

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.

Editor's Note: The following rules appeared originally in the February 3, 1995, issue of the Arizona Administrative Register. The Department wishes to extend the public comment period and the changes are reflected below. The entire notice is being republished for public information.

TITLE 9. HEALTH SERVICES

CH. 14. DEPARTMENT OF HEALTH SERVICES LABORATORIES

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 36-136, 36-692, and 36-694, the following actions are proposed:

- Adopt**
R9-14-505. Collection of Screening Fees
- Amend**
Article 5. Tests for Metabolic Disorders and Hemoglobinopathies
R9-14-501. Definitions
R9-14-502. Tests to be Performed Testing of Newborns
R9-14-503. Persons and Institutions Responsible for Tests
R9-14-504. Approval of Parent or Guardian Education

Summary

The Department is proposing the above rules to define standards, procedures, techniques, methods for providing appropriate education to parents and health care providers, fee collection, and criteria for conducting and implementing a centrally coordinated newborn screening program for the state of Arizona in order to insure that infants born with metabolic and/or hemoglobin disorders will be identified as early as possible and referred for appropriate diagnostic testing, treatment, and follow-up.

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 January 3, 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 March 31, 1995.

Contact: Janet Bourbouse, Community and Family Health Services, Department of Health Services, 1740 West Adams, Phoenix, Arizona 85007, (602) 542-1880.

The Department has scheduled oral proceedings as follows:

Date: March 7, 1995
Time: 10:00 a.m.
Location: Arizona State Building
Second Floor, Suite 222, North Building
400 West Congress
Tucson

Date: March 13, 1995
Time: 10:00 a.m.
Arizona Department of Health Services
1740 West Adams, Room 201
Phoenix

Date: March 27, 1995
Time: 10:00 a.m.
Coconino County Health Department
Thomas Auditorium
2500 North Fort Valley Road
Flagstaff

Dated: February 24, 1995

/s/ Roger Austin for
Jack Dillenberg, D.D.S.,
M.P.H., Director
Filed in the Office of the
Secretary of State 2/24/95

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PROPOSED RULES
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.

TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

PREAMBLE

- | | |
|---|---|
| 1. <u>Sections Affected</u>
R17-4-520
R17-4-525 | <u>Rulemaking Action</u>
Amend
New Section |
| 2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u>
Authorizing statute: A.R.S. § 28-202
Implementing statute: A.R.S. §§ 28-413, 28-429, and 28-433 | |
| 3. <u>The name and address of agency personnel with whom persons may communicate regarding the rule:</u>
Name: Glenn C. Johnson
Address: 4747 North Seventh Avenue, Third Floor
Phoenix, Arizona 85013-2401
Telephone Number: (602) 255-7737
Fax Number: (602) 241-1624 | |
| 4. <u>An explanation of the rule, including the agency's reasons for initiating the rule:</u> | |

The Department proposes extensive amendments to R17-4-520 for the following reasons: the rule has been in effect since 1987 and is not clear, concise, or understandable; the rule also contains numerous obsolete, redundant, or imprecise definitions. Proposed amendments are intended to precisely define those words and terms; eliminate gender-specific definitions; and define the terms "Certified Substance Abuse Counselor", "substance abuse evaluation", and "sobriety" as those terms are used in the proposed rule.

Further, the definition of "Medical Examination" is expanded to include the substance abuse evaluation prescribed in the proposed rule. It is necessary to expand the definition of Medical Examination in order to permit Substance Abuse Examinations by non-physicians certified as Substance Abuse Counselors pursuant to A.R.S. § 28-429. The rule as currently in effect provides that a medical examination can only be performed by a physician as defined in the rule. The proposed amendment is intended to resolve this obvious conflict between the existing rule and A.R.S. § 28-429 and conform the definition in the rule with the statutory provisions of A.R.S. § 28-429.

The proposed definition of physician is expanded to include any medical doctor or doctor of osteopathy licensed to practice in the United States. This will have the effect of easing regulatory burden on many members of the affected public, particularly part-time residents or winter visitors who often have a long-standing relationship with competent physicians in other states. Communication between state licensing agencies is currently so sophisticated that it is very easy to verify the credentials of medical practitioners throughout the country.

The definitions of "medical questionnaire" and "medical screening question" have been combined into one definition ("vision, medical, physical, or psychological screening questionnaire for safe operation of a motor vehicle") for purposes of clarity, conciseness, and understandability.

The definition of "examinee" is included for clarity, conciseness, and understandability and sets forth with one word all persons falling within the scope of this rule. It includes any person who applies for a driver's license or renewal or is requested to complete an examination as defined in proposed amended rule R17-4-520(A)(4).

These proposed amendments codify the Arizona Department of Transportation, Motor Vehicle Division's compliance with the Americans with Disabilities Act (the Act) by establishing non-discriminatory standards to determine whether an examinee is a qualified person with a disability as defined in the Act for purposes of insurance or renewal of an Arizona driver's license or qualification for out-of-state driving privileges.

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The proposed amendment to subsection (B) establishes the general licensing standard applicable to all examinees and requires (1) completion of any vision, medical, physical, or psychological screening questionnaire requested by the Division; and (2) successful completion of any examination necessary to establish the ability to safely operate a motor vehicle as determined by the director.

The proposed amendment to subsection (C) establishes the screening procedure to determine whether or not an examinee meets the standard set forth in subsection (B).

The proposed amendment to subsection (D) prescribes reporting requirements and requires the examinee to report a new vision, medical, physical, or psychological condition or change in these conditions which may affect the ability to safely operate a motor vehicle.

The proposed amendment to subsection (E) prescribes procedures to evaluate any examination required by the Division.

The proposed amendment to subsection (F) prescribes that the failure to report the results within 30 days of the date of the medical examination is requested shall result in a summary suspension, in accordance with the provisions of A.R.S. § 28-446(A)(5), of the license or privilege to drive or denial of issuance until the completed medical examination has been submitted to the Division and is evaluated pursuant to subsection (E) of this rule.

The proposed amendment to subsection (G) establishes specific examination criteria for an examinee requiring vehicle modifications in order to safely operate a motor vehicle.

The proposed amendment to subsection (H) establishes administrative hearing procedures to challenge adverse licensing decisions made by Division personnel in accordance with this administrative rule.

The proposed new rule, R17-4-525, is necessary in order to implement amendments to A.R.S. § 28-4139(A)(5) enacted by the 40th Legislature, 2nd Regular Session, 1992. Those amendments require that a person who notifies the Department of an alcohol or drug dependency condition as defined in A.R.S. Title 36 must submit an evaluation from a certified Substance Abuse Counselor setting forth the counselor's opinion that the condition does not affect the ability to safely operate a motor vehicle before that person can be issued an Arizona driver's license.

Proposed subsection (A) sets forth the licensing standard for persons who notify the Division of an alcohol and drug dependency condition. Proposed subsection (B) prescribes the screening process to determine whether the examinee meets the licensing standard set forth in subsection (A). Subsections (B)(1)(a) and (B)(1)(b) set forth the specific questions to be included on the drivers' license application. Proposed rule (B)(2) sets forth the requirement that the examinee submit to a Substance Abuse Evaluation if the answers on the application indicate that the examinee is an alcoholic or drug dependent person and has not been in recovery for a minimum of one year.

Proposed subsections (C)(2) (a) - (f) prescribe the content of the standard form to be used in all Substance Abuse Evaluations pursuant to this rule. A standard form is necessary so that the same criteria will be used to evaluate each affected examinee. Proposed subsection (C)(3) sets forth instructions for submission of the completed Substance Abuse Evaluation form to the Motor Vehicle Division, Medical Review Program.

In order to determine the content of the evaluation form, the Motor Vehicle Division conducted interviews with health care professionals in the substance abuse field. The Medical Review Advisory Board then used the information obtained from those interviews, coupled with the medical expertise of its members, to develop recommendations for the content of this evaluation form.

These recommendations were made pursuant to the Medical Advisory Board's powers and duties set forth in A.R.S. § 28-433(A)(1). It was determined that, for an alcoholic or drug dependent person to successfully complete the medical screening process, the person would be required to meet the same standard as every other examinee, to wit: that the condition does not affect or impair the examinee's ability to safely operate a motor vehicle.

Further, basing the licensing decision on an evaluation by a Certified Substance Abuse Counselor reduces the State's potential liability for licensing examinees who may be unsafe because of an alcohol or drug dependence condition.

The proposed amendments and rule have been drafted after extensive consultation with various individuals and groups representing the disabled community. The Division has made every effort to incorporate the many recommendations of these groups into the proposed amendments and proposed rule that are submitted herewith.

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 state:

Not applicable.

6. The preliminary summary of the economic, small business, and consumer impact:

It is not believed that the proposed amendments and rule will have a significant general impact on either consumers or small businesses. It is anticipated, however, that there will be an impact on those qualified persons with disabilities affected by this rule who require special vehicle modifications in order to safely operate a motor vehicle. It is also anticipated that those persons who require evaluations from physicians and Substance Abuse Counselors will incur costs for those reports.

There are also costs that will be incurred by Substance Abuse Counselors in order to obtain the necessary certifications in order to submit evaluations pursuant to these rules.

A breakdown of estimated is set forth below:

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1. Estimated vehicle modification/special equipment costs:

<u>Equipment</u>	<u>Costs</u>
Steering Devices	\$55
Complete Hand Controls (manual)	\$400 to \$3,200 (power assist)
Left Foot Accelerator	\$400
Full Foot Controls	\$400 to \$3,200
Right Side Directional	\$400 (remote)
Chest/Shoulder Restraints	Manufacturer Cost
Six-way Power Seat	\$1,350
Hand Dimmer Switch	\$55
Parking Brake Extension	\$375
Pedal Extensions	\$55
Wide Angle Mirrors	Manufacturer Cost
Modified Seat	\$300
Other - Lowered Floor Wheelchair-accessible Minivans	\$9,000 to \$13,000

- Substance Abuse Counselors are required to pay the following certification fees: \$200 application fee; \$115 testing fee; and \$200 recertification fee every two years. These fees are payable to the Board of Behavioral Health.
- The average costs for a Substance Abuse Evaluation is approximately \$80. This is a cost that will be incurred by the examinee required to submit the evaluation and will be an increase in revenue to the Substance Abuse Counselor. The increase in revenue for each Substance Abuse Counselor will be a function of the number of Substance Abuse Evaluations performed.
- There is a possible economic benefit resulting from decreased insurance carrier liability exposure by identifying and denying licenses to those persons with an alcoholic or drug dependent condition. This may result in a small general decrease in automobile liability insurance premiums.

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: Glenn C. Johnson
Address: 4747 North Seventh Avenue, Third Floor
Phoenix, Arizona 85013-2401
Telephone Number: (602) 255-7737
Fax Number: (602) 241-1624

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:

Date: April 21, 1995
Time: 10 a.m.
Location: ADOT Human Resource Development Center
Grand Canyon Rooms 1 and 2
1130 North 22nd Avenue
Phoenix, Arizona
Nature: Public hearing

Date: April 21, 1995
Time: 10 a.m.
Location: City Hall/Council Chambers
2111 West Aspen
Flagstaff, Arizona
Nature: Public hearing

Date: April 21, 1995
Time: 10 a.m.
Location: Arizona State Building
400 West Congress, Room 222
Tucson, Arizona
Nature: Public hearing

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

10. Incorporations by reference and their location in the rules:

None

11. The full text of the rules follows:

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TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

- R17-4-520. General Provisions for Vision, Medical, Physical, or Psychological Ability to Safely Operate a Motor Vehicle
R17-4-525. Alcohol and Drug Abuse Standards

ARTICLE 5. DRIVER LICENSES

R17-4-520. General Provisions for Vision, Medical, Physical, or Psychological Ability to Safely Operate a Motor Vehicle

A. Definitions

1. "Applicant" means any person who applies for a driver's licensure or driver's license renewal or is required to complete a re-examination. "Certified substance abuse counselor" has the same meaning as set forth in A.R.S. § 28-429.
2. "Application" means the forms provided by the Motor Vehicle Division prior to the issuance or renewal of a driver's license.
- 4.2. "Director" means the Assistant Director of the Motor Vehicle Division, or his the Director's designee.
3. "Department Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
4. "Examination" means the process of observing, testing, and evaluating an examinee's:
 - a. Ability to read and understand official traffic control devices,
 - b. Knowledge of safe driving practices and the traffic laws of this state,
 - c. Vision,
 - d. Medical,
 - e. Physical, and
 - f. Psychological conditionsto determine the examinee's ability to safely operate a motor vehicle of the type permitted by the operator's license classification or endorsement, as authorized in A.R.S. §§ 28-421 and 28-447; and, when requested by the Division, "examination" shall include a medical examination.
5. "Examinee" means any person who applies for a license or license renewal or is requested to complete an examination.
- 5.6. "License" means any driver's license or permit the Department is authorized to issue authorization issued by the Division to operate a motor vehicle.
7. "License application" means those documents the examinee shall complete prior to issuance of a license.
- 6.8. "Licensee" means a person who has a current license issued by the Department Division.
7. "Licensing action" means any action by the Department involving the issuance, denial, suspension, revocation, cancellation, restriction or re-examination of a license under this Article.
8. "Medical condition" means any condition in these rules which could affect a person's functional ability to safely operate a motor vehicle.

9. "Medical examination" means an evaluation of a person's vision, physical, or mental psychological status condition performed by a physician in accordance with the rules under this Article, to determine compliance with the standards set forth in R17-4-521, R17-4-522, or a substance abuse evaluation as defined in this subsection and administered pursuant to R17-4-525, in order to determine a person's functional ability to safely operate a motor vehicle, with the The results shall be reported by the physician or certified substance abuse counselor on a form prescribed by the Department Division.

10. "Medical questionnaire" means a series of questions designed to indicate the existence of a medical condition.

11. "Medical screening question" means a question designed to describe the medical condition(s) identified in the medical questionnaire.

12.10. "Medical specialist" means a physician certified by a recognized medical specialty board and approved by the Department whose practice of medicine is limited in scope to a particular anatomical or physiological area of the human body.

13.11. "Physician" means a medical doctor or doctor of osteopathy licensed to practice medicine, in Arizona, a contiguous U.S. state, or employed by the federal government and practicing in Arizona the United States.

12. "Sobriety" means abstinence from the use of alcohol or controlled substances as defined in A.R.S. Title 36 with the exception of medication administered at a dosage and frequency prescribed by a physician.

13. "Substance abuse", when used in this rule, means either or both of the following:

a. The use of alcohol by a person such that the person is an alcoholic as defined in A.R.S. § 36-2021(A).

b. The use of one or more controlled substances as defined in A.R.S. § 36-2501(3) or Cannabis as defined in A.R.S. § 36-2501(2), such that the person is a drug dependent person as defined in A.R.S. § 36-2501(5).

14. "Substance abuse evaluation" means an evaluation performed by a certified substance abuse counselor in order to determine whether an examinee's ability to safely operate a motor vehicle is affected or impaired as a result of substance abuse.

15. "Vision, medical, physical, or psychological screening questionnaire for the safe operation of a motor vehicle" means standardized questions on an application administered to all applicants, the answers to which may indicate the existence of a medical condition that may affect an examinee's ability to safely operate a motor vehicle.

B. Failure to meet licensing standards. No person shall be licensed or allowed to maintain a driver's license who

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- ~~fails to meet the medical licensing standards. Persons who shall not be licensed or allowed to maintain non-resident driving privileges. A person shall not be issued or allowed to maintain a license, or maintain non-resident driving privileges, if that person:~~
- ~~1. Fails to complete any vision, medical, physical, or psychological screening questionnaire requested by the Division.~~
 - ~~2. Takes an examination requested by the Division which fails to establish the ability to safely operate a motor vehicle as determined by the Director.~~
- C. ~~Medical screening~~ Screening process for the safe operation of a motor vehicle.
- ~~1. Every examinee shall submit to vision screening to determine compliance with the provisions of R17-4-521.~~
 - ~~1.2. The Every examinee shall complete a license application which shall include a vision, medical, physical, or psychological screening questionnaire. If the applicant indicates a medical condition or if the Department personnel observes an apparent medical condition, the applicant or licensee will be required to complete the medical screening question.~~
 - ~~2. If the person's response to the medical screening question indicates the likelihood that a medical condition exists, the person must submit to a medical examination within 30 days from the Department mailing date.~~
 - ~~3. The Department may require an additional medical examination performed by a medical specialist, if the initial medical examination performed by a medical specialist, if the initial medical examination reported to the Department is insufficient to establish that the applicant or licensee possesses the functional ability to safely operate a motor vehicle based on the medical licensing standards in this Article. The examinee shall submit to an examination when the examinee's responses to the vision, medical, physical, or psychological screening questionnaire indicate that:~~
 - ~~a. A new condition has occurred that the Division determines could affect the examinee's ability to safely operate a motor vehicle.~~
 - ~~b. A change in an existing condition which could affect the examinee's ability o safely operate a motor vehicle has occurred since the last renewal.~~
 - ~~4. The applicant or licensee may be required by the Department to appear for an interview to clarify information disclosed by the medical examination. The examinee may be required to appear for an interview by the Division to clarify information disclosed by the examination.~~
 - ~~5. The Department shall not be held liable for any expenses incurred by an applicant or licensee in the process of meeting the medical licensing standards. A medical examination shall not be required unless a specific written finding is made by the Director that the applicant's ability to operate a motor vehicle cannot be determined by an examination administered by the Division.~~
- ~~6. The Division may require one or more additional medical examinations performed by a medical specialist if the initial medical examination is insufficient, as determined by the Division, to establish the examinee's ability to safely operate a motor vehicle.~~
- D. Reporting requirements
- ~~1. Failure to complete the medical screening question at the time of application will result in an order to submit to a medical examination within 30 days from the date of the order.~~
 - ~~2. shall result in a suspension of the driver's license or denial of issuance until compliance is met. Failure to submit to the medical examination and submit the required report to the Department as required within the time frame.~~
 - ~~3. If a person experiences any medical condition after being licensed, he is required to report this condition to the Department within 5 days of occurrence, or as soon as the condition allows. Since the last license application, if an examinee experiences either a new vision, medical, physical, or psychological condition or a change in a vision, medical, physical, or psychological condition which may affect the ability to safely operate a motor vehicle, that examinee is required to report the condition to the Division as soon as the condition allows and the examinee shall be required to complete an examination.~~
- E. Examination Evaluation
- ~~1. If the results of the examination, or subsequent interview, indicate that the examinee's ability to safely operate a motor vehicle is affected or impaired as a result of a vision, medical, physical, or psychological condition, the examinee's license or privilege to operate a motor vehicle will be denied or summarily suspended in accordance with the provisions of A.R.S. § 41-1064(C) and revoked in accordance with the provisions of A.R.S. § 28-446(A)(5).~~
 - ~~2. If the results of the examination, or subsequent interview, indicate that the examinee's ability to safely operate a motor vehicle is not affected or impaired as a result of a vision, medical, physical, or psychological condition, and the examinee has successfully completed an examination required pursuant to A.R.S. § 28-447, a license shall be issued, unless the information provided by the examinee during the vision, medical, physical, or psychological screening process is fraudulent.~~
- F. Failure to Report Results of a Medical Examination
- ~~1. The written results of a medical examination shall be submitted by or on behalf of the examinee to the Arizona Department of Transportation, Motor Vehicle Division within 30 days from the date the medical examination is requested.~~
 - ~~2. Failure to submit the results of a medical examination requested by the Division to the Arizona Department of Transportation, Motor Vehicle Division within 30 days of the date the medical examination is requested shall result in a summary suspension in accordance with the provisions of A.R.S. § 41-1064(C) and revocation in accordance with the provisions of A.R.S. §~~

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28-446(A)(5) and 41-1064(C) of the license or privilege to drive, or denial of issuance, until the completed medical examination has been submitted to the Division and is evaluated pursuant to subsection (E) of this rule.

G. Vehicle Registration

1. When an original examinee requires one or more of the vehicle modifications listed below in order to demonstrate the ability to safely operate a motor vehicle, the restriction or restrictions shall be placed on the license and noted on the driving record.

- a. Automatic transmission.
- b. Hand dimmer switch.
- c. Left foot gas pedal.
- d. Parking brake extension.
- e. Power steering.
- f. Power brakes.
- g. Six way power seat.
- h. Right side directional signal.
- i. Steering wheel spinner device.
- j. Full foot controls.
- k. Dual outside mirrors.
- l. Chest/shoulder restraints.
- m. Pedal extensions.
- n. Full hand controls.
- o. Adapted seat.
- p. Other equipment.

2. Upon application for renewal, Division personnel shall review the examinee's driving record to determine if one or more of the restrictions set forth in subsection (G)(1) are displayed on the driving record.

- a. If one or more restrictions are displayed on the driving record, Division personnel shall ask the examinee if there has been any change in the examinee's vision, medical, physical, or psychological condition or if the examinee's ability to safely operate a motor vehicle has changed since the last license was issued.
- b. If the examinee states that there has been no change in vision, medical, physical, or psychological condition, or the examinee states that the ability to safely operate a motor vehicle has not changed since the last license was issued, additional road testing shall not be required.
- c. If the examinee states that there has been a change in vision, medical, physical, or psychological condition, the examinee may be required to submit to a medical examination in accordance with the provisions of this rule and may be required to pass a written and road test prior to being issued a renewal license.

E.H. Hearings and appeals.

1. All in all cases where licensing actions have been taken, ~~adverse to the licensee or applicant~~

examinee pursuant to this rule or R17-4-521, R-17-4-522, or R17-4-525, the examinee may request a hearing with the executive hearing section office within 15 days from of the date of the notice of the licensing action.

- 2. All hearings procedures are defined in administrative shall be conducted as prescribed in R17-4-901 and through R17-4-902912.
- 3. The results of the hearings shall sustain, modify, or void the Division's licensing action.

R17-4-525. Alcohol and Drug Abuse Standards

A. Standard. A person shall not be issued or allowed to maintain an Arizona driver's license if drug or alcohol use impairs the person's ability to safely operate a motor vehicle.

B. Screening Process.

1. The medical screening questionnaire on the driver's license application shall include but not be limited to the following medical screening questions:

- a. Are you unable to control your use of alcohol or narcotic drugs?
- b. Have you been in recovery for one year or more?

2. If the applicant's responses show that the applicant is unable to control the use of alcohol or narcotic drugs and has not been in recovery for one year or more, then the applicant shall be required to submit to a substance abuse evaluation identified in subsection (C) of this rule.

3. Failure to submit a substance abuse evaluation within 30 days from date of request by the Department shall result in a suspension of the driver's license, a revocation of the driver's license, or both, or denial of issuance until compliance is met.

C. Substance abuse evaluation

1. The substance abuse evaluation shall be performed only by a certified substance abuse counselor.

2. Content of substance abuse evaluation:

- a. History of all alcohol-related convictions, drug related convictions, or both.
- b. Applicant or licensee's substance abuse history.
- c. Program treatment history.
- d. Support group history.
- e. Relapse history.
- f. Length of current sobriety.
- g. Counselor's evaluation.

3. The completed substance abuse evaluation form shall be submitted to the Department of Transportation, Motor Vehicle Division, Medical Review Program within 30 days from the date of request by the Department and shall be evaluated by the standard set forth in § R17-4-520(B) and (E).