

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 40. DEPARTMENT OF VETERANS' SERVICES  
ARIZONA STATE VETERAN HOME**

Authority: A.R.S. § 41-601 et seq.

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**ARTICLE 1. DEFINITIONS****R4-40-101. Definitions**

- A.** "Administrator" means the administrative officer of the Arizona State Veteran Home who is appointed by the Director and licensed by the Board of Examiners of Nursing Care Institution Administrators and Adult Care Home Managers.
- B.** "Admission agreement" means a document signed by an applicant or the applicant's legal representative and the admissions coordinator or designee that outlines the responsibilities of the applicant, the applicant's legal representative, and the ASVH.

- C.** "ALTCS" means the Arizona Long-term Care System established at A.R.S. § 36-2931 et seq.
- D.** "Applicant" means a veteran, spouse, or surviving spouse who submits a written application for admission to the ASVH.
- E.** "ASVH" means the Arizona State Veteran Home.
- F.** "Director" means the Director of the Arizona Department of Veterans' Services.
- G.** "Director of nursing" means a registered nurse licensed to practice in Arizona who is responsible for the management and supervision of ASVH nursing services.
- H.** "Legal representative" means an individual or entity designated by an applicant, a resident, or a court of competent jurisdiction to make legal, financial, and medical decisions on behalf of the applicant or resident.
- I.** "Medicare" means the program for the aged and disabled under Title XVIII of the Social Security Act.
- J.** "Nursing services" means services defined in A.R.S. § 36-401(A)(34) and described by A.A.C. R9-10-906.
- K.** "Physician" means a person licensed under A.R.S. § Title 32, Chapter 13, or Chapter 17, or appointed under authority of 38 U.S.C. 7402.
- L.** "Resident" means an individual who has been admitted to ASVH.
- M.** "Resident room and board" means the dollar amount billed every calendar month to a resident or legal representative for the resident's care.
- N.** "Spouse" means an individual who currently has a valid marriage contract with a veteran.
- O.** "Surviving spouse" means an individual who had a valid marriage contract at the time of the veteran's death.
- P.** "Third-party payor" means any individual, health insurance carrier, health maintenance organization, managed care entity, or organized health care delivery system including:
1. An ALTCS contract provider,
  2. The VA,
  3. Medicare,
  4. A health care insurance company, or
  5. A long-term care insurance company.
- Q.** "VA" means the United States Department of Veterans Affairs.
- R.** "Veteran" means an individual who:
1. Served in the active United States Army, Navy, Marine Corps, Air Force, or Coast Guard and who was not dishonorably discharged or released;
  2. Served in the merchant marine between December 7, 1941, and July 25, 1947; or
  3. Is considered to have performed active military, naval, or air service under 38 CFR 3.7.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1).  
Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 2. GENERAL PROVISIONS****R4-40-201. General Provisions**

- A.** An applicant is eligible for admission to ASVH if the applicant is:
1. A veteran,
  2. A spouse, or
  3. A surviving spouse and

4. Meets the requirements specified in this Section and Article 3.
- B.** The administrator shall ensure that the number of ASVH residents who are spouses or surviving spouses does not exceed 25 percent of the total number of residents at ASVH.
- C.** An applicant shall provide a physician's written recommendation that the applicant receive nursing services on a 24-hour per day basis.
- D.** The administrator shall ensure that an applicant is admitted only if the applicant requires the services available at the ASVH and the applicant's needs do not exceed the ASVH's ability to provide services at the time of application.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1).

Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 3. APPLICATION AND ADMISSION PROCESS****R4-40-301. Application**

- A.** An applicant or legal representative shall apply for admission to ASVH by submitting a completed ASVH application to the admissions coordinator. If both a veteran and the veteran's spouse are applying for admission, both shall file separate applications. An application may be obtained from the ASVH at 4141 N. Third St., Phoenix, AZ 85012, telephone number (602) 248-1550, or from the agency web site at [www.azdvs.gov](http://www.azdvs.gov).
- B.** In addition to the ASVH application required under subsection (A), an applicant or legal representative shall submit the following:
  1. Information regarding the applicant's ability to participate in daily living activities and the applicant's psychosocial behavior. The information may be provided through either of the following:
    - a. A functional questionnaire form provided by ASVH that is completed by the applicant or family member, or
    - b. The equivalent medical information provided by a health care provider;
  2. A completed applicant's financial information statement on a form provided by ASVH;
  3. A completed physician's statement by the applicant's physician on a form provided by ASVH or equivalent medical information;
  4. A copy of the veteran's discharge document from the United States military, a certified copy of the separation or discharge document issued by the National Personnel Records Center, or a Statement of Service issued by the VA Regional Office;
  5. If requested by the director of nursing, a copy of medical records that assist in determining the level of care required by the applicant. Medical records may include physician's records, nurses' notes, test results, and medication records; and
  6. Evidence of freedom from infectious pulmonary tuberculosis as specified by A.A.C. R9-10-908(6).
- C.** Evidence of treatment at a VA Medical Center will satisfy the requirement in (B)(4) of this Section.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1).

Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3). Amended by final rulemaking at 14 A.A.R. 2709, effective August 2, 2008 (Supp. 08-2).

**R4-40-302. Application Process**

- A.** The admissions coordinator shall determine whether an applicant is eligible for admission to ASVH under R4-40-201 by:
  1. Reviewing the application,
  2. Obtaining an onsite medical assessment, if requested by the director of nursing,
  3. Obtaining approval from the director of nursing, and
  4. Consulting with the business manager.
- B.** The admissions coordinator shall notify the applicant of the decision within 30 calendar days of receiving a completed application.
- C.** If an appropriate bed is not available at the time of admission approval, the admissions coordinator shall place the applicant's name on a waiting list in order by date of approval.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1).

Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-303. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-304. Admission Process**

- A.** The admissions coordinator or designee shall notify an applicant or legal representative of the date and time that the applicant may be admitted to ASVH.
- B.** Upon arrival at ASVH, the applicant or legal representative shall review and abide by the following:
  1. Resident responsibilities and conduct;
  2. Resident room and board, billing, and payment; and
  3. The admission agreement.
- C.** The resident or legal representative shall complete and sign an admission agreement.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1).

Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-305. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-306. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 4. REPEALED****R4-40-401. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-402. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-403. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-404. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 5. RESIDENT SUPPORT****R4-40-501. Billing**

- A.** A resident or the resident's legal representative shall pay for all services, equipment, or supplies not paid by a third party.
- B.** The business manager shall send a bill to the resident or legal representative by the 10th of each month. The bill, which is due upon receipt, requires payment for the third-party following:
1. Resident room and board for the upcoming month;
  2. Any past-due amount; and
  3. Any services, treatment, supplies, and custom medical equipment not included in the resident room and board.
- C.** If a refund or credit to the resident's account is due, the business manager shall issue the refund or credit within 30 days of the termination of care provided by ASVH.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-502. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 6. RESIDENT RESPONSIBILITIES AND CONDUCT****R4-40-601. General Provisions**

- A.** A resident or legal representative shall:
1. Report any change in the resident's financial resources, including any change in third-party payors or the third-party payors' responsibility to pay for the resident's care and treatment;
  2. Report any change in the resident's physical, psychological, or mental condition observed while outside ASVH to the nursing staff or the director of nursing; and
  3. Pay for any property damaged or destroyed by the resident.
- B.** If a resident has a conservator, the conservator shall submit a copy of the annual conservatorship report to ASVH within 30 days of filing the report with the Superior Court.
- C.** A resident shall not:
1. Consume an alcoholic beverage except in a designated area and with a physician's order,
  2. Use or possess a firearm on ASVH premises;
  3. Smoke in an ASVH building;
  4. Use or possess an illegal drug or substance on ASVH premises; or
  5. Take any action that poses a risk to the health, safety, or welfare of self or others at the ASVH.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1).

Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 7. INVOLUNTARY RESIDENT DISCHARGE****R4-40-701. Involuntary Resident Discharge**

- A.** The administrator may discharge a resident for:
1. Loss of eligibility specified in R4-40-201,
  2. Failure to pay bill specified in R4-40-501,
  3. Failure to comply with resident responsibilities specified in R4-40-601.
- B.** If the reason for discharge is substantiated and warrants the resident's discharge, the administrator shall notify the resident or legal representative, in writing, at least 30 days before the effective date of discharge of the reason for and effective date of the discharge. If the administrator determines that a resident is a danger to self or others or an immediate transfer or discharge is required by the resident's urgent care medical needs, the 30-day written notice is waived and the administrator shall discharge the resident immediately.
- C.** A resident who is discharged involuntarily or legal representative may appeal under A.R.S. Title 41, Chapter 6, Article 10 and Article 9.
- D.** A resident who is discharged may be readmitted to ASVH. The discharged resident's application for readmission shall comply with the applicable portions of R4-40-201, R4-40-301, and R4-40-304.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-702. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-703. Repealed****Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 8. RESIDENT TRUST FUND****R4-40-801. General Provisions**

- A.** If a resident or legal representative requests that ASVH manage the resident's finances, the resident or legal representative shall complete and sign a resident trust fund agreement provided by ASVH.
- B.** ASVH shall maintain an interest-bearing account, which is separate from any of the ASVH operating accounts, with a federally insured bank for residents' trust funds. The ASVH shall deposit the personal funds of each resident into the interest-bearing account and credit all interest earned by each resident's trust fund to the individual resident's trust fund account.

**Historical Note**

Adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**ARTICLE 9. APPEAL PROCESS****R4-40-901. Hearings**

- A.** Within 30 days after receiving a notice of a denial of eligibility for admission or an involuntary discharge, an applicant or resident may file a notice of appeal under A.R.S. § 41-1092.03

with the ASVH administrator. The notice shall identify the applicant or resident, the applicant's or resident's address, and the action being appealed, and contain a concise statement of the reason for the appeal.

- B.** The hearing shall be conducted by the Office of Administrative Hearings as specified in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).

**R4-40-902. Rehearing or Review of Decision**

- A.** Under A.R.S. § 41-1092.09, the ASVH Director may grant a rehearing or review of decision.
- B.** Rehearing or review of decision is granted for any one of the following reasons that materially affect the requesting party's rights:

1. Irregularity in the proceedings of a hearing that deprived the requesting party of a fair hearing;
  2. Misconduct of the judge;
  3. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  4. The decision is the result of passion or prejudice; or
  5. The decision is not supported by the evidence or is contrary to law.
- C.** Within 30 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting the rehearing shall specify the grounds for the review of the decision.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 2990, effective September 11, 2004 (Supp. 04-3).