

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 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

PREAMBLE

1. **Sections affected**

Article 5	<u>Rulemaking action:</u>
R4-19-505	Amend
R4-19-507	Amend
R4-19-508	Amend
R4-19-509	Repeal

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. § 32-1606(A)

Implementing statutes: A.R.S. §§ 32-1601(11)(e) and 32-1606(B)(11)

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

Notice of Rulemaking Docket Opening: 5 A.A.R. 2012, June 18, 1999.

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

Name:	Janet M. Walsh, Associate Director
Address:	Arizona State Board of Nursing 1651 E. Morten, Suite 150 Phoenix, Arizona 85020
Telephone:	(602) 331-8111, Ext. 145
Fax:	(602) 906-9365

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

As indicated in Section 1, the Board is initiating rulemaking on Article 5 for several reasons. First, rulemaking action on Article 5 incorporates the amendments recommended in the 5-year-rule review. Second, the Board voted to delete the requirement of renewal of prescribing and dispensing authority, the requirement of providing the name of a collaborating physician to the Board, and the deletion of the standards of practice statements. Additionally, this proposed rulemaking incorporates editorial changes to the sections affected for the purpose of increasing clarity of the affected rules.

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6. **A reference to any study that the agency proposed to rely on in its evaluation or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None at the present time.

7. **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.

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

The amendment to R4-19-507 regarding deletion of the requirement to renew prescribing and dispensing authority will have a minimal impact on nurse practitioners with prescribing and dispensing authority who will not be required to pay \$20 a year for renewal of this authority. The Board anticipates a loss of income in the amount of \$20,000 for renewal of prescribing and dispensing authority for approximately 1,000 nurse practitioners. The Board, however, will save costs associated with mailing renewal forms and processing renewals of prescribing and dispensing authority. The additional amendments to Article 5 will not have any economic impact on the individuals regulated under Article 5, the Board, the public, small businesses, or consumers.

9. **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: Janet M. Walsh, Associate Director

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 331-8111, Ext. 145

Fax: (602) 906-9365

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

The Board has scheduled a public hearing on the proposed amendment to Article 5 for July 20, 1999, at 9 a.m. The Board will accept written comments submitted to the Associate Director identified in question #4 until the close of record on July 20, 1999, at 5 p.m.

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

Not applicable.

12. **Incorporation by reference and their location in the rules:**

Not applicable.

13. **The full text of the rule follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

ARTICLE 5. ~~EXTENDED AND~~ ADVANCED NURSING PRACTICE

Section

R4-19-505. Scope of Practice of ~~the a~~ Registered Nurse Practitioner

R4-19-507. Prescribing and Dispensing Authority

R4-19-508. Dispensing of ~~Prepackaged Labeled~~ Medications

R4-19-509. ~~Inactive Prescribing and Dispensing Authority~~ Repealed

ARTICLE 5. ~~EXTENDED AND~~ ADVANCED NURSING PRACTICE

R4-19-505. Scope of Practice of ~~the a~~ Registered Nurse Practitioner

~~A.~~ In addition to the scope of practice permitted a professional nurse, a ~~RNP-registered nurse practitioner~~ may perform the following acts in collaboration with a physician:

1. Examine ~~a patient~~ patients and establish ~~a medical diagnosis~~ diagnoses by client history, physical examination, and other criteria;

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2. Admit a patient ~~patients~~ into a health care facility ~~facilities~~;
 3. Order, perform, and interpret laboratory, radiographic, and other diagnostic tests;
 4. Identify, develop, implement, and evaluate a plan of care for a patient to promote, maintain, and restore health;
 5. If authorized under R4-19-507, prescribe ~~Prescribe~~ and dispense medication ~~when granted authority in accordance with R4-19-507;~~ and
 6. Refer to and consult with appropriate health care professionals.
- B.** ~~Within 30 days of beginning new employment as a registered nurse practitioner or of a change in the identity of a collaborating physician, a registered nurse practitioner shall provide the name and address of the collaborating physician to the Board. The Board shall confirm the license status of the physician with the physician's licensing board.~~
- C.** Registered nurse practitioners shall practice in accordance with the standards of nursing specified in the following scope of practice statements, and no other editions, for the practitioner's specialty area. Each of these scope of practice statements is incorporated by reference and on file with the Board and the Office of the Secretary of State:
1. ~~The Scope of Practice of the Primary Health Care Nurse Practitioner, 1985, pages 3, 4, and 6 through 9, American Nurses' Association, 2420 Pershing Road, Kansas City, MO 64108;~~
 2. ~~Standards of Practice for the Primary Health Care Nurse Practitioner, 1987, pages 4 through 9, American Nurses' Association, 2420 Pershing Road, Kansas City, MO 64108;~~
 3. ~~Standards of Practice for PNP/As, 1987, National Association of Pediatric Nurse Associates and Practitioners, 1101 Kings Highway North, Suite 206, Cherry Hill, N.J. 08034;~~
 4. ~~Ave., N.W., Suite 900, Washington, D.C. 20006;~~
 5. ~~Nurse Providers of Neonatal Care, Guidelines for Educational Development and Practice, 1990, pages 4 and 5, NAACOG, 409 12th St., S.W., Washington, D.C. 20024-2191;~~
 6. ~~The Obstetric Gynecologic/Women's Health Nurse Practitioner, Role Definition, Competencies, and Educational Guidelines, Third Edition, 1990, page 2, NAACOG, 409 12th St., S.W., Washington, D.C. 20024-2191;~~
 7. ~~Standards for the Nursing Care of Women and Newborns, Fourth Edition, pages 5 through 13, 15 through 25, 27 through 61, and 63 through 77, NAACOG, 409 12th St., S.W., Washington, D.C. 20024-2191;~~
 8. ~~Neonatal Nurse Practitioners, Standards of Education and Practice, 1992, page 2, National Association of Neonatal Nurses, 1304 Southpoint Blvd., Suite 280, Petaluma, CA 94954-6859;~~
 9. ~~Statement on Psychiatric Mental Health Clinical Nursing Practice and Standards of Psychiatric Mental Health Clinical Nursing Practice, 1994, pages 25 through 34, American Nurses Association, 600 Maryland Avenue, S.W., Suite 100 West, Washington, D.C. 20024-2571;~~
 10. ~~Standards of School Nursing Practice, 1983, pages 5 through 11, American Nurses' Association, 2420 Pershing Road, Kansas City, Missouri 64108;~~
 11. ~~Standards of Practice, 1993, American Academy of Nurse Practitioners, Capitol Station, LBJ Building, P.O. Box 12846, Austin, TX 78711;~~
 12. ~~Scope of Practice for Nurse Practitioners, 1993, American Academy of Nurse Practitioners, Capitol Station, LBJ Building, P.O. Box 12846, Austin, TX 78711; and~~
 13. ~~Core Competencies for Basic Nurse Midwifery Practice, 1992, American College of Nurse Midwives, 818 Connecticut Ave., N.W., Suite 900, Washington, D.C. 20006.~~

R4-19-507. Prescribing and Dispensing Authority

- A.** The Board shall authorize a RNP ~~registered nurse practitioner~~ to prescribe and dispense medication within the RNP's scope of practice only if the RNP ~~registered nurse practitioner~~ satisfies the following requirements:
1. Is a professional nurse currently licensed in Arizona in good standing and authorized by the Board to practice within a specialty area identified in R4-19-501;
 2. ~~Has 1 year of documented active practice as a registered nurse practitioner immediately before applying for prescribing and dispensing authority;~~
 3. Submits a completed, notarized application on a form provided by the Board containing ~~The applicant shall provide~~ the following information:
 - a. Name, address, and home phone number;
 - b. Professional nurse license number;
 - c. Nurse practitioner specialty;
 - d. Certification number;
 - e. Business address and phone number;
 - f. Length of time that applicant has practiced as a RNP ~~registered nurse practitioner~~ and whether full or part time;
 - g. If a faculty member, the number of hours of direct patient contact during the year preceding the date of application;
 - h. ~~Name and address of a collaborating physician who prescribes and dispenses and whose license status has been confirmed by the Board with the physician's licensing board;~~

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- ~~i.h.~~ Chronological listing of continuing education obtained by the applicant in pharmacology or clinical management of drug therapy or both in the last 2 years;
 - ~~k.i.~~ Authority for which the applicant is applying; and,
 - ~~l.j.~~ Applicant's Sworn sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
- 3. Submits evidence of completion of a minimum of 45 contact hours of education in pharmacology or clinical management of drug therapy or both; ~~within 2 years immediately before the date of the application.~~
 - a. An applicant shall complete:
 - i. At least 6 of the 45 hours in the 12-month period immediately prior to the application date; and
 - ii. All 45 hours within the 2-year period before the application date.
 - ~~a.b.~~ Six of the 45 contact hours shall have been obtained within 1 year immediately before the date of application. One-half (22 hours) of the required contact hours ~~submitted for application for prescribing authority~~ may be from mediated instruction and self study.
 - ~~c.~~ If documented, contact hours may consist of hours of the initial presentations of ~~b. A RNP registered nurse practitioner~~ who leads, instructs, or lectures to groups of health professionals on pharmacy-related topics in continuing education activities, ~~sponsored by a national professional accrediting organization shall be granted contact hours for the time expended during the initial presentation, upon documentation to the Board.~~
 - ~~e.d.~~ A RNP registered nurse practitioner whose primary responsibility is the education of health professionals ~~shall not be granted~~ does not earn contact hours for time expended on normal teaching duties within ~~the~~ a learning institution.
- B. ~~Upon receipt of an application, the Board shall review the application and the related material and shall approve the application if the applicant meets the requirements of this Section. The authority to prescribe and dispense medication shall be valid through December 31 of the year in which the authority is granted. An applicant who is denied medication P & D prescribing and dispensing authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for P & D prescribing and dispensing authority. Board hearings Hearings shall comply with be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 10, and 4 A.A.C. 19, Article 6.~~
- C. A RNP registered nurse practitioner who has been granted with P & D prescribing and dispensing authority may:
 - 1. Prescribe medications, ~~and~~ medical devices, and appliances.;
 - 2. Provide for refill of prescription-only medications for 1 year from the date of the prescription.
- D. A RNP registered nurse practitioner to whom the Board has granted with P & D prescribing and dispensing authority and who wishes to prescribe a controlled substance shall ~~make application apply~~ to the DEA ~~and to~~ obtain a DEA registration number before prescribing a controlled substance. The RNP registered nurse practitioner shall file the DEA registration number with the Board.
- E. A RNP registered nurse practitioner with a DEA registration number may prescribe a Class II controlled substance ~~scheduled as Class II~~, as defined in the Federal Controlled Substance Act, 21 U.S.C. § 801 et seq., or Arizona's Uniform Controlled Substance Act, A.R.S. Title 36, Chapter 27, but shall not ~~permit~~ prescribe refills of the prescription.
- F. A RNP registered nurse practitioner with a DEA registration number may prescribe a Class III or IV controlled substance ~~scheduled as Class III or IV~~, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, and may ~~provide for~~ prescribe a maximum of 5 refills in 6 months.
- G. A RNP registered nurse practitioner with a DEA registration number may prescribe a Class V controlled substance ~~scheduled as Class V~~, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substance Act, and may ~~provide for~~ prescribe refills for a maximum of 1 year.
- H. A RNP registered nurse practitioner with P & D prescribing and dispensing authority shall ensure that all prescription orders contain the following:
 - 1. The RNP's name, address, phone number, and specialty area ~~of the registered nurse practitioner;~~
 - 2. The prescription date ~~the prescription is written;~~
 - 3. The name and address of the patient;
 - 4. The full name, ~~and~~ strength, dosage form, ~~(of a controlled substance when applicable,)~~ and directions for use;
 - 5. Two signature lines for the prescriber with "dispense as written" under the left signature line and "substitution permissible" under the right. ~~The right side of the prescription shall contain under the signature line the phrase "substitution permissible". The left side shall contain under the signature line, the phrase "dispense as written"; and~~
 - 6. The DEA registration number, if applicable.
- I. A registered nurse practitioner with prescribing and dispensing authority shall, each calendar year, obtain 10 contact hours of continuing education in pharmacology or pharmacology management or a combination of both:
 - 1. A maximum of 5 of the required contact hours for renewal of prescribing and dispensing authority may be from mediated instruction and self study.
 - 2. Registered nurse practitioners shall submit to the Board, before December 31 of each year, a notarized affidavit stating that they have obtained the required number of contact hours of continuing education and the annual renewal fee.

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Registered nurse practitioners who are granted prescribing and dispensing authority after October 31 shall not be required to obtain the 10 contact hours of continuing education for that year.

3. A registered nurse practitioner with prescribing and dispensing authority shall submit to the Board, at its request, documentation of the contact hours of continuing education taken by the registered nurse practitioner.
 - a. A registered nurse practitioner who leads, instructs, or lectures to groups of health professionals on pharmacy-related topics in continuing education activities sponsored by a national professional accrediting organization shall be granted contact hours for the time expended during the initial presentation, upon documentation to the Board.
 - b. A registered nurse practitioner whose primary responsibility is the education of health professionals shall not be granted contact hours for time expended on normal teaching duties within the learning institution.
- ~~J.~~ Whenever there is a change in the identity of a collaborating physician who prescribes and dispenses, a registered nurse practitioner shall provide the Board with the name and address of the new collaborating physician who prescribes and dispenses within 30 days. The Board shall confirm the license status of the physician with the physician's licensing board.
- ~~K.~~ A registered nurse practitioner with prescribing and dispensing authority shall apply for renewal of the authority on or before December 31 of each year. A registered nurse practitioner who fails to apply for renewal before expiration shall be considered delinquent but shall be permitted to renew the prescribing and dispensing authority by paying the expiration renewal fee and submitting the notarized affidavit required by subsection (I)(2). A registered nurse practitioner who fails to apply for renewal within 90 days of the expiration date shall apply for prescribing and dispensing authority in accordance with subsection (A).
- ~~L.~~ The Board of Nursing shall annually send a list of registered nurse practitioners with P & D prescribing and dispensing authority to the Board of Pharmacy, the Board of Medical Examiners, and the Board of Osteopathic Examiners in Medicine and Surgery.
- ~~J.~~ A RNP shall not prescribe or dispense medications without prior Board authority. The Board may impose a civil penalty for each violation, suspend the RNP's P & D authority and impose other sanctions under A.R.S. § 32-1606(C). In determining the appropriate sanction, the Board shall consider factors such as the number of violations, the severity of the violation, and the potential or existence of patient harm.

R4-19-508. Dispensing of ~~Prepackaged Labeled~~ Medications

- ~~A.~~ A registered nurse practitioner with prescribing and dispensing authority shall dispense only to the registered nurse practitioner's patients and only for conditions being treated by the registered nurse practitioner.
- ~~BA.~~ Before dispensing a medication, a RNP registered nurse practitioner with P & D prescribing and dispensing authority shall provide to the give a patient a written prescription on which appears with the following statement in bold type: "THIS PRESCRIPTION MAY BE FILLED BY THE RNP OR BY A PHARMACY OF YOUR CHOICE."
- ~~CB.~~ A RNP registered nurse practitioner with P & D prescribing and dispensing authority may dispense prepackaged labeled medications, controlled substances, and medical devices, and appliances. Samples of medications packaged for individual use by licensed manufacturers or repackagers of medication may be dispensed without a prescription order.
- ~~DC.~~ A RNP registered nurse practitioner with P & D prescribing and dispensing authority shall dispense all medication ~~prepackaged in a unit-of-use package~~ labeled with the following information:
 1. The dispensing RNP's registered nurse practitioner's name, and address, phone number, and specialty area;
 2. The date the medication is dispensed;
 3. The patient's name and address;
 4. The name and strength of the medication, manufacturer's name, quantity in the container, directions for its use, and any cautionary statements; and
 5. The prescription order number.
- ~~ED.~~ In all outpatient settings and at the time of hospital discharge, a RNP registered nurse practitioner with P & D prescribing and dispensing authority shall personally provide to the patient or the patient's representative, directions for use, name of prescribed medication, and any special instructions, precautions, or storage requirements when any of the following occurs:
 1. A new prescribed medication is dispensed to the a patient or a new prescription number is assigned to a previously-dispensed medication;
 2. The A prescription medication has not been previously dispensed to the patient in the same strength or dosage form, or directions for a prescription medication have been changed;
 3. In the RNP's professional judgment of the registered nurse practitioner, these instructions are deemed warranted; or
 4. The patient or patient's representative requests instruction.
- ~~FE.~~ A RNP registered nurse practitioner with P & D prescribing and dispensing authority shall enter into the patient's medical record;
 1. theThe name and strength of the medication dispensed; ;
 2. theThe date the medication is dispensed; ; and
 3. theThe therapeutic reason for the medication.

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- GF.** A RNP ~~registered nurse practitioner with P & D prescribing and dispensing~~ authority shall obtain medication only from a physician, a pharmacist, a manufacturer, a wholesaler, a distributor, or a registered nurse practitioner with prescribing and dispensing authority.
- HG.** A RNP ~~registered nurse practitioner with P & D prescribing and dispensing~~ authority shall:
- ~~1. keep~~Keep all medication in a locked cabinet or room; ;
 - ~~2. control~~Control access to the cabinet or room by a written procedure; ; and
 - ~~3. maintain~~Maintain a current inventory of the contents of the cabinet or room.
- IH.** A RNP ~~registered nurse practitioner with P & D prescribing and dispensing~~ authority shall preserve all original prescription orders dispensed for a minimum of 3 years. The RNP ~~registered nurse practitioner~~ shall make the original prescription orders available at all times for inspection by the Board of Nursing, the Board of Pharmacy, and law enforcement officers in performance of their duties.
- JL.** A RNP ~~registered nurse practitioner~~ shall, if dispensing a controlled substances substance, maintain an inventories inventory and a records record of the controlled substances as follows:
- ~~1. Inventories and records of all controlled substances listed in Schedule II Controlled Substances~~, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, ~~shall be maintained~~ separately from all other records, and a prescriptions prescription for these a Schedule II substances substance ~~shall be maintained~~ in a separate prescription file; and
 - ~~Inventories and records of controlled substances listed in Schedules III, IV, and V Controlled Substances~~, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, ~~shall be maintained~~ either separately from all other records or in a form that the information required is readily retrievable from ordinary business records. Prescriptions for these substances shall be maintained either in a prescription file for controlled substances listed in Schedules III, IV, and V only or in a form that they are readily retrievable from other prescription records. A Prescriptions prescription ~~shall be deemed is~~ readily retrievable if, at the time ~~they are~~ it is initially filed, the face of the prescription is stamped in red ink in the lower-right corner with the letter "C" no less than 1 inch high and filed either in the prescription file for a controlled substances substance listed in Schedule II or in the usual consecutively-numbered prescription file for a noncontrolled substances substance.
- KJ.** A RNP ~~registered nurse practitioner with P & D prescribing and dispensing~~ authority shall record the following information on the back of each prescription order when the prescription order is refilled:
- Date refilled,
 - Quantity dispensed, and
 - ~~RNP's Registered nurse practitioner's name or identifiable initials. By initialing and dating~~ If the registered nurse practitioner merely initials and dates the back of the prescription order, the RNP ~~registered nurse practitioner~~ shall be ~~deemed to have dispensed~~ dispenses a refill for the full amount of the original prescription order.
- LK.** A RNP ~~registered nurse practitioner with P & D prescribing and dispensing~~ authority shall comply with all applicable laws and rules in prescribing, administering, and dispensing a medications medication or a controlled substances substance, including compliance with labeling requirements of A.R.S. Title 32, Chapter 18.
- ML.** Under the supervision of a RNP ~~registered nurse practitioner with P & D prescribing and dispensing~~ authority, licensed or unlicensed personnel may assist the RNP ~~registered nurse practitioner~~ in the following:
- Receiving a request for refilling a prescription medication by prescription order number;
 - Accepting a verbal refill authorization from the RNP registered nurse practitioner; and
 - ~~recording~~Recording a verbal refill authorization on the back of the original prescription form and in the patient's medical record:
 - ~~the~~The RNP's ~~registered nurse practitioner's name~~,
 - ~~date~~Date of the refill, and
 - ~~name~~Name and quantity of medication; and
- ~~34. Typing and affixing labels for prescription medications.~~
- N.** A registered nurse practitioner shall not prescribe or dispense medications without being granted the authority to prescribe and dispense medications by the Board. A registered nurse practitioner who fails to timely renew the authority to prescribe or dispense medications shall not prescribe or dispense medications until renewal is approved by the Board. A registered nurse practitioner who violates this subsection shall be subject to a civil penalty which the Board may impose for each transaction. In addition, the Board may suspend the registered nurse practitioner's prescribing and dispensing authority and impose other sanctions under A.R.S. § 32-1606(C).
- R4-19-509. Inactive Prescribing and Dispensing Authority Repealed**
- A.** A registered nurse practitioner may request that the Board put the registered nurse practitioner's prescribing and dispensing authority on inactive status by notifying the Board in writing. A registered nurse practitioner shall not prescribe or dispense medications while the authority to do so is on inactive status.
- B.** To reactivate prescribing and dispensing authority, a registered nurse practitioner shall submit to the Board the renewal fee and documentation of 6 contact hours of continuing education in pharmacology or clinical management of drug therapy,

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~~or both, for each year on inactive status before 1997. For each year on inactive status from and after 1997, the registered nurse practitioner shall submit documentation of 10 contact hours of continuing education in pharmacology or clinical management of drug therapy, or both. The maximum number of contact hours required to reactivate prescribing and dispensing authority shall not exceed 45.~~

NOTICE OF PROPOSED RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

- 1. Sections Affected**

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R7-2-607	Amend
R7-2-608	Amend
R7-2-609	Amend
R7-2-610	Amend
R7-2-611	Amend
R7-2-612	Amend
R7-2-614	Amend
R7-2-615	Amend
R7-2-1301	Amend
R7-2-1302	Amend
R7-2-1303	Renumber
R7-2-1304	Renumber
R7-2-1305	Amend
R7-2-1306	Amend
R7-2-1307	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. § 15-203(A) and (B)

Implementing statute: A.R.S. §§ 15-203(A), (B), and 15-534

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

Notice of Rulemaking Docket Opening: 5 A.A.R. 1320, May 7, 1999.

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

Name: Corinne L. Velasquez, Executive Director

Address: State Board of Education
1535 West Jefferson, Room 418
Phoenix, Arizona 85007

Telephone: (602) 542-5057

Fax: (602) 542-3046

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

The State Board of Education proposes to amend the rules related to certification (Article 6) to address statutory changes and requirements. Specifically, the Board will add language related to a Class I or Class II fingerprint clearance card as a requirement for certification. In addition, language will be added to the requirements for an elementary certificate to include training in research based systematic phonics instruction pursuant to A.R.S. § 15-203(A)(14).

The State Board of Education proposes to amend the rules related to conduct (Article 13) to make technical changes in the wording of the rule. Specifically, the Board desired to make the rules clearer by changing the terminology used related to allegations, charges, and complaints.

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6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Not applicable.

7. **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.

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

The Board does not anticipate an economic, small business or consumer impact related to, or created by, the proposed amendments.

9. **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: Corinne L. Velasquez, Executive Director

Address: State Board of Education
1535 West Jefferson, Room 418
Phoenix, Arizona 85007

Telephone: (602) 542-5057

Fax: (602) 542-3046

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

An oral proceeding on the proposed rulemaking is scheduled as follows:

Date: August 23, 1999

Time: 1:30 p.m.

Location: State Board of Education
1535 West Jefferson, Room 417
Phoenix, Arizona 85007

Written comments may be submitted on or before 5 p.m., August 20, 1999, to the contact person listed above.

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

Not applicable.

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

None.

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

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

- R7-2-607. General Certification Provisions
R7-2-608. Elementary Teaching Certificates
R7-2-609. Secondary Teaching Certificates
R7-2-610. Special Education Teaching Certificates
R7-2-611. Vocational Teaching Certificates
R7-2-612. Other Teaching Certificates
R7-2-614. Administrative Certificates
R7-2-615. Other Professional Certificates

ARTICLE 13. CONDUCT

- R7-2-1301. Definitions
- R7-2-1302. Statement of Complaint
- ~~R7-2-1304~~R7-2-1303. ~~Charge~~Complaint
- ~~R7-2-1303~~R7-2-1304. Notification of Complaint; ~~Investigation~~ investigation
- R7-2-1305. Conviction of Criminal Offenses; Investigation
- R7-2-1306. Reviewable Offenses
- R7-2-1307. Criminal Offenses; Nonreviewable

ARTICLE 6. CERTIFICATION

R7-2-607. General Certification Provisions

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. No change.
- J. No change.
- K. Class I and Class II fingerprint clearance cards shall be issued by the Arizona Department of Public Safety.

R7-2-608. Elementary Teaching Certificates

- A. No change.
- B. Provisional Elementary Certificate -- grades K-8
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in elementary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least 8 semester hours of practicum in grades K-8. Two years of verified teaching experience in grades Prekindergarten-8 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid elementary certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the elementary education subject knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class I or Class II fingerprint clearance card.
- C. Standard Elementary Certificate -- grades K-8
 - 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional elementary certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card; and
 - d. Forty-five hours or 3 semester hours of instruction in research-based systematic phonics. An accredited institution or other provider may provide this instruction.

R7-2-609. Secondary Teaching Certificates

- A. No change.
- B. Provisional Secondary Certificate -- grades 7-12
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in secondary education from an accredited institution or a Board-approved teacher preparation program, described in R7-2-604; or

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- ii. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least 8 semester hours of practicum in grades 7-12. Two years of verified teaching experience in grades 7-postsecondary may substitute for the 8 semester hours of practicum; or
 - iii. A valid secondary certificate from another state.
 - c. A passing score on 1 or more subject knowledge portions of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.
- C. Standard Secondary Certificate -- grades 7-12
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional secondary certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.

R7-2-610. Special Education Teaching Certificates

- A. No change.
 - B. No change.
 - C. Provisional Cross-Categorical Special Education Certificate -- grades K-12
 - 1. The certificate is valid for 2 years and is not renewable.
 - 2. The holder is qualified to teach students with mild to moderate mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments.
 - 3. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in special education from an accredited institution, which included courses in mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments; or
 - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and 8 semester hours of practicum with students representing at least 3 of the 5 disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K-12 may substitute for the 8 semester hours of practicum; or
 - iii. A valid cross-categorical special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the cross-categorical special education portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class I fingerprint clearance card.
- D. Standard Cross-Categorical Special Education Certificate -- grades K-12
- 1. The certificate is valid for 6 years.
 - 2. The holder is qualified to teach students with mild to moderate mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments.
 - 3. The requirements are:
 - a. Qualification for the provisional cross-categorical Special Education certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I fingerprint clearance card.
- E. Provisional Specialized Special Education Certificate -- grades K-12
- 1. The certificate is valid for 2 years and is not renewable.
 - 2. The holder is qualified to teach students with mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
 - 3. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in the specified area of special education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and 8 semester hours of practicum in the designated area of disability. Special education courses shall include survey of exceptional students; teaching

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- methodologies for students with disabilities; foundations of instruction in the designated area of disability; and diagnosis and assessment of disabilities. Two years of verified teaching experience in the area of disability in grades K-12 may be substituted for the 8 semester hours of practicum; or
- iii. A valid special education certificate in the specified area from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the specified disability special education portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class I fingerprint clearance card.
- F. Standard Specialized Special Education Certificate -- grades K-12**
1. The certificate is valid for 6 years.
 2. The holder is qualified to teach students with mental retardation, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
 3. The requirements are:
 - a. Qualification for the provisional Special Education certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I fingerprint clearance card.
- G. Provisional Severely and Profoundly Disabled Certificate -- grades K-12**
1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in severely and profoundly disabled education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and 8 semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades Prekindergarten-12 who are severely and profoundly disabled may be substituted for the 8 semester hours of practicum; or
 - iii. A valid Severely and Profoundly Disabled certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the severely and profoundly disabled special education portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class I fingerprint clearance card.
- H. Standard Severely and Profoundly Disabled Certificate -- grades K-12**
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional severely and profoundly disabled certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I fingerprint clearance card.
- I. Provisional Hearing Impaired Certificate -- grades K-12**
1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in hearing impaired education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the hearing impaired and 8 semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with hearing impairment, foundations of instruction of students with hearing impairment, and diagnostic and assessment procedures for the hearing impaired. Two years of verified teaching experience in the area of hearing impaired in grades Prekindergarten-12 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid hearing impaired certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the hearing impaired special education portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class I fingerprint clearance card.

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- e. A valid Class I fingerprint clearance card.
- J. Standard Hearing Impaired Certificate -- grades K-12
 1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional hearing impaired certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment-; and
 - c. A valid Class I fingerprint clearance card.
- K. Provisional Visually Impaired Certificate -- grades K-12
 1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in visual impairment from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses for the visually impaired and 8 semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with visual impairment, foundations of instruction of students with visual impairment, and diagnostic and assessment procedures for the visually impaired. Two years of verified teaching experience in the area of visually impaired in grades Prekindergarten-12 may be substituted for the 8 semester hours of practicum; or
 - iii. A valid visually impaired special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the visually impaired special education portion of the Arizona Teacher Proficiency Assessment-; and
 - e. A valid Class I fingerprint clearance card.
- L. Standard Visually Impaired Certificate -- grades K-12
 1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualifications for the provisional visually impaired certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment-; and
 - c. A valid Class I fingerprint clearance card.
- M. Provisional Speech and Language Impaired Certificate -- grades K-12
 1. This certificate is valid for 2 years and is not renewable.
 2. The requirements are:
 - a. A Bachelor's or higher degree in speech pathology or communication disorders;
 - b. One of the following:
 - i. Completion of a ~~teacher preparation~~ program in speech and language special education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 30 semester hours of special education courses for the speech impaired. Special education courses shall include survey of exceptional students, teaching methodologies for students with speech impairment, foundations of instruction of students with speech impairment, diagnostic and assessment procedures for the speech impaired, and a minimum of 200 clock hours of supervised clinical practice in providing speech and language impairment services. All clinical practice clock hours shall be supervised by an American Speech and Language Association-certified pathologist or by a state-certified speech and language therapist; or
 - iii. A valid Speech and Language Impaired special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment-; and
 - e. A valid Class I fingerprint clearance card.
- N. Standard Speech and Language Impaired Certificate -- grades K-12
 1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional speech and language impaired certificate; ~~and~~
 - b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment-; and
 - c. A valid Class I fingerprint clearance card.
- O. Provisional Early Childhood Special Education Certificate -- Birth to 5 years
 1. The certificate is valid for 2 years and is not renewable.
 2. The requirements are:

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- a. A Bachelor's degree;
 - b. One of the following:
 - i. Completion of a teacher preparation program in early childhood special education from an accredited institution; or
 - ii. Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and 8 semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the 8 semester hours of practicum; or
 - iii. A valid early childhood special education certificate from another state.
 - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - d. A passing score on the early childhood special education portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - e. A valid Class I fingerprint clearance card.
- P. Standard Early Childhood Special Education Certificate -- Birth to 5 years**
- 1. The certificate is valid for 6 years.
 - 2. Requirements are:
 - a. Qualify for the provisional early childhood Special Education certificate; ~~and~~
 - b. Passing score on the performance portion of the Arizona Teacher Proficiency Assessment; ~~and~~
 - c. A valid Class I fingerprint clearance card.

R7-2-611. Vocational Teaching Certificates

- A. No change.**
- B. Provisional Vocational Certificate - Agriculture -- grades K-12**
- 1. The certificate is valid for 2 years.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. Eighteen semester hours of courses in agriculture; ~~and~~
 - c. Two thousand clock hours of verified employment in agriculture in the last 6 years; ~~and~~
 - d. A valid Class I or Class II fingerprint clearance card.
 - 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the 2nd renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- C. Standard Vocational Certificate - Agriculture -- grades K-12**
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Agriculture;
 - b. Thirty semester hours of courses in agriculture with 5 semester hours of courses in 3 of the following areas: animal science; plant science including soils; agricultural engineering; economics or agricultural economics; or agricultural resources; ~~and~~
 - c. Eighteen semester hours of courses, to include the following areas: methods of teaching agriculture, curriculum and materials of instruction, and practicum in agriculture in grades K-12. Two years of experience teaching agriculture in grades K-12 may substitute for the practicum; ~~and~~
 - d. A valid Class I or Class II fingerprint clearance card.
- D. Provisional Vocational Certificate - Business -- grades K-12**
- 1. The certificate is valid for 2 years.
 - 2. The requirements are:
 - a. A Bachelor's degree;
 - b. Thirty semester hours of business and office courses;
 - c. Six semester hours of vocational education courses; ~~and~~
 - d. Two thousand clock hours of verified employment in business/office occupations or a practicum in business/office occupations in the past 6 years; ~~and~~
 - e. A valid Class I or Class II fingerprint clearance card.
 - 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the 2nd renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- E. Standard Vocational Certificate - Business -- grades K-12**
- 1. The certificate is valid for 6 years.
 - 2. The requirements are:

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- a. Qualification for the provisional vocational certificate - Business; ~~and~~
 - b. Twenty-one semester hours of vocational education courses, to include methods of teaching business and principles of vocational education; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.
- F.** Provisional Vocational Certificate - Family and Consumer Sciences -- grades K-12
1. The certificate is valid for 2 years.
 2. The requirements are:
 - a. A Bachelor's degree;
 - b. Thirty semester hours of courses in family and consumer sciences with 1 course in each of the following: life span development; family or human relations; clothing and textiles or merchandising; nutrition, health or food preparation; facility management, housing or interior design; consumer economics or family resources; culinary arts; and practicum in child care or elder care; ~~and~~
 - c. Two thousand clock hours of verified employment in family and consumer sciences or 5 semester hours of practicum in family and consumer sciences, completed in the last 6 years; ~~and~~
 - d. A valid Class I or Class II fingerprint clearance card.
 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the 2nd renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- G.** Standard Vocational Certificate - Family and Consumer Sciences -- grades K-12
1. The certificate is valid for 6 years.
 2. Applicants shall meet all of the requirements in 1 of the following options:
 - a. Option A:
 - i. Qualification for the provisional vocational certificate - Family and Consumer Sciences; ~~and~~
 - ii. Eighteen semester hours of courses in vocational education to include methods of teaching family and consumer sciences; ~~and~~
 - iii. A valid Class I or Class II fingerprint clearance card.
 - b. Option B:
 - i. A Bachelor's degree;
 - ii. Six thousand clock hours of verified employment in family and consumer sciences, completed in the last 6 years; ~~and~~
 - iii. Fifteen semester hours of courses in vocational education, to include methods of teaching family and consumer sciences; ~~and~~
 - iv. A valid Class I or Class II fingerprint clearance card.
- H.** Provisional Vocational Certificate - Health Occupations -- grades K-12
1. The certificate is valid for 2 years.
 2. The requirements are:
 - a. A valid Class I or Class II fingerprint clearance card;
 - ~~ab.~~ A professional license and 6,000 clock hours of verified employment in a health occupation in the last 6 years; or
 - ~~bc.~~ A Bachelor's degree in a biological science, health science, or physical science; 2,000 clock hours of verified employment in the area to be taught, completed in the past 6 years; and a professional license in a health occupation.
 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the 2nd renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- I.** Standard Vocational Certificate - Health Occupations -- grades K-12
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Health Occupations; ~~and~~
 - b. Twelve semester hours of vocational education courses, to include the following: methods of teaching, curriculum development, and evaluation; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.
- J.** Provisional Vocational Certificate - Industrial Technology -- grades K-12
1. The certificate is valid for 2 years.
 2. The requirements are:
 - a. A valid Class I or Class II fingerprint clearance card.
 - ~~ab.~~ A Bachelor's degree and 2,000 clock hours of verified employment in the area to be taught; or
 - ~~bc.~~ Six thousand clock hours of verified employment in the area to be taught. A valid industry-recognized occupational certification or license may substitute for the employment.

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3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the 2nd renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- K. Standard Vocational Certificate - Industrial Technology -- grades K-12**
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualify for the provisional vocational certificate - Industrial Technology; ~~and~~
 - b. Fifteen semester hours of courses in vocational education, to include methods of teaching industrial technology; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.
- L. Provisional Vocational Certificate - Marketing -- grades K-12**
1. The certificate is valid for 2 years.
 2. The requirements are:
 - a. A valid Class I or Class II fingerprint clearance card.
 - ~~a~~b. A Bachelor's degree; and 6,000 clock hours of verified employment in the area to be taught; or
 - ~~b~~c. A Bachelor's or more advanced degree in business or marketing; 2,000 clock hours of verified employment in marketing or a practicum in marketing occupations; and 6 semester hours of courses in each of the following: marketing, management, and finance.
 3. The holder of this certificate shall receive a passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment before the 2nd renewal of the provisional vocational certificate or the issuance of the standard vocational certificate.
- M. Standard Vocational Certificate - Marketing -- grades K-12**
1. The certificate is valid for 6 years.
 2. The requirements are:
 - a. Qualification for the provisional vocational certificate - Marketing under the requirements in paragraph (L)(2)(b); ~~and~~
 - b. Twelve semester hours of marketing or business education courses to include methods of teaching, and curriculum and materials of instruction; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.
- R7-2-612. Other Teaching Certificates**
- A.** No change.
- B. Substitute Certificate -- grades K-12**
1. The certificate is valid for 6 years and renewable by reapplication.
 2. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only a substitute certificate shall not be assigned a contract teaching position.
 3. An individual who holds a valid teaching or administrator certificate shall not be required to hold a substitute certificate to be employed as a substitute teacher.
 4. A person holding only a substitute certificate shall be limited to teaching 120 days in the same school each school year.
 5. The requirement for issuance is a Bachelor's degree and a valid Class I or Class II fingerprint clearance card.
 6. Substitute certificates previously issued as valid for life under this rule shall remain valid for life.
- C. Emergency Substitute Certificate -- grades K-12**
1. The certificate is valid for 1 school year or part thereof. The expiration date shall be the following July 1.
 2. The certificate entitles the holder to substitute only in the specified county and in districts the county school superintendent approves.
 3. The certificate entitles the holder to substitute in the temporary absence of a regular contract teacher. A person holding only an emergency substitute certificate shall not be assigned a contract teaching position.
 4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year and shall not serve in any 1 classroom for more than 20 working days.
 5. The requirements for initial issuance are:
 - a. High school diploma;
 - b. Verification from the school district superintendent that an emergency employment situation exists; ~~and~~
 - c. Concurrence by the county school superintendent that an emergency employment situation exists; ~~and~~
 - d. A valid Class I or Class II fingerprint clearance card.
 6. The requirements for each reissuance are:
 - a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to 1 semester hour. In-service hours shall be verified by the district

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superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement-;

- b. Verification from the school district superintendent that an emergency employment situation exists;
- c. Concurrence by the county school superintendent that an emergency employment situation exists; and
- d. A valid Class I or Class II fingerprint clearance card.

- 7. When the requesting school is a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, a tribally controlled or contract school, concurrence by the county school superintendent shall not be required.

D. Emergency Teaching Certificate -- grades K-12

- 1. The certificate is valid 1 school year or part thereof. The expiration date shall be the following July 1.
- 2. The certificate entitles the holder to enter into a teaching contract.
- 3. Emergency teaching certificates shall be issued only for elementary and secondary certificates required by A.R.S. § 15-502(B), special education certificates, and required endorsements.
- 4. The requirements for initial issuance are:
 - a. A Bachelor's degree;
 - b. Verification from the school district superintendent that an emergency employment situation exists; ~~and~~
 - c. Concurrence by the county school superintendent that an emergency employment situation exists; and
 - d. A valid Class I or Class II fingerprint clearance card.
- 5. The requirements for reissuance are:
 - a. Verification from the school district superintendent that an emergency employment situation exists;
 - b. Concurrence by the county school superintendent that an emergency employment situation exists; ~~and~~
 - c. Six semester hours of courses toward meeting the requirements for the specified certificate or endorsement, completed since the last issuance of the emergency teaching certificate. If an applicant is enrolled in a Board-approved teacher preparation program, 90 clock hours toward completion of the program may substitute for the 6 semester hours; and
 - d. A valid Class I or Class II fingerprint clearance card.
- 6. When the requesting school is a charter school, a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, tribally controlled or contract school, concurrence by the county school superintendent shall not be required.

E. Teaching Intern Certificate -- grades K-12

- 1. The certificate is valid for 2 years and is not renewable.
- 2. The intern certificate entitles the holder to perform intern or paraprofessional duties in whatever grades or levels are assigned.
- 3. The requirements are:
 - a. Current enrollment in a teacher preparation program; ~~and~~
 - b. A recommendation from the dean of a college of education or the administrator of a Board-approved teacher preparation program; and
 - c. A valid Class I or Class II fingerprint clearance card.
- 4. The holder shall be under the direct supervision of college and certified school personnel.

F. Adult Education Certificates

- 1. The adult education certificates are issued for individuals teaching in the areas of Adult Basic Education, General Educational Development, English as a Second Language, or Citizenship.
- 2. Provisional Adult Education Certificate
 - a. The certificate is valid for 3 years and is not renewable.
 - b. The requirement for issuance is a valid Class I or Class II fingerprint clearance card and a Bachelor's degree or 3 years of experience as a teacher, tutor, or aide in an adult education program or in grades K-12. Up to 2 years of experience may be waived by postsecondary academic credit, with 30 semester hours equivalent to 1 year of experience.
- 3. Standard Adult Education Certificate
 - a. The certificate is valid for 6 years.
 - b. The requirements are:
 - i. One year of part-time or full-time teaching experience under a provisional adult education certificate, verified by an adult education program administrator; ~~and~~
 - ii. Completion of 10 clock hours in a professional development program described in R7-2-617(B) since the issuance of the provisional adult education certificate; and
 - iii. A valid Class I or Class II fingerprint clearance card.
 - c. The renewal requirements are completion of 60 clock hours in a professional development program, described in R7-2-617(B).

G. Junior Reserve Officer Training Corps Teaching Certificate -- grades 9-12

- 1. The certificate is valid for 6 years and is renewable upon application.

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2. The certificate is valid at any local education agency which conducts an approved Junior Reserve Officer Training Corps program of the Air Force, Army, Navy, or Marine Corps.
 3. The requirements are:
 - a. Verification by the district of an approved Junior Reserve Officer Training Corps program of instruction in which the applicant will be teaching; ~~and~~
 - b. Verification by the district that the applicant meets the work experience required by the respective military service; ~~and~~
 - c. A valid Class I or Class II fingerprint clearance card.
- H. Athletic coaching certificate – grades 7-12**
1. The certificate is valid for 6 years.
 2. The certificate entitles the holder to perform coaching duties in interscholastic and extracurricular athletic activities. It is not required for teachers who hold a valid elementary, secondary or special education certificate.
 3. The requirements are:
 - a. Valid certification in first aid and Coronary and Pulmonary Resuscitation (CPR);
 - b. Completion of 15 semester hours of courses which shall include at least 3 semester hours in courses related to each of the following: methods of coaching; anatomy and physiology; sports psychology; adolescent psychology; and the prevention and treatment of athletic injuries; ~~and~~
 - c. 250 hours of verified coaching experience in the sport to be coached. Coaching experience may include experience as a head coach or assistant coach in a school program or in an organized athletic league; ~~and~~
 - d. A valid Class I or Class II fingerprint clearance card.
 4. Renewal requirements are:
 - a. Completion of 60 clock hours in a professional development program described in R7-2-617(B);
 - b. Valid certification in first aid and CPR.

R7-2-614. Administrative Certificates

- A.** No change.
- B. Supervisor Certificate -- grades Prekindergarten-12**
1. The supervisor certificate is required for all personnel whose primary responsibility is administering instructional programs, supervising certified personnel, or similar administrative duties.
 2. The certificate may be renewed with a concurrently held teaching certificate. The expiration date shall be the same as the expiration date of the teaching certificate.
 3. The requirements are:
 - a. A standard elementary, secondary, or special education certificate;
 - b. A Master's or more advanced degree;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603;
 - e. A practicum in educational administration or 2 years of verified educational administrative experience in grades Prekindergarten-12;
 - f. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - g. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - h. A valid Class I or Class II fingerprint clearance card.
 4. A valid supervisor certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in paragraphs (3)(c), (3)(d), and (3)(e) of this section.
- C. Principal Certificate – grades Prekindergarten-12**
1. The principal certificate is required for all personnel who hold the title of principal, assistant principal, or others with similar administrative duties.
 2. The certificate is valid for 6 years.
 3. The requirements are:
 - a. A Master's or more advanced degree;
 - b. Three years of verified teaching experience in grades Prekindergarten-12;
 - c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603;
 - d. A practicum as a principal or 2 years of verified experience as a principal or assistant principal in grades Prekindergarten-12;
 - e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment; ~~and~~
 - f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; ~~and~~

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- g. A valid Class I or Class II fingerprint clearance card.
4. A valid principal certificate from another state may be substituted for the teaching experience, program in educational administration, and practicum described in paragraphs (3)(b), (3)(c), and (3)(d) of this section.
- D. Superintendent Certificate -- grades Prekindergarten-12**
1. The superintendent certificate is required for superintendents, assistant or associate superintendents, district chief executive officers regardless of title, and others with similar district-level administrative duties.
2. The certificate is valid for 6 years.
3. The requirements are:
- a. A Master's or more advanced degree including at least 60 graduate semester hours;
- b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603;
- c. Three years of verified teaching experience in grades Prekindergarten-12;
- d. A practicum as a superintendent or 2 years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades Prekindergarten-12;
- e. A passing score on the professional knowledge portion of the Arizona Administrator Proficiency Assessment; ~~and~~
- f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; and
- g. A valid Class I or Class II fingerprint clearance card.
4. A valid superintendent certificate from another state may be substituted for the program in educational administration, teaching experience, and practicum described in paragraphs (3)(b), (3)(c), and (3)(d) of this section.
5. Individuals who hold an Alternative Superintendent Certificate before the effective date of this rule shall be issued a Superintendent Certificate at the time of renewal. Individuals who were evaluated for an Alternative Superintendent Certificate before the effective date of this rule and who meet the qualifications in effect at the time of evaluation within 2 years of the evaluation shall be issued a Superintendent Certificate.

R7-2-615. Other Professional Certificates

- A.** No change.
- B. Guidance Counselor Certificate -- grades K-12**
1. The guidance counselor certificate is valid for 6 years.
2. The requirements are:
- a. A Master's or more advanced degree;
- b. Completion of a graduate program in guidance and counseling. A valid guidance counselor certificate from another state may substitute for this requirement; ~~and~~
- c. A valid Class I or Class II fingerprint clearance card; and
- d. One of the following:
- i. Completion of a supervised counseling practicum in school counseling;
- ii. Two years of verified, full-time experience as a school guidance counselor; or
- iii. Three years of verified teaching experience.
- C. School Psychologist Certificate -- grades Prekindergarten-12**
1. The school psychologist certificate is valid for 6 years.
2. The requirements are:
- a. A Master's or more advanced degree;
- b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours; ~~and~~
- c. A practicum of at least 1,000 clock hours; and
- d. A valid Class I or Class II fingerprint clearance card.
3. A valid school psychologist certificate from another state may be substituted for the completion of a program described in paragraph (2)(b).

ARTICLE 13. CONDUCT

R7-2-1301. Definitions

In this Article, unless the context otherwise specifies:

1. "Alleging party" means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement alleging immoral or unprofessional conduct against a certificated individual.
- ~~2.~~ "Applicant" means a person who has submitted an application to the Department requesting an evaluation of the requirements set forth in R7-2-601 et seq., requesting issuance of a certificate pursuant to R7-2-601 et seq., or requesting renewal of a previously held certificate issued pursuant to R7-2-601 et seq.
- ~~3.~~ "Board" means the State Board of Education.
- ~~4.~~ "Certificated individual" means an individual who holds an Arizona certificate issued pursuant to R7-2-601 et seq.

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4. ~~“Complaining party” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character or other agency who completes a statement of complaint alleging immoral or unprofessional conduct against a certificated individual.~~
5. ~~“Charge Complaint” means the filing of allegations a charge by the Board against a certificated individual alleging immoral or unprofessional conduct.~~
6. ~~“Department” means the Department of Education.~~
7. ~~“Hearing” means an adjudicative proceeding held pursuant to Title 41, Chapter 6 and R7-2-701 et seq.~~
8. ~~“PPAC” means the Professional Practices Advisory Committee established pursuant to R7-2-205.~~
9. ~~“Respondent” means a certificated individual who is charged with committing an immoral or unprofessional act.~~

R7-2-1302. Statement of ~~Complaint~~allegations

- A. Any person may file, with the Board, a statement of ~~complaint~~ allegations against a certificated individual on forms provided by the Board.
- B. A statement of ~~complaint~~ allegations shall state the facts under which ~~the complaining~~ a party is alleging immoral or unprofessional conduct and shall be signed and notarized.
- C. The facts in a statement of ~~complaint~~ allegations shall clearly state the details of the alleged immoral or unprofessional conduct.
- D. A statement of ~~complaint~~ allegations shall contain the names, addresses and telephone numbers of individuals who can be contacted to provide information regarding the allegations contained in the statement of ~~complaint~~. The list of individuals shall also include a brief summary of the substance and extent of each individual’s knowledge regarding the allegations contained in the statement of ~~complaint~~.
- E. The ~~complaining~~ alleging party may attach written or other evidence to a statement of ~~complaint~~ allegations at the time that the statement is filed with the ~~Department~~Board.
- F. A statement of ~~complaint~~ allegations filed by a school district shall be accompanied by a certified copy of a school board resolution authorizing the statement of ~~complaint~~ allegations to be filed.
- G. A statement of ~~complaint~~ allegations may be returned to the ~~complaining~~ alleging party if the statement is not complete or not legible.
- H. The Board shall conduct an investigation of all statements of allegations filed pursuant to this Article.

~~R7-2-1304~~**R7-2-1303. Charge Complaint**

- A. Upon completion of an investigation resulting from a statement of ~~complaint~~ allegations, the Board may file a ~~charge com-~~ plaint against a certificated individual.
- B. The Board may, at its own discretion, investigate any matter and file a complaint against a certificated individual upon receiving any information, from any source, indicating immoral or unprofessional conduct has occurred.
- ~~B.C.~~ A hearing shall be held on a ~~charge~~ complaint before the PPAC.

~~R7-2-1303~~**R7-2-1304. Notification of ~~Complaint~~; ~~Investigation~~ investigation**

- A. Within 20 days after the filing of a ~~statement of~~ complaint, the Board shall notify the certificated individual that a ~~state-~~ ment of complaint has been filed and the Board shall provide the certificated individual with a copy of said ~~statement of~~ complaint. Such notice shall be delivered personally or by certified mail to the last known address.
- B. The certificated individual shall have 15 days from receipt of notification by the Board to respond to the ~~statement of~~ complaint. The certificated individual’s response to the complaint shall be filed with the Board.
- ~~C.~~ ~~An investigation of all statements of complaint filed pursuant to this Article shall be conducted.~~

R7-2-1305. Conviction of ~~Criminal Offenses~~ criminal offenses; ~~Investigation~~ investigation

- A. Applicants shall certify on forms that are provided by the ~~Department~~ Board whether they are awaiting trial on, or have ever been convicted of, or have admitted in open court or pursuant to a plea agreement committing any offense listed in A.R.S. § 15-534. Applicants for certification shall not be required to disclose information regarding misdemeanor offenses other than those listed in A.R.S. § 15-534.
- B. Upon receipt of notification that an applicant or certificated individual has been convicted of or admitted in open court or pursuant to a plea agreement committing any criminal offense specified in A.R.S. §15-534, the Board shall initiate an investigation.
- C. Applicants and certificated individuals who are alleged to have been convicted of a criminal offense specified in A.R.S. § 15-534 shall provide the Board with copies of court records or reports pertaining to the conviction.

R7-2-1306. Reviewable Offenses

- A. Reviewable offenses are those offenses listed in A.R.S. § 15-534 which are not included in R7-2-1307.
- B. Upon completion of an investigation, the Board may file a ~~charge~~ complaint against a certificated individual or may issue or deny certification to an applicant.

R7-2-1307. Criminal Offenses ~~offenses~~; ~~Nonreviewable~~ ~~nonreviewable~~

- A. The Board shall revoke, not issue, or not renew the certification of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in this state or similar offenses in another jurisdiction:
1. Sexual abuse of a minor,
 2. Incest,
 3. First-degree murder,
 4. Sexual assault,
 5. Sexual exploitation of a minor,
 6. Commercial sexual exploitation of a minor,
 7. A dangerous crime against children as defined in A.R.S. § 13-604.01,
 8. Armed robbery,
 9. Sexual conduct with a minor,
 10. Molestation of a child, and
 11. Exploitation of minors involving drug offenses.
- B. Upon notification that a certificated individual has been convicted of a nonreviewable offense, the Board shall revoke the certificate.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION

MOTOR VEHICLE DIVISION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R17-4-709 | New Section |
| R17-4-709.01 | New Section |
| R17-4-709.02 | New Section |
| R17-4-709.03 | New Section |
| R17-4-709.04 | New Section |
| R17-4-709.05 | New Section |
| R17-4-709.06 | New Section |
| Appendix A | New Appendix |
| Appendix B | New Appendix |
| Appendix C | New Appendix |
| R17-4-709.07 | New Section |
| R17-4-709.08 | 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. § 28-366
- Implementing statutes: A.R.S. §§ 28-1462, and Laws 1998, Chapter 302, § 42, as amended by Laws 1999, Chapter 303, §§ 8 and 12, effective August 6, 1999.
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
- Notice of Rulemaking Docket Opening: 4 A.A.R. 2172, August 7, 1998.
Notice of Emergency Rulemaking: 4 A.A.R. 4343, December 28, 1998.
Notice of Public Information: 5 A.A.R. 624, February 26, 1999.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- Name: Lynn S. Golder
- Address: Arizona Department of Transportation, Motor Vehicle Division
3737 North 7th Avenue, Suite 160, Mail Drop 507M
Phoenix, Arizona 85014

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Telephone: (602) 712-7941

Fax: (602) 241-1624

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

An ignition interlock device ("IID") is a device designed to be installed in a vehicle, to measure a driver's breath alcohol concentration, and to prevent starting the vehicle when the driver's breath alcohol concentration is at or above a preset level. The driver must breathe into the device and provide an acceptable breath sample. The device allows the vehicle ignition switch to start the engine only when the breath sample is below the alcohol setpoint.

In 1998, the Legislature established an IID pilot program of not more than 300 people ordered, by Arizona courts from December 1, 1998, through November 30, 1999, to have certified ignition interlock devices installed. The Arizona IID pilot program was enacted to test the efficacy of installed and functioning IIDs as a means of DUI abatement.

In the 1999 legislative session, the program was expanded and made permanent through the passage of HB 2408 which was signed by the Governor and filed with the Secretary of State on May 18, 1999. The new law (Laws 1999, Chapter 303, effective August 6, 1999) removes the 300-person limit and the November 30, 1999, end to the IID pilot program. Specific changes are as follows:

a. An Arizona court shall issue an IID order to a person convicted of a 2nd DUI under A.R.S. § 28-1381 within 60 months or convicted of DUI within 60 months of a conviction for extreme DUI under A.R.S. § 28-1382, aggravated DUI under A.R.S. § 28-1383, or an out-of-state DUI;

b. An Arizona court may issue an IID order to a person convicted of extreme DUI;

c. An Arizona court shall issue an IID order to a person convicted of a 2nd extreme DUI within 60 months or convicted of extreme DUI within 60 months of an Arizona conviction for DUI or aggravated DUI or an out-of-state DUI conviction;

d. An Arizona court shall issue an IID order to a person convicted of aggravated DUI under A.R.S. § 28-1383(A)(1) or § 28-1383(A)(2);

e. An installer of a certified IID shall submit to the Division a \$25,000 bond in a Division-approved form;

f. For noncompliance with an IID order, the Division shall suspend the person's driver license after the opportunity for a hearing; and

g. For a conviction of a violation under A.R.S. § 28-1464(A), (B), (C), (D), (F), or (H), the Arizona court shall extend an IID order as the court deems appropriate.

Certification, reliability, and accuracy of ignition interlock devices to be installed pursuant to court order directly affect the public health, safety, and welfare. Drinking and driving increases the probability of motor vehicle accidents and injury from motor vehicle accidents. A.R.S. § 28-1462, as amended by Laws 1999, Chapter 303, § 8, instructs the Division to adopt rules to certify IIDs and to assure the reliability and accuracy of certified IIDs. The proposed rules fulfill the statutory instruction and carry out an Arizona IID program designed to prevent DUIs and the associated risk of injury or death.

For the rulemaking, the Division reviewed and relied on the studies named in question #6 of this Preamble. These studies report a significant reduction in repeat DUIs for offenders with IIDs installed in their vehicles; strong evidence that the Arizona IID program will reduce repeat DUIs.

In February 1999, the Division obtained the Secretary of State's permission to separate the lengthy IID emergency rule into a series of shorter, more useful rules, for the regular rulemaking. Therefore, the Division is proposing 9 clear, concise, and understandable IID rules. The Division anticipates that proposed rules R17-4-709 through R17-4-709.08 will be effective by December 1, 1999.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

The following studies were reviewed by the Arizona Department of Transportation, Motor Vehicle Division for this rulemaking: Beirness, Marques, Voss, and Tippetts, "Evaluation of the Alberta Ignition Interlock Program: Preliminary Results," 1997; "Michigan Drunk Driving Recidivism Assessment May 1998 Literature Review Report," Michigan Public Health Institute; and "Preliminary Study of the Breath Alcohol Ignition Interlock Pilot Program," The BAID Division, Department of Administrative Hearings, State of Illinois, June 30, 1997. The studies are on file with

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the Division.

7. **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.

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

In 1998, the Arizona Legislature enacted an IID program. The Division determined that implementation of the IID program produces economic consequences. However, the reduction of future DUIs and the increase in business opportunities resulting from the IID program outweigh the costs to the Division, other government agencies, IID manufacturers, authorized installers, independent laboratories, insurance and surety companies, and people ordered to install IIDs. The Division identified the following economic impacts:

- a. Substantial costs to the Division;
- b. Minimal* to moderate** costs to the Department of Health Services and Arizona courts;
- c. Moderate costs to the Attorney General, the Secretary of State, and the Governor's Regulatory Review Council;
- d. Substantial*** up-front costs to IID manufacturers and authorized installers, with the possibility of substantial income from providing certified IIDs in Arizona;
- e. Minimal to moderate costs to independent laboratories to test IIDs and prepare laboratory reports and laboratory certification forms, with moderate income from these activities;
- f. The possibility of substantial income to insurance companies and surety companies from the sale of IID product liability insurance to IID manufacturers and surety bonds to installers, with the possibility of substantial costs in providing indemnification under an IID product liability insurance policy or an installer bond;
- g. Moderate costs to participants in the Arizona IID program, those ordered by an Arizona court to install a certified IID, offset by avoidance of future DUIs and associated costs and penalties;
- h. Substantial costs to the DUI Abatement Council for reviewing and reporting on the IID program;
- i. Substantial funds from court assessments against people convicted of extreme DUI and aggravated DUI deposited in the DUI Abatement Fund, administered by the DUI Abatement Council, and expended in accordance with A.R.S. §§ 28-1303 and 28-1304; and
- j. Substantial benefit to the general public from any reduction in DUI recidivism resulting from the IID program.

*Minimal means under \$1,000.

**Moderate means between \$1,000 and \$10,000.

***Substantial means greater than \$10,000

9. **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 S. Golder
Address: Arizona Department of Transportation, Motor Vehicle Division
3737 North 7th Street, Suite 160, Mail Drop 507M
Phoenix, Arizona 85014
Telephone: (602) 712-7941
Fax: (602) 241-1624

10. **The time, place, and nature of the proceedings for the making, 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:**

Written comments on the proposed rulemaking or preliminary summary of the economic, small business, and consumer impact should be submitted to the person specified in question #3 no later than the close of the record at 5 p.m., Friday, July 29, 1999.

An oral proceeding is scheduled as follows:

PHOENIX

Date: Monday, July 26, 1999
Time: 2 p.m.
Location: Arizona Department of Transportation Auditorium

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206 South 17th Avenue, Room 107
Phoenix, Arizona 85007

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable.
12. **Incorporations by reference and their location in the rules:**
National Highway Traffic Safety Administration Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), 57 FR 11772 to 11787, April 7, 1992, incorporated in the definition of "independent laboratory" at R17-4-709.01(C)(3)(a).
13. **The full text of the rules follows:**

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION**

ARTICLE 7. MISCELLANEOUS RULES

Section

R17-4-709 Ignition Interlock Device Program Definitions

R17-4-709.01 Ignition Interlock Device Certification; Application Requirements

R17-4-709.02 Application Completeness; Refusal to Certify an Ignition Interlock Device; Hearing

R17-4-709.03 Cancellation of Certification; Hearing

R17-4-709.04 Reliability and Accuracy Assurance; Modification of a Certified Ignition Interlock Device

R17-4-709.05 Reliability and Accuracy Assurance; Referral to Authorized Installers; Manufacturer Oversight of Authorized Installers

R17-4-709.06 Reliability and Accuracy Assurance; Installation Verification; Accuracy Check; Noncompliance Report

Appendix A Ignition Interlock Installation Verification

Appendix B Ignition Interlock Accuracy Check

Appendix C Ignition Interlock Noncompliance Report

R17-4-709.07 Reliability and Accuracy Assurance; Emergency Assistance by Authorized Installers; Continuity of Service to Participants

R17-4-709.08 Records Retention; Submission of Copies and Monthly Reports; Periodic Audits

ARTICLE 7. MISCELLANEOUS RULES

R17-4-709. Ignition Interlock Device Program Definitions.

In Sections R17-4-709.01 through R17-4-709.08, unless the context otherwise requires:

"Audit" means an examination by Arizona Department of Transportation, Motor Vehicle Division personnel of participant records, and supplies of warning labels and written instructions.

"Authorized installer" means a person or entity appointed by a manufacturer to install and service certified ignition interlock devices provided by the manufacturer.

"Calibration" means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify the device's accuracy.

"Certified ignition interlock device" has the meaning prescribed in A.R.S. § 28-1301(1).

"Data logger sheet" means the printed report generated from an ignition interlock device that contains all activities, data recordings, and actions pertaining to the device.

"Division" means the Arizona Department of Transportation, Motor Vehicle Division.

"Ignition interlock device" has the meaning prescribed in A.R.S. § 28-1301(4).

"Independent laboratory" means a laboratory, not owned or operated by a manufacturer, that can test an ignition interlock device in accordance with Sections 1 and 2 of the National Highway Traffic Safety Administration (NHTSA) Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), 57 FR 11772 to 11787, April 7, 1992.

"Manufacturer" means a person or entity that provides ignition interlock devices, requests the Division to certify a model of ignition interlock device, and appoints and oversees the authorized installers of the certified ignition interlock device.

"Material modification" means a change to a certified ignition interlock device that affects the functioning of the device.

"NHTSA specifications" means the specifications for BAIIDs.

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“Participant” means a person ordered by an Arizona court to equip each motor vehicle operated by the person with a functioning certified ignition interlock device and who becomes an authorized installer’s customer for installation and servicing of a certified ignition interlock device.

“Use” means the installation, operation, service, repair, and removal of an ignition interlock device.

R17-4-709.01. Ignition Interlock Device Certification; Application Requirements.

A. A participant shall only have an ignition interlock device which has been certified by the Division, in accordance with R17-4-709.01 and R17-4-709.02, installed in a motor vehicle.

B. A manufacturer shall submit a properly completed application to the Division that provides:

1. The manufacturer’s name;
2. The manufacturer’s business address and telephone number;
3. The manufacturer’s status as a sole proprietorship, partnership, limited liability company or corporation;
4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
6. The following statements, signed by an authorized representative for the manufacturer and acknowledged by a notary public or Division agent:
 - a. A statement that all information on the application form and attachments to the application is complete, true, and correct;
 - b. A statement that the manufacturer agrees to indemnify and hold the state of Arizona, the Division, and any department, division, agency, officer, employee or agent of the state of Arizona harmless from all liability for:
 1. Damage to property and injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or authorized installer appointed by the manufacturer relating to the use of the ignition interlock device; and
 2. All court costs, expenses of litigation, and reasonable attorneys’ fees;
 - a. A statement that the manufacturer agrees to comply with the breath alcohol level established by the Division for certified ignition interlock devices and printed on the application form; and
 - b. A statement that the manufacturer agrees to comply with the requirements of administrative rules R17-4-709 through R17-4-709.08.

C. With the application form, the manufacturer shall submit the following additional items:

1. A document setting forth a detailed description of the ignition interlock device, with a photograph, drawing, or other graphic depiction of the device.
2. A document containing complete technical specifications that describe the accuracy, reliability, security, data collection and recording, and tamper detection of the ignition interlock device.
3. An independent laboratory’s report that:
 - a. Presents data that demonstrate the ignition interlock device meets or exceeds the test results required by Sections 1 and 2 of the NHTSA specifications. The NHTSA specifications are incorporated by reference and are on file with the Division and the Office of the Secretary of State. The NHTSA specifications are also available from the Office of Research & Traffic Records, Room 6240 (NTS-30), NHTSA, 400 7th Street SW., Washington, DC 20590, Telephone: (202) 366-5593. This incorporation by reference contains no future editions or amendments;
 - b. Provides the laboratory’s name, address, and telephone number; and
 - c. Provides the name and model number of the ignition interlock device tested.
4. The laboratory certification form, signed by an authorized representative of the laboratory that prepared the report required in R1-4-709.01(C)(3) and acknowledged by a notary public or Division agent, that states:
 - a. The laboratory is not owned or operated by a manufacturer;
 - b. The laboratory tested the ignition interlock device in accordance with Sections 1 and 2 of the NHTSA specifications;
 - c. The ignition interlock device met or exceeded the test results required by Sections 1 and 2 of the NHTSA specifications;
 - d. The laboratory used properly maintained equipment and trained personnel to test the ignition interlock device; and
 - e. The laboratory presented accurate test results.
5. A list of all authorized installers of the ignition interlock device, including the name, location, telephone number, contact person, and hours of operation of each authorized installer.
6. The complete written instructions provided to authorized installers for installation, operation, service, repair, and removal of the ignition interlock device that include requirements to affix a warning label, conforming to the design printed on the application form by the Division, to each installed certified ignition interlock device.
7. The complete written instructions provided to participants and other operators of a vehicle equipped with the ignition interlock device.

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8. A certificate of insurance, issued by an insurance company authorized to transact business in Arizona, specifying:
 - a. A product liability policy with a current effective date;
 - b. The name and model number of the ignition interlock device covered by the policy;
 - c. A policy limit of at least \$1,000,000;
 - d. The manufacturer as the insured and the Division as an additional insured;
 - e. Product liability coverage for defects in manufacture, materials, design, calibration, installation, operation, service, repair, and removal of the ignition interlock device; and
 - f. The insurance company will notify the Division 30 days before cancellation of the product liability policy.

R17-4-709.02. Application Completeness; Refusal to Certify an Ignition Interlock Device; Hearing.

- A. Application completeness occurs when the Division receives:**
 1. A properly filled out application form.
 2. All additional items required by R17-4-709.01(C), and
 3. An outside reviewer's written confirmation or disapproval of the independent laboratory's report that the ignition interlock device meets the NHTSA specifications. The Division shall choose an agency or individual outside the Division to review an independent laboratory's report.
- B. The Division shall refuse to certify an ignition interlock device upon finding any of the following:**
 1. A defect in design, materials or workmanship that causes failure of the ignition interlock device to function as intended;
 2. Termination or cancellation of a manufacturer's liability insurance;
 3. The manufacturer no longer provides the ignition interlock device;
 4. False or inaccurate information provided by the manufacturer or independent laboratory and relating to the performance of the ignition interlock device; or
 5. Modification or alteration of the components, design or installation and operating instructions so that the ignition interlock device no longer satisfies the NHTSA specifications.
- C. The Division shall send written notification to the manufacturer of certification of an ignition interlock device or of refusal to certify the device. The notice of refusal to certify an ignition interlock device shall specify the basis for the refusal.**
 1. The manufacturer shall address any request for a hearing on the refusal to certify an ignition interlock device to the Arizona Department of Transportation, Motor Vehicle Division, Executive Hearing Office, 1801 West Jefferson, Mail Drop 507M, Phoenix, Arizona 85007.
 2. A.R.S. §§ 41-1061 to 41-1067 and administrative rules R17-4-901 through R17-4-912 shall apply to a hearing on the refusal to certify an ignition interlock device.

R17-4-709.03. Cancellation of Certification; Hearing.

- A. The Division shall cancel the certification of a device and remove it from the list of certified ignition interlock devices upon finding any of the following:**
 1. A defect in design, materials or workmanship that causes failure of an ignition interlock device to function as intended;
 2. Termination or cancellation of a manufacturer's liability insurance;
 3. The manufacturer no longer provides the ignition interlock device;
 4. False or inaccurate information relating to the performance of an ignition interlock device; provided by the manufacturer or independent laboratory;
 5. Modification or alteration of the components, design or installation and operating instructions so that the ignition interlock device no longer satisfies the NHTSA specifications;
 6. A voluntary request by a manufacturer to cancel the certification of an ignition interlock device; or
 7. The manufacturer's or an authorized installer's noncompliance with administrative rules R17-4-709 through R17-4-709.08.
- B. The Division shall send the manufacturer by certified mail, return receipt requested, the notice and order of cancellation of the certification of an ignition interlock device. The notice and order of cancellation shall:**
 1. Specify the basis for the action.
 2. State that the Division will schedule a hearing to show cause why the ignition interlock device certification should not be cancelled.
- C. The notice of hearing shall be sent to the manufacturer by certified mail, return receipt requested.**
 1. The notice of hearing shall set forth a date, time, and place for the manufacturer's representative to appear and show cause why the ignition interlock device certification should not be cancelled.
 2. A.R.S. §§ 41-1061 to 41-1067 and administrative rules R17-4-901 and R17-4-904 through R17-4-912 shall apply to the hearing.
- D. If the order of cancellation becomes effective:**

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1. The manufacturer shall, within 60 days and at the manufacturer's cost, remove all decertified ignition interlock devices and install certified devices; or
2. A manufacturer with no certified ignition interlock device model shall, within 60 days and at the manufacturer's cost, have a 2nd manufacturer provide and install certified ignition interlock devices; and
3. The Division shall not accept an application for certification of an ignition interlock device from a manufacturer that:
 - a. Fails to remove all decertified ignition interlock devices and install certified devices within 60 days at the manufacturer's cost, or
 - b. Fails to have a 2nd manufacturer provide and install certified ignition interlock devices within 60 days at the 1st manufacturer's cost; and
4. Before providing a previously decertified ignition interlock device for installation in a motor vehicle pursuant to an order of an Arizona court, a manufacturer shall:
 - a. Submit to the Division a completed application form and all additional items required by R17-4-709.01(C), and
 - b. Obtain certification of the ignition interlock device from the Division.

R17-4-709.04. Reliability and Accuracy Assurance; Modification of a Certified Ignition Interlock Device.

- A.** A manufacturer shall notify the Division in writing of any material modification or alteration in the components, design or installation and operating instructions of a certified ignition interlock device.
- B.** Before providing a materially modified or altered certified ignition interlock device for installation in a motor vehicle pursuant to an order of an Arizona court, a manufacturer shall:
 1. Submit to the Division a completed application form and all additional items required by R17-4-709.01(C), and
 2. Obtain certification of the materially modified or altered ignition interlock device from the Division.

R17-4-709.05. Reliability and Accuracy Assurance; Referral to Authorized Installers; Manufacturer Oversight of Authorized Installers.

- A.** A manufacturer shall only refer a participant to an authorized installer.
- B.** A manufacturer shall provide the Division with a toll free telephone number for a participant to call to obtain names, locations, telephone numbers, contact people, and hours of operation of authorized installers.
- C.** A manufacturer shall ensure that an authorized installer follows the installation, operation, service, repair, and removal procedures established by the manufacturer.
- D.** A manufacturer shall ensure that an authorized installer has the training and skills specified by the manufacturer to install, troubleshoot, examine and verify proper operation of the certified ignition interlock device.
- E.** A manufacturer shall ensure that an authorized installer:
 1. Complies with the manufacturer's procedures for removing a certified ignition interlock device from a vehicle, and
 2. Notifies the Division by certified mail, within 10 days after the removal of a certified ignition interlock device, of the device's removal.
- F.** A manufacturer shall ensure that an authorized installer provides every participant and every person operating a motor vehicle equipped with the certified ignition interlock device with the manufacturer's written instructions for the following:
 1. Operating a motor vehicle equipped with the certified ignition interlock device;
 2. Cleaning and caring for the certified ignition interlock device; and
 3. Dealing with vehicle malfunctions or repairs that affect the certified ignition interlock device, including a list of vehicle malfunctions or repairs that affect the device.
- G.** A manufacturer shall ensure that an authorized installer provides to every participant and person operating a motor vehicle equipped with the certified ignition interlock device the manufacturer's specified hands-on training in operating a motor vehicle equipped with the device.
- H.** A manufacturer shall ensure that an authorized installer affixes to each installed certified ignition interlock device a warning label conforming to the design adopted by the Division.

R17-4-709.06. Reliability and Accuracy Assurance; Installation Verification; Accuracy Check; Noncompliance Report.

- A.** A manufacturer shall ensure that:
 1. An authorized installer complies with the manufacturer's procedures for installing a certified ignition interlock device, and
 2. An authorized installer provides a completed and signed Arizona ignition interlock installation verification form (Appendix A) to the participant.
- B.** A manufacturer shall ensure that an authorized installer schedules a participant for accuracy checks as follows:
 1. 30 days, 60 days, and 90 days after installation of a certified ignition interlock device;
 2. After the 90-day accuracy check, at least every 60 days.
- C.** A manufacturer shall ensure that an authorized installer:
 1. Submits to the Division within 10 days after an accuracy check of an installed certified ignition interlock device:

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- a. A completed and signed Arizona ignition interlock accuracy check form (Appendix B); or
- b. If the certified ignition interlock device has signs of tampering, circumvention or misuse, a completed and signed Arizona ignition interlock noncompliance report (Appendix C) plus the completed and signed Arizona ignition interlock accuracy check form; or
- 2. Submits to the Division a completed and signed Arizona ignition interlock noncompliance report form within in 10 days after a scheduled accuracy check of an installed certified ignition interlock device when both the following occur:
 - a. A participant fails to present a motor vehicle with an installed certified ignition interlock device for the scheduled accuracy check, and
 - b. A participant fails to present a motor vehicle with an installed certified ignition interlock device within 5 days after the scheduled accuracy check.
- D.** A manufacturer shall ensure that the Arizona ignition interlock accuracy check form completed by the authorized installer:
 - 1. States the calibration of the certified ignition interlock device prior to recalibration,
 - 2. Has a data logger sheet attached, and
 - 3. Is signed by the authorized installer.

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Appendix A

ARIZONA
IGNITION INTERLOCK INSTALLATION VERIFICATION
As Ordered by the Court

COURT DOCKET No.: _____ TODAY'S DATE _____

CUSTOMER NAME: _____

ADDRESS: _____

CITY _____ ST _____ ZIP _____

PHONE NUMBER: _____

DRIVER LICENSE No OR SS No.: _____

INSTALLER NAME: _____

ADDRESS: _____

CITY _____ ST _____ ZIP _____

PHONE NUMBER: _____

MANUFACTURER and MODEL TYPE: _____

SERIAL NUMBER(s): _____

VEHICLE IDENTIFICATION INFORMATION:

TITLE OWNER: _____ TITLE No.: _____

Make: _____ Model _____ VIN _____

Color _____ Year _____ License Plate No. _____

Odometer reading: _____

CUSTOMER EDUCATION CHECKLIST

_____ **I have been instructed on the use of the system.**

_____ **I understand how to power the system on and off.**

_____ **I have delivered and passed a proper breath sample.**

_____ **I have delivered and understand an abort test.**

_____ **I understand how the alcohol retest feature works.**

_____ **I understand that if I smoke cigarettes or drink alcohol prior to testing that I may receive a sensitive or fail reading.**

_____ **I have been informed of how to obtain service for my system or to have questions answered.**

_____ **I have received my operator's manual.**

_____ **I have been informed of the penalties for tampering or circumvention of the system.**

_____ **I have been informed of what happens after failing three breath attempts.**

_____ **I have been informed of what happens after failing "rolling retest".**

MONITORING:

Your next monitoring check is _____ . Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. If you fail to appear you may be found in Noncompliance, and your Driver License can be suspended for at least 1 year under A.R.S. § 28-1463.

Signature of Participant: _____ **Date** _____

Signature of Installer: _____

Date _____

Attach copy of Court Order for Installation of Ignition Interlock Device.

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Appendix B

ARIZONA
IGNITION INTERLOCK
ACCURACY CHECK

DATE: _____
INSTALLER _____ -
MANUFACTURER and MODEL TYPE: _____
SERIAL NUMBER(s): _____
MONITORING CHECK No. _____

CUSTOMER NAME _____
DATE OF BIRTH: _____
DRIVER LICENSE No.: _____

VEHICLE LICENSE PLATE No.: _____
ODOMETER READING: _____
CALIBRATION WAS _____ PRIOR TO RECALIBRATION.
THE SYSTEM IS NOW IN CALIBRATION: _____
THE SYSTEM HAS BEEN INSPECTED AND IS FUNCTIONING PROPERLY. _____
THERE IS NO EVIDENCE OF ATTEMPTED TAMPERING. _____
(IF THERE ARE SIGNS OF TAMPERING, COMPLETE "NONCOMPLIANCE REPORT")

COMMENTS: _____

Your next monitoring check is _____ . Your ignition system will remind you that you are due to make an appointment. If you fail to make an appointment, your ignition interlock device will shut down and you will be unable to start your car. It will be your responsibility to have your car towed to the Service Center. If you fail to appear you may be found in Noncompliance, and your Driver License can be suspended for 1 year. If convicted of tampering with the ignition interlock device you can be required to use the device for additional time. A.R.S. §§ 28-1463 and 28-1464.

Signature of Participant _____ Date: _____

Signature of Installer: _____ Date: _____

ATTACH COPY OF DATA LOGGER SHEET AND SEND TO:
MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT
PO BOX 2100, MAIL DROP 530M
PHOENIX, AZ 85001-2100

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Appendix C

ARIZONA
IGNITION INTERLOCK
NONCOMPLIANCE REPORT

DATE: _____
INSTALLER: _____
MANUFACTURER and MODEL TYPE: _____
SERIAL NUMBER(s): _____
MONITORING CHECK No.: _____

CUSTOMER NAME: _____
DATE OF BIRTH: _____
DRIVER LICENSE No.: _____

VEHICLE LICENSE PLATE No.: _____

THE CUSTOMER FAILED TO KEEP APPOINTMENT: _____
Attempts have been made to contact customer on:

_____	_____
Date	Time
_____	_____
Date	Time
_____	_____
Date	Time

THE DEVICE SHOWS EVIDENCE OF TAMPERING OR CIRCUMVENTION: _____
Explanation:

Signature of Installer: _____ Date: _____

SEND TO:
MOTOR VEHICLE DIVISION, DRIVER IMPROVEMENT UNIT
PO BOX 2100, MAIL DROP 530M
PHOENIX, AZ 85001-2100

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R17-4-709.07. Reliability and Accuracy Assurance; Emergency Assistance by Authorized Installers; Continuity of Service to Participants.

- A.** A manufacturer shall ensure that an authorized installer provides participants with a 24-hour emergency phone number for assistance in the event of failure of the certified ignition interlock device or vehicle problems related to the device's operation. Emergency assistance provided by an authorized installer shall include technical information, towing service, and road service.
1. If the participant's motor vehicle is located not more than 50 miles from an authorized installer, emergency assistance shall be provided within 2 hours after the call for assistance.
 2. If the participant's motor vehicle is located not more than 100 miles from an authorized installer, emergency assistance shall be provided within 4 hours after the call for assistance.
 3. The authorized installer shall make the certified ignition interlock device functional within 48 hours after a participant's emergency assistance call or shall replace the device.
- B.** A manufacturer shall ensure uninterrupted service to participants for the duration of their Arizona court orders.
1. If a manufacturer terminates an authorized installer's appointment, the manufacturer shall:
 - a. Obtain participant records from the former authorized installer; and
 - b. Provide the participant records to a new authorized installer for retention in accordance with R17-4-709.08; or
 - c. If the manufacturer does not appoint a new authorized installer, the manufacturer shall retain the participant records in accordance with R17-4-709.08.
 2. A manufacturer shall ensure that an authorized installer is located within 100 miles of the Arizona residence of each participant with an installed certified ignition interlock device provided by the manufacturer. If a participant's Arizona residence is more than 100 miles from an authorized installer the manufacturer shall pay for:
 - a. Removal of the installed certified ignition interlock device; and
 - b. Installation of a certified ignition interlock device, including a model provided by a 2d manufacturer, that has an authorized installer within 100 miles of the participant's Arizona residence.
 3. A manufacturer shall notify all participants of THE appointment of a new authorized installer or replacement of a certified ignition interlock device at least 30 days before the new authorized installer's appointment becomes effective or the replacement of the device occurs.
 4. Within 10 days after a change in the list of authorized installers submitted to the Division by a manufacturer, the manufacturer shall submit an updated list of authorized installers to the Division.

R17-4-709.08. Records Retention; Submission of Copies and Monthly Reports; Periodic Audits.

- A.** Records retention. A manufacturer shall ensure that an authorized installer or the manufacturer retains a participant's records for 1 year after removal of a certified ignition interlock device. The retained records shall consist of every document relating to the installation, service, repair, operation, and removal of the ignition interlock device.
- B.** Copies of records and monthly reports.
1. A manufacturer shall ensure that an authorized installer or the manufacturer provides copies of participants' records to the Division within 10 days after Division personnel request copies of records, including records of certified ignition interlock device installation, service, repair, operation, and removal.
 2. A manufacturer shall ensure that an authorized installer timely submits a monthly report to the Division so that the Division receives the report by the 10th day of each month. The monthly report shall contain the following information:
 - a. The number of ignition interlock devices the authorized installer currently has in service,
 - b. The number of devices installed since the previous monthly report,
 - c. The number of pending installations, and
 - d. The number of devices removed by the authorized installer since the previous monthly report.
- C.** Periodic audits. The Division shall periodically conduct an audit at the premises of an authorized installer or manufacturer, in accordance with A.R.S. § 41-1009. The audit shall determine the following:
1. Whether the authorized installer or manufacturer retains records in accordance with R17-4-709.08(A),
 2. Whether the authorized installer maintains adequate supplies of a warning label conforming to the design adopted by the Division, and
 3. Whether the authorized installer maintains adequate supplies of the written instructions provided to participants and other operators of a vehicle equipped with a certified ignition interlock device.