

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when 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 - PLANT SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Department of Agriculture - Plant Services Division
Article and its heading: 2, Quarantine
Section numbers: R3-4-244 and R3-4-245
As a part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking will add species to the rules, correct and update some taxonomic designations, and change definitions. The Division will consider combining the "Regulated" and "Restricted" lists into one list entitled, "Regulated". Language usage will be conformed to the current publication standards of the Office of the Secretary of State.
- 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: Sherry D. Blatner, Rules Specialist
Address: Arizona Department of Agriculture
1688 W. Adams Street, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@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: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Arizona Department of Agriculture
1688 W. Adams Street, Room 235
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

AGRICULTURAL EMPLOYMENT RELATIONS BOARD

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 2, Agricultural Employment Relations Board
Article and its heading: 1, General Provisions
2, Elections
3, Unfair Labor Practices
4, Hearings
Section numbers: R4-2-101 through R4-2-105, R4-2-201 through R4-2-219, R4-2-301 through R4-2-311, R4-2-401 through R4-2-407
As a part of this rulemaking, the Board may add, delete or modify additional Sections as necessary.

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2. The subject matter of the proposed rule:

This rulemaking is undertaken by the Board as a result of commitments made to the Governor's Regulatory Review Council during the recent Five-year Review of AERB rules. The rulemaking will correct conflicts with statutory authority, conform hearing rules to the processes of the Office of Administrative Hearings, and change language to the current publication standards of the Office of the Secretary of State.

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: Sherry D. Blatner, Rules Specialist

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

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@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: 8:00 a.m. to 5:00 p.m., Monday through Friday

Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
AERB
1688 W. Adams, Room 235
Phoenix, AZ 85007

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

Unknown

NOTICE OF RULEMAKING DOCKET OPENING

ALLOPATHIC BOARD OF MEDICAL EXAMINERS

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

16, Allopathic Board of Medical Examiners

Article and its heading:

1, General Provisions

Section numbers:

4, Executive Director Duties

R4-16-101, R4-16-103, R4-16-109, R4-16-402,

R4-16-403, R4-16-409 and R4-16-410

2. Subject matter of the proposed rules:

The Board just completed a separate rulemaking that either created or amended all rules listed in this docket opening. However, after attempting to implement them it was discovered that a few oversights occurred which are now being corrected. The purpose of R4-16-101 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. R4-16-103 is amended to interpret statutory changes regarding the Special Purpose Licensing Examination (SPEX), in addition to, updating outdated rule language to reflect current standards. R4-16-109 is being amended to add one fee not currently in rule. R4-16-402, R4-16-403, and R4-16-409 are related to specified delegated functions of the Executive Director. The delegations include: direct referral to formal interview, uncontested request for inactive status and cancellation of license, and limitation consent agreement. R4-16-410 explains how an aggrieved person may appeal an action taken by the executive director.

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

None published

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

Name: Dominick Spatafora, Legislation and Regulatory Liaison

Address: 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

Telephone: (480) 551-2712

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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:

Submissions may be made to the Legislative and Regulatory Liaison at the above designated address until the close of the record, which is unknown at this time. The specific date for the close of record will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State and published in the *Register*.

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

Unknown at this time

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

23, Board of Pharmacy

Articles and their headings:

1, Administration

6, Permits and Distribution of Drugs

7, Non-pharmacy Licensed Outlets - General Provisions

Section numbers:

R4-23-110, R4-23-671, R4-23-674, R4-23-701, R4-23-701.01

R4-23-701.02, R4-23-701.03

2. Subject matter of the proposed rule:

The Board's five-year rule review in September 1997 identified Sections R4-23-701, R4-23-701.01, R4-23-701.02, and R4-23-701.03 for amending. These sections deal with pharmacy services to long-term care facilities. The proposed rule will incorporate relevant portions of these sections into a new Section R4-23-674. Section R4-23-674 will specify the requirements for limited-service long-term care pharmacies. Section R4-23-671 dealing with the general requirements of limited-service pharmacy will be amended to reference the new Section R4-23-674. Sections R4-23-701, R4-23-701.01, R4-23-701.02, and R4-23-701.03 will be further amended to increase the clarity, conciseness, and understandability of the sections. Section R4-23-110 will be amended to include new definitions for "limited-service long-term care pharmacy" and "provider pharmacy". The amended rule will include format, style, and grammar changes necessary to comply with the current Administrative Procedure Act.

The agency docket number, if applicable: R0202

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: Dean Wright, Compliance Officer

Address: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@qwest.net

5. The time during which the agency will accept written comments:

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

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

None

NOTICE OF RULEMAKING DOCKET OPENING

STATE LAND DEPARTMENT

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 5, State Land Department
Article and its heading: 23, Board of Appeals
Section numbers: R12-5-2303
- 2. The subject of the proposed rule:**
The rule is being amended as a result of a five-year review report approved by the Governor's Regulatory Review Council on July 11, 2000, to make the time-frame for serving notice of a hearing consistent with the Uniform Administrative Hearing Procedures set forth at A.R.S. § 41-1092.05.
- 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: Rebecca A. Good
Address: 1616 W. Adams Street, Room 313
Phoenix, AZ 85007
Telephone: (602) 542-2630
Fax: (602) 542-2590
E-mail: rgood@lnd.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:**
Both written and oral comments will be accepted during business hours until further notice is provided. Notice of an oral proceeding will be provided in a later edition of the Arizona Administrative Register.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION - COMMERCIAL PROGRAMS

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 5, Department of Transportation – Commercial Programs
Article and its heading: 2, Motor Carriers
Section numbers: R17-5-212
- 2. Subject matter of the proposed rule:**
R17-5-212 defines the motor carrier hearing process and establishes emergency hearing requirements to ensure public safety. This rulemaking arises from proposed agency action in a five-year review report, #F98-0401, approved by the Governor's Regulatory Review Council on May 5, 1998. The agency proposes to make no substantive changes in regulatory provisions in this rulemaking action. The rule's revision will update statutory references and rule language to conform current standards for clarity, conciseness, and understandability of the Governor's Regulatory Review Council and the Secretary of State.
- 4. The name and address of agency personnel to whom persons may communicate regarding the rule:**
Name: George R. Pavia, Department Rules Supervisor
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-8446
Fax: (602) 241-1624
E-mail: gpavia@dot.state.az.us
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules.

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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:

No oral proceeding is scheduled for this rulemaking. Written, faxed, or e-mailed comments, or a request for an oral proceeding, may be made with the official listed in item #4, Monday through Friday, 8:00 a.m. until 4:30 p.m. except state holidays.

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

To be determined