

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

STATE RETIREMENT SYSTEM BOARD

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 1, Social Security Division
2, Retirement System
These Articles may be re-titled. New Articles 3 through 15 may be added.
Part and its heading (if applicable): Parts may be added within Articles
Section numbers: R2-8-101, R2-8-102, R2-8-103, R2-8-104, R2-8-105, R2-8-115, R2-8-116, R2-8-117, R2-8-118, R2-8-119, R2-8-121, R2-8-122, and R2-8-123
(Additional Sections may be added, modified, or deleted as necessary.)
- 2. The subject matter of the proposed rule:**
The Chapter will be restructured, modified, and expanded to formalize, update, and clarify rules having effect upon eligibility for, amount of, or schedule for benefits and contributions to all benefit programs administered by the ASRS under the authority of Article 29 of the Constitution of Arizona and Title 38, Chapter 5, Articles 1, 2, and 2.1 of the Arizona Revised Statutes.

A number of new Articles and Sections may be added to address the following categories: General Provisions; ASRS Employers, Eligibility, and Requirements; ASRS Active Membership, Eligibility and Requirements; Accumulation, Transfer and Purchase of Credited Service; Long Term Disability Program; Separation from Service; Retirement from Service; Survivors and Beneficiaries; Legal Entitlements; Health Insurance; Social Security for Public Officers and Employees; Supplemental Defined Contribution Plan; and Modified Deferred Retirement Option Plan. Exact headings and number of articles needed are yet to be determined.

Current Sections will be renumbered and amended to fit within the above structure, or repealed if obsolete.

Current Sections R2-8-115 through R2-8-123 are incorrectly numbered, as they appear within Article 2 instead of Article 1. As part of restructuring this Chapter, all numbers will reflect proper location and sequence.

The agency docket number:
2002-03
- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 2902, July 12, 2002
Notice of Rulemaking Docket Opening: 8 A.A.R. 2902, July 12, 2002

These Notices were published before the agency decided upon new construction for the Chapter. They are superseded by this Notice of Rulemaking Docket Opening and the subject matter they addressed is reflected within item #2 above.
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Susan L. Alandar, Rules Coordinator
Address: P. O. Box 33910
Phoenix, AZ 85067-3910
Telephone: (602) 308-5107
Fax: (602) 240-5303
E-mail: SusanA@asrs.state.az.us

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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 until the close of record. The date for close of record has not yet been determined. If an oral proceeding is scheduled for these rules, oral public comments may be presented at that time.

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

To be determined

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

Article and its heading:

1, Administration

Section numbers:

R4-23-101, R4-23-103, R4-23-104, R4-23-105, R4-23-106,
R4-23-107, R4-23-108, and R4-23-109

2. Subject matter of the proposed rule:

The Board's five-year rule review in September 2002 identified Sections R4-23-101 and R4-23-103 through R4-23-109 for amending. These Sections deal with the processes and procedures of formal hearings conducted by the Board. The proposed rules will amend the Sections to increase clarity, conciseness, and understandability. Section R4-23-109 will be amended to correct an inconsistency with statutory language regarding the number of days a party is allowed to request a rehearing of a Board decision. The amended rules will include format, style, and grammar changes necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0205

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, Suite 140
Glendale, AZ 85302

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

Fax: (623) 934-0583

E-mail: rxcop@msn.com

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

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

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

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

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 on the proceeding, if known:

None

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
Article and its heading: 1, Administration
4, Professional Practices
6, Permits and Distribution of Drugs
Section numbers: R4-23-110, R4-23-402, R4-23-408, R4-23-410, and R4-23-609

2. Subject matter of the proposed rule:

The Board's five-year rule review in September 2002 identified Section R4-23-410 for amending. This Section deals with pharmacy compounding practices. The Board staff identified minor clarity and consistency issues in Sections R4-23-402, R4-23-408, and R4-23-609 that warrant amending those Sections. Section R4-23-110 is included in case changes in the other Sections dictate new or amended definitions. The words "supportive personnel" in Sections R4-23-402(A)(9) will be changed to the words "pharmacy technician or certified pharmacy technician." In November 1999, the Board amended the rules related to pharmacy technicians and did away with the term "supportive personnel", but this subsection was missed in that effort. Amending R4-23-402(A)(9) now will correct that oversight. The Board completed a revision of Section R4-23-408 in January 2001, but a phrase in the previous version of Section R4-23-408 that provided an exemption to compliance with R4-23-407(B) was inadvertently left out. R4-23-407(B) requires that a pharmacist document prescription refills on the back of the original hard-copy prescription. The previous version of R4-23-408 allowed an exemption to the physical hard-copy recordkeeping of R4-23-407(B) if the pharmacy used a computer that complied with the computer requirements of R4-23-408. The proposed amendment to R4-23-408 will provide an exemption to R4-23-407(B) for those pharmacies that comply with the requirements of R4-23-408. Section R4-23-410 will be amended to establish more specific recordkeeping requirements for compounding, improve clarity and conciseness, and reduce misunderstandings involving compliance. R4-23-609(A) states that the minimum area of a community pharmacy "shall not be less than 300 square feet when a maximum of three pharmacy personnel, are practicing or working simultaneously." It could be argued that this language means that a pharmacy with less than three personnel working simultaneously may have less than 300 square feet. When the rule was written, the Board intent was that the minimum area of a pharmacy is 300 square feet when one, two, or three pharmacy personnel are working in a pharmacy. The proposed rule will amend the language to clearly and concisely reflect the Board's intent. The amended rules will include format, style, and grammar changes necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0206

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, Suite 140
Glendale, AZ 85302

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

Fax: (623) 934-0583

E-mail: rxcop@msn.com

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

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

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

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

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 on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD OF EDUCATION

- 1. Title and its heading:** 7, Education
Chapter and its heading: 2, State Board of Education
Article and its heading: 6, Certification
Section numbers: R7-2-606, R7-2-608, R7-2-609, R7-2-610, R7-2-612, and R7-2-614
- 2. The subject matter of the proposed rule:**
Proficiency Assessments; Elementary Teaching Certificates; Secondary Teaching Certificates; Special Education Teaching Certificates; Other Teaching Certificates and Administrative Certificates
Agency docket number:
Cert2002-01
- 3. A citation to all published notices relating to the proceedings:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Christy Farley
Address: 1535 W. Jefferson
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
E-mail: cfarley@ade.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments may be submitted to Christy Farley, Executive Director, State Board of Education, at the address above. Written comments will be accepted until December 23, 2002. Oral comments may be made to Christy Farley, from 9:00 a.m. to 4:30 p.m. on December 19, 2002 at the above phone number or address.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL REVIEWS AND CERTIFICATION**

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 5, Department of Environmental Quality
Environmental Reviews and Certification
Article and its heading: Article 4, Subdivisions
Section numbers: R18-5-401 *et seq.*, and other possible Articles and Sections yet to be determined.
- 2. The subject matter of the proposed rule:**
The first notice of docket opening for this rulemaking, published at 8 A.A.R. 2975, July 19, 2002, incorrectly referenced R18-4-401 *et seq.* as the affected Section numbers; that docket opening was terminated. This notice references the correct Section numbers, R18-5-401 *et seq.* The purpose of this rulemaking is to update the Department's rules pertaining to subdivisions to conform with current rulemaking format and style requirements, to ensure their consistency with other rules and statutes, and to make any substantive changes deemed necessary to ensure the effectiveness of the rules.
- 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: Sean McCabe

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Address: Arizona Department of Environmental Quality
1110 W. Washington (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4600, or toll-free in Arizona at 1-800-234-5677, ext. 4600

Fax: (602) 771-4634

E-mail: mccabe.sean@ev.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:

The Department will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register*, after which it will accept written comments until the close of public record date specified in the Notice of Proposed Rulemaking. Written comments should be submitted to the attention of the agency personnel referenced above or in the Notice of Proposed Rulemaking. If the Department holds a public proceeding at which oral comments may be made, the date(s) and time(s) of the proceedings will be published in the *Arizona Administrative Register*.

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

It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by October 2003, and that a Notice of Final Rulemaking will be filed by October 2004. Contact the agency personnel named above for the current status of the rulemaking; the current status of any of the Department's rules can be assessed via its web site (<http://www.adeq.state.az.us/lead/osc/draftrules.html>). Agency personnel can also arrange for interested parties to inspect the proposed rule or any part of the rulemaking docket or record.