

R9-10-904. Administration

A. A governing authority shall:

1. Consist of one or more individuals responsible for the organization, operation, and administration of a nursing care institution;
2. Approve or designate an individual to approve the nursing care institution policies and procedures required in subsection (E);
3. Comply with applicable federal and state laws, rules, and local ordinances governing operations of a nursing care institution;
4. Appoint a nursing care institution administrator licensed according to A.R.S. Title 36, Chapter 4, Article 6;
5. Appoint an acting licensed administrator if the administrator is absent for more than 30 consecutive days;
6. Except as permitted in subsection (A)(5), when there is a change of administrator, submit a copy of the new administrator's license under A.R.S. Title 36, Chapter 4, Article 6 to the Department;
7. Adopt a quality management program according to R9-10-918;
8. Review and evaluate the effectiveness of the quality management program at least once every 12 months;
9. Approve contracted services or designate an individual to approve contracted services;
10. Notify the Department immediately if there is a change in administrator according to A.R.S. § 36-425(E);
11. Notify the Department at least 30 days before the nursing care institution terminates operations according to A.R.S. § 36-422(D); and
12. Notify the Department of a planned change in ownership at least 30 days before the change according to A.R.S. § 36-422(D).

B. Except as provided in subsection (C), a governing authority may not appoint an administrator to provide direction in more than one health care institution.

C. A single governing authority may appoint an administrator to provide direction in:

1. Both a hospital and a hospital-based nursing care institution if the licensed capacity in the hospital-based nursing care institution does not exceed 60; or

2. Not more than two nursing care institutions if:

a. The distance between the two nursing care institutions does not exceed 25 miles; and

b. Neither nursing care institution is operating under a provisional license issued by the Department under A.R.S. § 36-425;

D. An administrator shall:

1. Be responsible to the governing authority for the operation of the nursing care institution;

2. Have the authority and responsibility to administer the nursing care institution;

3. Designate an individual, in writing, who is available and responsible for the nursing care institution when the administrator is not available; and

4. Ensure the nursing care institution's compliance with the fingerprinting requirements in A.R.S. § 36-411.

E. An administrator shall ensure that:

1. Nursing care institution policies and procedures are established, documented, and implemented that cover:

a. Abuse of residents and misappropriation of resident property;

b. Health care directives;

c. Job descriptions, qualifications, duties, orientation, and in-service education for each staff member;

d. Orientation and duties of volunteers;

e. Admission, transfer, and discharge;

f. Disaster plans;

g. Resident rights;

h. Quality management including incident documentation;

i. Personal accounts;

j. Petty cash funds;

k. The nursing care institution's refund policy;

- l. Food services;
 - m. Nursing services;
 - n. Dispensation, administration, and disposal of medication and biologicals;
 - o. Infection control; and
 - p. Medical records including oral, telephone, and electronic records;
2. An allegation of abuse of a resident or misappropriation of resident property is:
 - a. Investigated by an individual designated by the administrator;
 - b. Reported to the Department within five calendar days of the allegation; and
 - c. Reported to Adult Protective Services of the Department of Economic Security if required by A.R.S. § 46-454;
 3. During an investigation conducted according to subsection (E)(2), further abuse of a resident or misappropriation of resident property is prevented;
 4. Nursing care institution policies and procedures are reviewed at least once every 24 months and updated as needed;
 5. Nursing care institution policies and procedures are available to each staff member;
 6. A known criminal conviction of a staff member who is licensed, certified, or registered in this state is reported to the appropriate licensing or regulatory agency;
 7. An injury to a resident from an unknown source that requires medical services, a disaster, or an incident is investigated by the nursing care institution and reported to the Department within 24 hours or the first business day after the injury, disaster, or incident occurs;
 8. A resident advocate assists a resident, the resident's representative, or a resident group with a request or recommendation, and responds in writing to any complaint submitted to the nursing care institution;
 9. The following are conspicuously posted on the premises:
 - a. The current nursing care institution license and quality rating issued by the Department;
 - b. The name, address, and telephone number of:
 - i. The Department's Office of Long Term Care,

- ii. The State Long Term Care Ombudsman Program, and
 - iii. Adult Protective Services of the Department of Economic Security;
- c. A notice that a resident may file a complaint with the Department concerning the nursing care institution;
- d. A map for evacuating the facility; and
- e. A copy of the current license survey report with information identifying residents redacted, any subsequent reports issued by the Department, and any plan of correction that is in effect.
- F. If an administrator administers a resident's personal account at the request of the resident or the resident's representative, the administrator shall:
- 1. Comply with nursing care institution policies and procedures established according to subsection (E)(1)(i),
 - 2. Designate a staff member who is responsible for the personal accounts,
 - 3. Maintain a complete and separate accounting of each personal account,
 - 4. Obtain written authorization from the resident or the resident's representative for each personal account transaction,
 - 5. Document each account transaction and provide a copy of the documentation to the resident or the resident's representative on request and at least every three months,
 - 6. Transfer all money from the resident's personal account in excess of \$50.00 to an interest-bearing account and credit the interest to the resident's personal account, and
 - 7. Within 30 days of the resident's death, transfer, or discharge, return all money in the resident's personal account and a final accounting to the individual or probate jurisdiction administering the resident's estate.
- G. If a petty cash fund is established for use by residents, the administrator shall ensure that:
- 1. The nursing care institution policies and procedures established according to subsection (E)(1)(j) include:
 - a. A prescribed cash limit of the petty cash fund, and
 - b. The hours of the day a resident may access the petty cash fund; and
 - 2. A resident's written acknowledgment is obtained for each petty cash transaction.

Historical Note

Adopted effective February 17, 1995 (Supp. 95-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 338, effective March 16, 2003 (Supp. 03-1).