

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1995, each agency shall begin the rulemaking process by 1st 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.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 6. BOARD OF BEHAVIORAL HEALTH EXAMINERS

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
Article 1	New Article
R4-6-101	New Section
Article 2	New Article
R4-6-201	New Section
R4-6-202	New Section
R4-6-203	New Section
R4-6-204	New Section
R4-6-205	New Section
R4-6-206	New Section
R4-6-207	New Section
R4-6-208	New Section
R4-6-209	New Section
R4-6-210	New Section
R4-6-211	New Section
R4-6-212	New Section
R4-6-213	New Section
Article 3	New Article
R4-6-301	New Section
R4-6-302	New Section
R4-6-303	New Section
R4-6-304	New Section
Article 4	New Article
R4-6-401	New Section
R4-6-402	New Section
R4-6-403	New Section
R4-6-404	New Section
R4-6-405	New Section
Article 5	New Article
R4-6-501	New Section
R4-6-502	New Section
R4-6-503	New Section
R4-6-504	New Section
R4-6-505	New Section
Article 6	New Article
R4-6-601	New Section
R4-6-602	New Section
R4-6-603	New Section
R4-6-604	New Section
R4-6-605	New Section
R4-6-606	New Section
Article 7	New Article
R4-6-701	New Section
R4-6-702	New Section

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R4-6-703	New Section
R4-6-704	New Section
Article 8	New Article
R4-6-801	New Section
R4-6-802	New Section
R4-6-803	New Section
Article 9	New Article
R4-6-901	New Section
R4-6-902	New Section
Article 10	New Article
R4-6-1001	New Section
R4-6-1002	New Section
R4-6-1003	New Section

2. The specific authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-3253(A)(1)

Implementing statutes: A.R.S. §§ 32-3251(9)(a), 32-3262, 32-3281, 32-3291, 32-3291(2), 32-3292, 32-3293, 32-3293(A)(1)(b), 32-3293(A)(2), 32-3301(A)(1), 32-3301(B)(1), 32-3301(C)(1), 32-3301(C)(2), 32-3311(A)(1)(a), 32-3311(A)(1)(b), 32-3311(A)(2), 32-3311(B), 32-3321, 32-3321(2), 32-3321(A)(1)(ii), 32-3321(A)(1)(a)(iii), 32-3321(A)(1)(a)(iv), and 41-1061.

3. The name and address of agency personnel with whom persons may communicate regarding this rule:

Name: Sonja Bolf, Administrative Assistant

Address: Board of Behavioral Health Examiners
1400 West Washington, Suite 350
Phoenix, Arizona 85007

Telephone: (602) 542-1896

Fax: (602) 542-1830

4. An explanation of the rule, including the agency's reasons for initiating the rule:

In 1989, the Arizona Legislature enacted A.R.S. § 32-3253(A)(1) authorizing the Board of Behavioral Health Examiners to certify behavioral health professionals including social workers, counselors, marriage and family therapists, and substance abuse counselors. The Board of Behavioral Health Examiners was exempt from the rulemaking process until 1991. The rules, adopted by the Board before 1991, are now being submitted for codification with the Office of the Secretary of State.

The Board believes that adoption of these rules will benefit both the certified behavioral health professional and the public. They will enable the professional to acknowledge the requirements necessary for certification and ethical practice in Arizona and will protect the public by providing information regarding standards of conduct and guidance when choosing a certified behavioral health professional.

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:

The principal impact of these rules will be on members of the Social Work, Counselor, Marriage and Family Therapy, and Substance Abuse professions. The rules set the requirements for a professional to become certified. Certification is voluntary, thus there is no required cost or economic impact to any individual or business. Although certification is voluntary, some 3rd party payers and private and public agencies are requiring certification. Certified behavioral health professionals who want to work with these 3rd-party payers or private agencies will incur the cost of becoming certified. The majority of the proposed rules have been in effect since the Board was established in 1989. Promulgating these in accordance with the Arizona Administrative Procedure Act should not have an economic impact. The only changes between the current rules and the proposed rules is the elimination of the formal investigative hearing and the addition of time frames for the Board to deny or certify an applicant. The Board has found that the formal investigative hearing duplicates the formal hearing. Because all professionals have the right to an informal meeting and formal hearing, the formal investigative hearing is redundant and does not further the due process rights of the applicant. Eliminating the formal investigative hearing will reduce the time to process a contested application and, therefore, will benefit the applicant and the public.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the preliminary economic, small business, and consumer impact statement:

Name: David Oake, Executive Director

Address: Board of Behavioral Health Examiners
1400 West Washington, Suite 350
Phoenix, Arizona 85007

Telephone: (602) 542-1896

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Fax: (602) 542-1830

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal or, if no proceeding is scheduled, where, when and how persons may request an oral proceeding on the proposed rule:

An oral proceeding has been scheduled as follows:

Date: June 17, 1996
Time: 3 p.m.
Location: Board of Behavioral Health Examiners
1400 West Washington, Suite 320
Phoenix, Arizona

A person may submit written comments on the proposed rules no later than 5 p.m. June 17, 1996, to Sonja Bolf, Assistant to the Director, at the address listed above.

The close of record is scheduled for 5 p.m., June 17, 1996.

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:

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ARTICLE 1. DEFINITIONS

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R4-6-404. Professional Supervision for Independent Social Work Certification
R4-6-405. Certified Master Social Worker and Certified Baccalaureate Social Worker Independent Practice Prohibition

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R4-6-401. Curriculum
R4-6-402. Examination
R4-6-403. Work Experience for the Independent Social Work Certification

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ARTICLE 6. MARRIAGE AND FAMILY THERAPY

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ARTICLE 7. SUBSTANCE ABUSE COUNSELING AND TREATMENT

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R4-6-701. Education and Work Experience
R4-6-702. Examinations
R4-6-703. Work Experience for the Substance Abuse Counselor Certification
R4-6-704. Professional Supervision for Substance Abuse Counselor Certification

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**ARTICLE 8. CERTIFICATE RENEWAL AND
CONTINUING EDUCATION**

<u>Section</u>	
<u>R4-6-801.</u>	<u>Renewal of Certification</u>
<u>R4-6-802.</u>	<u>Continuing Education</u>
<u>R4-6-803.</u>	<u>Continuing Education Documentation</u>

**ARTICLE 9. APPEAL OF CERTIFICATION OR RENEWAL
ELIGIBILITY**

<u>Section</u>	
<u>R4-6-901.</u>	<u>Appeal Process for Certification Ineligibility</u>
<u>R4-6-902.</u>	<u>Appeal Process for Certificate Renewal Ineligibility</u>

**ARTICLE 10. DISCIPLINARY PROCESS FOR
UNPROFESSIONAL PRACTICES**

<u>Section</u>	
<u>R4-6-1001.</u>	<u>Disciplinary Process for Unprofessional Practices</u>
<u>R4-6-1002.</u>	<u>Summary Suspension</u>
<u>R4-6-1003.</u>	<u>Review or Rehearing of a Board Decision</u>

ARTICLE I. DEFINITIONS

R4-6-101. Definitions

In addition to the definitions set forth at A.R.S. § 32-3251, in this Chapter, unless the context otherwise requires:

"Administrative completeness review" means the Board's determination of whether all documents and information required by statute or rule to be contained in an application packet have been provided and are complete.

"Applicant" means an individual who seeks certification or renewal of certification by submitting a completed application packet to the Board.

"Application packet" means a variety of forms and documents obtained from and submitted to the Board office by an applicant.

"A.A.S.S.W.B." means the American Association of State Social Work Boards.

"Board" means the Board of Behavioral Health Examiners.

"C.A.C.R.E.P" means the Council on Accreditation for Counseling and Related Educational Programs.

"C.O.R.E" means the Council on Rehabilitation Education.

"Certified professional" means an individual holding a current Arizona Board of Behavioral Health Examiners certification.

"Clock hour" means 60 minutes.

"Continuing education" means attendance at programs such as seminars, workshops, or institutes at which a topic is presented in detail, have stated learning objectives, and are appropriate for the purpose of maintaining and furthering the skills and competency of the professional.

"Council on Social Work Education" (CSWE) means the nationally recognized accrediting body for schools of social work.

"Cut score study" means the methodology used to establish the minimum acceptable score that an applicant must obtain on a certification examination.

"Date of service" means the date mailed by regular United States mail to the last address placed on file in the Board Office in writing by the applicant or certified professional.

"Days" means calendar days.

"Direct supervision" means the supervisor has immediate responsibility and oversight for all client contact by a supervisee.

"Equivalent foreign degree" means completion of a program of study at a school outside of the U.S. that is either accredited by an agency whose academic accreditation standards meet or exceed those of a regionally accredited college or university or approved by the appropriate Credentialing Committee.

"Equivalent part-time work experience" means the accumulation of 3200 hours of work experience during more than 24 months.

"Four years of work experience" means the accumulation of 6400 hours of work experience in no less than 48 months within the 7 years before the date of application.

"Full-time work experience" means the accumulation of 1600 hours of work experience in 12 months.

"Gross negligence" means the careless disregard of established principles of practice or the repeated failure to exercise the care that a prudent practitioner would exercise within the scope of professional practice.

"Group supervision" means the supervision of 2 but no more than 6 supervisees.

"Immediate family" means parents, spouse, former spouse, siblings, half-siblings, children, cousins, in-laws (present or former), aunts, uncles, grandparents, grandchildren, stepchildren, and stepparents.

"Independent practice" means acting as a certified behavioral health professional outside the context of an employee-employer relationship usually on a fee-for-service basis.

"Inactive status" means a certified professional has temporarily suspended practice under Arizona certification by postponing renewal for certification for a maximum of 24 months.

"Individual supervision" means a personal, 1-to-1 communication with the supervisee.

"Ineligible" means failure to meet the required minimum standards for certification

"Licensed behavioral health professional" means an individual holding a license to practice a behavioral health profession in Arizona or another state.

"One year of work experience" means the accumulation of 1600 hours of work experience in not less than 12 months.

"Practice of substance abuse counseling" means the direct application of professional counseling techniques to individuals who are dependent upon or abuse substances, and related persons affected by the abuse or dependency.

"Professional supervision" means the relationship between a supervisee and a certified or licensed behav-

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ioral health professional that assists the supervisee to develop skill and responsibility to provide behavioral health services.

"Quorum" means 7 members of the Board or a majority of the appointed members of a Credentialing Committee.

"Reciprocity" means the acceptance of a license, certification, or registration from another state as meeting all certification requirements for Arizona.

"Regionally accredited college or university" means an institution of higher education that is recognized as maintaining applicable standards by the:

- a. New England Association of Schools and Colleges.
- b. Middle States Association of Colleges and Schools.
- c. North Central Association of Colleges and Schools.
- d. Northwest Association of Schools and Colleges.
- e. Southern Association of Schools and Colleges.
- f. Western Association of Schools and Colleges.

"Substance abuse or chemical dependency" means the chronic, habitual, or compulsive use of any chemical matter which, when introduced into the body, is capable of altering human behavior or mental functioning and which with extended use may cause psychological or physiological dependence or both.

"Substantive review" means a determination by a Credentialing Committee that an applicant is eligible for certification.

"Two years of work experience" means the accumulation of 3200 hours of work experience in no less than 24 months.

"Work experience" means practicing Social Work, Marriage and Family Therapy, Counseling, or Substance Abuse Counseling for remuneration or on a voluntary basis.

ARTICLE 2. GENERAL PROVISIONS

R4-6-201. Board Meetings

The Board shall meet at least annually in December. The Board shall hold additional meetings as necessary to conduct the Board's business. Meetings may be convened by the Chair, a majority vote of the Board members, or upon written request from 2 Board members. The Board shall conduct official business only when a quorum is present.

R4-6-202. Board Elections

At the annual meeting in December, the Board shall elect, by a majority vote of the Board members present, a Chair and a Secretary/Treasurer. A vacancy that occurs in either office shall be filled, by a majority vote of the Board members present, at the 1st Board meeting following the vacancy.

R4-6-203. Credentialing Committee Meetings

Each Credentialing Committee shall meet at least annually in December. A Credentialing Committee shall hold additional meetings as necessary to conduct the Credentialing Committee's business. Meetings may be convened by the Chair of the Credentialing Committee, a majority vote of the Credentialing Committee, or upon written request from 2 Credentialing Committee members. A Credentialing Committee shall conduct official business only when a quorum is present.

R4-6-204. Credentialing Committee Elections

At the Credentialing Committee meeting in December of each year, the Credentialing Committee shall elect, by a majority vote of the Credentialing Committee members present, a Chair and Secretary/

Treasurer. A vacancy that occurs in either office shall be filled, by a majority vote of the Credentialing Committee members present, at the 1st Credentialing Committee meeting following the vacancy.

R4-6-205. Change of Address

A Certified Behavioral Health Professional or applicant for certification shall notify the Board in writing within 30 days of a name change.

R4-6-206. Change of Name

A Certified Behavioral Health Professional or an applicant for certification shall notify the Board in writing within 30 days of a name change.

R4-6-207. Confidential Records

A. All Board or Credentialing Committee records shall be open to public inspection and copying, except the following, which have been determined to be confidential:

1. Minutes of executive session;
2. Records classified as confidential by other laws, rules, or regulations applicable to the Board or Credentialing Committees;
3. College or university grades, medical, or mental health information, and professional references of applicants except that the individual who is the subject of the information may view or copy the records;
4. Records for which the Board or Credentialing Committee determines that public disclosure would have a significant adverse effect on the Board's or Credentialing Committee's ability to perform its duties or which would otherwise be detrimental to the best interests of the state. When the Board or Credentialing Committee determines that the reason justifying the confidentiality of the records no longer exists, the record shall be made available for public inspection and copying; and
5. Information regarding a complaint under investigation if that information may compromise the investigation.

B. Persons waiting to inspect Board or Credentialing Committee records may do so at the Board Office Monday through Friday, 8 a.m. to 5 p.m., except holidays.

R4-6-208. Conviction of a Felony

The Board shall consider the following factors to determine whether a felony conviction will result in imposing disciplinary sanctions on a certified professional, refusing to renew the certification of a certified professional, or refusing to issue a certificate to an applicant:

1. Length of time since the conviction;
2. Relationship between the practice of the profession and the conduct giving rise to the conviction;
3. Efforts made toward rehabilitation.

R4-6-209. Date of Service Extensions

Deadlines established by date of service may be extended a maximum of 2 times by the chair of the Board or the chair of the Credentialing Committee if good cause is documented in a written request postmarked or received by the Board Office no later than the required deadline. Good cause may be shown through documented illness or other unavoidable hardship. Extensions shall not be granted for renewal submission deadlines or late renewal submission deadlines.

R4-6-210. Education - Accreditation Requirements

An applicant shall fulfill the education requirements by earning the degree required for certification at a college or university regionally accredited at the time of the applicant's graduation or by earning an equivalent foreign degree.

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R4-6-211. Supervision - Prohibition

Supervision (including direct, group, individual, or professional) shall not be provided by an immediate family member or other individual whose objective assessment of the supervisee's performance may be limited by a relationship with the supervisee.

R4-6-212. Fees

A. The Board shall establish at its December meeting fees for:

1. Application for certification.
2. Biennial renewal.
3. Duplicate certificate.
4. Late renewal.
5. Inactive status.
6. Transfer of applicant from 1 certification level to another within the same profession.
7. Transfer of application for certification in 1 profession to another profession before a Credentialing Committee vote on eligibility.
8. Reassessment of eligibility.
9. General copying of records.
10. Commercial copying of records.
11. Copying audio tapes.
12. Verification of certification.
13. Publications of private practice status.
14. Duplicate identification card.
15. Rules/Statutes/Directory, and
16. Returned personal checks due to insufficient funds.

B. All fees shall be paid by certified check, cashier's check, or money order for any amount greater than \$25. Cash or personal or business checks for amounts less than \$25 shall be accepted.

C. The Board shall make the current fee schedule available to the public upon request to the Board Office.

D. Fees for the required examination are set by contract between the Board and the examination service.

R4-6-213. Foreign Equivalency Determinations

To enable the Credentialing Committee to determine whether a foreign degree meets the educational standards set by the Board, the applicant shall have the foreign degree evaluated by an agency that has demonstrated competence in determining the equivalency of educational standards and shall cause the results of the evaluation to be mailed directly to the Credentialing Committee.

ARTICLE 3. CERTIFICATION

R4-6-301. Application Process

A. An applicant for certification shall submit the following to the Board Office:

1. A completed application form signed by the applicant and notarized;
2. Certified check, cashier's check, or money order for the application fee; and
3. Other documents requested by the Credentialing Committee to determine the applicant's eligibility.

B. An applicant shall cause an official transcript or official education documentation acceptable to the Credentialing Committee to be sent directly to the Board Office by the educational institution.

C. The Board Office shall finish an administrative completeness review within 90 days from the date of receipt of an application.

1. The Board Office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
2. If deficiencies are found in the application packet, the Board Office shall provide a written comprehensive list

of the deficiencies to the applicant and the 90-day time frame for the Board Office to finish the administrative completeness review shall be suspended from the date the deficiency notice is served until the applicant provides the Board Office with all deficient information.

D. An applicant shall submit all of the deficient information within 60 days of the date of service of the deficiency notice.

1. If an applicant cannot submit all deficient information within 60 days of the date of service of the deficiency notice, the applicant may obtain an extension by submitting a written request to the Board Office postmarked or delivered no later than 60 days from the date of service of the deficiency notice.
2. The written request for an extension shall document the reasons the applicant is unable to meet the 60-day deadline.
3. The Credentialing Committee shall review the request for an extension of the 60-day deadline and grant the request if the Credentialing Committee determines that an extension of the 60-day deadline will enable the applicant to assemble or submit the deficient information. An extension of the 60-day deadline shall be for no more than 60 days. An applicant who requires an additional extension shall submit an additional written request in accordance with this subsection. The Credentialing Committee shall notify the applicant in writing of its decision to grant or deny the request for an extension.

E. From the date on which the administrative completeness review of an application is finished, the appropriate Credentialing Committee shall complete a substantive review of the applicant's qualifications in no more than 180 days.

1. If an applicant is found to be ineligible, the Credentialing Committee shall issue a written notice of denial to the applicant.
2. If an applicant is found to be eligible, the Credentialing Committee shall recommend to the Board that the applicant be certified. Upon receipt of the Credentialing Committee's recommendation, the Board shall either certify the applicant or if the Board determines the applicant does not meet eligibility requirements, return the matter to the Credentialing Committee.
3. If the Credentialing Committee finds deficiencies during the substantive review of the application, the Credentialing Committee shall issue a written request to the applicant for additional documentation. If the Credentialing Committee determines the applicant has not taken and passed a certification examination, the request for additional information shall include the approval and requirement that the applicant take and pass a certification examination.
4. The 180-day time frame for a substantive review for the issuance of a certificate or denial shall be suspended from the date of the written request for additional documentation until the date that all documentation is received.
5. When the applicant and the Credentialing Committee mutually agree in writing, the 180-day substantive review time frame may be extended for no more than 60 days.

R4-6-302. Reassessment

A. An applicant who is found ineligible may submit to the Board Office a written request for reassessment of the application within 12 months of the date of service of the notice of ineligibility.

B. The Credentialing Committee shall grant a request for reassessment if:

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1. There has been a statutory or rule change that enables the previously ineligible applicant to meet the requirements for certification; or
 2. The applicant was initially determined ineligible because of deficiencies in experience, supervision, or course work and has removed all deficiencies.
- C. An applicant requesting a reassessment shall use a form provided by the Board and shall submit the proper fee with the reassessment form.

R4-6-303. Reciprocity

- A. An applicant eligible for certification by reciprocity shall be exempt only from the required certification examination. An applicant requesting certification by reciprocity shall:
1. Submit a completed application for certification by reciprocity;
 2. Submit a certified check, cashier's check, or money order for the proper fee; and
 3. Cause an official statement, on a form approved by the Board, to be sent directly to the Board Office from the state in which the applicant is currently licensed, certified, or registered indicating whether the license, certification, or registration is in effect and in good standing.
- B. The Credentialing Committee shall review applications for certification by reciprocity to determine whether the applicant is eligible. The Credentialing Committee shall base its decision upon a determination of whether the other state's requirements for certification, licensure, or registration at the time the applicant was credentialed, meet or exceed the requirements for Arizona certification.
- C. The Credentialing Committee shall exempt from the Arizona examination requirement applicants for certification by reciprocity who were credentialed without an examination by another state or legal jurisdiction on or before December 31, 1991.
- D. Certification by reciprocity is not available for applicants who were credentialed in another state or legal jurisdiction on or after January 1, 1992.
- E. Certification by reciprocity is not available for applicants for certification as an Associate Marriage and Family Therapist or a Marriage and Family Therapist.

R4-6-304. Inactive Status

- A. To go on inactive status, a certified health care professional shall:
1. Submit a written request to be placed on inactive status to the Credentialing Committee before expiration of the current certification, and
 2. Submit a late fee if the request to be placed on inactive status is submitted after but within 3 months of expiration of the current certification.
- B. The Credentialing Committee shall grant a request to be placed on inactive status if the certified behavioral health professional making the request establishes that a hardship situation exists.
- C. To remove certification from inactive status, a certified behavioral health professional in inactive status shall meet all continuing education requirements including completion of 40 clock hours of continuing education activities during the 24 months before renewal of certification.
- D. A written request for modification or reduction of the continuing education requirement received from a certified behavioral health professional in inactive status shall be granted by the appropriate Credentialing Committee upon a showing of good cause.
- E. A certified behavioral health professional in inactive status shall not practice as a behavioral health professional.

ARTICLE 4. SOCIAL WORK

R4-6-401. Curriculum

- A. An applicant for certification as a Baccalaureate Social Worker shall have earned a Baccalaureate degree in social work from a regionally accredited college or university in a program accredited by the Council on Social Work Education or an equivalent foreign degree evaluated by the Foreign Equivalency Determination Service of the Council on Social Work Education.
- B. An applicant for certification as a Master Social Worker or an Independent Social Worker shall have earned a master's degree in social work from a regionally accredited college or university in a program accredited by the Council on Social Work Education or an equivalent foreign degree evaluated by the Foreign Equivalency Determination Service of the Council on Social Work Education.

R4-6-402. Examination

- A. To be certified as a Baccalaureate Social Worker, an applicant shall receive a passing score established by a cut score study on the Basic Examination offered by A.A.S.S.W.B. The passing point shall be a scaled score of 75.
- B. To be certified as a Master Social Worker, an applicant shall receive a passing score established by a cut score study on the Intermediate Examination offered by A.A.S.S.W.B. The passing point shall be a scaled score of 75.
- C. To be certified as an Independent Social Worker, an applicant shall receive a passing score established by a cut score study on either the Advanced or Clinical Examination offered by A.A.S.S.W.B. The passing point shall be a scaled score of 75.
- D. An applicant for certification by examination shall pass the required examination for the level of certification requested within 6 months after the date of service of the written request for additional documentation described in R4-6-301(E)(4) which includes the requirement that the applicant take and pass the certification examination. If the examination is not passed within 6 months after the date of service of the request for additional documentation, the application file shall be closed with no recourse to appeal. To receive further consideration for certification, the applicant shall submit a new application and fee.

R4-6-403. Work Experience for the Independent Social Work Certification

After completing a master's degree, an applicant for the Independent Social Work certification shall complete a minimum of 2 years of full-time or the equivalent part-time supervised work experience in social work.

R4-6-404. Professional Supervision for Independent Social Work Certification

- A. During the 2 years of required supervised work experience, an applicant for Independent Social Work certification shall receive at least 100 hours of professional supervision. There shall be 50 hours of professional supervision during each year of work experience.
- B. Professional supervision of an applicant for Independent Social Work certification shall be provided by a Certified Independent Social Worker (CISW).
- C. An applicant for Independent Social Work certification who completed the professional supervision requirement before December 31, 1991, may have been supervised by an individual who was a behavioral health professional certified or licensed by a state or national professional organization acceptable to the Social Work Credentialing Committee.

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- D.** Professional supervision may include both individual and group supervision. Group supervision hours shall not exceed individual supervision hours.
- E.** An applicant may make a written request to the Social Work Credentialing Committee for an exemption from the requirements of subsections (B) or (D) or both. The Social Work Credentialing Committee shall review the request for exemption to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for an Independent Social Work certificate. If the proposed supervisor has the necessary education, training, and experience, the Social Work Credentialing Committee shall grant the request for exemption. Exemptions to the supervision requirement shall not be granted retroactively for supervision received before the date of the request, unless approved by the Social Work Credentialing Committee on an individual basis.

R4-6-405. Certified Master Social Worker and Certified Baccalaureate Social Worker - Independent Practice Prohibition

Neither a Master Social Worker nor a Baccalaureate Social Worker shall practice independently. A Master Social Worker and a Baccalaureate Social Worker shall practice only under supervision.

ARTICLE 5. COUNSELING

R4-6-501. Curriculum

- A.** An applicant for certification as an Associate Counselor or a Professional Counselor shall either have earned a master's degree or a higher degree, with a major emphasis in counseling. The degree shall be from a regionally accredited college or university in a program that consists of a minimum of 48 semester or 72 quarter credit hours and is accredited by CACREP or CORE or shall be an equivalent foreign degree.
- B.** The curriculum for the 48 semester or 72 quarter credit hour equivalent degree shall include:
- 1.** One 3-semester or 4-quarter credit hour course from each of the following 4 content areas:
 - a.** Counseling Theory - study of theories, principles, and their application. This includes but is not limited to such theories as client-centered, behaviorism, psychoanalytic, gestalt, rational-emotive, reality, Adlerian, and Jungian theories;
 - b.** Supervised Counseling Practicum - provision of counseling services within an educational or professional setting under the direction of a faculty member or supervisor designated by the college or university;
 - c.** Multi-cultural Foundations - studies that provide a broad understanding of cultures and the implications for counseling with individuals and families within the major racial and cultural groups in the U.S.; and
 - d.** Professional Counseling Ethics - studies that provide a broad understanding of professional counseling ethics, legal standards, and responsibilities; and
 - 2.** Five 3-semester or 4-quarter credit hour courses from the following 7 content areas:
 - a.** Human Growth and Development - studies that provide a broad understanding of the personality development of individuals, including normal and abnormal behavior;
 - b.** The Helping Relationship - studies that provide a broad understanding of the counseling processes, basic and advanced interview skills, consultation theories, and their applications;
 - c.** Group Dynamics Processing and Counseling - studies that provide a broad understanding of group

- development and dynamics, group counseling theories, group leadership styles, and basic and advanced group counseling methods and skills;
- d.** Life and Career Development - studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; career decision making, and career development program planning and placement;
- e.** Social and Lifestyle Issues - studies that provide a broad understanding of social norms, changes and trends, human roles, and alternative lifestyles;
- f.** Appraisal of Individuals - studies that provide a broad understanding of group and individual psychometric theories, formal and informal approaches to appraisal, data and information gathering methods, validity and reliability, factors influencing appraisals, diagnostic procedures, and use of appraisal results in the helping process; and
- g.** Research and Evaluation - studies that provide a broad understanding of types of research, statistics, research-report development, research implementation, program evaluation, needs assessment, and publication of research.

- 3.** The remaining 48 semester or 72 quarter credit hours of the master's degree or a higher degree shall consist of courses in counseling-related subjects which include psychology, marriage and family studies, substance abuse, career counseling, and rehabilitation studies.

- D.** To receive credit towards certification, an applicant shall complete each course with a passing grade.
- E.** To be applicable towards curriculum requirements, a course taken before an applicant was accepted into a master's degree program shall have been used by the applicant to meet master's degree requirements.
- F.** An applicant with a degree of less than 48 semester or 72 quarter credit hours shall be deemed to have fulfilled the curriculum requirement for certification if the degree was received before July 1, 1989, and all other current curriculum requirements are met.
- G.** An applicant for Certified Professional Counselor who received a master's degree before July 1, 1989, and whose program of study did not include a practicum shall complete 3 years of post-master's degree work experience in counseling, 2 years of which must be supervised, before being eligible for certification. One year of a doctoral-clinical internship may be substituted for 1 year of supervised work experience.
- H.** An applicant who does not meet all curriculum requirements shall be determined ineligible.
- 1.** If an applicant is determined ineligible but has a master's degree or a higher degree with a major emphasis in counseling, the applicant may submit a request for reassessment in accordance with R4-6-302.
 - 2.** An ineligible applicant is considered to have a degree with a major emphasis in counseling if the ineligibility results from curriculum deficiencies that constitute no more than 15 semester or 20 quarter credit hours.

R4-6-502. Examination

- A.** The Counseling Credentialing Committee approves the certification examinations of the following organizations:
- 1.** National Board for Certified Counselors,
 - 2.** Commission on Rehabilitation Counselor Certification, and
 - 3.** National Academy of Certified Clinical Mental Health Counselors.

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- B.** To be certified, an applicant for Professional Counselor and Associate Counselor certification shall receive a passing score, established by a cut score study, on an approved certification examination.
- C.** An applicant for certification by examination shall pass the examination within 6 months after the date of service of the written request for additional documentation described in R4-6-301(E)(4), which includes the requirement that the applicant take and pass the certification examination. The requirement that the certification examination be passed within 6 months may be extended as described in subsection (D).
- D.** The Board shall schedule the National Board for Certified Counselors examination for applicants who have not previously taken and passed an approved examination. If the National Board for Certified Counselors examination is offered only once within the 6 months referenced in subsection (C), the Board shall grant the applicant an automatic extension to the date of the 2nd examination. If the examination is not passed within the 6 months referenced in subsection (C) or, if applicable, the automatic extension to the date of the 2nd examination, the applicant's file shall be closed with no recourse to appeal. To receive further consideration for certification, the applicant shall submit a new application and fee.
- E.** Applicants who wish to take a certification examination other than that of the National Board for Certified Counselors, shall apply directly to the Commission on Rehabilitation Counselor Certification or the National Academy of Certified Clinical Mental Health Counselors, to take their examination and shall cause the score obtained on the certification examination to be submitted directly to the Board by the examining organization.

R4-6-503. Work Experience for the Professional Counselor Certification

After completing a master's degree, an applicant for the Professional Counselor certification shall complete a minimum of 2 years of full-time or the equivalent part-time supervised work experience in counseling.

R4-6-504. Supervision for Professional Counselor Certification

- A.** During the 2 years of required full-time or equivalent part-time supervised work experience, an applicant for Professional Counselor certification shall receive at least 100 hours of professional supervision. There shall be 50 hours of professional supervision during each year of work experience.
- B.** An applicant for Professional Counselor certification shall receive the professional supervision required by subsection (A) from a Certified Professional Counselor or an individual eligible for such certification. Pursuant to Laws 1991, Ch. 253, § 4 (c), an applicant for Professional Counselor certification who meets all other requirements may submit a written request to the Counseling Credentialing Committee for waiver of the requirement that professional supervision be provided by a Certified Professional Counselor or an individual eligible for such certification. The Counseling Credentialing Committee shall grant the waiver if it determines the applicant was supervised by a certified or licensed behavioral health professional or other behavioral health professional who has education, supervision, and experience acceptable to the Counseling Credentialing Committee.

R4-6-505. Certified Associate Counselor

- A.** There is no experience requirement for certification as an Associate Counselor.
- B.** A Certified Associate Counselor shall not practice independently. A Certified Associate Counselor shall practice only under direct supervision.

ARTICLE 6. MARRIAGE AND FAMILY THERAPY

R4-6-601. Curriculum

- A.** An applicant for certification as an Associate Marriage and Family Therapist or a Marriage and Family Therapist shall have earned a master's degree or a higher degree in a behavioral science from a regionally accredited college or university. The degree shall be a program:
 - 1.** Accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or
 - 2.** That the Marriage and Family Therapy Credentialing Committee determines is substantially equivalent. A program is substantially equivalent if it includes the following courses for a minimum of 3-semester or 4-quarter credit hours each:
 - a.** Marriage and Family Studies (3 courses): Studies of introductory systems theory, family development, family systems (marital, sibling, individual subsystems), special family issues, and gender and cultural issues, all with a major focus from a systems theory orientation;
 - b.** Marriage and Family Therapy (3 courses): Studies of advanced systems theory and interventions, major systemic marriage and family treatment approaches, structural, strategic, neo-analytic, group therapy, behavioral marriage and family therapy, communications, and sex therapy;
 - c.** Human Development (3 courses): Studies of normal and abnormal human development, personality theory, human sexuality, and psychopathology and abnormal behavior, which may be integrated with systems theory;
 - d.** Professional Studies (1 course): Studies of professional ethics as a therapist including legal and ethical responsibilities and liabilities, and family law; and
 - e.** Research (1 course): Studies of research design, methodology, and statistics in marriage and family therapy.
- B.** An applicant for certification as a Marriage and Family Therapist shall complete a supervised internship as part of the master's degree curriculum or a supervised internship of a minimum of 12 months after completion of the master's degree.
 - 1.** The supervised internship, whether fulfilled during or after completion of the master's degree, shall consist of at least 300 client-contact hours under direct supervision.
 - 2.** A Certified Marriage and Family Therapist or an individual determined by the Marriage and Family Therapy Credentialing Committee as qualified to provide supervision shall supervise the internship of an applicant for certification as a Marriage and Family Therapist. The Marriage and Family Therapy Credentialing Committee shall determine whether an individual is qualified to provide supervision by evaluating the individual's education, experience, and training.

R4-6-602. Examination

- A.** The Marriage and Family Therapy Credentialing Committee approves the certification examination of the Professional Examination Service's Licensing Examination for Marital and Family Therapy.
- B.** To be certified, an applicant for Associate Marriage and Family Therapy or Marriage and Family Therapy certification shall receive a passing score established by the cut score study, on an approved certification examination.

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- C. An applicant for certification by examination, shall pass the examination within 6 months after the date of service of the written request for additional documentation described in R4-6-301(E)(4), which includes the requirement that the applicant take and pass the certification examination. The requirement that the certification examination be passed within 6 months may be extended as described in subsection (D).
- D. The Board shall schedule the Professional Examination Service's Licensing Examination for Marital and Family Therapy for applicants who have not previously taken and passed an approved examination. If the Professional Examination Service's Licensing Examination for Marital and Family Therapy is offered only once within the 6 months referenced in subsection (C), the Board shall grant the applicant an automatic extension to the date of the 2nd examination. If the examination is not passed within the 6 months referenced in subsection (C) or, if applicable, the automatic extension to the date of the 2nd examination, the applicant's file shall be closed with no recourse to appeal. To receive further consideration for certification, the applicant shall submit a new application and fee.

R4-6-603. Work Experience for Marriage and Family Therapy Certification

After completing a master's degree, an applicant for certification as a Marriage and Family Therapist shall complete a minimum of 2 years of full-time or the equivalent part-time professionally supervised work experience in the practice of Marriage and Family Therapy.

R4-6-604. Professional Supervision for Marriage and Family Therapy Certification

An applicant for Marriage and Family Therapy certification shall receive a minimum of 200 hours of direct supervision on 1000 client-contact hours during the 2 years of professionally supervised work experience referenced in R4-6-603.

1. An applicant shall be permitted to apply a maximum of 30 hours of direct supervision and 300 client contact hours obtained during the internship referenced in R4-6-601(B) towards the supervision requirement.
2. An applicant shall be permitted to meet the supervision requirement by receiving both individual and group supervision. Group supervision shall be no more than 50 of the 200 required hours of direct supervision during the 2 years of professionally supervised work experience.
3. Supervision of an applicant for Marriage and Family Therapy certification shall be provided by a Certified Marriage and Family Therapist.
4. An applicant who completed the professional supervision requirement before December 31, 1991, may have been supervised by an individual who was a behavioral health professional licensed or certified by a state or national professional organization acceptable to the Marriage and Family Therapy Credentialing Committee.
5. An applicant may make a written request to the Marriage and Family Therapy Credentialing Committee for an exemption from the requirement of subsection (C). The Marriage and Family Therapy Credentialing Committee shall review the request for exemption to determine whether the proposed supervisor has the necessary education, training, and experience to provide supervision acceptable for a Marriage and Family Therapist certification. If the proposed supervisor has the necessary education, training, and experience, the Marriage and Family Therapy Credentialing Committee shall grant the request for an exemption.

R4-6-605. Post-degree Programs

- A. An applicant who has a master's degree or a higher degree in a behavioral health science, but who does not meet all curriculum requirements may take post-graduate courses to remove any deficiencies.
- B. Applicants for certification as a Marriage and Family Therapist shall be permitted to remove deficiencies by attending a non-accredited institute approved by the Marriage and Family Therapy Credentialing Committee. The Marriage and Family Therapy Credentialing Committee shall approve a non-accredited institute if it determines the institute meets the following criteria:
1. Supervision of the applicant is provided by a Certified Marriage and Family Therapist.
 2. Curriculum is consistent with current Board requirements, and
 3. Faculty has credentials consistent with the standards of the field.

R4-6-606. Certified Associate Marriage and Family Therapist

- A. There is no experience requirement for certification as an Associate Marriage and Family Therapist.
- C. An Associate Marriage and Family Therapist shall not practice independently. An Associate Marriage and Family Therapist shall practice only under direct supervision.

ARTICLE 7. SUBSTANCE ABUSE COUNSELING AND TREATMENT

R4-6-701. Education and Work Experience

An applicant for certification as a Substance Abuse Counselor shall meet 1 of the following:

1. A Master's or Doctorate degree with an emphasis in counseling. The degree shall be:
 - a. From a regionally accredited college or university, in a behavioral science, with at least 24 semester or 32 quarter credit hours of counseling-related courses;
 - b. From a regionally accredited college or university, in a program the Substance Abuse Credentialing Committee determines is substantially equivalent to the degree described in subsection (1)(a); or
 - c. An equivalent foreign degree;
2. A bachelor's degree with an emphasis in counseling and 2 years of work experience counseling substance abusers under professional supervision. The degree shall be:
 - a. From a regionally accredited college or university, in a behavioral science, with at least 30 semester or 40 quarter credit hours of counseling-related courses;
 - b. From a regionally accredited college or university, in a program the Substance Abuse Credentialing Committee determines is substantially equivalent to the degree described in subsection (2)(a); or
 - c. An equivalent foreign degree;
3. An Associate of Applied Science degree in Chemical Dependency with an emphasis in counseling and 2 years of work experience counseling substance abusers under professional supervision. The degree shall be:
 - a. From a regionally accredited college, in a behavioral science, with at least 30 semester or 40 quarter credit hours of counseling-related courses;
 - b. From a regionally accredited college, in a program the Substance Abuse Credentialing Committee determines is substantially equivalent to the degree

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- described in subsection (3)(a); or
- c. An equivalent foreign degree;
4. A high school diploma or equivalent (GED) and 4 years of work experience counseling substance abusers under professional supervision.

R4-6-702. Examination

- A. The Substance Abuse Counseling Credentialing Committee approves the certification examinations of the following organizations:
1. International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA), and
 2. National Association of Alcoholism and Drug Abuse Counselors (NAADAC).
- B. To be certified, an applicant for Substance Abuse Counselor certification shall receive a passing score established by a cut score study, on an approved certification examination.
- C. An applicant for certification by examination, shall pass the examination within 6 months after the date of service of the written request for additional documentation described in R4-6-301(E)(4), which includes the requirement that the applicant take and pass the certification examination. The requirement that the certification examination be passed within 6 months may be extended as described in subsection (D).
- D. The Board shall schedule the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse examination for applicants who have not previously taken and passed an approved examination. If the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse examination is offered only once within the 6 months referenced in subsection (C), the Board shall grant the applicant an automatic extension to the date of the 2nd examination. If the examination is not passed within the 6 months referenced in subsection (C) or, if applicable, the automatic extension to the date of the 2nd examination, the applicant's file shall be closed with no recourse to appeal. To receive further consideration for certification, the applicant shall submit a new application and fee.
- E. Applicants who wish to take a certification examination other than that of the Certification Reciprocity Consortium/Alcohol and Other Drug Abuse, shall apply directly to the National Association of Alcoholism and Drug Abuse Counselors, to take their examination and shall cause the score obtained on the certification examination to be submitted directly to the Board by the examining organization.

R4-6-703. Work Experience for the Substance Abuse Counselor Certification

- A. An applicant for certification as a Substance Abuse Counselor shall complete paid or volunteer work experience in a program that provides alcohol or drug abuse diagnosis, treatment, or referral for treatment.
- B. An applicant for certification as a Substance Abuse Counselor shall demonstrate satisfactory performance in the following areas: intake, assessment, triage, crisis intervention, treatment planning, family, group, and individual counseling, outreach, and consultation with other professionals by having the applicant's supervisor submit performance evaluations on forms available from the Board.
- C. If an applicant is unable to have a supervisor submit a performance evaluation, the applicant shall request a waiver of the requirement by filing with the Board, a written statement explaining the reason why a performance evaluation cannot be obtained. The applicant requesting a waiver shall supply a written statement from other Behavioral Health Professionals eligible for Substance Abuse Counselor certification attesting

to the applicant's competence in the skills listed in subsection (B).

- D. The time span covered by the performance evaluations or the statements shall equal that for the work experience required by R4-6-701 for the applicants education level.
- E. All work experience required for Substance Abuse Counselor certification shall be professionally supervised.

R4-6-704. Professional Supervision for Substance Abuse Counselor Certification

Supervision of the work experience required for Substance Abuse Certification shall be provided by a Certified Substance Abuse Counselor or a behavioral health professional who has education, training, and experience acceptable to the Substance Abuse Credentialing Committee.

ARTICLE 8. CERTIFICATE RENEWAL AND CONTINUING EDUCATION

R4-6-801. Renewal of Certification

- A. To renew certification, a certified behavioral health professional shall submit the following to the Board Office:
1. A completed renewal application form that includes the affidavit verifying all completed continuing education activities, is signed by the behavioral health professional, and is notarized;
 2. Certified check, cashier's check, or money order for the renewal fee; and
 3. Other documents requested by the Credentialing Committee to determine the behavioral health professional's continued eligibility.
- B. The certification of a certified behavioral health professional shall expire unless the certified behavioral health professional submits the items listed in subsection (A) on or before the certification expiration date.
- C. The Board shall permit a behavioral health professional whose certification has expired, to renew certification by submitting a complete renewal application, and other documents requested by the Credentialing Committee, and a late fee within 3 months of the certification expiration date. Certification that is renewed under this rule shall be considered effective on the 1st of the month following the expiration date with no lapse in certification.
- D. The Board shall permit a certified behavioral health professional with insufficient continuing education hours for renewal to have 90 days from the date of service of notification of the insufficient hours to complete and submit documentation of the necessary continuing education hours. If the documentation of completed continuing education hours is not post-marked or received by the Board within 90 days from the date of service of notification, the certified behavioral health professional's certification shall expire, and the certified behavioral health professional's file will be closed with no recourse to appeal.

R4-6-802. Continuing Education

- A. To be eligible to renew certification, a certified behavioral health professional shall complete 40 clock hours of continuing education during the 2 years before the renewal date. A certified behavioral health professional shall maintain documentation of continuing education activities for 48 months following the date of the renewal certificate.
- B. The Board shall permit a certified behavioral health professional who maintains more than 1 certificate to apply the same continuing education hours for each certificate renewal if the content of the continuing education is relevant to each specific certification.

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- C. A certified behavioral health professional shall report only continuing education clock hours obtained during the 2 years before renewal of certification.
- D. A maximum of 10 clock hours of continuing education may be from independent study, small group study, or professional research. A maximum of 10 clock hours of continuing education may be from 1st time presentations by the certified behavioral health professional.
- E. Continuing education activities shall relate to the scope of practice of the specific certification held. Continuing education activities include:
 - 1. Activities sponsored or approved by national, regional, or state professional associations or organizations in the specialties of Marriage and Family Therapy, Professional Counseling, Social Work, Substance Abuse Counseling, or in the allied professions of Psychiatry, Psychiatric Nursing, Psychology, or Pastoral Counseling;
 - 2. Programs in the behavioral health field sponsored or approved by a regionally accredited college or university;
 - 3. In-service training, courses, or workshops in the behavioral health field sponsored by federal, state, or local social service agencies, public school systems, or licensed health facilities and hospitals;
 - 4. Graduate-level or undergraduate course work in the behavioral health field offered by regionally accredited colleges or universities. One semester-credit hour is equivalent to 15 clock hours of continuing education and 1 quarter-credit hour is equivalent to 10 clock hours of continuing education. Audited courses shall have hours in attendance documented;
 - 5. Independent or small group study in the behavioral health field including any of the following activities: listening to audio tapes, viewing video tapes, and reading, editing, or writing professional books or articles. Small group study may also include making presentations and reviewing case studies;
 - 6. Presentation by the applicant for the 1st time of an academic course, in-service training workshop, or seminar;
 - 7. Professional research on behavioral health topics; and
 - 8. Workshops, seminars, and conferences by nationally recognized presenters in the fields of behavioral health or related fields such as medicine or law.

R4-6-803. Continuing Education Documentation

The certified behavioral health professional shall retain the following documentation as evidence of participation in continuing education activities:

- 1. Independent study: a description of the activity, the subject material covered, and the dates and number of hours involved.
- 2. Conferences, seminars, and workshops: a signed certificate of attendance; a statement from the provider verifying participation in the activity; or other documents sufficient to demonstrate attendance such as canceled checks or conference programs.
- 3. First time presentations by the certified behavioral health professional: outlines, syllabi, or the curriculum used.
- 4. Independent or small group studies: a list of books, articles, and tapes reviewed and hours, and cases studied and hours.
- 5. Graduate or undergraduate course: an official transcript.

**ARTICLE 9. APPEAL OF CERTIFICATION OR
RENEWAL INELIGIBILITY**

R4-6-901. Appeal Process for Certification Ineligibility

- A. An applicant for certification may be found ineligible because of an unprofessional practice or failure to meet the certification requirements of education, experience, or supervision, or both.
- B. If an applicant for certification is alleged to have engaged in an unprofessional practice, the procedures found in subsection (D) shall be followed.
- C. If an applicant for certification is found ineligible because of failure to meet the certification requirements of education, experience, or supervision and if there is no allegation of unprofessional practice, the following procedures shall be used:
 - 1. The Credentialing Committee shall send a letter to the applicant that provides the applicant notice of the determination of ineligibility and explain the basis for the determination.
 - 2. An applicant who wishes to appeal a determination of ineligibility shall submit a written request for review to the Credentialing Committee within 21 days from the date of service of the notice of ineligibility. If a review is not requested within the time provided, the application shall be denied and the file shall be closed without recourse to appeal.
 - 3. Upon receipt of ineligibility, the Credentialing Committee shall consider the request; determine whether the applicant meets credentialing requirements; and issue a 2nd decision in writing. The Credentialing Committee shall send a written notice of this decision to the applicant.
 - 4. If the 2nd decision by the Credentialing Committee again denies eligibility for certification, an applicant who wishes to appeal the 2nd decision shall submit to the Credentialing Committee a written request for an informal meeting with the Credentialing Committee within 21 days of the date of service of notice of the Credentialing Committee's 2nd decision. If an informal meeting is not requested within 21 days, the application shall be denied and the file shall be closed without recourse to appeal.
 - 5. If a request for an informal meeting is received within the required 21 days, the Credentialing Committee shall schedule the informal meeting and provide the applicant with written notice of the date, time, and location of the meeting at least 5 days before the meeting. At the informal meeting, the Credentialing Committee shall allow the applicant to present additional information verbally and in writing regarding the applicant's qualifications for certification.
 - 6. Upon completion of the informal meeting, the Credentialing Committee shall determine whether the applicant is eligible for certification and shall issue a 3rd decision. The Credentialing Committee shall send written notice of this decision to the applicant.
 - 7. If the 3rd decision by the Credentialing Committee again denies eligibility for certification, an applicant who wishes to appeal the 3rd decision shall submit within 21 days of the date of service of notice of the Credentialing Committee's 3rd decision, a written request to the Board for a formal administrative hearing pursuant to the Administrative Procedures Act, A.R.S. § 41-1061 et seq. The request shall either be referred to the Office of Administrative Hearings for scheduling or scheduled before the Board. If a formal administrative hearing is not

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requested within 21 days, certification shall be denied and the applicant's file shall be closed with no recourse to appeal.

8. If the formal administrative hearing is held before the Office of Administrative Hearings, the Board shall review the findings of fact and conclusions of law and shall enter an order either to grant or deny certification.
 9. If the formal administrative hearing is held before the Board, the Board shall issue the findings of fact and conclusions of law and shall enter an order to grant or deny certification.
 10. The Board shall send the applicant a copy of the final findings of fact, conclusions of law, and order.
- D. If an complaint or allegation of unprofessional practice is received before or while an applicant is under review for certification the following procedures shall be used:
1. The Credentialing Committee shall determine if the applicant has met the education, experience, and supervision requirements.
 - a. If an applicant is determined to be ineligible because of deficiencies in education, experience, or supervision, the Credentialing Committee shall notify the applicant of its determination in accordance with subsection (C)(1) and shall include in the notification a statement that an allegation that the applicant engaged in an unprofessional practice has been received by the Board and must be resolved in the applicant's favor before the applicant may be certified. If the applicant appeals this determination of ineligibility, the procedures in R4-6-1001 (A) through (C) shall be followed. These procedures shall include a review and determination of all reasons the applicant may be determined ineligible.
 - b. If an applicant against whom an allegation of unprofessional practice has been made meets all education, experience, and supervision requirements, the procedures in R4-6-1001 (A) through (C) shall be followed.

R4-6-902. Appeal Process for Certificate Renewal Ineligibility

- A. A behavioral health professional for renewal of certification may be found ineligible because of an unprofessional practice or failure to meet other renewal requirements, or both.
- B. If an allegation of unprofessional practice has been made against a behavioral health professional who has submitted a renewal for certification, the Credentialing Committee shall determine whether the alleged unprofessional practice, if true, is severe enough to result in revocation of certification. If the Credentialing Committee determines that revocation is a likely outcome if the allegation is substantiated, the Credentialing Committee shall not renew the behavioral health professional's certificate and shall investigate and process the alleged unprofessional practice in accordance with R4-6-1001. The Credentialing Committee shall include in the investigation a review and determination regarding all renewal requirements. If the Credentialing Committee determines that the alleged unprofessional practice, if substantiated, would not result in revocation of certification and if all other renewal requirements have been met, the Credentialing Committee shall issue a renewal certification to the behavioral health professional and shall investigate and process the alleged unprofessional practice in accordance with R4-6-1001.
- C. If an applicant for renewal certification is determined to be ineligible because of failure to meet renewal requirements, excluding the requirement of R4-6-801(D), and if there is no

allegation of unprofessional practice, the following procedures shall apply:

1. The Credentialing Committee shall send a letter to the certified behavioral health professional that informs the certified behavioral health professional of the determination of ineligibility and explain the basis for the determination.
2. A certified behavioral health professional who wishes to appeal a determination of ineligibility for renewal certification shall submit a written request for an informal meeting to the Credentialing Committee within 21 days from the date of service of the notice of ineligibility. If an informal meeting is not requested within the time provided, the renewal shall be denied and the certified behavioral health professional's file shall be closed without recourse to appeal.
3. If a request for an informal meeting is received within the required 21 days, the Credentialing Committee shall schedule a the informal meeting with the certified behavioral health professional and provide written notice of the date, time and location of the meeting at least 5 days before the meeting. At the informal meeting, the Credentialing Committee shall allow the certified behavioral health professional to present additional information verbally and in writing regarding the certified behavioral health professional's qualifications for renewal.
4. Upon completion of the informal meeting, the Credentialing Committee shall determine whether the certified behavioral health professional meets renewal requirements and shall issue a decision in writing. The Credentialing Committee shall send a written notice of this decision to the certified behavioral health professional.
5. A certified behavioral health professional who wishes to appeal a denial of renewal that results from an informal meeting, shall submit within 21 days of the date of service of notice of the Credentialing Committee's decision a written request to the Board for a formal administrative hearing pursuant to the Administrative Procedures Act, A.R.S. §41-1061 et seq. The request shall either be referred to the Office of Administrative Hearings for scheduling or scheduled before the Board. If a formal administrative hearing is not requested within 21 days, the renewal shall be denied and the certified behavioral health professional's file shall be closed without recourse to appeal.
6. If the formal administrative hearing is held before the Office of Administrative Hearings, the Board shall review the findings of fact and conclusions of law and shall enter an order either to grant or deny renewal.
7. If the formal administrative hearing is held before the Board, the Board shall issue the findings of fact and conclusions of law and shall enter an order either to grant or deny renewal.
8. The Board shall send the certified behavioral health professional a copy of the final findings of fact, conclusions of law, and order.

ARTICLE 10. DISCIPLINARY PROCESS FOR UNPROFESSIONAL PRACTICES

R4-6-1001. Disciplinary Process for Unprofessional Practices

- A. If a written complaint alleging unprofessional practice by a certified behavioral health professional or applicant for certification is received by the Board, the Board shall immediately notify the individual complained against. The individual com-

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plained against shall submit a written response within 21 days from the date of service of notice of the complaint.

- B.** When the response of the individual complained against is received, the Credentialing Committee Chair or designee shall evaluate the complaint and response, and either schedule an informal meeting before the full Credentialing Committee with the individual complained against or schedule a document review of the written complaint and response by the full Credentialing Committee.
1. Complaints that the Credentialing Committee chair or designee determines need further investigation shall be scheduled for an informal meeting with the individual complained against.
 2. Complaints that the Credentialing Committee chair or designee determines do not need further investigation shall be scheduled for a document review.
- C.** After the Credentialing Committee completes a document review of a complaint:
1. The Credentialing Committee shall dismiss the complaint if the Credentialing Committee finds the complaint is not a violation of a professional practice.
 2. The Credentialing Committee shall schedule an informal meeting with the individual complained against if the Credentialing Committee finds there is a possible violation of a professional practice or further investigation is required.
 3. The Credentialing Committee shall provide written notice of its decision to the complainant and the individual complained against within 15 days of its decision.
- D.** After the Credentialing Committee completes an informal meeting with an individual complained against:
1. The Credentialing Committee shall dismiss the complaint if the Credentialing Committee finds the complaint is not a violation of a professional practice.
 2. The Credentialing Committee shall offer a consent agreement including general terms to the individual complained against if the Credentialing Committee finds a possible violation or violations of professional practices and shall send a report of its findings to the individual complained against and shall send their recommendation to the Board.
 3. Upon receipt of the report of the Credentialing Committee's findings and recommendation, the Board shall affirm, reverse, adopt, modify, supplement, amend, or reject the report, in whole or in part, and shall enter an order to dismiss the complaint, refer the complaint to a formal administrative hearing, or accept the consent agreement.
 4. The Board shall send written notice of its order to the complainant and the person complained against within 15 days of entering the order.

R4-6-1002. Summary Suspension

If the Credentialing Committee Chair or designee finds, after conducting an initial evaluation of a complaint, that the alleged unprofessional conduct of a certified behavioral health professional, if true, poses an imminent danger to the public, the Credentialing Committee Chair or designee shall notify the certified behavioral

health professional of the finding and shall request that the Board Chair or designee call an emergency meeting of the Board. The Board shall request that the certified behavioral health professional attend the meeting. At the meeting the Board shall review all available information including statements by the certified behavioral health professional. The Board shall determine, based on this information, whether the interests of the public are in imminent danger. If so, the Board shall issue an order to suspend the certified behavioral health professional's certificate summarily.

R4-6-1003. Review or Rehearing of a Board Decision

- A.** A certified behavioral health professional or applicant aggrieved by a decision of the Board may seek a review or rehearing of that decision by submitting a written request for a review or rehearing to the Board within 21 days from the date of service of the decision. The request shall specify the grounds for a review or rehearing. The Board shall grant a request for a review or rehearing for any of the following reasons materially affecting the rights of the aggrieved party:
1. Irregularity in the Board or Credentialing Committee's proceedings that deprived the aggrieved party of a fair hearing;
 2. Misconduct of the Board, the Credentialing Committee, or any duly authorized agent of the Board or the Credentialing Committee;
 3. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
 4. Excessive penalties;
 5. Decision, findings of fact, or conclusions not justified by the evidence or contrary to law; or
 6. Errors regarding the admission or rejection of evidence or errors of law that occur at the hearing.
- B.** The Board shall determine whether 1 of the reasons listed in subsection (A) materially affected the rights of the aggrieved party and enter an order either to grant or deny the request for review or rehearing. The Board shall specify with particularity the reason the request is granted or denied.
- C.** The Board shall send written notice of the decision to grant or deny a request for review or rehearing to the complainant and the certified behavioral health professional.
- D.** If the Board grants a request for a review or rehearing, the new hearing shall address only the question or questions with respect to which the decision is found erroneous, if separable.
- E.** The certified behavioral health professional may make application for judicial review of the final order issued by the Board in accordance with A.R.S. § 12-901 et seq.
- F.** If the Board makes a specific finding in a particular order that the immediate effectiveness of the order is necessary to preserve the public health, safety, or welfare, and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for a rehearing or review. If the Board issues a decision as a final decision without an opportunity for a review or rehearing, the certified behavioral health professional may make an application for judicial review of the decision in accordance with A.R.S. § 12-901 et seq.

NOTICE OF PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

PREAMBLE

1. **Sections Affected**

<u>Sections Affected</u>	<u>Rulemaking Action</u>
Article 50	New Article
R6-5-5001	New Section
R6-5-5002	New Section
R6-5-5003	New Section
R6-5-5004	New Section
R6-5-5005	New Section
R6-5-5006	New Section
R6-5-5007	New Section
R6-5-5008	New Section
R6-5-5009	New Section
R6-5-5010	New Section

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. § 41-1954(A)(13), 46-134(12), and 41-1967

Implementing statutes: A.R.S. § 41-1954(A)(13), 46-134(12), and 41-1967

3. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Vista Thompson Brown

Address: Department of Economic Security
1789 West Jefferson, Site Code 837A
Phoenix, Arizona 85007

or

P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005

Telephone: (602) 542-6555

Fax: (602) 542-6000

4. **An explanation of the rule, including the agency's reason for initiating the rule:**

The new Article 50, Child Care Resource and Referral System, is being proposed to implement the provisions of A.R.S. § 41-1967. The rules govern the operation and maintenance of a statewide Child Care Resource and Referral System. The rules include definitions and specific participation requirements. These rules will provide clear direction to child care consumers, the Department and providers regarding how to use, monitor, and participate in the Child Care Resource and Referral System.

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:**

The rules will have a positive but intangible economic impact on small business and consumers by clarifying how to participate in and use the Child Care Resource and Referral System. The rules describe how customers may use the service, how providers may participate in the service, and how the Department and its Contractors deliver the service. Although there are costs associated with the operation of this system, those costs are attributable to the statutory mandate to operate the system, rather than to the rules.

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: Connie Shorr

Address: Department of Economic Security
1789 West Jefferson, Site Code 801A
Phoenix, Arizona 85007

or

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P.O. Box 6123, Site Code 801A
Phoenix, Arizona 85005

Telephone: (602)542-4248

Fax: (602)542-4197

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:

Any person may submit written comments on the proposed rules or the preliminary economic impact statement by submitting the comments no later than 5 p.m. on Friday June 21, 1996, to the person listed in question 3. The Department will also accept oral or written comments at the hearings listed below.

Phoenix: District I

Date: June 20, 1996

Time: 1:30 p.m.

Location: DES Conference Room
815 North 18th Street
Phoenix, Arizona

Coord. Program Mgr.: Vince Ornelas (602) (255-3722)

Tucson: District II

Date: June 20, 1996

Time: 1:30 p.m.

Location: DES Conference Room
400 West Congress #420
Tucson, Arizona

Coordin. Program Mgr.: Henry Granillo (520) (628-6810)

Flagstaff: District III

Date: June 20, 1996

Time: 1:30 p.m.

Location: DES Conference Room
220 North LeRoux
Flagstaff, Arizona

Coordin. Program Mgr.: Pam Estrella (520) (779-2731, ext.238)

Yuma: District IV

Date: June 20, 1996

Time: 1:30 p.m.

Location: DES Conference Room
350 West 16th Street
Yuma, Arizona

Coordin. Program Mgr.: Tim Acuff (520) (782-4343)

Casa Grande: District V

Date: June 20, 1996

Time: 1:30 p.m.

Location: DES Conference Room
2510 North Trekell
Casa Grande, Arizona

Coord. Program Mgr.: Dan Van Kuren (520) (723-4151)

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Bisbee: District VI

Date: June 20, 1996
Time: 1:30 p.m.
Location: District Conference Room
209 Bisbee Road
Bisbee, Arizona

Coordin. Program Mgr.: David Gibbs (520) (428-7702)

The Department of Economic Security (DES) follows and support 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.

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:
Not applicable.
11. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

**ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL
SYSTEM**

<u>R6-5-5001.</u>	<u>Definitions</u>
<u>R6-5-5002.</u>	<u>Provider Participation Requirements</u>
<u>R6-5-5003.</u>	<u>Notification of Changes</u>
<u>R6-5-5004.</u>	<u>Referrals Not Guaranteed</u>
<u>R6-5-5005.</u>	<u>Referral Process</u>
<u>R6-5-5006.</u>	<u>Monitoring; Complaint Recording and Reporting Requirements</u>
<u>R6-5-5007.</u>	<u>Provider Listing Status</u>
<u>R6-5-5008.</u>	<u>Provider Exclusion or Removal Process</u>
<u>R6-5-5009.</u>	<u>Administrative Review Process</u>
<u>R6-5-5010.</u>	<u>Administrative Appeal Process</u>

**ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL
SYSTEM**

R6-5-5001. Definitions

The following definitions apply in this article.

1. "ADE" means the Arizona Department of Education which administers the CACFP at the state level.
2. "Alternate approval" means an uncertified, unlicensed provider that demonstrates compliance with CACFP child care standards to the ADE.
3. "Child care" means a compensated service that is provided to a child unaccompanied by a parent or guardian during a portion of a 24-hour day; the service includes supervised and planned care, training, recreation, and socialization.
4. "CACFP" means the Child and Adult Care Food Program, funded and administered at the federal level by the Food and Consumer Services, an agency of the U.S. Department of Agriculture.

5. "CCR&R" means child care resource and referral, a service the Department administers, pursuant to A.R.S. § 41-1967.
6. "Center" has the same meaning ascribed to "day care center" in A.R.S. § 36-881(3).
7. "Certified" or "licensed" means a provider holding a license as prescribed in A.R.S. § 36-895(A) or who is certified as prescribed in A.R.S. § 36-895(B) and (C), or who is certified as prescribed in A.R.S. § 36-897.
8. "Child with special needs" means a child who:
 - a. Has a physical or mental impairment that substantially limits 1 or more of the child's major life activities;
 - b. Has a record of having a physical or mental impairment that substantially limits 1 or more of the child's major life activities; or
 - c. Is regarded as having such an impairment, whether the child has the impairment or not.
The terms used in this subsection have the same meaning as applied under the Americans with Disabilities Act (ADA), and its implementing regulation at 28 CFR 35.104 (July 1, 1993), and not including any later amendments or editions, which is incorporated by reference, and is on file with the Department and the Secretary of State's Office.
9. "Client" or "customer" means a person who is requesting information from a CCR&R Contractor.
10. "Dropped for cause" means the termination of a family child care provider from participation in the CACFP due to a negative reason. This type of termination prohibits a provider from joining another sponsoring organization and participating in the CACFP.
11. "Dropped for convenience" means the termination of a family child care provider from participation in the CACFP due to non-compliance with program require-

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- ments. This type of termination allows a provider to join another sponsoring organization and participate in the CACFP.
12. "Contractor" means an agency with which the Department contracts for provision of CCR&R services.
 13. "Compensation" means something given or received as recompense for child care, such as money, goods, or services.
 14. "Database" means a computerized collection of facts, figures, and information arranged for ease and speed of retrieval.
 15. "Department" means the Department of Economic Security.
 16. "Exclude" means to refuse to include a particular provider in the CCR&R database.
 17. "Family child care" means child care provided in a provider's own home.
 18. "Global update" means the process by which a Contractor contacts each provider in the database to update the provider's data.
 19. "Gross negligence" means flagrant carelessness that results in an injury to another.
 20. "In-home child care" means child care provided in a child's own home.
 21. "Information listing" means that a provider listed on the CCR&R has elected to receive training information, and other information about child care issues and activities, but no referrals.
 22. "Listing status" means the information option that a provider selects when being listed on the CCR&R; the 2 options are referral listing and information listing.
 23. "Negative action" means the closure, denial, revocation, or termination of a provider's certificate, license, or alternate approval for a negative reason.
 24. "Negative reason" means an event which results in a negative action, and may include: a substantiated Child Protective Services report; a health or safety violation; commission of a fraud; or failure to clear a fingerprint check.
 25. "Personally identifiable information" means any information about a person other than the provider, which, when considered alone, or in combination with other information, identifies, or permits another person to readily identify, the person who is the subject of the information, and includes:
 - a. Name, address, and telephone number;
 - b. Date of birth or age;
 - c. Physical description;
 - d. School;
 - e. Place of employment; and
 - f. Unique identifying number, such as driver's license number or license number.
 26. "Program administrator" means the person who administers the Department's Child Care Program, a unit of the Department.
 27. "Provider" or "program" means an adult who, or a facility which, provides child care services.
 28. "Provider's employee" means someone who assists a provider or program in rendering child care services.
 29. "Provider type" means a category of provider or program such as a center, family child care, and in-home child care.
 30. "Referral" means the information listed in R6-5-5005(B), (C), and (D), that a Contractor gives to a customer.
 31. "Referral listing" means that a provider listed on the CCR&R has elected to receive referrals, training information, and other information about child care issues and activities.
 32. "Regulated" means a provider who is required to meet health and safety standards set by a government agency which may include a federal, state, or tribal government agency, or a sponsoring organization.
 33. "Removal without prejudice" means removal of a provider from the CCR&R database for other than a negative reason, such as provider request.
 34. "Revocation" means the removal of a child care provider's license or certificate by a government agency for a negative reason.
 35. "SDA" means a service delivery area, which is a specific geographic area where CCR&R services are offered.
 36. "Sponsoring organization" means a public or non-profit private organization that administers the CACFP.
 37. "Suspension" means that a regulatory agency has temporarily removed a provider's certificate or license pending other administrative action.
 38. "Unregulated provider" means a family child care provider who is not regulated by any government agency or sponsoring organization.
 39. "Work day" means 8 a.m. to 5 p.m., Monday through Friday, excluding Arizona state holidays.
- R6-5-5002. Provider Participation Requirements**
- A. To be considered for inclusion in the CCR&R database, a provider shall submit the following information to the Contractor for the provider's SDA:
 1. Provider's name;
 2. Address;
 3. Phone number;
 4. Days and times facility is open;
 5. Ages of children accepted;
 6. Capacity;
 7. Regulatory affiliation, if any;
 8. Meals provided to children in care;
 9. Training and experience;
 10. Accreditation;
 11. Fees;
 12. School transportation; and
 13. The provider's choice of listing status.
 - B. In addition to the information listed in subsection (A)(1) through (13), an unregulated family child care provider shall complete and submit to the contractor a notarized, Department-approved form attesting that the provider is not subject to exclusion or removal from the CCR&R database under any of the grounds specified in A.R.S. § 41-1967(E).
 - C. Before adding a regulated provider to the CCR&R database, a Contractor shall verify the provider's regulatory status.
 - D. A Contractor shall add a provider to the database after obtaining information prescribed in subsections (A), (B), and (C) and verifying that the provider is not subject to exclusion for any reason listed in A.R.S. § 41-1967(E).
- R6-5-5003. Notification of Changes**
- A. A provider listed on the CCR&R database shall notify the Contractor of any changes to the information or statement given pursuant to R6-5-5002(A) or (B).
 - B. A provider may change listing status at any time by notifying the Contractor.
- R6-5-5004. Referrals Not Guaranteed**
The Department and its Contractors do not:
1. Make referrals to participating providers on a rotating or equitable basis;

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2. Guarantee the number or frequency of referrals to participating providers; or
3. Guarantee that listing on the CCR&R will result in economic benefit or gain to participating providers.

R6-5-5005. Referral Process

- A.** To obtain a referral, a customer shall give the Contractor the following information about the customer's child care needs:
1. Customer name.
 2. Address.
 3. Phone number.
 4. Days and times child care is needed.
 5. Preferred type of child care provider.
 6. Location where care is needed or preferred, and
 7. Age of child.
- B.** A Contractor shall give a customer a referral that is consistent with the customer's stated preferences.
1. The Contractor shall not make a referral unless the contractor can give the customer the names of at least 3 potential providers within the customer's search parameters.
 2. If the Contractor cannot name at least 3 potential providers meeting the customer's stated preferences, the Contractor shall ask the customer to expand the search parameters.
- C.** The Contractor shall provide the customer with provider profile information on each referred provider, including the following:
1. Provider name.
 2. Address or major cross streets.
 3. City.
 4. Phone number.
 5. Ages served.
 6. Fees.
 7. Ratio and capacity.
 8. Days and hours of operation.
 9. Regulatory status.
 10. Training and experience.
 11. Available subsidies, and
 12. School transportation.
- D.** As part of a referral, a Contractor shall give a disclaimer statement to each customer. The statement shall include the following information:
1. That the Contractor selected providers based on the customer's stated preferences;
 2. That the Contractor provides referrals and does not recommend, endorse, or guarantee any particular child care provider;
 3. That the Contractor does not regulate, monitor, or verify information supplied by a provider; and
 4. That a child's parent or guardian is solely responsible for choosing an appropriate child care provider to meet a family's needs.
- E.** As part of a referral, a Contractor shall provide the customer with the following Department-approved educational information:
1. A list of criteria to consider when selecting quality child care;
 2. A description of the types of child care providers in Arizona;
 3. A description of CCR&R services and a list of office locations and phone numbers statewide; and
 4. An explanation of the process for filing a child care related complaint.

R6-5-5006. Monitoring; Complaint Recording and Reporting Requirements

- A.** Monitoring and Investigation: Neither the Department nor its Contractors monitors or investigates the activities of providers, or investigates complaints about providers, except as otherwise prescribed in 6 A.A.C. 5, Article 52 for family child care providers.
- B.** Regulated Providers: Upon receipt of a complaint on a regulated provider, a Contractor shall refer the complainant to the appropriate regulatory agency, law enforcement agency, or child protective services.
- C.** Unregulated Providers: The provisions in this subsection govern complaints about unregulated providers.
1. Any person may complain about an unregulated family child care provider on the database by notifying a Contractor. Upon receipt of a complaint on an unregulated family child care provider, a Contractor shall:
 - a. Refer the complainant to the appropriate investigative agency (law enforcement or child protective services), if the nature of the complaint is child abuse or neglect;
 - b. Refer the complainant to the Department of Health Services if the nature of the complaint is that the provider is caring for more children than the law allows; or
 - c. Take the complaint if the nature of the complaint is other than as described in subsections (C)(1)(a) or (b).
 2. If the Contractor takes the complaint as prescribed in subsection (C)(1)(c), the Contractor shall obtain and record on a Department approved form, as much of the following information as is available:
 - a. Provider name and address;
 - b. Summary of the complaint, including date and time of incident;
 - c. Name, address, and phone number of the person making complaint, if complainant does not choose to be anonymous; and
 - d. If applicable, witness information, such as name, address and phone number.
 3. The person recording the information shall sign and date the form.
 4. After redacting personally identifiable information, the Contractor shall send the complaint form to the provider for response.
 5. The provider may respond to the complaint in writing by completing the provider response portion of the complaint form within 30 days of the complaint mailing date;
 6. The Contractor shall allow the public to inspect the complaint, and the provider's response, if given, with all personally identifiable information redacted. The Contractor shall make complaints available for public inspection, at the Contractor's office, after the 30-day provider response period has expired.

R6-5-5007. Provider Listing Status

- A.** Regulated Providers:
1. The Department shall direct a Contractor to change a regulated provider's listing status from referral listing to information listing according to the process listed in R6-5-5009 when the Department learns that a regulatory agency has suspended a provider's license, certificate, or alternate approval.
 2. If a Contractor has changed a provider to information listing status as prescribed in subsection (A)(1), the Department shall direct the Contractor to return the provider to

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referral listing status when the regulatory agency removes the provider's suspension status.

3. The Department shall notify a provider in writing when the Department returns the provider to referral status. The Department shall send the notice within 7 work days of the change in status and shall include the effective date of the change.

B. Unregulated Providers:

1. The Department shall direct a Contractor to change an unregulated provider's listing status from referral listing to information listing according to the process listed in R6-5-5009 when the Department learns that an unregulated provider or program has failed or is unable to meet the needs of families due to 1 or more of the following conditions:

- a. A child was allegedly abused, neglected, exploited, or abandoned while in the unregulated provider's care.

- b. An unregulated provider is allegedly involved in activities or circumstances which may threaten the health, safety, or emotional well-being of children, including, but not limited to, acts of physical violence, domestic disputes, or incidents involving deadly weapons or dangerous or narcotic drugs.

- c. An unregulated provider has violated state licensing requirements by providing care to more than 4 children at any 1 time for compensation.

2. If a Contractor has changed a provider to information listing status as prescribed in subsection (B)(1), the Department shall direct the Contractor to return the provider to referral listing status when 1 of the following occurs:

- a. Child Protective Services or a law enforcement agency determines that the allegation cannot be substantiated.

- b. Child Protective Services or a law enforcement agency determines that the threat to children has been eliminated.

- c. The Department of Health Services determines that the provider may continue child care activities without obtaining a certificate or license.

3. As used in subsection (B)(2), substantiation by a law enforcement agency means that law enforcement has referred a case to a prosecutorial agency with a recommendation to file charges.

4. The Department shall notify the provider in writing when the provider is returned to referral status. The Department shall send the notice within 7 work days of the change in status, and shall include the effective date of the change.

R6-5-5008. Provider Exclusion or Removal

A. The Department may direct a Contractor to remove a provider from the database according to the process prescribed in R6-5-5009, for the following reasons:

1. A provider fails or refuses to provide information as requested by the Department or a Contractor;

2. A regulatory agency verifies that the provider's license, certificate, or alternate approval has been revoked, terminated, or dropped for cause;

3. The Department learns that the information in the written, sworn, and notarized statement submitted by the provider pursuant to R6-5-5002(B) is false; or

4. The provider is subject to removal for any reason listed in A.R.S. § 41-1967(E).

B. A Contractor may summarily and without notice remove a provider from the CCR&R database for the following reasons:

1. The Contractor is unable to contact the provider because:

- a. The provider's phone is disconnected;

- b. The provider is no longer at the last known address and has given no forwarding address; or

- c. The provider has died; or

2. The provider requests removal.

C. A provider who was removed without prejudice as prescribed in subsection (B) may request reinstatement by calling the Contractor for the provider's SDA and providing current information.

D. Upon receipt of a request for reinstatement, the Contractor shall update the information listed in R6-5-5002 and, if applicable, verify that the provider has submitted any information requested by the Department or Contractor.

E. The Contractor shall reinstate the provider unless there are grounds for removal as prescribed in subsections (A)(1) through (4).

R6-5-5009. Administrative Review Process

A. When the Department receives information indicating that the Department may need to change the provider's listing status or remove or exclude a provider, the Department Program Administrator or designee shall review the information and decide whether grounds exist as listed in R6-5-5007 or R6-5-5008(A).

B. If the Department decides to change the provider's listing status or to remove or exclude a provider, the Department shall:

1. Notify the Contractor to change the listing status or to remove or exclude the provider; and

2. Within 7 work days of the effective date of the change of listing status, removal or exclusion, the Department shall send the provider written notice of the action taken.

C. The notice shall include the following information:

1. The effective date of the change in listing status or the removal or exclusion,

2. The reason for the change in listing status or the removal or exclusion,

3. The statutory provision requiring the provider's change in listing status or the removal or exclusion,

4. An explanation of the provider's right to an administrative review, and,

5. A statement explaining where the provider may file a written request for an administrative review and the time period for doing so.

D. The Department shall mail the notice to the provider's last known address. The mailing date is presumed to be the date appearing on the notice.

E. A provider may request an administrative review by filing a written request for review with the Department within 15 calendar days after the mailing date of the Department's notice.

F. The provider shall mail the written request for administrative review to:

Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005

G. In the written request, the provider shall include the reason for requesting an administrative review and any documentation supporting the reinstatement request.

H. A request for an administrative review is timely if:

1. The Department receives it within the 15-day appeal period prescribed in subsection (E) above; or

2. The envelope in which the request was mailed is post-marked or postage-meter marked within the 15-day period prescribed in subsection (E) above.

I. The Program Administrator or designee shall review the Department's decision and all documentation submitted by the provider.

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- J. The Program Administrator or designee shall notify the provider and the Contractor of the results of the administrative review within 15 work days from the date the Department receives the request for review.
 1. The decision shall be in writing and mailed to the provider's last known address. The date of decision is presumed to be the mailing date.
 2. The decision shall include information about the provider's right to further appeal.
- K. The provider may appeal the Department's decision as prescribed in R6-5-5010.

- mailing date of the Department's administrative review decision described in R6-5-5009(J).
- B. A provider shall mail the written request for an appeal to:
Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005
- C. In the written request, the provider shall include the reason for requesting an appeal and any documentation supporting the request.
- D. A request for an appeal is timely if:
 1. The Department receives it within the 15-day appeal period prescribed in subsection (A) above; or
 2. The envelope in which the request was mailed is post-marked or postage-meter marked within the 15-day period prescribed in subsection (A) above.

R6-5-5010. Administrative Appeals Process

- A. A provider may appeal the Department Administrative Review decision as prescribed in R6-5-2401 et. seq., by filing a request for an appeal with the Department within 15 days after the

NOTICE OF PROPOSED RULEMAKING

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R7-1-701 Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 15-1425(1)
Implementing statute: A.R.S. § 15-1425(6)
3. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Thomas J. Saad
Address: State Board of Directors for Community Colleges of Arizona
3225 North Central Avenue, Suite 1220
Phoenix, Arizona 85012
Telephone: (602) 255-4037
Fax: (602) 279-3464
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
Amendments to the rule clarify the status of non-credit courses in terms of state aid support and it establishes specific criteria required of credit courses. It also specifies alternative means by which students may receive credit for course work. Districts are required to maintain documentation of compliance with the rule.
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:**
The proposed rule will not adversely impact small business or consumers.
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: Thomas J. Saad
Address: State Board of Directors for Community Colleges of Arizona
3225 North Central Avenue, Suite 1220
Phoenix, Arizona 85012
Telephone: (602) 255-4037
Fax: (602) 279-3464

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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: June 21, 1996
Time: 1:30 p.m.
Location: Wyndham Metrocenter Hotel
10220 North Metro Parkway East
Phoenix, Arizona

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:

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

Section
R7-1-701. Curricula; General Program Standards

ARTICLE 7. INSTRUCTION, FACULTY, AND STAFF

R7-1-701. Curricula; General Program and Course Standards

- A. Each community college under the jurisdiction of the State Board shall offer a program that meets the educational needs of the population ~~which that~~ it serves. The State Board establishes the following curricular standards and requires each community college district to implement them.
1. Occupationally oriented curricula - Each college district shall offer occupationally oriented programs designed to lead to an associate degree. The district ~~will~~ may also offer programs of shorter duration designed to lead to employment when an associate degree is not appropriate but where a certificate of completion may be issued.
 2. Baccalaureate parallel curricula - Each district shall offer baccalaureate parallel curricula of such quality and content that will normally permit transfer into 3rd-year college classes in ~~regular~~ baccalaureate degree programs in ~~4 year colleges or universities~~.
 3. Special programs - Each district shall offer such full-time and part-time or evening programs as required by particular educational and economic needs of the community and which can be provided economically. Programs may include, but are not limited to, community service programs, continuing or adult education, and developmental programs.
 4. Testing and guidance programs - Each district shall offer or provide for services for testing, guidance, and individual development.
 5. Specialized education programs - The State Board may authorize specialized educational programs (see R7-1-301(D)).
- B. Non-credit courses, academic and occupational testing and counseling, cultural and community services, economic development services not qualifying as credit courses, and the support of community cultural development shall be the responsibility of the District Governing Board.
- C. Courses offered for credit shall satisfy 1 or more of the purposes under subsection (C)(1) and shall meet all the requirements set forth in subsection (C)(2) below.

1. Purpose. Credit courses shall satisfy 1 or more of the following purposes:
 - a. Qualify students for a community college certificate or degree;
 - b. Be acceptable for transfer to a regionally accredited public or private college or university;
 - c. Prepare students with skills to seek entry-level jobs in the field of specialization;
 - d. Improve the student's job skills or prepare the student for promotion in fields of employment;
 - e. Provide skills necessary for success in other college courses;
 - f. Meet other needs in the community through continuing education, lifelong learning, physical health, and wellness.
2. Requirements. A credit course must satisfy each of the following criteria:
 - a. The course integrity and rigor shall be in accordance with curriculum standards and guidelines adopted by the District Governing Board and approved by the State Board as consistent with the balance of the provisions of this subsection.
 - b. A formal syllabus, which defines the objectives and content of the course, shall be on file and available for audit.
 - c. Students shall be evaluated and given a grade based on their mastery of the objectives and content of the course;
 - d. Faculty teaching the course shall hold a valid certificate, issued by the State Board to teach in subject of the course;
 - e. The credits awarded for completion of the course shall be based upon the effort required of, and the competencies to gained by, the students in accordance with policies adopted by the District Governing Board and approved by the State Board.
 - f. Before enrollment in the course, students shall have achieved prerequisite competencies defined in the syllabus.
 - g. The course shall have been developed using the District's formal curricula review procedure that shall include at least the following features:
 - i. The course shall have been reviewed by the college's curriculum committee and recommended by the college administration.
 - ii. The course shall have been reviewed and

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- approved by the District Governing Board as adhering to the standards as set forth in this Section.
- h.** The course shall have an evaluation component that meets current accreditation standards for assessment. The results of these evaluations shall be used for the purposes of formative and summative evaluation by the institution.
- D.** Students may receive credit through a variety of other means described below.
- 1.** National Standardized Examinations. A District Governing Board may adopt a policy provide that credit be awarded for satisfactory scores on national standardized examinations listed in the American Council on Education's "Guide to Educational Credit by Examination." The College Level Examination Program (CLEP) is an example of such an examination. The district policy for granting such credit shall be printed in the college catalog along with a statement indicating that acceptance of such credits upon transfer may be treated differently by the institution to which a student transfers.
- 2.** Credit by Evaluation. A District Governing Board may adopt a policy to provide that credit may be awarded by evaluation of military training and experiences as well as non-collegiate sponsored training programs listed in the American Council on Education's "Guide to the Evaluation of Education Experiences in the Armed Services" and the American Council on Education's "National Guide to Educational Credit for Training Programs." The district policy for granting such credit shall be printed in the college catalog along with a statement indicating that acceptance of such credits upon transfer may be treated differently by the institution to which a student transfers.
- 3.** Departmental Credit by Examination. A District Governing Board may adopt a policy to provide that credit may be awarded for satisfactory scores on departmental examinations. The district policy for granting such credit shall be printed in the college catalog along with a statement indicating that acceptance of such credits upon transfer may be treated differently by the institution to which a student transfers.
- 4.** Departmental Credit by Evaluation. A District Governing Board may adopt a policy to provide that credit may be awarded by evaluation of prior learning. The district policy for granting such credit shall be printed in the college catalog along with a statement indicating that acceptance of such credits upon transfer may be treated differently by the institution to which a student transfers.
- 5.** Transfer Courses. A District Governing Board may adopt a policy to provide that credit may be awarded for courses satisfactorily completed at a regionally accredited post-secondary institution upon receipt of official student transcripts. Transfer credit from non-accredited post-secondary institutions may also be accepted if the receiving institution is satisfied such credits represent equivalent or higher level work at the receiving institution and other measures of the quality of the work completed at the non-accredited institution are evident.
- 6.** Articulated Equivalent Course. A District Governing Board may adopt a policy to provide that credit may be awarded for courses satisfactorily completed by students enrolled in secondary institutions provided the following steps have been taken:
- a.** The district has adopted guidelines for granting articulation credit that defines the curricular areas included in the policy and also includes the requirements of an official written document provided by the secondary institution that identifies the previously mastered skills or competencies.
- b.** The secondary course competencies have been evaluated as equivalent to or more advanced than the same course or courses at the community college.
- c.** The district policy for granting such credit shall be printed in the college catalog together with a statement indicating that acceptance of such credits upon transfer may be treated differently by the institution to which a student transfers.
- E.** Community college districts shall maintain documentation of compliance with the provisions of this Section for review by the State Board staff or the auditor general.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 23. DEPARTMENT OF HEALTH SERVICES

DENTAL ORAL HEALTH

PREAMBLE

1. Sections Affected	<u>Rulemaking Action</u>
R9-23-101	Amend
R9-23-102	Amend
R9-23-103	Amend
R9-23-104	Amend
R9-23-105	Amend
R9-23-301	Amend
R9-23-303	Amend
R9-23-304	Amend
R9-23-305	Amend
R9-23-306	Amend
R9-23-307	Amend

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R9-23-401
R9-23-407

Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 36-104(3)

Implementing statutes: A.R.S. § 36-104(1)(c)(i), and 36-132(A)(10)

3. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Donald S. Altman, D.D.S., M. P. H., Chief

Address: Office of Oral Health
1740 West Adams Street
Phoenix, Arizona 85007

Telephone: (602) 542-1866

Fax: (602) 542-2936

4. An explanation of the rule, including the agency's reasons for initiating the rule:

The Department is proposing to amend the headings for Chapter 23, Articles 2 and 3 and R9-23-101, R9-23-102, R9-23-104, R9-23-105, R9-23-301, and R9-23-303 through R9-23-307, by changing Dental to Oral Health to more fully reflect the services provided by the Department.

R9-23-102 amends the Guideline reference on the Assessment of Clinical and Professional Performance to include appropriate word changes and the address of the reference. No substantive changes were made by amending the reference.

R-9-23-103 is an update and amendment of the incorporation by reference from the CDC publication "Universal Precaution for Prevention of Bloodborne Pathogens" to the actual CFR final rule which embodies it.

R9-23-301(1) and (2) deletes references to continuing education which is a program activity which does not require rulemaking.

R9-23-401 and R9-23-402 are amended to change the title from quality assurance to quality improvement.

R9-23-101 and R9-23-301 are renumbered.

A.R.S. §§ 36-104 and 36-132 enables the Department to administer service programs in oral health care prevention and encourage and aid in the coordination of local programs in oral health in cooperation with the Arizona Board of Dental Examiners, the Arizona

The Department believes that the adoption of these amendments are necessary to maintain and improve the standards of dental health care professionals regarding oral health treatment services provided to high-risk and special-needs populations. In addition, the heading changes will clarify the intent of the Department to emphasize oral health concerns and the quality improvement review process.

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:

The amendments to Chapter 23 clarify the titles of the Office of Oral Health, the Department's quality improvement programs, provides the appropriate wording concerning the "Guidelines for the Assessment of Clinical and Professional Performance" reference, and updates the reference on "Bloodborne Pathogens" appearing in R9-23-103. The amendments will not have an economic impact since the changes are primarily concerned with heading changes and the rewording and update of the references in use by the Department and oral health care professionals. The Department's Oral Health program is expected to continue at the same funding level from the Maternal Child and Health Bloc Grants (\$490,000) and the Arizona Community Foundation (Ryan White Funds, \$75,000) and will neither increase or decrease the training sessions, professional contracts to provided for prevention and treatment programs, or number of high risk and special needs clients served. The amendments will create no further costs to other state agencies, small businesses, or consumers but will result in benefits by providing professional care for their clients and early intervention in their oral health problems.

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: Donald S. Altman, D.D.S., M. P. H., Chief

Address: Office of Oral Health
1740 West Adams Street
Phoenix, Arizona 85007

Telephone: (602) 542-1866

Fax: (602) 542-2936

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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:**

A person may submit written comments on the proposed rules or summary of the economic impact statement by submitting their comments no later than the close of record, which is scheduled for 5 p.m., June 22, 1966, to the person identified above.

Oral proceedings have not be scheduled and an individual person may request an oral proceeding pursuant to A.R.S. § 41-1023(C).

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:**

29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens, located at R9-23-103(3).

Guidelines for the Assessment of Clinical and Professional Performance, Third Printing, 1992, California Dental Association, P.O. Box 13749, Sacramento, California 95853, located at R9-23-102(B).

11. **The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 23. DEPARTMENT OF HEALTH SERVICES

ORAL DENTAL HEALTH

ARTICLE 1. GENERAL PROVISIONS

Section

- R9-23-101. Definitions
- R9-23-102. Inspections of Premises
- R9-23-103. Infectious Disease Control
- R9-23-104. Required Dental Records
- R9-23-105. Dispute Resolution

**ARTICLE 2. STANDARDS FOR THE PROVISION OF
ORAL HEALTH DENTAL SERVICES**

ARTICLE 3. ORAL DENTAL HEALTH SERVICES

Section

- R9-23-301. Scope of Services
- R9-23-303. Informed Consent
- R9-23-304. Fluoride Mouth Rinse Program
- R9-23-305. Dental Sealants Program
- R9-23-306. Restorative Treatment Program
- R9-23-307. Screening and Referral

ARTICLE 4. PREPAID DENTAL PLAN ORGANIZATIONS

Section

- R9-23-401. Program of Compliance
- R9-23-407. Quality Improvement ~~Assurance~~

ARTICLE 1. GENERAL PROVISIONS

R9-23-101. Definitions

The following definitions shall apply in this Chapter, unless the context otherwise requires:

1. "Amalgam" means a combination of silver alloy and mercury used for dental restorations.
2. "Bitewing radiograph" means an x-ray film designed to show the crowns of the upper and lower posterior teeth simultaneously.
3. "Board eligible" means a dentist who has successfully completed an approved training program in a specialty field recognized by the American Dental Association.
4. "Caries" mean areas of decay in or on a tooth.
5. "Chief executive officer" means the person who has the authority and responsibility for the operation of a prepaid

dental plan organization in accordance with the applicable legal requirements and policies approved by the governing authority.

6. "Composite" means a mixture of a filler, usually quartz, ceramic, or glass particles, and a resin blend used for dental restorations.
7. "Contracting agency" means a governmental or nonprofit organization that has contracted with the ~~OOH ODH~~ to provide clinical and/or administrative services.
8. "Copal base" means a liquid resin placed under a restoration to insulate the pulpal tissue.
9. "Dental facility" means a dental health clinic or institutional department staffed by licensed dentists and/or licensed dental hygienists.
10. "Dental sealant" means a thin plastic coating applied to the chewing surfaces of premolar or molar teeth which fills the pits and grooves of a tooth and prevents the trapping of food debris.
11. "Dentate" means with teeth.
12. "Dentist" means a person who is licensed to practice dentistry under the provisions of A.R.S. § 32-1201 et seq.
13. "Dentition" means the type, number and arrangement of teeth.
14. "Dentures mean a partial or complete set of false teeth designed to simulate the patient's natural dentition.
15. "Department" means the Department of Health Services.
16. "Diagnostic services" mean those dental services necessary to identify dental abnormalities, including radiographs and clinical examinations.
17. "Director of an organized educational setting" means the person responsible for the overall management of the facility.
18. "Emergency services" mean those dental services necessary to control bleeding, relieve pain, including local anesthesia, or eliminate acute infection. Medications which may be prescribed by the dentist but must be obtained through a pharmacy are excluded.
19. "Endodontics" mean dental services related to the pulp of a tooth.
20. "Extraoral" means outside of the mouth.
21. "Fluoride" means a chemical compound, usually sodium fluoride or acidulated phosphate fluoride, applied topically and/or as a mouth rinse.

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22. "General dentist" means a dentist licensed under the provisions of A.R.S. § 32-1201 et seq. whose practice is neither limited to a specific area nor certified by a specialty board recognized by the American Dental Association.
23. "Gingival tissue" means intraoral soft tissue commonly referred to as the gums.
24. "Governing authority" means the person or body, including a board of trustees or board of directors in whom the ultimate authority and responsibility for the direction of a prepaid dental plan organization is vested.
25. "Hamular notch" means the area behind the upper back molar.
26. "Hygienist" means a person who is licensed to practice dental hygiene under the provisions of A.R.S. § 32-1281 et seq.
27. "Intraoral" means inside the mouth.
28. "Mandibular" means associated with the lower jaw.
29. "Maxillary" means associated with the upper jaw.
30. "Mobile Dental Unit" or "MDU" means a self-contained dental operator housed in a movable trailer owned by the Department.
31. "Mucobuccal fold" means the space between the cheek and teeth.
32. "Occlusion" means the manner in which the upper and lower teeth fit together when the mouth is completely closed.
33. "Office of Oral Dental Health" or OOH ODH means the office within the Department responsible for oral health services.
34. "Operative dentistry" means the use of dental amalgam, dental permanent cement, composite and noncomposite resin materials, cast alloy restorations, stainless steel and aluminum crowns, and various temporary and intermediate materials usually classified as cements to maintain a functional dentition.
35. "Operator" means the patient chair and attached or related equipment used to deliver dental services.
36. "Organization" means a prepaid dental plan organization as defined in A.R.S. § 20-1001.
37. "Organized educational setting" means any facility providing supervised instructional care or services for children under 21 years of age.
38. "Panographic radiograph" means an x-ray which shows all of the teeth and related structures on 1 film.
39. "Patient" means a person who is being attended by a dentist or dental hygienist to receive an examination, diagnosis, and/or dental treatment.
40. "Periapical" means a full view of an individual tooth, including the area under the gum line and around the root of the tooth.
41. "Portable dental equipment" means operator equipment which can be transported by automobile and set up in a public area or private residence.
42. "Postdam" means a ridge built into the maxillary denture which touches the posterior soft tissue of the roof of the mouth.
43. "Posterior flange" means that part of the denture which extends into the space between the tongue and the mandibular jawbone or the cheek and maxillary jawbone.
44. "Preventive services" mean dental care intended to maintain dental health and prevent dental disease, including any combination of oral hygiene education, professional prophylaxis, application of fluorides, and a viable system of recall or follow-up.
45. "Professional prophylaxis" means cleaning the teeth with mild abrasives and dental equipment.
46. "Pulpal" means the soft living tissue that fills the central cavity of a tooth.
47. "Radiograph" means a picture produced on a sensitive surface by a form of radiation other than light, including x-ray photographs.
48. "Representative sample" means a part of a population or subset from a set of units selected to investigate the properties of the parent population.
49. "Restoration" means treatment which returns a patient to a functional level of dental health, including treatment of the pulpal tissues and gingival tissues, the use of metal and plastic fillings, and the use of removable partial and complete dentures.
50. "Saddle area" means that portion of a partial denture which covers the bone where posterior teeth from either the upper or lower jaw have been removed.
51. "Specialist" means a dentist whose practice is limited to a specified area and who is recognized by the appropriate specialty board of the Commission on Accreditation of Dental Education of the American Dental Association as board eligible or board certified.
52. "Therapeutic services" mean basic dental services provided by a general dentist including pulp therapy for permanent and primary teeth exclusive of root canal therapy, restoration of carious permanent and primary teeth with materials other than cast restorations, and routine extractions.
53. "Treatment plan" means a statement of the services to be performed for the patient.

R9-23-102. Inspection of Premises

- A. OOH ODH shall inquire into the provision of dental services monitored or funded by the Department by conducting, during regular business hours, inspections of all areas or matters affecting dental services to the public. The inspection shall include:
 1. Interviewing the dentists who are employed by or own the dental facility,
 2. Conducting a walk-through observation of the facility's infection control practices,
 3. Auditing facility records, and
 4. Providing oral and written feedback to the facility's dentists and staff.
- B. Dentists shall comply with follow the California Dental Association Guidelines for the Assessment of Clinical and Professional Performance, Third Printing, 1992, as amended, California Dental Association, P.O. Box 13749, Sacramento, California 95853, which is hereby incorporated by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments. Copies are available from the Arizona Department of Health Services, Office of Dental Health, 1740 West Adams, Room LL-010, Phoenix, Arizona 85007.
- C. If OOH ODH determines after an inspection that a dentist has failed to follow the Guidelines for the Assessment of Clinical and Professional Performance, 1992 as amended, and such failure constitutes a threat to the public health, safety, or welfare, the Office shall report the findings to:
 1. The owners or directors of the facility,
 2. The Arizona Board of Dental Examiners with a recommendation for correction and/or sanction of that facility's licensed professionals, and
 3. The contracting agency with a recommendation for correcting the circumstances and/or canceling the facility's contract.

R9-23-103. Infectious Disease Control

All facilities providing professional dental services funded by the Department shall be maintained as follows:

1. Operatories shall be kept clean-swept and free from debris;
2. Counter surfaces of operatories, equipment used in patient care, and instruments used in extraoral examinations shall be disinfected after each patient with a solution comparable in disinfection ability to 1 part sodium hypochlorite and 10 parts water; and
3. Instruments used in intraoral examinations or treatment shall be disposed of or sterilized after each patient in compliance with 29 CFR 19.10.1030, Occupational Exposure to Bloodborne Pathogens, the "Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings", June 1988, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333 which is incorporated hereby by reference and on file with the Department and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

R9-23-104. Required Dental Records

- A. Each dental facility shall maintain a record of the symptoms presented, radiographs, diagnoses, treatment plans, and services provided to each patient of that facility.
- B. Each dental record shall have displayed upon it the full name of the dentist responsible for that patient's treatment.
- C. Original dental records shall be the property of the dental facility and shall not be removed from the premises except when a record or portion thereof:
 1. Is subpoenaed by a court, or
 2. Is being routed to other health professionals for consultation or evaluation.
- D. Dental records shall be preserved in the original or by microfilm for 5 years, except when:
 1. The patient is under age 21, in which case the record shall be maintained for 3 years after the patient has reached the age of 21; or
 2. The patient has received preventive services only, through OOH ODH programs, in which case the record shall be maintained for 3 years.

R9-23-105. Dispute Resolution

Any dentist or dental facility funded by the Department or monitored by the Department pursuant to an agreement with another state agency which funds them who wishes to protest audit or inspection findings shall file a written protest with the Chief of the OOH ODH within 30 days of the protested action. The Chief of OOH ODH shall acknowledge a protest in writing, within 15 working days of receipt, review the merits of the protest and send written notice of the decision, conclusions, and reasons to the protestor within 30 working days of the acknowledgement. The protestor may file an appeal, in writing, with the Department of Health Services, Director's Office within 30 days of receipt of the decision, pursuant to R9-1-102 et seq.

ARTICLE 3. ORAL DENTAL HEALTH SERVICES

R9-23-301. Scope of Services

- A. Services delivered under OOH ODH shall be provided directly by the Department or through contracted facilities, agencies and/or individuals. The services which shall be provided are as follows:
 1. ~~Continuing education for dental health professionals in cooperation with the Arizona Board of Dental Examiners;~~

~~the Arizona Dental Association or the Arizona Dental Hygienists' Association;~~

2. ~~Education of the public and nondental health care providers on issues related to oral health;~~
 3. ~~1. Fluoride mouth rinse programs as provided for in R9-23-304;~~
 4. ~~2. Dental sealant programs as provided for in R9-23-305;~~
 5. ~~3. Restorative treatment as provided for in R9-23-306; and~~
 6. ~~4. Screening and referral to the private dental sector as provided for in R9-23-307.~~
- B. Nothing in this Article shall be construed to establish an entitlement program. The provision of services by the Office of Oral Dental Health shall be contingent on available funding.

R9-23-303. Informed Consent

- A. Recipients of dental health services shall have on file a consent form provided by OOH ODH which shall include the following information:
 1. Name, address, and telephone number of the patient;
 2. Name, address, and telephone number of the physician to contact in the event of a medical problem with the patient;
 3. Age of the patient;
 4. The physical or mental impairment, if any, which precludes the patient from authorizing their own treatment; and
 5. The signature of the patient or parent or legal guardian of the patient and the date of the signature.
- B. A new consent form shall be filed at the beginning of each new treatment plan or each year after the initial form.
- C. The patient or parent or legal guardian of the patient may cancel the consent form at any time by submitting a signed and dated letter of cancellation to OOH ODH.

R9-23-304. Fluoride Mouth Rinse Program

- A. OOH ODH shall provide education and instruction on the methods and benefits of rinsing the mouth with a prepared solution of sodium fluoride on a weekly basis to children, their parents or legal guardians, instructors, school nurses, or any other supervisory representatives at the request of the director of an organized educational setting. The education and instruction shall include techniques for the safe storage of fluoride.
- B. The director of the organized educational setting shall designate a representative to supervise the program and maintain contact with OOH ODH to facilitate the ordering of fluoride mouth rinse supplies from the OOH ODH.
- C. Designated employees of the organized educational setting shall provide the fluoride mouth rinse to and supervise its use by participating children.

R9-23-305. Dental Sealants Program

- A. OOH ODH shall provide education on the benefits of applying a dental sealant to the chewing surface of newly erupted molars to children eligible pursuant to R9-23-302, their parents or guardians, instructors, school nurses or other designated representatives at the written request of the director of an organized educational setting.
- B. A dentist representing OOH ODH or under contract with OOH ODH shall screen eligible children to determine if each child's molars are:
 1. Sufficiently erupted to allow treatment,
 2. Free from decay, and
 3. Free from prior restorations.
- C. OOH ODH shall schedule eligible children for the application of sealants by a dentist or hygienist.

R9-23-306. Restorative Treatment Program

- A. OOH ODH shall provide restorative treatment services to eligible patients based on their condition and within the capabilities of an MDU or OOH's ODH's portable equipment, at the written request of the patient or the patient's parent or legal guardian.
- B. Patients in need of restorative treatment services beyond those provided by an MDU or OOH's ODH's portable equipment shall be referred by OOH ODH to the private dental sector. The cost of any treatment provided by the private dental sector shall be the responsibility of the patient, or parent or legal guardian of the patient.

R9-23-307. Screening and Referral

- A. Screening examinations designed to evaluate the patient's oral health status shall be scheduled at the request of the patient, or parent or legal guardian of the patient, with the dental health professional representing OOH ODH in the patient's geographic area.
- B. When screening examinations reveal the need for dental treatment, the dental health professional shall either refer the patient to another dental health professional representing OOH ODH or refer the patient to the private dental sector.
 - 1. Referrals to the private dental sector shall be based upon special needs of the patient which OOH ODH cannot provide.
 - 2. The cost of any treatment provided by the private dental sector shall be the responsibility of the patient or parent or legal guardian of the patient.
- C. Referrals of children or persons requiring a legal guardian shall be accomplished by the completion of a referral form furnished by OOH ODH outlining for the patient, the parent, or legal guardian the nature of the problems discovered in the screening examination.

ARTICLE 4. PREPAID DENTAL PLAN ORGANIZATIONS

R9-23-401. Program of Compliance

- A. Any organization submitting an application for a certificate of authority to the Department of Insurance shall, at the same time, submit to the Department a written program of compliance which specifies how the organization will comply with the provisions of this Article. The written procedures shall contain descriptions of the following:
 - 1. The organization's dental care plan including the proposed or actual:
 - a. Enrollment, both member and dependent;
 - b. Professional staffing, identifying board eligibility, or certification for each dentist and hygienist listed;
 - c. Dental support staff by number and classification; and

- d. Provisions for using consultants for dental services which cannot be provided by the organization's staff.
 - 2. The organization's geographic areas, including maps indicating the boundaries of the proposed geographic areas and the locations of all facilities in which dental care will be provided under the plan.
 - 3. The responsibilities and qualifications of the following positions:
 - a. The organization's chief executive officer, and
 - b. The organization's dental director
 - 4. The organization's dental record system.
 - 5. The organization's quality improvement assurance program.
- B. Within 45 days of receipt of the written program of compliance by the Department, the Director shall make a written finding whether the procedures comply with the requirements of this Article and shall notify the Department of Insurance and the organization of this finding.

R9-23-407. Quality Improvement Assurance

- A. The governing authority shall appoint a quality improvement assurance committee which shall meet annually, consisting of the chief executive officer or designee, the dental director, dental health professionals, allied health professionals, and consumers who shall be members of the plan.
- B. The quality improvement assurance committee shall establish dental care standards equivalent to *Guidelines for the Assessment of Clinical and Professional Performance, 1992* as amended, review and evaluate services performed by the organization's dental health professionals, and adopt administrative procedures covering frequency of meetings, types of records to be kept, and arrangements for committee reports and their dissemination.
- C. A copy of the minutes of each quality improvement assurance committee meeting shall be forwarded to the Director, Department of Health Services.
- D. Each organization shall maintain a quality improvement assurance plan which shall include procedures to be used for each of the following:
 - 1. Compliance with the standards for dental care as established in subsection (B),
 - 2. Surveillance of care provided,
 - 3. Analysis of problems identified,
 - 4. Correction of deficiencies including a time schedule for correction, and
 - 5. Periodic reassessment of the plan.
- E. The organization shall maintain a written program of compliance which contains annually updated information as specified in R9-23-401(A)(1) through (5) and shall be subject to review by the Department.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL**

PREAMBLE

1. Sections Affected:

R18-9-105
R18-9-128

Rulemaking Action

Amend
Repeal

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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 statute: A.R.S. § 49-203

Implementing statute: A.R.S. § 49-761(A)(6)

3. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Primary Contact:

Name: Lynn Keeling
Address: Department of Environmental Quality
3033 North Central Avenue, 8th Floor
Phoenix, Arizona 85012-2809
Telephone: (602) 207-2223 or (800) 234-5677 (Arizona only)
Fax: (602) 207-2251

Secondary Contact:

Name: Martha L. Seaman
Address: Department of Environmental Quality
3033 North Central Avenue, 8th Floor
Phoenix, Arizona 85012-2809
Telephone: (602) 207-2222 or (800) 234-5677 (Arizona only)
Fax: (602) 207-2251

4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking repeals the aquifer protection permit (APP) program's general permit for the land application of wastewater sludge. The rulemaking establishes a class exemption from the APP program for land application of biosolids (relatively pollutant free sewage sludge) that meets the requirements found in 18 A.A.C. 13, Article 15.

The repealed rule (R18-9-128) has regulated the land application of sewage sludge (biosolids) on agricultural lands in order to ensure the protection of groundwater quality. Another rulemaking created 18 A.A.C. 13, Article 15, and this rulemaking repeals R18-9-128. The rules found in 18 A.A.C. 13, Article 15 regulate biosolids on any lands in Arizona, including agricultural sites. R18-9-105 is amended to expressly show the class exemption from the APP program.

To clarify that the land application of biosolids is not regulated by both the Water Quality Division and the Waste Programs Division, this rulemaking exempts land-application activities which comply with the new biosolids rules from also having to comply with APP requirements. A.R.S. § 49-250 authorizes a class exemption from APP, if the ADEQ Director finds either that there is no reasonable probability of degradation of the aquifer, or that aquifer water quality will be maintained and protected because the discharges are regulated under another program that provides the same or greater aquifer water quality protection. The biosolids rules contain requirements that maintain and protect aquifer water quality by reducing the probability and regulating discharges. R18-9-105 has been amended with the description of the class exemption.

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 impacts:**

Today's rulemaking is a proposal to repeal the existing Aquifer Protection Program's rules for the application of sewage sludge to agricultural lands. However, since the purpose for this repeal is to remove requirements which are now located in a new Article (see final rulemaking for 18 A.A.C. 13, Article 15 in this *Register*) the Department does not anticipate any economic impact to any entity in the state, including small businesses and consumers.

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: Lynn A. Keeling
Address: Department of Environmental Quality
3033 North Central Avenue, 8th Floor
Phoenix, Arizona 85012-2809
Telephone: (602) 207-2223 or (800) 234-5677 (Arizona only)
Fax: (602) 207-2251

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:**

An oral proceeding will be held as follows:

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Date: June 18, 1996
 Time: 9 a.m.
 Location: Department of Environmental Quality
 Room 180
 3033 North Central Avenue
 Phoenix, Arizona

Persons interested in submitting written comments on today's proposal should postmark or fax them to the person identified above no later than 5 p.m. on Friday, June 21, 1996. Please call 602-207-4795 for special accommodations pursuant to the Americans with Disabilities Act.

- 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. Incorporation by reference and their location in the rules
Not applicable
- 11. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

ARTICLE 1. AQUIFER PROTECTION PERMITS

Section
 R18-9-105. Class Exemptions
 R18-9-128. General Permits: Agricultural Application of Wastewater Sludge

ARTICLE 1. AQUIFER PROTECTION PERMITS

R18-9-105. Class Exemptions
 In addition to the classes or categories of facilities listed in A.R.S. § 49-250(B), the following classes or categories of facilities are exempt from the permit requirements of this Article:

- 1. Facilities which treat, store, or dispose of hazardous waste and which have been issued a permit or which have interim status, pursuant to the Resource Conservation and Recovery Act (P.L. 94-580; 90 Stat. 2796; 42 United States Code Sections 6901 et. seq., as amended) or the rules adopted pursuant to A.R.S. § 49-922.
- 2. Underground storage tanks which contain regulated substances as defined in A.R.S. § 49-1001(8).
- 3. Facilities for the disposal of solid waste, as defined in A.R.S. § 49-701(12), which are located in unincorporated areas and which only receive solid waste from 4 or fewer households.
- 4. Land application of biosolids in compliance with Chapter 13, Article 15 of this Title.

~~**R18-9-128. General Permits: Agricultural Application of Wastewater Sludge**~~

- ~~A. A General Permit is issued for agricultural applications of wastewater sludge meeting all of the conditions described in this Section.~~
- ~~B. Any sludge stored at the application site for more than 24 hours shall be stored in water tight manner.~~
- ~~C. The site at which the sludge is applied is subject to the following conditions:~~
 - ~~1. The sludge shall not be stored or applied closer than 250 feet from any water well, other than a public or semi-public drinking water well, or closer than 1,000 feet from any public or semi-public drinking water supply well.~~

- ~~2. The sludge shall not be applied to land with slopes greater than 6%.~~
- ~~3. Application sites within the 100-year floodplain shall be approved by the local floodplain administrator.~~
- ~~4. The sludge shall not be applied to land where the mean annual groundwater elevation is less than 40 feet below the land surface.~~
- ~~D. The sludge shall be applied as follows:~~
 - ~~1. All sludge shall be uniformly distributed and incorporated.~~
 - ~~2. A new crop shall be grown with each application of sludge.~~
 - ~~3. The sludge shall not be applied to frozen or snow-covered ground or to saturated soils.~~
- ~~E. The rate at which the sludge is applied is subject to all of the following:~~
 - ~~1. The sludge shall be applied at a rate not to exceed 8 dry tons per acre.~~
 - ~~2. The sludge shall not be applied to soil with pH of less than 6.5 at the time of the sludge application.~~
 - ~~3. No more than 10% of the maximum allowable cumulative metal application shall be applied annually. The maximum allowable cumulative metal application varies with the cation exchange capacity (CEC) of the soil and shall be determined based on the following table:~~

	Less Than 5	5 to 15	Greater than 15
Metals			
Lead	500	1000	2000
Zinc	250	500	1000
Copper	125	250	500
Nickel	50	100	200
 - ~~4. The annual application of cadmium shall not exceed 0.5 Kg/ha or 0.45 pounds per acre.~~
 - ~~5. The application of sludge shall not result in an application of nitrogen that exceeds the nitrogen requirement of the crop to be grown with that sludge application.~~
 - ~~6. The application of the sludge shall not result in a hydraulic loading rate that exceeds 27,000 gallons per acre per application.~~

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- ~~7. The sampling required to determine the application rates described in this Section shall be performed no more than 1 month prior to the application.~~
- ~~F. The analyses required to determine the application rates described in this Section shall be performed by laboratories certified by the state if such certification procedures exist.~~
- ~~G. Records relating to sludge application shall be kept and shall be available as follows:

 - ~~1. Copies of any soil, crop, sludge, or water monitoring record shall be made available to the owner of the wastewater treatment facility from which the sludge was obtained and to the Department.~~
 - ~~2. A record of the sludge application at each site shall be kept and submitted monthly to the owner of the wastewater treatment facility and made available to the Department. The record shall include the dates of sludge application and weather conditions on those dates; the amounts, quality, and source of the sludge; the location within the site where the sludge was applied; and the cumulative amounts of nutrients and heavy metals applied to each field.~~
 - ~~H. The irrigation of the application site with fresh water shall not exceed the consumptive use of the crop and evapotranspiration needs.~~~~

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TITLE 19: ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

PREAMBLE

1. **Sections Affected:**

R19-3-318	<u>Rulemaking Action</u>
R19-3-319	New Section
R19-3-320	New Section
R19-3-321	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific): authorizing statute:**
 Authorizing statute: A.R.S. § 5-504(B)
 Implementing statute: A.R.S. § 5-504(B)
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
 Name: Sandy Williams, Executive Director
 Address: Arizona State Lottery Commission
 4740 East University
 Phoenix, Arizona 85034
 Telephone: (602) 921-4400
4. **An explanation of the rules, including the agency's reasons for initiating the rules:**
 R19-3-318, R19-3-319, R19-3-320, and R19-3-321 set forth provisions unique to the conduct of the Arizona Lottery's instant games. The provisions of these rules are necessary to implement the requirements of A.R.S. § 5-504(B) which have not been specified generically in R19-3-301. The unique provisions described in these rules are the nature and location of play symbols, the ticket number, the validation code, the prize denominations, and the method of selecting a winning ticket.
5. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**
 Not applicable.
6. **The summary of the economic, small business, and consumer impact:**
 These games will provide our players with a larger variety of instant games with a potential increase in sales. The only impact these rules have upon Lottery retailers is to specify how they determine if a ticket is a winning ticket, and, if so, the prize amount.
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: Sandy Williams, Executive Director
 Address: Arizona State Lottery Commission
 4740 East University Drive
 Phoenix, Arizona 85034
 Telephone: (602) 921-4400

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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 rules:

Date: June 21, 1996
 Time: 10 a.m.
 Location: Arizona State Lottery Commission
 4740 East University Drive
 Phoenix, Arizona
 Nature: Public Meeting and Commission Meeting

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
 Close of the record is 5 p.m., June 21, 1996 for written comments, and at the close of the public meeting for verbal comments.

10. Incorporations by reference and their location in the rules:
 None.

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 3. INSTANT LOTTERY GAMES

Section

R19-3-318: "Instant Jackpot"
R19-3-319: "Cactus Cash"
R19-3-320: "Money Bags"
R19-3-321: "Ace in the Hole"

ARTICLE 3. INSTANT LOTTERY GAMES

R19-3-318: "Instant Jackpot"

A. Three play symbols, which are contiguous to each other in 4 rows, appear under the latex in the play area located on the right side on the front of the ticket and are 1 of the following:



B. The word "PRIZE" appears to the right of each row of play symbols and is 1 of the following:

<u>Play Symbol</u>	<u>Caption</u>
<u>\$1</u>	<u>ONEDOL</u>
<u>\$2</u>	<u>TWODOL</u>
<u>\$5</u>	<u>FIVEDOL</u>
<u>\$10</u>	<u>TENDOL</u>
<u>\$50</u>	<u>FTYDOL</u>
<u>\$500</u>	<u>FIVHUND</u>
<u>\$5,000</u>	<u>FIVTHOU</u>

C. The pack-ticket number begins with 600001. The pack-ticket number is located in the lower-left side on the back of the ticket.

D. The retailer validation code verifies instant winners of \$1, \$2, \$5, \$10, \$50, \$100, \$200, or \$500 tickets. The retailer validation code which corresponds with and verifies each of these winners is as follows:

<u>ONE = \$1</u>	<u>FFY = \$50</u>
<u>TWO = \$2</u>	<u>ONH = \$100</u>

<u>FIV = \$5</u>	<u>TWH = \$200</u>
<u>TEN = \$10</u>	<u>FHN = \$500</u>

E. A prize winner in the "INSTANT JACKPOT" instant game is determined by removing the latex from the play area on the front of the ticket to determine the twelve play symbols in "PLAY 1", "PLAY 2", "PLAY 3", and "PLAY 4" and the 4 prize symbols in the "PRIZE" box in "PLAY 1", "PLAY 2", "PLAY 3", and "PLAY 4". Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches any 3 like play symbols in Illustration "A" in either "PLAY 1", "PLAY 2", "PLAY 3", or "PLAY 4", he or she wins the prize in the corresponding "PRIZE" box. If "WIN" appears in the 1st 3 play spots in either "PLAY 1", "PLAY 2", "PLAY 3", or "PLAY 4", the ticket holder automatically wins the prize in the "PRIZE" box for that corresponding row. There are 4 chances to win on a ticket. The prizes in the "PRIZE" play area are as follows:

<u>\$1</u>	<u>= \$1 (one dollar) or</u>
<u>\$1 + \$1</u>	<u>= \$2 (two dollars) or</u>
<u>\$2</u>	<u>= \$2 (two dollars) or</u>
<u>\$1 + \$1 + \$1 + \$2</u>	<u>= \$5 (five dollars) or</u>
<u>\$1 + \$2 + \$2</u>	<u>= \$5 (five dollars) or</u>
<u>\$5</u>	<u>= \$5 (five dollars) or</u>
<u>\$5 + \$2 + \$2 + \$1</u>	<u>= \$10 (ten dollars) or</u>
<u>\$5 + \$5</u>	<u>= \$10 (ten dollars) or</u>
<u>\$10</u>	<u>= \$10 (ten dollars) or</u>
<u>\$50</u>	<u>= \$50 (fifty dollars) or</u>
<u>\$50 + \$50</u>	<u>= \$100 (one hundred dollars)</u>
	<u>or</u>
<u>\$50 + \$50 + \$50 + \$50</u>	<u>= \$200 (two-hundred dollars)</u>
	<u>or</u>
<u>\$500</u>	<u>= \$500 (five hundred dollars)</u>
	<u>or</u>
<u>\$5,000</u>	<u>= \$5,000 (five thousand dol-</u>
	<u>lars) or</u>
<u>\$5,000 + \$5,000 + \$5,000</u>	<u>= \$15,000 (fifteen thousand</u>
	<u>dollars)</u>

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Illustration "A"



R19-3-319. "Cactus Cash"

A. Nine play symbols, which are contiguous to each other in 3 rows, appear under the latex in the play area located on the right side of the front of the ticket and are 1 of the following: "Ψ", "\$1", "\$2", "\$4", "\$5", "\$10", "\$20", "\$100", or "\$1,000" with confirming captions.

B. A pack-ticket number beginning with 700001 is located in the lower-left portion on the back of the ticket.

C. Play symbol captions correspond with and verify each of the play symbols as follows:

<u>Play Symbol</u>	<u>Caption</u>
Ψ	DOUBLE
\$1	ONEDOL
\$2	TWODOL
\$4	FOURDOL
\$5	FIVEDOL
\$10	TENDOL
\$20	TWENTY
\$100	ONEHUND
\$1,000	ONETHOU

D. The retailer validation code verifies instant winners of \$1, \$2, \$4, \$5, \$10, \$20, or \$100. The retailer validation code which corresponds with and verifies each of these winners is as follows:

<u>ONE</u> = \$1	<u>TEN</u> = \$10
<u>TWO</u> = \$2	<u>TWY</u> = \$20
<u>FOR</u> = \$4	<u>ONH</u> = \$100
<u>FIV</u> = \$5	

E. A prize winner in the "CACTUS CASH" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 9 play symbols. Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the ticket owner matches 3 like play symbols, he or she wins that prize. If the player matches 3 like play symbols plus a "Ψ", the prize amount is doubled. There may be only 1 prize per ticket. The prizes are as follows:

<u>Match 3</u>	<u>\$1</u>	=	<u>\$1 (one dollar) or</u>
<u>Match 3</u>	<u>\$1 + Ψ</u>	=	<u>\$2 (two dollars) or</u>
<u>Match 3</u>	<u>\$2</u>	=	<u>\$2 (two dollars) or</u>
<u>Match 3</u>	<u>\$2 + Ψ</u>	=	<u>\$4 (four dollars) or</u>
<u>Match 3</u>	<u>\$5</u>	=	<u>\$5 (five dollars) or</u>
<u>Match 3</u>	<u>\$5 + Ψ</u>	=	<u>\$10 (ten dollars) or</u>
<u>Match 3</u>	<u>\$10</u>	=	<u>\$10 (ten dollars) or</u>
<u>Match 3</u>	<u>\$10 + Ψ</u>	=	<u>\$20 (twenty dollars) or</u>
<u>Match 3</u>	<u>\$20</u>	=	<u>\$20 (twenty dollars) or</u>
<u>Match 3</u>	<u>\$100</u>	=	<u>\$100 (one hundred dollars) or</u>
<u>Match 3</u>	<u>\$1,000</u>	=	<u>\$1,000 (one thousand dollars)</u>

R19-3-320. "Money Bags"

A. Four play symbols, which are in a horizontal row, appear under the latex in the play area located on the center-right portion of the ticket with "YOUR NUMBER", printed above each play symbol, and are 1 of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions. One winning number symbol appears on the upper-right portion of the play area with "WINNING NUMBER" printed above and is 1

of the following: "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions.

B. A pack-ticket number beginning with 800001 is located in lower-left portion on the back of the ticket.

C. "YOUR NUMBER" play symbol captions correspond with and verify each of the play symbols as follows:

<u>Play Symbol</u>	<u>Caption</u>
<u>1</u>	<u>ONE</u>
<u>2</u>	<u>TWO</u>
<u>3</u>	<u>THREE</u>
<u>4</u>	<u>FOUR</u>
<u>5</u>	<u>FIVE</u>
<u>6</u>	<u>SIX</u>
<u>7</u>	<u>SEVEN</u>
<u>8</u>	<u>EIGHT</u>
<u>9</u>	<u>NINE</u>

D. "WINNING NUMBER" play symbol captions correspond with and verify each of the winning number symbols as follows:

<u>Play Symbol</u>	<u>Caption</u>
<u>1</u>	<u>ONE</u>
<u>2</u>	<u>TWO</u>
<u>3</u>	<u>THREE</u>
<u>4</u>	<u>FOUR</u>
<u>5</u>	<u>FIVE</u>
<u>6</u>	<u>SIX</u>
<u>7</u>	<u>SEVEN</u>
<u>8</u>	<u>EIGHT</u>
<u>9</u>	<u>NINE</u>

E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

<u>Prize Symbol</u>	<u>Caption</u>
<u>\$1</u>	<u>ONEDOL</u>
<u>\$2</u>	<u>TWODOL</u>
<u>\$3</u>	<u>THRDOL</u>
<u>\$5</u>	<u>FIVEDOL</u>
<u>\$10</u>	<u>TENDOL</u>
<u>\$50</u>	<u>FTYDOL</u>
<u>\$100</u>	<u>ONEHUND</u>
<u>\$2,500</u>	<u>TWTFHUND</u>

F. The retailer validation code verifies instant winners of \$1, \$2, \$5, \$10, \$20, \$50, or \$100. The retailer validation code which corresponds with and verifies each of these winners is as follows:

<u>ONE</u> = \$1	<u>TEN</u> = \$10
<u>TWO</u> = \$2	<u>TWY</u> = \$20
<u>FIV</u> = \$5	<u>FFY</u> = \$50
	<u>ONH</u> = \$100

G. A prize winner in the "MONEY BAG" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 4 play symbols and the winning number symbol. Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the player's "YOUR NUMBER" symbol matches the "WINNING NUMBER" symbol, the player wins the prize amount directly under the play symbol. There may be 4 ways to win on a ticket. The prizes are as follows:

<u>\$1</u>	=	<u>\$1 (one dollar) or</u>
<u>\$2</u>	=	<u>\$2 (two dollars) or</u>
<u>\$2 + \$2 + \$1</u>	=	<u>\$5 (five dollars) or</u>
<u>\$3 + \$2</u>	=	<u>\$5 (five dollars) or</u>
<u>\$5 + \$5</u>	=	<u>\$10 (ten dollars) or</u>
<u>\$5 + \$2 + \$3</u>	=	<u>\$10 (ten dollars) or</u>
<u>\$5 + \$5 + \$10</u>	=	<u>\$20 (twenty dollars) or</u>

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<u>\$10 + \$5 + \$3 + \$2</u>	=	<u>\$20 (twenty dollars) or</u>
<u>\$50</u>	=	<u>\$50 (fifty dollars) or</u>
<u>\$100</u>	=	<u>\$100 (one hundred dollars) or</u>
<u>\$2,500</u>	=	<u>\$2,500 (two-thousand five hundred dollars)</u>

R19-3-321. "Ace in the Hole"

A. Three play symbols appear in a column in the left side of the latex area with "YOUR CARD" printed above. Three play symbols appear in the center column of the latex area with "THEIR CARD" printed above. Three prize symbols appear in the right column in the latex area with "PRIZE" printed above. A prize symbol in the lower-right portion of the latex area appears with "HOLE CARD" printed above.

B. The play symbols and captions for "YOUR CARD" are as follows:



C. The play symbols and captions for "THEIR CARD" are as follows:



D. The play symbols and captions for "HOLE CARD" are as follows:



E. Prize symbol captions correspond with and verify each of the prize symbols as follows:

<u>Prize Symbol</u>	<u>Caption</u>
<u>\$1</u>	<u>ONEDOL</u>
<u>\$2</u>	<u>TWODOL</u>
<u>\$5</u>	<u>FIVEDOL</u>
<u>\$20</u>	<u>TWYDOL</u>
<u>\$40</u>	<u>FRYDOL</u>

<u>\$250</u>	<u>2HUND50</u>
<u>\$10,000</u>	<u>TENTHOU</u>

F. A pack-ticket number beginning with 900001 is located in the lower-left portion on the back of the ticket.

G. The retailer validation code verifies instant winners of \$1, \$2, \$3, \$5, \$10, \$15, \$40, and \$250. The retailer validation code which corresponds with and verifies each of these winners is as follows:

<u>ONE</u>	=	<u>\$1</u>	<u>TEN</u>	=	<u>\$10</u>
<u>TWO</u>	=	<u>\$2</u>	<u>FTN</u>	=	<u>\$15</u>
<u>THR</u>	=	<u>\$3</u>	<u>FTY</u>	=	<u>\$40</u>
<u>FIV</u>	=	<u>\$5</u>	<u>THF</u>	=	<u>\$250</u>

H. A prize winner in the "ACE IN THE HOLE" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 3 play symbols in the column labeled "YOUR CARD", the 3 play symbols in the column marked "THEIR CARD" and the 3 prize symbols in the column marked "PRIZE". Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the player's "YOUR CARD" beats "THEIR CARD" in either "HAND 1", "HAND 2", or "HAND 3", the player wins the prize shown in the corresponding "PRIZE" box. If an "Ace" appears in the "HOLE CARD", the player wins the amounts of all 3 "PRIZE" boxes. There may be 3 winning games on a ticket. The prizes are as follows:

<u>\$1</u>	=	<u>\$1 (one dollar) or</u>
<u>\$1 + \$1</u>	=	<u>\$2 (two dollars) or</u>
<u>\$2</u>	=	<u>\$2 (two dollars) or</u>
<u>\$1 + \$1 + \$1</u>	=	<u>\$3 (three dollars) or</u>
<u>\$5</u>	=	<u>\$5 (five dollars) or</u>
<u>\$1 + \$2 + \$2</u>	=	<u>\$5 (five dollars) or</u>
<u>\$5 + \$5</u>	=	<u>\$10 (ten dollars) or</u>
<u>\$5 + \$5 + \$5</u>	=	<u>\$15 (fifteen dollars) or</u>
<u>\$20 + \$20</u>	=	<u>\$40 (forty dollars) or</u>
<u>\$40</u>	=	<u>\$40 (forty dollars) or</u>
<u>\$250</u>	=	<u>\$250 (two hundred fifty dollars) or</u>
<u>\$10,000</u>	=	<u>\$10,000 (ten thousand dollars)</u>