



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1641

health care institutions; civil penalties

Purpose

Increases, from \$500 to \$1000, the maximum civil penalty assessed for violation of health care institution statutes and rules.

Background

Current statute allows the Director of the Department of Health Services (DHS) to assess a civil penalty against a person who violates health care institution statutes or rules in an amount of up to \$500 per violation. Each day that a violation occurs constitutes a separate violation. The DHS Director may issue a notice of assessment, which includes the proposed amount of the assessment. A person may appeal the assessment by requesting a uniform administrative hearing, in which the Director will take no further action until the hearing has been decided.

In determining the civil penalty, DHS must consider: 1) repeated violations of statutes or rules; 2) patterns of noncompliance; 3) types of violations; 4) severity of violations; 5) potential for and occurrences of actual harm; 6) threats to health and safety; 7) number of persons affected by the violations; 8) number of violations; 9) size of the facility; and 10) length of time that the violations have been occurring ([A.R.S. § 36-431.01](#)).

If increasing the maximum civil penalty results in a change in revenues, there may be a fiscal impact to the state General Fund.

Provisions:

1. Increases, from \$500 to \$1000, the maximum civil penalty assessed for violation of health care institution statutes and rules.
2. Makes technical changes.
3. Becomes effective on the general effective date.

Prepared by Senate Research
February 7, 2022
MM/CC/sr