

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 45. BOARD OF RESPIRATORY CARE EXAMINERS

PREAMBLE

- 1. Sections Affected**
R4-45-102
- Rulemaking Action**
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §32-3526
Implementing statute: A.R.S. §32-3526
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Mary Hauf Martin, Executive Director
Address: Board of Respiratory Care Examiners, 1400 W. Washington, Suite 200
Phoenix, Arizona, 85007
Telephone Number: (602) 542-5995
Facsimile Number: (602) 542-5900
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The Board is proposing increasing some fees so that it is able to continue its licensing and oversight functions. The fees for an initial respiratory care practitioner's licenses would be raised from \$85 to \$100. The fees for biennial renewal of respiratory care practitioner's licenses would be raised from \$85 to \$100. The fees for verifying licenses would be raised from \$10 to \$25 for individuals with current licenses and \$50 for individuals with expired licenses. The charge for fingerprinting would be raised from \$36 to \$50. Copies of the Board's Respiratory Care Practitioner List would remain the same (\$25) for non-commercial use and would be raised to \$500 for commercial use. The Board is also proposing to charge \$25 for a copy of an audiotape recording and for a copying charge for documents of \$1 per page.
- 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:**
None

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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's operating costs have increased substantially for processing of applications due to the cost of thorough investigations a new requirement for criminal background checks. The Board needs to increase revenues so that it can continue to function. If the Board does not increase fees, it will not be able to effectively regulate and oversee respiratory care practitioners. The Board has not increased fees for several years. The proposed increases are modest with the exception of charging \$500 for copies of the Respiratory Care Practitioner List for commercial purposes as authorized at A.R.S. § 39-121.

Private persons and consumers who seek licensure as respiratory care practitioners are affected by the increased fees proposed in this rulemaking.

The public benefits from clear, concise, and understandable language in the Board's rules.

9. Name and address of agency employee with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

Mary Hauf Martin, Executive Director

Arizona State Board of Respiratory Care Examiners

1400 West Washington, Suite 200

Phoenix, AZ 85007

10. The time, place, and nature of the proceedings for a adoption, amendment, or repeal of the rule:

Date: Thursday, January 20, 2000

Time: 9:00 a.m.

Location: 1400 West Washington, Conference Room

Phoenix, AZ 85007

Nature: Public Meeting of the Board

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:

Not Applicable

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 45. BOARD OF RESPIRATORY CARE EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

R4-45-102. Fees

R4-45-102. Fees

A. The Board shall charge the following fees:

1. Application for a license, \$100;
2. Application based on a diploma from a foreign respiratory therapy school, ~~\$150~~ \$200;
3. Initial license, ~~\$85~~ \$100;
4. Biennial renewal of a license, ~~\$85~~ \$100;
5. Renewal of a temporary license, ~~\$25~~ \$75;

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6. Verifying an Arizona license to another state, ~~\$10~~
 - a. Current valid license \$25;
 - b. Expired license \$50;
7. Duplicate license and/or duplicate wallet license card, ~~\$10~~ \$25;
8. Copy of the Board's Respiratory Care Practitioner List compiled under A.R.S. § 32-3504(A)(7),
 - a. Noncommercial \$25;
 - b. Commercial \$500;
9. Insufficient funds check submitted to the Board as payment of any fee, \$25;
10. Fingerprint fee in the form of a certified check or money order, ~~\$36~~ \$50;
11. Transcription of hearing pursuant to A.R.S. § 41-1092.07.E.,
 - a. Copy of audiotape \$25;
 - b. Any party that requests a transcript of the proceeding shall pay the costs of the transcript to the court reporter or other transcriber.
12. Photocopying pursuant to A.R.S. § 39-121.03, \$1 per page.