



FAQ Sheet for SB1401 Disclosures

All AZNHA members abide by Arizona state laws for providing home care services. As such, and in accordance with SB1401, it is state law that a business entity providing in-home care services in Arizona shall, on an annual basis, disclose to each of its home care service clients at least all of the following information:

- Whether criminal background checks have been performed on the employees or contractors who provide home care services and the entity's policy on sending employees or contractors who have a criminal history to a client's home.
- The name and position of the person who is responsible for the day-to-day management of the employees and contractors, for the hiring and firing of employees and for the termination of contracts.
- A description of any required training for employees or contractors who provide home care services and whether the training includes first aid and cardiopulmonary resuscitation.
- A description of the home care services the entity provides and the cost of each service.
- A description of the entity's home care services agreements and how an agreement may be terminated.

A person or agency who violates this Arizona law is guilty of a class 3 misdemeanor for each violation. In the instance of continuing violation, each day constitutes a separate offense. All Arizona class 3 misdemeanor offenses carry a maximum charge of up to \$500, and/or a maximum 30 days in jail.

Below are questions AZNHA has received from members with regard to SB1401 and requirements for disclosure. We believe this information will help you go forward toward compliance with this new law. However, if you have a question that does not appear here, please contact us at info@aznha.org and we will respond with an answer.

Q. Does SB1401 apply only to Medicare Certified, Home Health Agency licensed offices?

A. No. Medicare-certified agencies offering services under their license are exempt from this legislation.

Q. Does SB1401 apply to unlicensed services?

A. Yes. But if an agency is providing services directly to a consumer (or their family) and not using their licensed arm (i.e. through an unlicensed subcontractor) the law would apply.

For clarity : If you are providing services directly to a consumer through a subcontractor that is registered with the State, then the law does not apply.

The law does not apply to any services provided under a state or federal contract; only to direct (private pay) services that are not regulated by the state. Therefore, skilled services would not need any declaration as the State of Arizona licenses skilled agencies.

Q. Does SB1401 apply to all services – skilled and non-skilled?

A. See above

Q. Is there a form available, or do we need to create one ourselves?

A. AZNHA has created a form that meets the disclosure criteria as required in this law. Your agency may create your own form as long as you address each point in the law.

- Q. Will we need to sign a new client agreement form annually, or will the original agreement suffice?
- A. Your client does not need to sign an annual document, but you need to make the declaration on an annual basis. The individual company can choose how to make that declaration; there is no prescribed format. You may decide to add it to your existing Terms for new clients; send existing clients a letter; and annually send out a letter on January 1 with the declaration to all clients. You should do what works best for your agency.
- Q. What do we do with the signed disclosure form? Does this go to the client?
- A. Each agency must maintain the signed disclosure forms in their client files. AZNHA recommends that you also provide a copy of this form to each of your clients. If you are a paperless office, your client would sign on a tablet (or other device), then you would maintain in your electronic permanent records.
- Q. Are we to disclose payors fee schedule or our standard charges?
- A. Whatever you are charging that individual client.
- Q. Does my agency need to provide AZNHA with copies of my disclosure forms?
- A. No, AZNHA has made the disclosure form available for the use of our members. However, we will not monitor your compliance, nor do we want to receive specific information relating to your agency.