

## NOTICES OF PROPOSED RULEMAKING Initiated Before January 1, 1995

Unless exempted by A.R.S. § 41-1055, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking with the Governor's Regulatory Review Council as specified by A.R.S. § 41-1052. The agency shall also submit the text of the rules being proposed, an estimate of the economic impact, and a cost/benefit analysis of the proposed action. Following the Council's review and approval of the rule, the Council shall forward the rule to the Office of the Secretary of State for filing and publication in the *Arizona Administrative Register*.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022 and A.A.C. R1-2-202.

### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CH. 40. ARIZONA VETERANS' SERVICE COMMISSION

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 41-601 *et seq.* (general) and A.R.S. §§ 41-608.01 and 41-603(A)(7) (specific), the following actions are proposed:

#### Adopt:

Article 1.	Definitions
R4-40-101.	Definitions
Article 2.	Eligibility
R4-40-201.	General Provisions
Article 3.	Application and Admission Process
R4-40-301.	Application
R4-40-302.	Application Process
R4-40-303.	Pre-admission Requirements
R4-40-304.	Admission Process
R4-40-305.	Applicant Grievance, Hearing, and Appeal Process
R4-40-306.	Rehearing or Review of Commission's Decisions
Article 4.	Standards of Care
R4-40-401.	Care and Treatment
R4-40-402.	General Provisions
R4-40-403.	Level of Care
R4-40-404.	Level of Care or Eligibility Changes
Article 5.	Resident Support
R4-40-501.	Billing
R4-40-502.	Payment Process
Article 6.	Resident Responsibilities and Conduct
R4-40-601.	General Provisions
Article 7.	Resident Discharge, Grievance, Hearing, and Appeal Process
R4-40-701.	Resident Discharge
R4-40-702.	Resident Grievance, Hearing, and Appeal
R4-40-703.	Rehearing or Review of Commission's Decisions
Article 8.	Resident Trust Fund
R4-40-801.	General Provisions

#### Summary

A.R.S. § 41-603(7) provides the general authority for the Veterans' Service Commission to promulgate rules. A.R.S. § 41-608.01 established a "State home for veterans trust fund." The proposed rules are to define the operation of this new 200-bed skilled nursing care facility.

Article 1 defines words and terms used in the Veterans' Service Commission rules.

Article 2 defines eligibility requirements for admission to the Arizona State Veterans Home (ASVH).

Article 3 describes the application and admissions procedures and the applicant grievance and appeal process.

Article 4 defines standards of care for each resident.

Article 5 explains resident support, including billing and payment process.

Article 6 outlines resident responsibilities and conduct.

Article 7 sets forth guidelines for resident discharge, grievance, hearing, and appeal processes.

Article 8 prescribes the rules for a resident trust fund when the resident is unable to handle the management of financial resources.

#### Governor's Regulatory Review Council

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on June 6, 1995.

#### Opportunity for Public Comment

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before August 21, 1995

Contact: Harriett F. Orrel, Arizona Veterans' Service Commission, 3225 North Central, Suite 910, Phoenix, Arizona 85012 (602) 255-3373

The Commission has scheduled an oral proceeding to be held as follows:

Date: August 21, 1995  
Time: 10 a.m.  
Location: Arizona Veterans' Service Commission  
3225 North Central, Suite 910  
Phoenix, Arizona

Dated: May 17, 1995 /s/ Norman O. Gallion Director  
Filed in the Office of the  
Secretary of State 6/22/95

**Editor's Note:** *The Department of Economic Security is extending the Public Comment Period on the following set of rules. In the interest of public information, the entire Notice, which was originally published in the May 12, 1995, issue of the Register, is reprinted here with the updated information. The Department has not scheduled any new oral proceedings.*

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**Notices of Proposed Rulemaking**

**TITLE 6. ECONOMIC SECURITY**

**CH. 3. DEPARTMENT OF ECONOMIC SECURITY  
INCOME MAINTENANCE**

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 41-1954(A)(1)(a) and (3) and 46-134(1) and (12), (general authority) and 23-601 through 23-625.02, 23-642 through 23-645, 23-671 through 23-683, 23-701 through 23-708, 23-721 through 23-757, 23-771 through 23-791, 41-1954(A)(10), 41-1959, and 41-1991 through 41-1994 (specific authority), the following actions are proposed:

**---Repeal:**

- R6-3-1301. Definition of terms
- R6-3-1724. Sick pay
- R6-3-1802. Claims for benefits for unemployment
- R6-3-5470. Citizenship or residence requirements
- R6-3-5475. Claims and registration

**Adopt:**

- R6-3-1301. Definitions
- R6-3-1401. Policy of Nondiscrimination
- R6-3-1813. Overpayment Deduction Percentage
- R6-3-5475. Claims and Registration

**Amend:**

- R6-3-1401. Employer Elections to Cover Multi-state Workers
- R6-3-1403. Disclosure of Information and Confidentiality
- R6-3-1502. Appeals Process, General
- R6-3-1503. Proceedings Before an Appeal Tribunal
- R6-3-1504. Review of Appeal Tribunal Decisions
- R6-3-1506. Contribution Cases
- R6-3-1507. Appeals from Labor Dispute Determinations
- R6-3-1701. Identification of Workers Covered by Employment Security Law of Arizona
- R6-3-1709. Part-time Employment - Employer Responsibilities
- R6-3-1712. Joint, Multiple, and Combined Employer Experience Rating Accounts
- R6-3-1718. Employer Refunds
- R6-3-1720. Exempting Certain Direct Sellers and Income Tax Preparers
- R6-3-1803. Determination of Benefit Rights
- R6-3-50150. Distance to Work
- R6-3-5105. General (Misconduct)
- R6-3-51140. Dishonesty

**Renumber:**

- R6-3-1401 to R6-3-1406. Employer Elections to Cover Multi-state Workers

**Summary**

The Department proposes to amend, adopt, or repeal the above rules concerning unemployment insurance. Many of the proposed amendments are nonsubstantive changes designed to bring the rules into conformity with current format and style requirements for rules. These changes include deletion of language which merely quotes or paraphrases statutory text, consolidation of defined terms that apply to all unemployment insurance rules into one Section (R6-3-1301), placement of all defined terms into numbered alphabetical order, and elimination of gender-specific terminology.

The Department is also making other changes to reflect recent statutory changes and court decisions and to better conform to controlling federal and state law. These changes include:

- Adopting a rule stating the Department's policy not to discriminate in administration of the unemployment insurance program;

- Amending the rules on hearings and appeals of unemployment insurance cases to reflect recent statutory changes about certified mailing and attorneys' fees, and to limit the number of times a person may obtain a hearing on a request to reopen a case;
- Amending rules affecting unemployment insurance tax activities by adding "fixtures" to the definition of consumer goods; adding "delinquency, deficiency, or jeopardy assessment" as issues for which a petition for review may be filed; providing a reimbursement employer credit for benefit overpayments attributable to Department error; defining "to the same extent" for the purposes of A.R.S. § 23-727(E); and eliminating a sick pay rule which is partially inconsistent with and partially duplicates statutory text;
- Repealing R6-3-1802 and amending R6-3-5475 to eliminate internal inconsistency and to clarify the requirements for filing claims for unemployment insurance benefits;
- Adopting R6-3-1813 to define "no reasonable attempt" as used in A.R.S. § 23-787(D);
- Amending R6-3-50150 to better define "beyond reasonable commuting distance" and conform the rule to statutory text; and
- Amending R6-3-51140 concerning "dishonesty" to better conform to the statutory definition in A.R.S. § 23-619.01.

**Governor's Regulatory Review Council**

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on April 4, 1995.

**Opportunity for Public Comment**

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before 5:00 p.m., August 4, 1995.

Contact: Vista Thompson Brown, Department of Economic Security, Site Code 837A, P.O. Box 6123, Phoenix 85005, (602) 542-6555.

The Department has scheduled oral proceedings to be held:

- |                    |                          |
|--------------------|--------------------------|
| Date:              | Phoenix, District I      |
| Time:              | June 15, 1995            |
| Location:          | 10:00 a.m.               |
|                    | DES Conference Room      |
|                    | 815 North 18th Street    |
|                    | Phoenix                  |
| Coordin. Pgm Mgr.: | Vince Ornelas            |
|                    | (602) 255-3722           |
|                    | Tucson, District II      |
| Date:              | June 15, 1995            |
| Time:              | 10:00 a.m.               |
| Location:          | DES Conference Room      |
|                    | 400 West Congress #420   |
|                    | Tucson                   |
| Coordin. Pgm Mgr.: | Henry Granillo           |
|                    | (520) 628-6810           |
|                    | Flagstaff, District III  |
| Date:              | June 15, 1995            |
| Time:              | 10:00 a.m.               |
| Location:          | DES Conference Room      |
|                    | 220 North LeRoux         |
|                    | Flagstaff                |
| Coordin. Pgm Mgr.: | Pam Estrella             |
|                    | (520) 779-2731, ext. 238 |

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Date: Yuma, District IV  
June 15, 1995  
Time: 10:00 a.m.  
Location: DES Conference Room  
350 West 16th Street, # 232  
Yuma  
Coordin. Pgm Mgr.: Tim Acuff  
(520) 782-4343

Date: Casa Grande, District V  
June 15, 1995  
Time: 10:00 a.m.  
Location: DES Conference Room  
2510 North Trekell  
Casa Grande  
Coordin. Pgm Mgr.: Clay Ross  
(520) 836-2351

Date: Bisbee, District VI  
June 15, 1995  
Time: 10:00 a.m.  
Location: District Conference Room  
209 Bisbee Road  
Bisbee  
Coordin. Pgm Mgr.: Mary White  
(520) 432-5703

The Department of Economic Security (DES) follows and supports Title II of the Americans with Disabilities Act. DES does not discriminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Persons with disabilities who need accommodation (including auxiliary aids or services) to participate in the above-scheduled hearings may contact the coordinating program managers identified above at least 72 hours before the scheduled hearing, to request accommodation.

To request accommodation to participate in the public comment process, or to obtain this notice in large print, Braille, or on audio tape, contact Vista Thompson Brown, at (602) 542-6555, P. O. Box 6123, Site 837A, Phoenix, Arizona 85005. TDD 1-800-367-8939

Dated: March 3, 1995

/s/ Michael Koppelman  
Deputy Director

Filed in the Office of the  
Secretary of State 4/18/95

NOTICES OF PROPOSED RULEMAKING  
Initiated After January 1, 1995

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register*.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 19. DEPARTMENT OF HEALTH SERVICES  
VITAL RECORDS AND STATISTICS

PREAMBLE

1. **Sections Affected**

R19-19-101 R19-19-413	<b><u>Rulemaking Action</u></b> Amend Amend
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2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 8-106.01, 36-136(H)(3), and 36-303  
Implementing statute: A.R.S. § 36-342
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Renee Gaudino, Manager
Address:	Office of Vital Records 2727 West Glendale Phoenix, Arizona 85051
Telephone:	(602) 255-3260
Fax:	(602) 255-3259
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The Department is amending A.A.C. R9-19-101(9) to clarify that affidavits are not considered to be "independent factual documents". The reason for the definition revision is that there is currently ambiguity in the definition of "independent factual document" which permits applicants for delayed birth registration to arguably utilize affidavits as "independent factual documents" to establish the necessary documentation for creation of such delayed registration. This was neither the intent of the current rules nor the current practice followed by the Office of Vital Records. In addition, R9-19-413 is being amended to add a fee for conducting searches of the putative fathers registry maintained by the Department in accordance with A.R.S. § 8-106.01.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this rule:**

Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**

The rule amendment to the definition of "independent factual document" will have no economic impact as the change is to clarify the current interpretation and practice followed by the Office of Vital Records for the establishment of delayed birth registrations. The fee being established is to help defray the costs of maintaining and searching the putative fathers registry which the Department was required to establish by law but which was provided no funding by the Legislature for the first year. During the latest session, a small appropriation was provided to assist in more fully establishing the registry, particularly for purposes of computerizing it. It is estimated that there will be approximately 700 searches required each year, although that is based on only a few months' experience. At \$10 per search, \$7000 in fees will be generated annually. As a whole, this total is a very modest cost impact; and, individually, at \$10, the impact is very minimal. It is anticipated that the cost will be passed on to the prospective adoptive parents.

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**Notices of Proposed Rulemaking**

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement.  
Name: Renee Gaudino, Manager  
Address: Office of Vital Records  
2727 West Glendale  
Phoenix, Arizona 85051  
Telephone: (602) 255-3260  
Fax: (602) 255-3259
8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:  
No public proceeding is scheduled. A person may submit written comments to, or request that an oral proceeding be held on, the proposed rules by submitting the comments or a written request for hearing no later than 5 p.m., August 30, 1995, to the person listed above.
9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
Not applicable.
10. Incorporations by reference and their location in the rules:  
None.
11. The full text of the rules follows:

**TITLE 9. HEALTH SERVICES**

**CHAPTER 19. DEPARTMENT OF HEALTH SERVICES  
VITAL RECORDS AND STATISTICS**

**ARTICLE 1. ADMINISTRATIVE ORGANIZATION,  
DUTIES, AND PROCEDURES**

R9-19-101. Definitions

**ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**

R9-19-413. Fee Schedule

**ARTICLE 1. ADMINISTRATIVE ORGANIZATION,  
DUTIES, AND PROCEDURES**

**R9-19-101. Definitions**

In this Chapter, unless the context otherwise requires:

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. "Independent factual document" means a record, paper, or writing, which is not an affidavit and which memorializes a transaction, billing, legal relationship, or occurrence which evidences the facts sought to be established by or for a registrant and which was prepared, created, printed, or authored by a person, company, corporation, or business which is neither the registrant nor related to the registrant.

**ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**

**R9-19-413. Fee Schedule**

A. In the following an applicant shall be charged:

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.
10. No change.
11. No change.
12. No change.
13. Ten dollars for each search for a putative father in the putative fathers registry.
10. No change.
  - a. No change.
  - b. No change.
11. No change.
12. No change.
13. No change.
14. No change.
15. No change.

B. No change.