

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Due to time restraints, the Secretary of State's Office will no longer edit the text of proposed rules. We will continue to make numbering and labeling changes as necessary.

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

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 2. ADMINISTRATION

#### CHAPTER 1. DEPARTMENT OF ADMINISTRATION INFORMATION SERVICES DIVISION

#### PREAMBLE

1. **Sections Affected**

	<u>Rulemaking Action</u>
R2-1-401	Amend
R2-1-402	Amend
R2-1-403	Amend
R2-1-407	Amend
R2-1-408	Amend
R2-1-409	Amend
R2-1-411	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. § 41-704  
Implementing statute: A.R.S. §§ 42-1471 and 42-1472
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 1627, July 6, 1998.
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Larry Beauchat  
Address: Dept. of Administration  
1616 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-2255  
Fax: (602) 542-2008
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**

Amendments and corrections are proposed to improve clarity, conciseness, and understandability of specific rules. The changes are proposed to language that does not correctly represent title and office, within the Arizona Department of Administration, and citations within the Arizona Revised Statutes and Arizona Administrative Code. The scope of the rules are broadened to accommodate statutory changes relating to "wireless" and "cellular" telephone service. A change is proposed to encompass special projects for the furtherment of 9-1-1 availability.
6. **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.
7. **The preliminary summary of the economic, small business, and consumer impact:**

The overall impact of the rules has been favorable. Four important aspects of the rules substantiate this claim, and all are favorable to the taxpayers.

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

- a. The tax is an excise tax and applied to both residential and business communication services. As a percentage of the Basic Exchange Access Line service, both of the primary service groups are assessed 1.25% of their basic rate. The residential line rate is approximately \$15 and the business line rate is approximately \$30, the percentage basis of the tax distributes the burden fairly.
- b. Services are provided equally to all users. All 9-1-1 calls are given the same level of response. Both residential and business callers are treated the same when requesting emergency services.
- c. Arizona has 1 of the lowest tax rates in the United States. Ranking in the lowest 5 percentile, Arizona citizens experience a monthly tax rate of approximately 16 cents on residence access lines and 38 cents on business access lines. Many states have gone to a flat tax that runs from 50 cents to \$1 per month per access line. Arizona's low rates compare even more favorably in considering that 99.8% of the citizenry has access to 9-1-1 service.
- d. An 8-year review of history of the fund demonstrates its proficiency, and strength in covering expense demands with available funds. The fund is currently strong and viable. The current number of PSAPs in Arizona that may avail themselves of this fund, is 72.

It is fair to say that the economic impact is more than favorable in light of the comprehensive services that are being provided at low cost to all users.

**8. 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: Alf Olson  
Address: Department of Administration  
1616 W. Adams  
Phoenix, Arizona 85007  
Telephone: (602) 542-6523  
Fax: (602) 542-4272

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

No oral proceedings are scheduled. The Department will schedule an oral proceeding on the proposed rules if a written request for the proceeding is submitted to the agency personnel listed in question #3 of this preamble by at least 1 person. Written comments on the proposed rules or preliminary economic, small business, and consumer impact statement may be submitted to the person listed in questions #3 and #7, Monday through Friday, 8 a.m. to 5 p.m., until close of record which shall not be prior to 30 days from publication of this notice.

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

Not applicable.

**11. Incorporations by reference and their location in the rules:**

Not applicable.

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

**TITLE 2. ADMINISTRATION**

**CHAPTER 1. DEPARTMENT OF ADMINISTRATION  
INFORMATION SERVICES DIVISION**

**ARTICLE 4. EMERGENCY TELECOMMUNICATIONS  
SERVICES REVOLVING FUND**

Section

- R2-1-401. Definitions
- R2-1-402. Establishment of 9-1-1 Planning Committee
- R2-1-403. Submission of Service Plan
- R2-1-407. 9-1-1 System Design Standards
- R2-1-408. 9-1-1 Operational Requirements
- R2-1-409. Funding Eligibility
- R2-1-411. Allocation of Funds

**ARTICLE 4. EMERGENCY TELECOMMUNICATIONS  
SERVICES REVOLVING FUND**

**R2-1-401. Definitions**

The following definitions shall apply for purposes of this Article:

- 1. "Assistant Director" means Assistant Director of Data Management the Arizona Department of Administration.
- 2. "Automatic Location Identification" or "ALI" means the process of electronically identifying and displaying the name of the subscriber and the address of the calling telephone number to a person answering a 9-1-1 call.
- 3. "Automatic Number Identification" or "ANI" means the telephone number of a caller that is automatically identified at the PSAP receiving a 9-1-1 call.
- 4. "Busy hour" means the hour period during a 24-hour day when the number of 9-1-1 calls to the PSAP is generally at a maximum.
- 5. "Busy month" means the 1-month period during a 12-month calendar year when, as a general matter, the number of 9-1-1 calls to the PSAP is at a maximum.

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

6. "Central Office" means the physical site of the switching equipment for a specific telephone exchange area.
7. "Dedicated 9-1-1 Trunk" means a telephone circuit which is used exclusively for the purpose of transmitting 9-1-1 calls.
8. "Emergency medical services" means any service which provides immediate action to prevent the loss of life, reduce bodily injury or to prevent or control other emergency situations as determined by local policy.
9. "Emergency Telecommunication Service" means a telecommunication service or system that uses the number 9-1-1 for emergency calls.
10. "Exchange access services" means telephone exchange access lines or channels that provide local access from the premises of a subscriber of telephone services to the local telecommunication network to affect the transfer of information.
11. "Fund" means the emergency telecommunication services revolving fund established in A.R.S. 41-702.01.
12. "Network Access Mileage Computations" means a computation based on distance measured from the Central Office located outside of the local exchange area to the Central Office that serves the PSAP based on the type of circuits between the Central Offices.
13. "Network Exchange Services" means telephone circuits or private lines dedicated to and used exclusively for the purpose of receiving, extending or transferring 9-1-1 calls.
14. "Nine-One-One Service" or "9-1-1 Service" means a telephone service which allows a user of the public telephone system to reach a PSAP by dialing the digits 9-1-1.
15. "Person" means "person" as defined in A.R.S. 1-215.
16. "Public or Private Safety Agency" means any unit of local, state, or federal government, special purpose district, or private person located in whole or in part within this state, that provides or has the authority to provide firefighting, law enforcement, ambulance, medical, or other emergency services.
17. "Public Safety Answering Point" or "PSAP" means a communications facility operated on a 24-hour basis that is assigned the responsibility to receive 9-1-1 calls and, as appropriate, to dispatch public or private safety services or to extend, transfer, or relay 9-1-1 calls to the appropriate public or private safety agencies.
18. "Public Safety Answering Point Manager" means the person having responsibility for the daily operation of the public safety answering point.
19. "Selective Routing" means a process through which a 9-1-1 call is routed to a predetermined PSAP based on the identified number of the calling party.
20. "Service Plan" means a written plan which identifies the method of providing and maintaining 9-1-1 Service in a specific geographic area.
21. "Telephone exchange area" means a specific geographic area designated by the Arizona Corporation Commission that is served by 1 or more central offices.

**R2-1-402. Establishment of 9-1-1 Planning Committee**

- A. In order to qualify for funding pursuant to ~~A.R.S. § 41-702.01~~ A.R.S. 41-704(B), all the Public or Private Safety Agencies in a specific geographic area shall establish a 9-1-1 planning committee to develop a 9-1-1 emergency telephone service plan for the specific geographic area for which the Public or Private Safety Agencies shall be providing service.

- B. The 9-1-1 planning committee shall include representation from all Public and Private Safety Agencies located within the specific geographic area that have authority to provide firefighting, law enforcement, ambulance, medical, or other emergency services.
- C. Each 9-1-1 planning committee shall, upon formation, submit a Service Plan as required in R2-1-403 to the Assistant Director.

**R2-1-403. Submission of Service Plan**

Each 9-1-1 planning committee shall submit a final Service Plan to the Assistant Director. The following information shall be included:

1. The mailing address of the planning committee chairperson, the names of the members of the 9-1-1 planning committee, the date the Service Plan is submitted to the Assistant Director, the scheduled date that the 9-1-1 telephone service will begin, and the signature of the chairperson.
2. A map showing the geographic boundaries of the telephone exchanges included in the proposed system area, the final PSAP location(s), and any other pertinent jurisdictional boundaries.
3. The name and mailing address of the Public or Private Safety Agency operating each PSAP and the name and telephone number of the PSAP manager.
4. A description of the procedures and agreements to be followed when responding to 9-1-1 calls that are routed to a PSAP other than the one serving the area from which the call originates.
5. A description of the 9-1-1 system routing and switching configuration.
6. A description of the Network Exchange Services, the central office equipment to be used, and any Network Access Mileage Computations.
7. An itemized list of estimated installation and ongoing costs as set forth in R2-1-409 for proposed telephone service and equipment. These estimates shall be obtained by the 9-1-1 Planning Committee from the operating telephone company companies or the equipment vendor and shall be signed by an authorized telephone company or equipment vendor employee. Equipment that is on term contract from the State of Arizona Purchasing Office is exempt from bidding requirements.
8. A copy of the equipment specifications used for bidding the system terminal equipment. A minimum of 2 bids is required.
9. A copy of the low bid response with itemized equipment costs and associated installation charges and a list of the vendors.
10. A certification from the 9-1-1 planning committee that the Service Plan meets all the requirements of the Public or Private Safety Agencies whose services will be available in response to a 9-1-1 call.
11. A list of all Public and Private Safety Agencies whose services will be available in response to 9-1-1 calls with the following information for each Public or Private Safety Agency:
  - a. Agency name;
  - b. Agency mailing address;
  - c. Name and telephone number of the agency head;
  - d. A brief description of the services to be provided;
  - e. A description of current and proposed dispatching procedures.

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

12. A description of an alternate method of providing service in the event of the failure of all or a portion of the 9-1-1 Service or the failure of the PSAP primary electrical power.
13. ~~In order to obtain funding for prior to implementation of the ALI feature, a certification from the 9-1-1 planning committee is necessary, stating that at least 90% of the 9-1-1 service area is addressed with street numbers. of a less than 10% error rate in the data base must be received from the telephone company responsible for the data base.~~

**R2-1-407. 9-1-1 System Design Standards**

In order to obtain approval of the Service Plan, the Service Plan must include the following:

1. Network grade of service - The 9-1-1 system shall be designed and operated to maintain a grade of service so that no more than 1 call out of 100 incoming calls will receive a busy signal on the 1st dialing attempt during the busy hour of an average week during the busiest month of the year.
2. Emergency services included - The 9-1-1 system shall include the following services:
  - a. Law enforcement services including services of the sheriff departments and the Department of Public Safety,
  - b. Firefighting services,
  - c. Ambulance or emergency medical services.
  - d. ~~Each PSAP shall have a teletype for the deaf service telephone position with the capability of answering or handling 9-1-1 calls will be equipped with a TDD/TTY for communications with the hearing impaired community.~~
3. Other services may be included in the 9-1-1 system at the discretion of the Public or Private Safety Agency operating the PSAP, but such services shall not be paid from the Fund.
4. Hold - PSAP answering equipment shall permit answering personnel to place the 9-1-1 call on hold.
5. Non-emergency number - Each PSAP and each participating Public or Private Safety Agency shall have at least 1 published telephone number to call for non-emergency services. One non-emergency number may be shared by 2 or more participating Public or Private Safety Agencies provided there is a cooperative agreement for call-answering responsibility.
6. Automatic alarms - Automatic alarm systems and other related devices shall not be installed in such a manner that an automatic alarm signal is connected to the 9-1-1 system.

**R2-1-408. 9-1-1 Operational Requirements**

In order to obtain approval for payment from the Fund for costs eligible for payment under R2-1-409, the PSAP shall:

1. Monitor the service - Each PSAP manager shall monitor the 9-1-1 system level of service to ensure that the standards set forth in R2-1-407(A)(1) are met. Each PSAP manager shall obtain from the servicing telephone company a report regarding the 9-1-1 level of service. If the report provided by the telephone company indicates that the required service levels are not being met, the PSAP manager shall:
  - a. Request the servicing telephone company to prepare plans, specifications and cost estimates to raise the level of service to that required in ~~R2-1-407(A)(1)~~ R2-1-407.

- b. Notify the Assistant Director pursuant to ~~R2-1-206~~ R2-1-406 if, based on information provided by the telephone company, modifications to the system are necessary.
2. Notification - Any Public or Private Safety Agency shall be immediately notified of any emergency within its jurisdiction.
3. Service - Each PSAP shall provide continuous service to all callers within its service area 24 hours each day, seven days a week.
4. Referral of calls - All calls entering the 9-1-1 system that do not require the dispatching of public or private safety units shall be referred to a non-9-1-1 telephone number.
5. Numbers - The PSAP manager shall designate a telephone number other than 9-1-1 as a backup number should the 9-1-1 system fail. The designated number shall be published in the public telephone directory as the alternate number to call to receive emergency assistance.
6. Recording calls - The PSAP manager or his or her designee shall develop and maintain a system for recording 9-1-1 calls received by the PSAP. The records shall be retained for a period of at least 31 days from the date of the call and shall include the following information:
  - a. Date and time the call was received.
  - b. Nature of the problem.
  - c. Action taken by the dispatcher.
7. Public information - The PSAP manager or his or her designee shall prepare and implement a program of public information regarding 9-1-1 service prior to system implementation.

**R2-1-409. Funding Eligibility**

The following costs of providing 9-1-1 Service shall be reimbursed from the Fund, subject to available funds and the following requirements, to those 9-1-1 planning committees that have been issued a Certificate of 9-1-1 Service Plan Approval by the Assistant Director:

1. Costs of the Network Exchange Services necessary to provide the minimum grade of service defined herein.
2. Costs for station terminal equipment required to receive and process or relay 9-1-1 calls and messages.
  - a. To qualify as a primary or secondary PSAP, an agency must receive a minimum of 300 emergency calls per month.
  - b. To qualify as a remote print site, an agency must receive a minimum of 100 emergency calls per month.
3. Ongoing maintenance costs following the warranty period, if any, for the station terminal equipment used in the receiving and processing of 9-1-1 calls and messages.
4. Necessary and appropriate consulting services or administrative costs, not to exceed 3% of the amounts deposited annually in the revolving fund.
5. Costs associated with special projects for the furtherment of 9-1-1 availability. Consideration by the ADOA 9-1-1 Office will be given for addressing projects, public education and training programs on a case-by-case basis.

**R2-1-411. Allocation of Funds**

- A. The Assistant Director shall obtain, by the 15th of February each year from the operating telephone companies the number and type of Exchange Access Services in each exchange area in this state and the amount of excise tax generated by

*Arizona Administrative Register*  
**Notices of Proposed Rulemaking**

each exchange area in each county of this state. The Assistant Director shall obtain, by the 15th of February of each year from the wireless providers the number of activated wireless services within the state and the amount of 9-1-1 tax generated.

- B. Each 9-1-1 planning committee which has received a Certificate of 9-1-1 Service Plan Approval from the Assistant Director shall be apportioned a percentage of funds on

deposit in the Fund in an amount equal to the cost of the services described in R2-1-409. Payment shall be made directly to the appropriate vendors.

- C. In the event that the combined statewide 9-1-1 service costs exceed the available monies in the Fund, monies shall be allocated on a percentage basis determined by the ratio of revenue to expenses.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**PREAMBLE**

1. **Sections Affected**

R4-7-101	Amend
R4-7-1101	Amend
R4-7-1102	Amend
R4-7-1103	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. § 32-904(B)(2)  
Implementing statute: A.R.S. § 32-926(A)(3)
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 3 A.A.R. 2973, October 24, 1997.
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Patrice A. Pritzl, Executive Director
Address:	Board of Chiropractic Examiners 5060 N. 19th Avenue, Suite 416 Phoenix, Arizona 85015-3210
Telephone:	(602) 255-1444
Fax:	(602) 255-4289
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The Board will clarify language regarding the definition of a chiropractic assistant, training and registration requirements, supervisory requirements and tasks which may be performed by a chiropractic assistant to be consistent with statute.
6. **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.
7. **The preliminary summary of the economic, small business, and consumer impact:**

The economic impact will be nominal. Statute already requires that chiropractic assistants meet basic training requirements. Those training requirements have not been changed.
8. **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:	Patrice A. Pritzl, Executive Director
Address:	Board of Chiropractic Examiners 5060 N. 19th Avenue, Suite 416 Phoenix, Arizona 85015
Telephone:	(602) 255-1444
Fax:	(602) 255-4289
9. **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:**

The Board will accept written comments 8 a.m. to 5 p.m., Monday through Friday, through the end of the business day of Sep-

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

tember 28, 1998. An oral proceeding on the proposed rules may be requested by writing to the following address:

Board of Chiropractic Examiners  
5060 N. 19th Avenue, Suite 416  
Phoenix, Arizona 85015

10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
Not applicable.
11. Incorporations by reference and their location in the rules:  
None.
12. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

**ARTICLE 1. BOARD OF CHIROPRACTIC EXAMINERS**

Section

R4-7-101. Definitions

**ARTICLE 11. CHIROPRACTIC ASSISTANTS**

R4-7-1101. Use of the Terms "Chiropractic Assistant" and "C.H.A."

R4-7-1102. Training

R4-7-1103. Regulation

**ARTICLE 1. BOARD OF CHIROPRACTIC EXAMINERS**

R4-7-101. Definitions

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.
10. "C.A." means a chiropractic assistant pursuant to A.R.S. § 32-900.

**ARTICLE 11. CHIROPRACTIC ASSISTANTS**

R4-7-1101. Use of the Terms "Chiropractic Assistant" and "C.H.A."

~~Any~~ Only persons assisting a licensed doctor of chiropractic by performing basic health care duties, or clerical and administrative duties, pursuant to A.R.S. § 32-900, may be identified by the use of the term "chiropractic assistant" or designation "C.A."

R4-7-1102. Training

A. A ~~C.H.A.~~ C.A. shall complete 24 hours of coursework, with a minimum of 4 hours in each of the following subjects: chiropractic principles, management of common diseases, history

taking, recordkeeping, professional standards of conduct, and CPR. If the supervising doctor is certified in a specialty pursuant to A.R.S. § 32-922.02, the ~~C.H.A.~~ C.A. shall complete 12 hours of additional training in that specialty.

- B. Course work shall be provided by a Board approved facility or a doctor of chiropractic. The facility or doctor providing course work shall submit to the Board for approval documentation that describes each subject as listed above, and documentation showing the date upon which each person completed each subject offered.
- C. The C.A. shall commence Board approved coursework within 3 months of initial employment with the supervising doctor, and shall complete Board approved coursework within 1 year of initial employment with the supervising doctor.
- D. Each C.A. shall be registered with the Board or its designee upon completion of required coursework. The supervising doctor shall submit to the Board or its designee documentation on a Board approved form showing the date upon which the C.A. completed each required subject.
- ~~CE.~~ The doctor supervising the ~~C.H.A.~~ C.A. shall maintain at the ~~C.H.A.'s~~ C.A.'s place of employment a copy of that document showing the Board's approval.
- F. A C.A. shall be registered with the Board for each office or clinic at which the C.A. is employed.

R4-7-1103. Regulation

Only the ~~C.H.A.~~ and chiropractic assistant C.A. may do and perform such tasks as are consistent with the supervising doctor's licensure and certification, except taking x-rays, and are delegated pursuant to A.R.S. § 32-926(B)(2). The supervising doctor shall be responsible for any and all consequences or results arising from the performance or omission of such tasks. A person who does not meet coursework requirements pursuant to A.R.S. § 32-900 and R4-7-1102 shall not perform such tasks as are consistent with the supervising doctor's licensure and certification. may only perform clerical or administrative duties.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 20. BOARD OF DISPENSING OPTICIANS

PREAMBLE

1. Sections Affected

R4-20-101  
R4-20-102  
R4-20-102  
R4-20-107  
R4-20-107  
R4-20-108  
R4-20-109  
R4-20-109  
R4-20-110  
R4-20-110  
R4-20-111  
R4-20-111  
Table 1  
R4-20-115

Rulemaking Action

Amend  
Repeal  
New Section  
Repeal  
New Section  
Amend  
Repeal  
New Section  
New Section  
Repeal  
New Section  
New Table  
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: A.R.S. § 32-1673

Implementing statute: A.R.S. §§ 32-1681(B) and (C), 32-1682, 32-1684, 32-1684.01, and 41-1072 through 41-1078

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 3 A.A.R. 3745, December 26, 1997.

Notice of Rulemaking Docket Opening: 4 A.A.R. 2252, August 21, 1998.

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

Name: Careen Heinze, Executive Director

Address: Board of Dispensing Opticians  
1400 W. Washington, Suite 230  
Phoenix, Arizona 85007

Telephone: (602) 542-3095

Fax: (602) 542-3093

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

A.R.S. §§ 41-1072 through 41-1078 require all state agencies, boards, and commissions that are subject to the Administrative Procedure Act to establish by rule, time-frames for licensing activities. The proposed rules amend the definitions, set forth the application requirements for licenses issued by the Board, and establish time-frames for granting or denying the licenses.

6. 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.

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

The Board will incur minimal costs to promulgate the rules and to notify interested parties of the new rules after the rules are approved. The Board should incur minimal costs for notification of completeness of an application. All applicants and the Board should benefit because the increased consistency and efficiency in the application process. There are no other expected costs on other government entities, dispensing opticians, or the public.

8. 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: Careen Heinze, Executive Director

Address: Board of Dispensing Opticians  
1400 W. Washington, Suite 230  
Phoenix, Arizona 85007

Telephone: (602) 542-3095

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

Fax: (602) 542-3093

9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:  
No oral proceedings are scheduled. The Board will hold an oral proceeding if it receives 1 written request within 30 days following publication of the proposed rulemaking. A person may submit written comments on the proposed rules by submitting the comments to the person specified in question #3 no later than the close of record, which is scheduled for Friday, October 2, 1998.
10. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None.
11. Incorporations by reference and their location in the rules:  
None.
12. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 20. BOARD OF DISPENSING OPTICIANS**

Section	
R4-20-101.	Definitions
R4-20-102.	<del>Original application for dispensing optician's license</del>
R4-20-102.	<u>Application for a Dispensing Optician's License by Examination</u>
R4-20-107.	<del>Renewal of dispensing optician's license</del>
R4-20-107.	<u>Application for a Dispensing Optician's License by Comity</u>
R4-20-108.	Temporary License
R4-20-109.	<del>Application for optical establishment license</del>
R4-20-109.	<u>Renewal of Dispensing Optician's License</u>
R4-20-110.	<u>Application for an Optical Establishment License</u>
R4-20-111.	<del>Renewal of Optical Establishment License</del>
R4-20-111.	<u>Time-frames for License Approvals</u>
Table 1.	<u>Time-frames (in days)</u>
R4-20-115.	<u>Renewal of Optical Establishment License</u>

**R4-20-101. Definitions**

The following definitions apply in this Chapter unless otherwise specified:

1. "Applicant" means an individual requesting an initial or renewal license from the Board.
2. "Application packet" means the forms and additional information required by the Board to be submitted to the Board by an applicant or on the applicant's behalf.
3. "Comity" means the procedure for granting an Arizona license to an applicant who is already licensed as a dispensing optician in another state of the United States.
4. "Days" means calendar days.
- A5. "Laboratory experience" means work directly involved in the process of producing optical devices and does not include work which that is strictly clerical.
6. "License" means the written authorization issued by the Board to practice as a dispensing optician or operate an optical establishment in Arizona.
- B7. "Nationally recognized body on opticianry accreditation" is means the Commission on Opticianry Accreditation.
- C8. "Optical devices" means eyeglasses, contact lenses, prosthetic eyes, low-vision aids, and other eyewear, or eyewear appurtenances or parts.
9. "Optometrist" means a person currently licensed to practice optometry in any state of the United States.
10. "Physician" means a doctor currently licensed to practice allopathic or osteopathic medicine in any state of the United States.

D11. No change.

12. "Work week: means the period of time beginning on Sunday at 12 a.m. and ending the following Saturday at 11:59 p.m.

**R4-20-102. ~~Original application for dispensing optician's license~~**

- A. Each application for license shall be accompanied by:
1. The fees prescribed by R4-20-112.
  2. Three letters vouching for the applicant's good moral character.
  3. Two letters from physicians, optometrists or other dispensing opticians vouching for the applicant's dispensing competency and the applicant's experience performing the duties of a dispensing optician.
  4. A passport-size photograph of the applicant taken not more than six months next prior to the date of application.
  5. A properly executed affidavit asserting that the information on the application is accurate, that the applicant has read the statutes and rules pertinent to the licensing of opticians and that the affiant is the applicant.
- B. The applicant shall be a high school graduate or possess a General Education Development certificate or other evidence of having obtained the equivalent of a high school education.
- C. If an applicant is basing qualifications for licensure upon apprenticeship, the applicant shall submit letters from each employer for which he claims the experience time required by A.R.S. § 32-1683(S). If the applicant is unable to obtain letters from previous employers due to circumstances beyond his control and if the applicant submits other evidence satisfactory to the Board establishing his apprenticeship credentials, the requirement for letters may be reduced or waived.

**R4-20-102. Application for a Dispensing Optician's License by Examination**

At least 45 days before an examination date, an applicant for a dispensing optician's license by examination shall submit to the Board an application packet that contains:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
  - a. The applicant's name, social security number, address, and telephone number;
  - b. The name and address of the applicant's employer at the time of application;
  - c. If demonstrating technical skill and training under A.R.S. § 32-1683(S)(b), the name and address of each dispensing optician, physician, or optometrist

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

for whom the applicant served as an apprentice for 3 of the 6 years immediately preceding the application date, and the 1st and last dates of each apprenticeship:

- d. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c), the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, degree received, and the name and address of each dispensing optician for whom the applicant served as a dispensing optician apprentice for 1 of the 6 years immediately preceding the application date and the 1st and last dates of service. The applicant shall submit a photocopy of a diploma from the optical dispensing school:
  - e. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(d), the name and address of each dispensing optician, physician, or optometrist for whom the applicant has worked for 3 of the 6 years immediately preceding the application date and the 1st and last dates of employment:
  - f. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude in any state;
  - g. A statement of whether the applicant has ever been denied an application or had a license suspended or revoked in any state; and
  - h. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant:
2. A photocopy of the applicant' high school diploma or general educational diploma issued in any state;
  3. Verification of passing a national Board examination in opticianry as evidenced by an original notice of examination results or original certificate of successful passage issued by the professional examination service that prepared the examination;
  4. A letter from each 3 individuals who are not family members, have known the applicant for 2 years immediately preceding the date of the application, and support the applicant's licensure;
  5. A letter from each of 2 individuals who are ophthalmologists, optometrists, or dispensing opticians licensed in any state containing:
    - a. The individual's printed name, address, and telephone number, and
    - b. A statement that the applicant has either served as an apprentice or been employed as a dispensing optician by the ophthalmologist, optometrist, or dispensing optician for the time required in subsections (A)(1)(c), (A)(1)(d), or (A)(1)(e). If the applicant served as an apprentice or was employed as a dispensing optician by more than 1 ophthalmologist, optometrist, or dispensing optician, the applicant shall submit a letter from each ophthalmologist, optometrist, or dispensing optician for whom the applicant is claiming experience.
  6. A passport photograph of the applicant no larger than 1 1/2 x 2 inches and taken not more than six months before the date of application; and
  7. The fee required in R4-20-112.

**R4-20-107. Renewal of dispensing optician's license**

- A. A dispensing optician who desires to renew his license shall file a completed renewal application accompanied by the fee prescribed by R4-20-112.
- B. A renewal application received by the Board or postmarked on or before December 31 shall be considered timely for the forthcoming year.
- C. An optician who has not renewed the dispensing license within one year after its expiration may have the license reinstated by retaking and passing the practical examination and by paying the fee specified in R4-20-112(A)(5)(d) within five years after the date the license expired.

**R4-20-107. Application for a Dispensing Optician's License by Comity**

An applicant for a dispensing optician's license by comity shall submit to the Board:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
  - a. The applicant's name, social security number, address, and telephone number;
  - b. The dispensing optician license number and the state and date of licensure;
  - c. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude in any state;
  - d. A statement of whether the applicant has ever been denied an application or had a license suspended or revoked in any state; and
  - e. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
2. A photocopy of the unexpired license and a written statement, signed by an officer of the licensing Board that issued the license, which states the license is in good standing;
3. A photograph of the applicant no larger than 1 1/2 x 2 inches and taken not more than 6 months before the date of application; and
4. The fee required in R4-20-112.

**R4-20-108. Temporary License**

- A. An applicant for a temporary license shall fulfill all requirements in A.R.S. §§ 32-1682(A), 32-1683, and 32-1685(1), and R4-20-102, and shall complete successfully a practical examination in accordance with R4-20-104(C).
- B. An applicant who passes the practical examination to obtain a temporary license need not is not required to repeat the practical examination to qualify for a dispensing optician's license
- C. A temporary licensee has the same rights and responsibilities as a regularly licensed optician except as provided by A.R.S. § 32-1681(C).

**R4-20-109. Application for optical establishment license**

An application for an optical establishment license shall be accompanied by the fee prescribed by R4-20-112 and shall contain:

1. The business name, address and telephone number of the optical establishment;
2. The name, address, title and telephone number of the person(s), corporation, company, partnership, firm, association or society desiring to operate the optical establishment. If the person is a partnership, this information shall be provided for each general partner. If the person is a corporation or association, this information shall be provided for each person who holds twenty per-

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

cent or more of the voting stock of the corporation. If the chief executive officer of the corporation or at least one general partner of the partnership does not reside in Arizona, this information shall also be provided for the person who manages operations in Arizona;

3. The name, address and home telephone number of the licensed dispensing optician(s) who works at the optical establishment on a full-time basis;
4. The name, address and home telephone number of all other licensed dispensing opticians, vision practitioners or optometrists who work at the establishment.
5. A list of the persons who supervise optical dispensing at the establishment.

**R4-20-109. Renewal of Dispensing Optician's License**

No later than December 31 of each year, an applicant for renewal of a dispensing optician's license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board, signed and dated by the applicant, and notarized that contains:

1. The applicant's name, social security number, address, and telephone number;
2. The name, address, telephone number, and Arizona license number of the optical establishment at which the applicant is currently practicing as a dispensing optician; and
3. A statement that the information contained on the renewal application is true and correct.

**R4-20-110. Application for an Optical Establishment License**

An applicant for an optical establishment license shall submit an application packet to the Board that contains:

1. An application form provided by the Board, signed and dated by the applicant and notarized that contains:
  - a. The applicant's name, establishment name, establishment address, and telephone number. An application form shall be signed by the following:
    - i. If a sole proprietorship, the individual owning the optical establishment;
    - ii. If a corporation, each individual owning 20% or more of the voting stock in the corporation;
    - iii. If a partnership, the managing partner and a general partner;
    - iv. If a limited liability company, the designated manager, or if no manager is designated, any 2 members of the limited liability company;
  - b. The hours the establishment will be open to the public for business;
  - c. If applicable, the name, business address, and telephone number of each licensed optical establishment currently being operated by the applicant in Arizona;
  - d. If a corporation, the name of the statutory agent, the corporation's officers, and the state of incorporation; and
  - e. The name, business address, telephone number, and license number of each licensed dispensing optician who is scheduled to work at the establishment for 32 hours or more.

2. If a corporation, articles of incorporation; and
3. The fee required in R4-20-112.

**R4-20-111. Renewal of optical establishment license**

- A. An optical establishment license is renewable annually for the year July 1 through June 30, by submitting a completed renewal application accompanied by the fees prescribed by R4-20-112.
- B. A renewal application received by the Board or postmarked on or before June 30 shall be considered timely for the forthcoming July 1 through June 30 licensing year.

**R4-20-111. Time-frames for License Approvals**

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
  1. The administrative completeness review time-frame begins:
    - a. For approval to take the state examination or for an optical establishment license, when the Board receives an application packet.
    - b. For approval or denial of a license by examination or license by comity, when the applicant takes the state examination.
  2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
  3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of administrative completeness.
  1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
  2. The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. § 32-1671 through 32-1699.
  3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § through 32-1699.
- D. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time-frame's last day.

**Arizona Administrative Register**  
**Notices of Proposed Rulemaking**

Table 1. Time-frames (in days)

Type of Approval	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take a State Examination	90	30	60
License by Examination	60	30	30
Temporary License	60	30	30
License by Comity	90	30	60
Optical Establishment License	30	10	20

**R4-20-115. Renewal of Optical Establishment License**

No later than June 30 of each year, an applicant for renewal of an optical establishment license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board that contains:

1. The name, address, and telephone number of the optical establishment;
2. The name and license number of each dispensing optician who is scheduled to work 32 hours or more each work week at the optical establishment; and
3. The applicant's signature as required in R4-20-109(A)(1) and title of applicant.