, if overnight care is provided; and
 - c. On each level of a multiple-level Setting.
5. A written emergency evacuation plan is developed to provide guidance on the safe and rapid evacuation of the Setting. An emergency evacuation plan shall:
 - a. Identify at least two exits from the Setting:
 - i. The primary exit for the Setting shall be a path to a door that leads directly outside;
 - ii. An exit route through an overhead garage door shall not be accepted as a primary or secondary exit; and
 - iii. An exit route through a door that leads to a Pool enclosure or that is blocked by a Pool enclosure shall not be accepted as a primary or secondary exit.
 - b. Identify two exits from each Bedroom used by a Member.
 - i. At least one of the exits for each Bedroom shall lead directly to the outside of the Setting.
 - ii. The primary exit from each Bedroom shall be a path through the Setting leading to a door that leads directly outside.

- iii. The secondary exit shall be a door or window that opens directly to the outside from within the Bedroom:
 - c. If the exit identified in subsection (1)(5)(b) is a window, the window shall be secured with a latching device located a minimum of 54 inches above the floor;
 - d. If the exit identified in subsection (1)(5)(b) is a door, the door shall be locked at all times with a latching device or Lock located a minimum of 54 inches above the floor. If there is no Quick Release Mechanism on the Lock, the Lock shall follow the provisions of subsection (8)(c), and a key for the deadbolt shall be located a minimum of 54 inches above the floor.
 - e. Identify the location of fire extinguishers and any fire evacuation equipment, and emergency lighting, as applicable.
 - f. Designate a safe central meeting place outside of the Setting, close to the Setting, known to the Member, and at a safe distance from potential danger.
 - g. Be maintained in the Setting to review with each Member.
 - h. Identify two exits in the basement used to provide services. Both exits shall be fully accessible to each Member.
 - i. Be reviewed with a Member within 72 hours of the Member beginning to receive HCBS in the Setting and every six months afterwards in the Setting and be posted in a prominent place in the Setting.
 - j. Include the placement of equipment, such as a fire escape ladder, that have the ability to be safely used by each Member residing in each upstairs Bedroom that has been identified with fire exits.
- 6. A Setting authorized to provide care or an HCBS to a Member shall practice and document the completion of an evacuation drill at least once every six months.
 - a. Practice drills shall include actual evacuation of each Member to a safe area, outside, and beyond the Setting.
 - b. Each drill shall be held at a random time and under varying conditions to simulate the possible conditions in case of fire or other disaster.
 - c. Each person present in the Setting, including each Member who lives in a Developmental Home shall participate in the drill.
 - d. Records shall be maintained for each emergency drill and shall include:
 - i. Date and time of the drill;
 - ii. Total evacuation time;
 - iii. Exits used;
 - iv. Problems noted; and
 - v. Measures taken to ensure that a Member receiving an HCBS Service understands the purpose of a drill and responsibilities during a drill.
- 7. The exit routes for the Setting are clear of obstruction that would prevent safe and rapid evacuation.

8. The Locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a Quick Release Mechanism. The Department may grant an exception to this requirement for a double-key deadbolt on a door if:
 - a. There is breakable glass within 40 inches of the interior Locking mechanism;
 - b. There is another exit with a Quick Release Mechanism on the same level of the Setting; and
 - c. The key for the deadbolt is permanently maintained in a location that is:
 - i. Within 6 feet of the Locking mechanism;
 - ii. Accessible to everyone in the Setting;
 - iii. Reviewed with Members; and
 - iv. Identified on the emergency evacuation plan, specified in subsection (5).
9. The street number for the Setting is displayed and visible from the street.
10. All windows identified as fire exits shall have enough space for an adult to move through.
11. A comprehensive list of emergency telephone numbers, including poison control, is posted in a prominent place in the Setting.

R6-6-1110. Recordkeeping Pool Requirements

- ~~A. The licensee shall maintain a record for each client of medical history, dental history, educational experiences, and progress on ISPP activities.~~
- ~~B. The licensee shall obtain and provide to the Division receipts for expenditures for the client as required by the Division.~~
- ~~C. The licensee shall assist the client in maintaining a personal record of mementos, photos, letters, cards, report cards, and special projects.~~
- ~~D. The licensee shall keep copies of all licenses, certificates, and correspondence in a separate file to document compliance with sanitation, health, and environmental codes of state and local authorities.~~
- A. For a Setting that has a Pool, a Qualified Vendor or Direct Support Professional shall ensure that:
 1. The Pool complies with [A.R.S. § 36-1681](#) and all local municipal codes to the extent that the local municipal codes are not inconsistent with this Section.
 2. A fence meeting the following requirements is maintained between the Pool and the Setting:
 - a. The exterior side of the fence is at least five feet high;
 - b. If the fence is chain link or lattice, each opening in the mesh measures less than 1 3/4 inches horizontally;
 - c. Chicken wire and other light gauge wire shall not be used as the fencing material for the Pool;
 - d. If the fence is constructed of vertical bars or wooden slats, the openings between bars or slats measure less than 4 inches;
 - e. The bottom of the fence is less than 4 inches above the ground;
 - f. The exterior side of the fence is:

- i. Free of hand holds or foot holds or other means that would be used to climb over the fence;
 - ii. At least 36 inches from any object that would act as a foothold; and
 - iii. If the fence has horizontal components, the components are spaced at least 45 inches, measured vertically;
 - g. Gates for the fence and utility gates:
 - i. Are self-closing and self-latching and open out or away from the Pool;
 - ii. Have a gate latch that is at least 54 inches above the ground and is equipped with a key or combination Lock; and
 - iii. Is Locked, except when an adult is within the enclosure to supervise the Pool area;
 - h. The connectors between panels of the fence cannot be separated without a key or a tool; and
 - i. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground.
3. If the Setting used to provide care or supervision constitutes part of the enclosure:
- a. The enclosure does not interfere with safe egress from the Setting;
 - b. A door from the Setting does not open within the Pool enclosure or is permanently secured;
 - c. A window on the ground floor of the Setting and located in a room that is designated as a Bedroom for a Member is not positioned within the Pool enclosure;
 - d. Other windows on the ground floor of the Setting and within the Pool enclosure are permanently secured to open no more than four inches; and
 - e. Animal or doggie doors do not open directly into the Pool enclosure.
- B.** The Department shall not approve a Pool with a locked cover in lieu of the fence required under subsection (A).
- C.** After a fence has been inspected and approved by the Department as meeting the standards required under subsection (A), the Qualified Vendor or Direct Support Professional shall ensure that the fence is not dismantled or moved for as long as the provider is Licensed or accredited by the Department to provide HCBS under Article 15 of this Chapter.
- D.** If a Pool is deeper than 4 feet, the Qualified Vendor or Direct Support Professional shall ensure the following rescue equipment is available in the Pool area:
- 1. A shepherd's crook attached to a pole; and
 - 2. A ring buoy attached to a rope that measures at least half of the distance across the Pool plus 10 feet.

R6-6-1111. ~~Health and Safety Standards in an Adult Developmental Home~~ Compliance and Accountability

- A.** ~~The licensee shall maintain the premises of the adult developmental home in a clean and sanitary condition to the degree that it does not present a health or safety hazard.~~

- ~~B. The adult developmental home shall not have an accumulation of litter, rubbish, or garbage on the premises. Litter, rubbish, and garbage shall be contained in cleanable containers with lids or sealed disposable containers and shall be removed from the property not less than once a week.~~
- ~~C. The licensee shall ensure that the adult developmental home is free from, or has an ongoing system to eradicate, insects, rodents, and other vermin.~~
- ~~D. Before initial licensure and every three years thereafter, the adult developmental home shall be inspected and meet the safety and sanitation guidelines of the Department of Health Services unless otherwise specified by the Division.~~
- ~~E. Adult developmental homes located in mobile homes shall pass an annual fire safety inspection as arranged by the Division.~~
- ~~F. The licensee shall keep toxic, poisonous, hazardous, and corrosive materials in locked storage unless otherwise specified in the ISPP of each client in the household.~~
- ~~G. The licensee shall keep medicines in separate locked storage unless otherwise specified in the ISPP of each client in the household.~~
- ~~H. The licensee shall keep firearms in locked storage and shall keep ammunition locked separately from the firearms.~~
- ~~I. Bedrooms shall have light, ventilation, and a usable and unobstructed exit to the outside in case of an emergency.~~
- ~~J. Telephone service or similar two-way communication methods shall be available in the home and shall be in working order.~~
- ~~K. Any permanent body of water shall be fenced and inaccessible to clients and shall meet the guidelines of the Department of Health Services unless otherwise specified by the Division.~~
- ~~L. The licensee shall not allow clients in swimming pool areas or in the area of other bodies of water unless supervised by a responsible adult or as specified in the ISPP.~~
- ~~M. The licensee shall store alcoholic beverages responsibly.~~
- ~~N. The licensee shall ensure that smoking of tobacco products does not occur while in an enclosed area with residents who do not smoke tobacco products.~~
- ~~O. The licensee shall make reasonable efforts to ensure family pets do not present a health or safety hazard to clients.~~
- ~~P. The licensee shall develop a fire evacuation plan and shall periodically practice the plan with the family members. The licensee shall up-date the fire evacuation plan as needed based on placement changes, household member changes, and structural changes to the adult developmental home.~~
- ~~Q. The licensee shall equip the adult developmental home with smoke detectors and fire extinguishers which are in good working order.~~
- A. A Qualified Vendor or Direct Support Professional shall:

1. Achieve and maintain full compliance with the requirements set forth in this Article;
2. Cooperate with the Department in assessing compliance with this Article; and
3. If an inspector identifies areas of noncompliance with this Article, take action to achieve or restore compliance within the required time frames.

B. If an inspector identifies areas of repeated or significant noncompliance with this Article, the Department may enforce corrective action through regulatory or contractual remedies.

C. An Agency that employs a worker as an HCBS Qualified Vendor or Direct Support Professional that provides a Service in a Setting other than the Member's own home or that contracts with the Department for a habilitation-vendor supported Developmental Home service shall:

1. Inform the Qualified Vendor or Direct Support Professional of the life safety rules specified in this Article before requesting an inspection by the Department;
2. Conduct a preliminary inspection of the intended Setting before a Life Safety Inspection is conducted by the Department;
3. Request an inspection after relocating to a new Setting, at least 30 calendar days before the inspection is required to be completed. The Agency shall provide correct information to the Department including:
 - a. The name, address, and contact information for the Setting;
 - b. The major cross streets or directions for locating the Setting; and
 - c. Contact information for the requestor;
4. Conduct routine oversight not less than annually of Settings to verify compliance with the requirements set forth in this Article;
5. Verify corrections made by the Qualified Vendor or Direct Support Professional in response to violations identified by the Agency, as applicable; and
6. Maintain records of the oversight provided to prepare the Qualified Vendor or Direct Support Professional, to ensure on-going compliance with the life safety rules.
7. Verify each correction made to the Setting demonstrating compliance when directed by the Department.
8. The Qualified Vendor shall have a system for tracking when an inspection is due and request the inspection as outlined in Division policy.

D. The Department shall:

1. Conduct a Life-Safety Inspection to verify compliance with the rules before an HCBS is initiated in a Setting;
2. Conduct an inspection before an HCBS may be provided following the relocation of an established Setting;
3. Conduct an inspection of:
 - a. Developmental Homes every year; and
 - b. Any other HCBS Setting every two years.

4. Conduct an inspection to verify compliance with specific life safety rules following notification of significant structural modifications to a home or the addition of a Pool;
5. Permit and encourage an Agency, Qualified Vendor, or Direct Support Professional to make necessary corrections at the time of an inspection. For corrections that cannot be made immediately, the inspector shall explain how and when corrections will be verified; and
6. The Life Safety Inspection shall include each room, dwelling, building and structure on the premises, that stay locked at all times, which may allow a Member to access.

R6-6-1112. — Transportation Repealed

- ~~A. A licensee who transports clients shall have a current and valid driver's license and shall have liability insurance for any vehicle which will be used to transport clients. An Adult Developmental Home household member who transports clients must be 18 years of age or older and must be identified to the Division.~~
- ~~B. The licensee shall ensure that vehicles used for transporting clients are maintained in a safe operating condition.~~
- ~~C. The licensee shall ensure that clients wear seat belts or use an appropriate safety restraint while being transported.~~
- ~~D. A vehicle used to transport clients in wheelchairs shall also be equipped with floor mounted seat belts and wheelchair lock downs for each wheelchair being transported.~~

R6-6-1113. — Dual Licensure of Adult Developmental Homes Repealed

~~Adult Developmental Home providers licensed by another jurisdiction, such as a county or a state agency other than the Department, or licensed by a tribal authority but located off reservation, shall be licensed by the Division before the Division places a client in the Setting.~~

- ~~1. To be granted a license, the setting shall meet all requirements of this Article.~~
- ~~2. An Adult Developmental Home, licensed by another jurisdiction, seeking licensure by the Division shall sign a release of information to provide the Division access to the licensing files of the other jurisdiction.~~
- ~~3. An Adult Developmental Home licensed by another jurisdiction shall not be licensed by the Division to serve more than a total of three adults regardless of the placing agency.~~
- ~~4. The licensee shall not accept private placements or placements from other agencies or jurisdictions without prior approval of the Division.~~
- ~~5. The licensee shall notify the Division of any pre placement conference with another agency or jurisdiction.~~

R6-6-1114. — Client Rights in Adult Developmental Homes Repealed

~~The licensee shall uphold and safeguard the rights of clients consistent with applicable federal and state laws, specifically including A.R.S. § 36-551.01, unless legally restricted or as addressed in the ISPP in accordance with Article 9. In addition to those rights specifically stated in statute, rights shall include, at a minimum:~~

- ~~1. The right to be provided choices and to express preferences which will be respected and accepted whenever appropriate and possible;~~
- ~~2. The right to be free from personal and financial exploitation;~~

3. ~~The right to a safe, clean, and humane physical environment;~~
4. ~~The right to own and have free access to personal property;~~
5. ~~The right to associate with persons of the client's own choosing;~~
6. ~~The right to participate in social, religious, educational, cultural, and community activities;~~
7. ~~The right to manage personal financial affairs and to be taught to do so;~~
8. ~~The right to the least amount of physical assistance necessary to accomplish a task;~~
9. ~~The right to privacy, including during treatment and care of personal needs and with regard to written correspondence, telephone communications, and visitations;~~
10. ~~The right to have care for personal needs provided, except in cases of emergency, by a caregiver of the gender chosen by the responsible person or as specified in the ISPP; and~~
11. ~~The right to be treated with dignity and respect.~~

~~R6-6-1115. — Exemption Repealed~~

~~A license applicant or licensee may request from the Division an exemption of a rule contained in this Article. The request shall demonstrate that the intent of the rule will be met by alternate means and that the exemption will not endanger the lives or health of clients.~~

~~R6-6-1116. — Home Inspections and Monitoring Repealed~~

- ~~A. The licensee shall cooperate with the Division in assessing compliance with this Article.~~
- ~~B. The licensee shall allow the Division access to the setting for home inspections and monitoring visits and shall allow the Division access to records, reports, and vehicles used to transport clients.~~
- ~~C. Monitoring visits shall include, at a minimum:

 1. ~~An annual license renewal home visit; and~~
 2. ~~Two monitoring visits each year, at least one of which will be unannounced.~~~~
- ~~D. The licensee shall comply with corrective action plans as required by the Division.~~

~~R6-6-1117. — Complaints Repealed~~

- ~~A. Any person who has a complaint about an adult developmental home may make the complaint known verbally or in writing to the Department.~~
- ~~B. A complainant who has provided his name and address shall be notified that the complaint has been received and the notice shall indicate what investigative actions shall be taken.~~
- ~~C. The Department shall investigate complaints about adult developmental homes within ten calendar days of the receipt of the complaint and shall notify the licensee of the investigation. In a case where there is reason to believe that imminent danger exists, the investigation shall be conducted immediately and the licensee shall be notified.~~
- ~~D. The name or identifying characteristics of the complainant shall not be disclosed unless the complainant consents in writing to the disclosure or investigation of the complaint results in a legal proceeding and disclosure is ordered by an appropriate authority.~~

~~E. The Department shall notify the licensee of the results of an investigation conducted pursuant to this rule and the requirement for any corrective action that the Department deems necessary.~~

~~F. The licensee shall cooperate with the Division in completing investigations into complaints or concerns regarding the licensee and regarding clients placed in the home.~~

~~**R6-6-1118. — Denial, Suspension, and Revocation of Adult Developmental Home Licenses Repealed**~~

~~A. The Division may deny, suspend, or revoke a license for violations of A.R.S. § 36-594.~~

~~B. The Division may deny or revoke a license if a license applicant or licensee has been arrested for, convicted of, charged with, or pled no contest to any of the following criminal acts:~~

- ~~1. Sexual abuse of a child or vulnerable adult,~~
- ~~2. Incest,~~
- ~~3. First or second degree murder,~~
- ~~4. Kidnapping,~~
- ~~5. Arson,~~
- ~~6. Sexual assault,~~
- ~~7. Sexual exploitation of a child or vulnerable adult,~~
- ~~8. Commercial sexual exploitation of a child or vulnerable adult,~~
- ~~9. Felony offenses within the previous ten years involving the manufacture or distribution of marijuana or dangerous or narcotic drugs,~~
- ~~10. Robbery,~~
- ~~11. Child prostitution as defined in A.R.S. § 13-3206,~~
- ~~12. Child abuse or abuse of a vulnerable adult,~~
- ~~13. Sexual conduct with a child,~~
- ~~14. Molestation of a child or vulnerable adult,~~
- ~~15. Voluntary manslaughter, or~~
- ~~16. Aggravated assault.~~

~~C. Upon notification that a member of the household or person living on the premises of an Adult Developmental Home is found to have been arrested for, convicted of, charged with, or pled no contest to any of the criminal acts listed in subsection (B), the licensee shall immediately take the following actions:~~

- ~~1. Remove the person from direct contact with children;~~
- ~~2. Notify the Division, unless the licensee initially received notice from the Division.~~

~~D. If a licensee fails to comply with subsection (C), the Division shall revoke or suspend the license.~~

~~E. If the criminal record check indicates that an individual has been convicted of or found by a court to have committed, or is reasonably believed to have committed, offenses pursuant to A.R.S. § 36-594, other than those listed in subsection (B), the Division shall consider the following factors when determining what corrective action to take against the licensee:~~

1. ~~The extent of the individual's criminal record;~~
 2. ~~Length of time since the commission of the offense;~~
 3. ~~Nature of the offense;~~
 4. ~~Mitigating circumstances surrounding commission of the offense. The burden is on the person to demonstrate that there were mitigating circumstances;~~
 5. ~~The degree of the person's participation in the offense. The burden is on the person to demonstrate that the involvement was not direct; and~~
 6. ~~The extent of the person's rehabilitation, including but not limited to:~~
 - a. ~~The person shall prove that probation has been completed and complete restitution or compensation for the offense has been made, and~~
 - b. ~~Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling.~~
 7. ~~Personal references attesting to the person's rehabilitation.~~
- ~~F. When an application for a license is denied, or a license is suspended or revoked, pursuant to A.R.S. § 36-594, the Division shall deliver a written notice of the action in person or send a written notice of the action by certified mail to the license applicant or licensee. The notice shall state the reasons for the denial, suspension, or revocation with reference to applicable statutes and rules.~~
- ~~G. If the reason for denial, suspension, or revocation of a license involves the health, welfare, or safety of clients, the clients shall be immediately removed from the Adult Developmental Home.~~
- ~~H. When a license is denied, suspended, or revoked, the license applicant or licensee has the right to appeal the decision pursuant to Article 22.~~
- ~~I. The Division may suspend an Adult Developmental Home license for:~~
1. ~~Up to six months during an investigation or while the licensee completes a corrective action plan.~~
 2. ~~Up to 12 months due to the temporary inability of the licensee to provide services.~~
- ~~J. No child can be placed in the adult developmental home during a suspended license status.~~

R6-6-1119. — Appeals Repealed

- ~~A. When an application for a license is denied, or a license is suspended or revoked, the Division shall notify the license applicant or licensee of the right of appeal pursuant to R6-6-2201 et seq. (Appeals and Hearings), except that appeals from the decision of a hearing officer shall be in accordance with A.R.S. § 41-1992 (Hearing Officers Powers and Duties).~~
- ~~B. If the license applicant or licensee appeals a licensing decision, the denial, suspension, or revocation of the license shall not become final until the appeal decision is rendered.~~
- ~~C. If the adults placed by the Division have been removed from the home because of a health, welfare, or safety issue, they shall remain out of the home while the appeal is pending.~~