



## NOTICES OF SUBSTANTIVE POLICY STATEMENT

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal

procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT

#### DEPARTMENT OF HEALTH SERVICES

[M15-115]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-026-PHL-OAD: Clarification of Fingerprinting Requirements for Residential Care Institutions, Nursing Care Institutions, and Home Health Agencies

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

Issuance date: May 22, 2015

Effective date: June 1, 2015

**3. Summary of the contents of the substantive policy statement:**

The substantive policy statement clarifies who must be fingerprinted as a condition of employment or before beginning volunteer work in a residential care institution, nursing care institution, or home health agency.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

Arizona Revised Statutes (A.R.S.) §§ 36-151, 36-401, and 36-411(A) and (E)

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

This is a revised substantive policy statement that reinstates and updates SP-026-DLS-OAD, which had been rescinded by the Arizona Department of Health Services (Department), effective December 1, 2014, as no longer necessary. Since then, the Department has determined that persons affected by the fingerprinting requirements in A.R.S. § 36-411 are still unclear as to who must be fingerprinted as a condition of employment or before beginning volunteer work in a residential care institution, nursing care institution, or home health agency. Therefore, the Department is reinstating the previously rescinded substantive policy statement. The number of the substantive policy statement is also being amended to reflect organizational changes within the Department, and the content revised to improve clarity.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Kathryn McCanna, Branch Chief  
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 Public Health Licensing Services  
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 Phoenix, AZ 85007  
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 or  
 Name: Jeff Bloomberg, Manager  
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 Office of Administrative Counsel and Rules  
 1740 W. Adams, Suite 203  
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Fax: (602) 364-1150  
E-mail: Jeff.Bloomberg@azdhs.gov

**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

A copy of the substantive policy statement is available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: <http://www.azdhs.gov/ops/oacr/rules/sps/index.php?pg=licensing>. A copy of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Public Health Licensing Services, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007 for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.