

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** 3, Department of Agriculture
Chapter and its heading: 4, Department of Agriculture - Plant Services Division
Article and its heading: 1, General Provisions
Section numbers: R3-4-103

2. **The subject matter of the proposed rule:**
This rulemaking establishes the criteria for conducting a referendum.

3. **A citation to all published notices relating to the proceeding:**
None.

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Shirley Conard, Rules Specialist

Address: Department of Agriculture
1688 W. Adams, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: shirley.conard@agric.state.az.us

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m., and oral comments will be accepted Monday through Friday, 8 a.m. to 4:30 p.m., at the address listed in question #4.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** 3, Department of Agriculture
Chapter and its heading: 6, Office of Commodity Development and Promotion
Article and its heading: 1, General Provisions
2, *Arizona Grown* Program
Section numbers: R3-6-101, R3-6-201, R3-6-202, R3-6-203

2. **The subject matter of the proposed rule:**
This docket opening modifies the May 21, 1999, docket opening by applying Article 1 for General Provisions and adding a new Article 2 for the *Arizona Grown* Program. The proposed Sections have been renumbered accordingly.

3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 5 A.A.R. 1540, May 21, 1999.

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

Name: Shirley Conard, Rules Specialist

Address: Department of Agriculture
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Phoenix, Arizona 85007

Telephone: (602) 542-0962

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m., and oral comments will be accepted Monday through Friday, 8 a.m. to 4:30 p.m., at the address listed in question #4.

6. A timetable for agency decisions or other action on the proceeding, if known:

None.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE

1. **Title and its heading:** 3, Department of Agriculture
Chapter and its heading: 6, Office of Commodity Development and Promotion
Article and its heading: 3, Marketing
Section numbers: R3-6-301

2. The subject matter of the proposed rule:

This rulemaking establishes the requirements for a Certificate of Free Sale.

3. A citation to all published notices relating to the proceeding:

None.

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

Name: Shirley Conard, Rules Specialist

Address: Department of Agriculture
1688 W. Adams, Room 235
Phoenix, Arizona 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: shirley.conard@agric.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday, 8 a.m. to 5 p.m., and oral comments will be accepted Monday through Friday, 8 a.m. to 4:30 p.m., at the address listed in question #4.

6. A timetable for agency decisions or other action on the proceeding, if known:

None.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF CHIROPRACTIC EXAMINERS

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 7, Board of Chiropractic Examiners
Article and its heading: 13, Fees
Section Numbers: R4-7-1301

2. **The subject matter of the proposed rule:**
The purpose of the proposed rule is to define fees charged by the agency for services and resources provided by the agency.

3. **A citation to all published notices relating to the proceeding:**
None.

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Patrice A. Pritzl, Executive Director
Address: Board of Chiropractic Examiners
5060 North 19th Avenue, Suite 416
Phoenix, AZ 85015
Telephone: (602) 255-1444
Fax: (602) 255-4289

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept written comments between 8 a.m. and 5 p.m., Monday through Friday. The Board will publish an opportunity to request an oral hearing with the Notice of Proposed Rulemaking.

6. **A timetable for agency decisions or other action on the proceeding, if known:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF MEDICAL EXAMINERS

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 16, Board of Medical Examiners
Article and its heading: 1, General Provisions
Section numbers: R4-16-101

2. **The subject matter of the proposed rule:**
The purpose of the existing rule is to designate the number of hours of required annual continuing medical education (CME), those programs which are approved for license holders to attend in order to meet the CME requirement, the process for requesting an extension to complete CME, and the CME reporting requirements. The proposed rule amends the existing rule to be consistent with current rulewriting standards. The need for this amendment was identified during the Board's 5-year review.

3. **A citation to all published notices relating to the proceeding:**
None published.

4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dominick Spatafora, Legislation and Regulatory Liaison
Address: Board of Medical Examiners
1651 E. Morten, Suite 210
Phoenix, AZ 85020
Telephone: (602) 255-3751

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Fax: (602) 870-5297

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board invites and will accept written or oral comments during regular business hours at the address listed above from now until the close of the record, which has not yet been scheduled.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
Not yet known.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF MEDICAL EXAMINERS

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 16, Board of Medical Examiners
Article and its heading: 1, General Provisions
Section numbers: R4-16-102
2. **Subject matter of the proposed rule:**
This rulemaking amends R4-16-102 to be consistent with current rulewriting standards and conforms it with current law. This rule was the subject of an Arizona Court of Appeals decision in Dioguardi v. Arizona Board of Medical Examiners, 184 Ariz. 414, 909 P.2d 481 (App. 1996). The Court of Appeals held that R4-16-106 (which is now renumbered as R4-16-102) did not comply with the time requirements of A.R.S. § 41-1062(B) and the rules of civil procedure. The Court determined that the appellant was entitled to 15 days within which to file a request for rehearing instead of the 10 days allowed by rule.
3. **A citation to all published notices relating to the proceeding:**
None.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dominick Spatafora, Legislation and Regulatory Liaison
Address: Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, AZ 85020
Telephone: (602) 255-3751
Fax: (602) 870-5297
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board invites and will accept written or oral comments during regular business hours at the address listed above from now until the close of the record, which has not yet been scheduled.
6. **A timetable for agency decisions or other action in the proceeding:**
Unknown at this time.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF MEDICAL EXAMINERS

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 16, Board of Medical Examiners
Article and its heading: 1, General Provisions
Section numbers: R4-16-106 through R4-16-108
2. **Subject matter of the proposed rule:**

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The proposed rules prescribe application forms for: (1) applicants for step 3 of the United States medical licensing examination, (2) general applicants, and (3) locum tenens and pro bono applicants. The need for these rules were discovered by the Governor's Regulatory Review Council staff in response to a 1998 request for information by the Arizona Office of the Auditor General. Although these application forms do exist, were approved by the Board, and are currently in use, the Board is prescribing them in rules at the request of the Governor's Regulatory Review Council.

3. A citation to all published notices relating to the proceeding:

None.

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

Name: Dominick Spatafora, Legislation and Regulatory Liaison

Address: Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, AZ 85020

Telephone: (602) 255-3751

Fax: (602) 870-5297

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board invites and will accept written or oral comments during regular business hours at the address listed above from now until the close of the record, which has not yet been scheduled.

6. A timetable for agency decisions or other action in the proceeding:

Unknown at this time.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD FOR PRIVATE POSTSECONDARY EDUCATION

1. Title and its heading: 4, Professions and Occupations

Chapter and its heading: 39, State Board for Private Postsecondary Education

Article and its heading: 6, Student Tuition Recovery Fund

Section numbers: R4-39-602

2. The subject matter of the proposed rule:

The proposed rule revision regarding Claims against the Student Tuition Recovery Fund is to incorporate the Board's Substantive Policy #3 and to conform with required ruledrafting style.

3. A citation to all published notices relating to the proceeding:

None.

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

Name: Teri Candelaria, Executive Director

Address: Board for Private Postsecondary Education
1400 W. Washington Street, Room 260
Phoenix, AZ 85007

Telephone: (602) 542-5709

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted until the date of oral proceeding (hearing), a date which will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State for publication. Oral comments will be accepted on the date of the oral proceeding (hearing), a date which will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State for publication.

6. A timetable for agency decisions or other action on the proceeding, if known:

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The Notice of Proposed Rulemaking will be finalized and filed within the next 60 days. Following publication, the record will be open for written comment for a period of at least 30 days, after which the oral proceeding (hearing) will be held. Oral comments will be accepted at the oral proceeding (hearing). Within 30 days after the close of comment, the Board will adopt the final rules and submit a final rule package to the Governor's Regulatory Review Council for approval.