

Article 11. Adult Developmental Home License

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R6-6-1101. Application for License

- 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.

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- 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 pre-licensure training as required by R6-6-1105.

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R6-6-1102. Issuing an Initial License

- 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.

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R6-6-1103. Issuing a Renewal License

- 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.

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R6-6-1104. Issuing a Provisional License

- 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.

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

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.

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

- 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.

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

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.
 - 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;

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- 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.

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- b. Documentation showing that the license applicant and each adult household member have been fingerprinted;
 - c. 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);
 - c. 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).

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

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.
 - 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. 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;

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- 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.

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

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.

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R6-6-1105. Training Requirements for Adult Developmental Home Providers

- A. An applicant for an initial license as an adult developmental home provider shall meet the following training requirements:
 - 1. Pre-licensing 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.

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R6-6-1106. Adult Developmental Home Licensee Responsibility

- 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.

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- 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.

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R6-6-1107. Behavior Management

- 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.

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R6-6-1108. Sleeping Arrangements

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.

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R6-6-1109. Notification 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 household 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.

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R6-6-1110. Recordkeeping

- 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.

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

- 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 update 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.

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R6-6-1112. Transportation

- 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.

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

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.

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

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.

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R6-6-1115. Exemption

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.

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R6-6-1116. Home Inspections and Monitoring

- 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.

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R6-6-1117. Complaints

- 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.

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R6-6-1118. Denial, Suspension, and Revocation of Adult Developmental Home Licenses

- 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.

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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 20.
- 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.

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R6-6-1119. Appeals

- 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 R6-6-2001 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.