

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first 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. 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 making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

[R05-254]

PREAMBLE

- 1. Sections Affected**
R4-24-206
- Rulemaking Action**
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 32-2003(5) and (17)
Implementing statute: A.R.S. § 32-2029
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 2234, June 10, 2005
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Heidi Herbst Paakkonen, Executive Director
Address: Board of Physical Therapy
1400 W. Washington, Ste. 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: Heidi.herbst-paakkonen@ptboard.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
To enable the Board to fulfill its responsibility to promote the safe and professional practice of physical therapy and to maintain the level of service provided by the Board, fees for an original or renewal license or certificate are being increased.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 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, which has not raised licensing fees since 2000, has determined that the funds generate by the current fee structure are insufficient to enable it to fulfill its responsibility to promote the safe and professional practice of physical therapy. As a result, the Board is increasing fees. This will have an economic impact on licensed physical therapists and certified physical therapy assistants who pay the increased fees. If a business that employs a physical therapist or physical therapy assistant pays the licensing fees for its employee, the business will have increased costs. Licensing fees, which are a cost of doing business, may be passed on to consumers of physical therapy.

Notices of Proposed Rulemaking

Rather than make equal increases in the fees charged to physical therapists and physical therapy assistants, the Board considered their significantly unequal earning power and made disparate increases.

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: Heidi Herbst Paakkonen, Executive Director
Address: Board of Physical Therapy
1400 W. Washington, Ste. 230
Phoenix, AZ 85007
Telephone: (602) 542-3095
Fax: (602) 542-3093
E-mail: Heidi.herbst-paakkonen@ptboard.state.az.us

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:

An oral proceeding regarding the proposed rule will be held as follows:

Date: September 7, 2005
Time: 9:00 a.m.
Location: 1400 W. Washington, Room B-2
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on September 9, 2005.

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

None

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

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 24. BOARD OF PHYSICAL THERAPY

ARTICLE 2. LICENSING AND EXAMINATION PROVISIONS

Section

~~R4-24-206. License, Certificate, and Examination Fees~~

ARTICLE 2. LICENSING AND EXAMINATION PROVISIONS

~~R4-24-206. License, Certificate, and Examination Fees~~

~~A. The Board shall charge the following fees for licensing, certification, and examinations:~~

- ~~1. Original application for license or certificate:
 - a. Twelve months or more, \$200 for a physical therapist and \$150 for a physical therapist assistant;
 - b. Less than 12 months, \$150 for a physical therapist and \$100 for a physical therapist assistant;~~
- ~~2. Examination or each re-examination for a physical therapist or physical therapist assistant, \$285;~~
- ~~3. Biennial renewal, \$100 for a physical therapist and \$50 for a physical therapist assistant;~~
- ~~4. Duplicate license or certificate, \$10 for both a physical therapist and a physical therapist assistant; and~~
- ~~5. Reinstatement, \$100 for a physical therapist and \$50 for a physical therapist assistant, in addition to the renewal fee.~~

~~B. The Board shall charge \$5 for each copy of its statutes and rules booklet.~~

~~Under the authority provided by A.R.S. § 32-2029, the Board establishes and shall collect the following fees, which are not refundable unless A.R.S. § 41-1077 applies:~~

- ~~1. For a physical therapist:
 - a. Application for an original license if the applicant applies on or after September 1 in an even-numbered year and no later than August 31 in an odd-numbered year, \$260;
 - b. Application for an original license if the applicant applies on or after September 1 in an odd-numbered year and~~

- no later than August 31 in an even-numbered year, \$190;
 - c. Renewal, \$160;
 - d. Reinstatement of a lapsed license, \$100 plus the renewal fee; and
 - e. Duplicate license, \$10.
- 2. For a physical therapist assistant:
 - a. Application for an original certificate if the applicant applies on or after September 1 in an even-numbered year and no later than August 31 in an odd-numbered year, \$160;
 - b. Application for an original certificate if the applicant applies on or after September 1 in an odd-numbered year and no later than August 31 in an even-numbered year, \$120;
 - c. Renewal, \$55;
 - d. Reinstatement of a lapsed certificate, \$50 plus the renewal fee; and
 - e. Duplicate certificate, \$10.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 8. DEPARTMENT OF HEALTH SERVICES FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R05-265]

PREAMBLE

1. Sections Affected

R9-8-701
R9-8-702
R9-8-703
R9-8-704
R9-8-705
R9-8-706
R9-8-707
R9-8-708
R9-8-709
R9-8-710
R9-8-711
R9-8-711
R9-8-712
R9-8-713
R9-8-714
R9-8-715
R9-8-716
R9-8-717

Rulemaking Action

New Section
Repeal
New Section
Repeal
Repeal
Repeal
Repeal
Repeal
Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 36-104(1)(b)(i) and 36-136(A)(7) and (F)

Implementing statutes: A.R.S. §§ 36-136(H)(9) and 36-601

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

Notice of Rulemaking Docket Opening: 10 A.A.R. 2839, July 9, 2004

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

Name: Don Herrington, Office Chief

Address: Arizona Department of Health Services
Office of Environmental Health
150 N. 18th Ave., Suite 430
Phoenix, AZ 85007

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: herrind@azdhs.gov

Notices of Proposed Rulemaking

Or

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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

In accordance with the five-year-review report for 9 A.A.C. 8, Article 7, approved by the Governor's Regulatory Review Council (Council) on August 6, 2002, the Arizona Department of Health Services (Department) is revising the school sanitation rules. The proposed changes will make the rules consistent with current statutes, correct outdated citations to related A.A.C. rules, make clear that the rules pertain only to public schools and conform to rule-making format and style requirements of the Council and the Office of the Secretary of State.

The Department proposes to amend Article 7 so that the rules "prescribe minimum standards for sanitary conditions...in any public school" according to A.R.S. § 36-136(H)(9). Article 7 will be renamed "Public Schools" to reflect that the rules pertain only to public schools. The Article will provide standards pertaining to water supply, sewage disposal, refuse management, pest control, animals in schools, inspections, cafeterias and food service, and restrooms, bathrooms and shower rooms.

The Department is also repealing R9-8-711 through R9-8-717, creating sections for definitions, indoor areas, pest control, animals in schools and inspections, and incorporating the subject matter from R9-8-711 through R9-8-717 into new sections R9-8-701 through R9-8-711. Additionally, the Department will improve section headings.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study related to this rulemaking package.

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:

Annual costs or revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000.

Cost Bearers

- School owners and operators, including the state, political subdivisions of the state, and businesses and small businesses that operate charter schools, will bear minimal to substantial costs to maintain sanitary conditions at public schools and to pay a fee that county health departments may charge them. They may also incur costs associated with collecting documentation of rabies immunizations for any dog, cat or ferret in a school.
- The Department will bear moderate costs related to reviewing, writing, and directing the rules through the rulemaking process. The Department will also bear moderate costs to provide annual school inspections for a county without a delegation agreement with the Department.
- Local health departments will bear minimal to substantial costs to perform inspections and enforce the rules, but may recoup some of these costs through fees charged to schools.

Beneficiaries

- Businesses that provide sanitation and pest control products and services to schools will benefit from a minimal to substantial increase in revenues.
- School staff, students, and visitors will benefit from clean and sanitary facilities.

Better school sanitation will improve Arizona's public health. This will result in substantial savings to the general public by reducing health care expenditures and the burden on the health care system.

The Department determined that the benefits to public health and safety outweigh the costs associated with this rule-making.

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: Don Herrington, Office Chief
Address: Arizona Department of Health Services
Office of Environmental Health
150 N. 18th Ave., Suite 430
Phoenix, AZ 85007
Telephone: (602) 364-3142
Fax: (602) 364-3146
E-mail: herrind@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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:

The Department has scheduled the following oral proceeding:

Date: August 26, 2005
Time: 1:00 p.m.
Location: 150 N. 18th Ave., Room 415
Phoenix, AZ 85007
Close of record: 4:00 p.m., August 26, 2005

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items #4 and #9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Ruthann Smejkal at (602) 364-3959 or smejkar@azdhs.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

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 9. HEALTH SERVICES

**CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

ARTICLE 7. PUBLIC SCHOOLS

Section

R9-8-701. ~~Reserved~~ Definitions

R9-8-702. ~~Reserved~~ General Provisions

R9-8-703. ~~Reserved~~ Restroom, Bathroom, and Shower Room Requirements

Notices of Proposed Rulemaking

R9-8-704.	Reserved Cafeterias and Food Service
R9-8-705.	Reserved Indoor Areas
R9-8-706.	Reserved Water Supply
R9-8-707.	Reserved Sewage Disposal
R9-8-708.	Reserved Refuse Management
R9-8-709.	Reserved Animal Standards
R9-8-710.	Reserved Pest Control
R9-8-711.	Sanitation; general Repealed
R9-8-711.	Inspections
R9-8-712.	Water supply Repealed
R9-8-713.	Sanitary facilities Repealed
R9-8-714.	Showers Repealed
R9-8-715.	Sewage disposal Repealed
R9-8-716.	Garbage and refuse Repealed
R9-8-717.	Food handling Repealed

ARTICLE 7. PUBLIC SCHOOLS

R9-8-701. ~~Reserved~~ Definitions

In this Article, unless otherwise specified:

1. “Ample water supply” means sufficient water quantity and water pressure to operate all of a school’s drinking fountains, bathtubs, showers, lavatories, water closets, and urinals at all times from:
 - a. A public water system that complies with 18 A.A.C. 4; or
 - b. An underground water source that complies with 18 A.A.C. 11, Articles 4 and 5 or with A.R.S. § 45-811.01.
2. “Animal” means a mammal, bird, reptile, amphibian, fish or invertebrate, such as an insect, spider, worm, snail, clam, crab, or starfish.
3. “Aquifer” means the same as in A.R.S. § 49-201.
4. “Bathroom” means a restroom containing a shower head or bathtub.
5. “Bathtub” means a receptacle, in which a user sits, with a faucet that supplies hot and cold water, or warm water, for filling the receptacle and a drain connected to a sanitary sewer.
6. “Bottled water” means the same as in 21 CFR 165.110(a)(1), which is incorporated by reference in A.A.C. R9-8-201.
7. “Bottled water cooler” means a device that is not connected to a plumbing system and provides a vertically falling stream of drinking water from a source approved by the Department under 9 A.A.C. 8, Article 2, or that complies with 18 A.A.C. 4; 18 A.A.C. 11, Articles 4 and 5 or A.R.S. § 45-811.01.
8. “Calendar year” means January 1 through December 31.
9. “Classroom” means an interior area of a school used primarily for instruction of students.
10. “Clean” means free of dirt or debris.
11. “Cold water” means water with a temperature between 33° F and 74° F.
12. “Common drinking cup” means a hand-held container not connected to a plumbing system that:
 - a. Holds liquid for human consumption.
 - b. Comes into contact with a user’s mouth, and
 - c. Is used by more than one individual.
13. “Constructed underground storage facility” means the same as in A.R.S. § 45-802.01.
14. “Debris” means litter or the remains of something that has been broken or torn into pieces.
15. “Department” means the Arizona Department of Health Services.
16. “Device” means a piece of equipment that performs a specific function.
17. “Drinking fountain” means a fixture connected to a plumbing system that provides a non-vertical stream of drinking water from an opening and drains into a sanitary sewer.
18. “Drinking water” means water for human consumption that meets the requirements of 18 A.A.C. 4 or 18 A.A.C. 11, Article 4.
19. “Dumpster” means a container designed for mechanical lifting and dumping by a refuse collection vehicle that transports the container’s contents.
20. “Faucet” means a fixture connected to a plumbing system that provides and regulates the flow of drinking water from the plumbing system.
21. “Fixture” means a permanent attachment to a structure.
22. “Floor drain” means an opening in a floor surface that leads to a sanitary sewer.
23. “Food establishment” means the same as in 1-201.10(B)(31), Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in

- R9-8-107.
24. "Habitat" means a place where an animal is kept while on school grounds.
 25. "Hot water" means water with a temperature between 95° F and 120° F.
 26. "Human consumption" means an individual's use of water for activities such as drinking, bathing, showering, hand-washing, cooking, dishwashing, laundering, cleaning, or using a water closet.
 27. "Hydration" means the process of replacing fluids lost by a human body.
 28. "Lavatory" means a sink or a basin with a faucet that supplies hot and cold water, or warm water, and with a drain connected to a sanitary sewer.
 29. "Local health department" means:
 - a. The administrative division of an Arizona county, city, or town that manages environmental and health-related issues; or
 - b. A public health services district under A.R.S. Title 48, Chapter 33.
 30. "Managed underground storage facility" means the same as in A.R.S. § 45-802.01.
 31. "Non-absorbent" means not capable of absorbing or soaking up liquids.
 32. "Non-classroom" means an indoor area in a school, such as the school office, nurse's office, library, or cafeteria, that are not used primarily for instruction of students.
 33. "Overflow rim" means the raised edge around a drinking fountain's basin.
 34. "Participants" means:
 - a. The staff and students of a school, or
 - b. The staff and students from another school, when they are present on the grounds of the school specified in subsection (a) for a school-organized activity.
 35. "Plumbing system" means fixtures, pipes, and related parts assembled to carry drinking water into a structure and carry sewage out of the structure.
 36. "Portable water container" means any type of device, not connected to a plumbing system, provided by a school, such as a bottle, cup, pitcher or insulated cylindrical cooler, in which drinking water is held or carried.
 37. "Private school" means the same as in A.R.S. § 15-101.
 38. "Public water system" means the same as in A.R.S. § 49-352.
 39. "Refuse" means the same as in A.A.C. R18-13-302.
 40. "Refuse container" means a portable receptacle used for refuse storage until the refuse is placed into a dumpster.
 41. "Responsible person" means:
 - a. For an accommodation school defined in A.R.S. § 15-101, the county school superintendent with the powers and duties prescribed in A.R.S. Title 15, Chapter 3, Article 1;
 - b. For a charter school defined in A.R.S. § 15-101, the governing board defined in A.A.C. R7-2-1401;
 - c. For the Arizona State Schools for the Deaf and the Blind, the board of directors for the Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 2;
 - d. For a school operated by a school district, the school district's governing board defined in A.R.S. § 15-101.
 42. "Restroom" means a structure or room containing at least one lavatory and water closet or at least one lavatory, water closet, and urinal.
 43. "Sanitary sewer" means the same as in A.R.S. § 45-101.
 44. "Sanitize" means the same as in A.A.C. R9-5-101.
 45. "School" means an institution offering instruction:
 - a. That is:
 - i. An accommodation school defined in A.R.S. § 15-101;
 - ii. The Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 1;
 - iii. A charter school defined in A.R.S. § 15-101; or
 - iv. A school operated by a school district defined in A.R.S. § 15-101; and
 - b. That is not a private school.
 46. "Sewage" means the same as in A.A.C. R18-13-1102.
 47. "Shower head" means a fixture connected to a plumbing system that allows drinking water to fall on a user's body.
 48. "Shower room" means a structure or room that contains at least one shower head and one floor drain, but does not contain a bathtub, lavatory, water closet, or urinal.
 49. "Underground water source" means:
 - a. An aquifer,
 - b. A constructed underground storage facility, or
 - c. A managed underground storage facility.
 50. "Urinal" means the same as in A.R.S. § 45-311.
 51. "Valid complaint" means information indicating the need for inspection due to possible violations of this Article.
 52. "Warm water" means water with a temperature between 75° F and 94° F.

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53. “Water closet” means the same as in A.R.S. § 45-311.

54. “Water cooler” means a fixture connected to a plumbing system for cooling water and dispensing a vertically falling stream of drinking water.

R9-8-702. ~~Reserved~~ General Provisions

A. A responsible person shall ensure that a school complies with the provisions of this Article and with federal and state statutes and rules and local ordinances governing subjects included in A.R.S. § 36-136(H)(9).

B. A violation of this Article is a public nuisance under A.R.S. § 36-601.

R9-8-703. ~~Reserved~~ Restroom, Bathroom, and Shower Room Requirements

A. A responsible person shall ensure that a school provides restrooms or bathrooms that:

1. Are clean; and

2. Have:

a. Floors of a non-absorbent material;

b. Floors that slope to a drain connected to a sanitary sewer;

c. Water closets with seats of the split or U-shaped type made of non-absorbent material;

d. Interior surfaces that are clean, washable, and free from gaps;

e. Toilet paper at all water closets; and

f. Soap and single-use paper towels or air hand dryers at all lavatories.

B. If a school provides a shower room, the responsible person shall ensure that the shower room:

1. Is clean;

2. Does not have a school-provided cloth towel unless, after each use, the cloth towel is machine washed with detergent and machine dried; and

3. Has:

a. Hot and cold, or warm water from all shower heads;

b. Floors of a non-absorbent material;

c. Floors that slope to a drain connected to a sanitary sewer; and

d. Interior surfaces that are clean, washable, and free of gaps.

C. A responsible person shall ensure that restrooms, bathrooms, and shower rooms are maintained to avoid odors.

R9-8-704. ~~Reserved~~ Cafeterias and Food Service

A. A responsible person for a school that stores, prepares, or serves food on the premises shall ensure that the school complies with 9 A.A.C. 8, Article 1, except when the food is brought to the school for personal consumption by staff or a student.

B. If a school contracts with a food establishment to prepare and deliver food to the school, the responsible person shall:

1. Ensure that the food establishment has a current license issued under 9 A.A.C. 8, Article 1; and

2. Retain a copy of the food establishment’s current permit for Department or local health department inspection.

R9-8-705. ~~Reserved~~ Indoor Areas

A responsible person shall ensure that:

1. Indoor classroom and non-classroom areas are clean; and

2. If a classroom has a lavatory in it, the lavatory has soap and single-use paper towels or air hand dryers.

R9-8-706. ~~Reserved~~ Water Supply

A. A responsible person shall ensure that a school has an ample water supply.

B. A responsible person shall ensure that a school’s drinking water is dispensed from:

1. A clean drinking fountain that:

a. Provides, from an opening, a stream of water that does not touch anything before reaching a user’s mouth;

b. Has an opening that is higher than the overflow rim to prevent the opening’s submersion; and

c. Has a device to prevent a user’s mouth from touching the opening from which the water streams;

2. A clean and sanitized water cooler;

3. A clean and sanitized bottled water cooler;

4. A clean and sanitized lavatory faucet; or

5. A clean and sanitized portable water container.

C. If a portable water container or the bottle from a school’s bottled water cooler is to be refilled, a responsible person shall ensure that the portable water container or the bottle is:

1. Washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1;

2. Stored in a clean area; and

3. Refilled with drinking water from any of the sources of drinking water specified in subsection (B).

D. A responsible person shall ensure that a school does not provide a common drinking cup unless the common drinking cup is washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1, after each use.

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E. A responsible person shall ensure that a school provides:

1. Drinking fountains, water coolers, or bottled water coolers according to Tables 1 and 2; and
2. At least one drinking fountain, water cooler, or bottled water cooler on each floor of the school that contains a classroom, regardless of the number of students.

Table 1. Kindergarten to Eighth Grade

<u>Number of Students</u>	<u>Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers</u>
<u>1-50</u>	<u>1</u>
<u>51-100</u>	<u>2</u>
<u>101-150</u>	<u>3</u>
<u>151-200</u>	<u>4</u>
<u>201-250*</u>	<u>5</u>

* For each additional 1-50 students, another drinking fountain, water cooler, or bottled water cooler is required.

Table 2. Ninth Grade to Twelfth Grade

<u>Number of Students</u>	<u>Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers</u>
<u>1-100</u>	<u>1</u>
<u>101-200</u>	<u>2</u>
<u>201-300</u>	<u>3</u>
<u>301-400</u>	<u>4</u>
<u>401-500*</u>	<u>5</u>

* For each additional 1-100 students, another drinking fountain, water cooler, or bottled water cooler is required.

F. A responsible person shall ensure a school provides drinking water that is:

1. Accessible from the school grounds; and
2. Sufficient to maintain the hydration of all participants at school-organized outdoor activities.

R9-8-707. Reserved Sewage Disposal

A responsible person shall ensure that a school's:

1. Water closets and urinals flush sewage to a sanitary sewer;
2. Lavatories, showers, bathtubs, and other plumbing fixtures drain sewage to a sanitary sewer; and
3. Sanitary sewer lines are maintained in accordance with the recommendations of the local health department.

R9-8-708. Reserved Refuse Management

A responsible person shall ensure that a school:

1. Stores refuse in durable, non-absorbent, and washable containers;
2. Provides:
 - a. Indoor refuse containers in each classroom and in each non-classroom area; and
 - b. Accessible outdoor refuse containers;
3. Maintains refuse containers so that refuse does not accumulate in school buildings or on school grounds; and
4. Disposes of refuse according to 18 A.A.C. 13, Article 3.

R9-8-709. Reserved Animal Standards

A. A responsible person shall ensure that an animal in a school:

1. Is kept in a habitat that:

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- a. Has water free of algae, insects and particulate matter;
 - b. Is maintained to avoid odors from rotting food or excess animal wastes; and
 - c. Is not in the same room as food preparation areas, as specified in 9 A.A.C. 8, Article 1;
 2. May be removed from the animal's habitat at the direction of a teacher;
 3. When out of the animal's habitat, is under the control of a teacher or a student of the school, if the animal is:
 - a. A bird, reptile, amphibian, or invertebrate;
 - b. A large mammal, such as a horse, sheep, pig, goat, or cow;
 - c. A rabbit or hare; or
 - d. A rodent, such as a mouse, rat, hamster, guinea pig, or gerbil;
 4. Has a current immunization against rabies, if the animal is a dog, cat or ferret, as documented by:
 - a. A dog license issued by a state or county agency;
 - b. A rabies immunization certificate from a veterinarian licensed under 3 A.A.C. 11;
 - c. A receipt for veterinary services, showing the administration of a rabies vaccine; or
 - d. A written statement attesting to the current immunization of the animal against rabies; and
 5. Is not:
 - a. A non-human primate;
 - b. A deer mouse, or other wild mouse of the genus Peromyscus; and
 - c. A bat, skunk, raccoon, fox, wolf-hybrid or coyote, except when brought into a classroom for an educational display, as defined in R12-4-401, by a person who has complied with provisions in 12 A.A.C. 4, Article 4, obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal.
- B.** A responsible person shall ensure that a room, in which an animal in a school is kept.:
1. Is free of animal waste, except in the habitat; and
 2. Has:
 - a. A lavatory with soap and single-use paper towels or air hand dryers; or
 - b. A product to sanitize the hands of an individual who touches an animal or its habitat.

R9-8-710. Reserved Pest Control

A responsible person shall ensure that indoor classroom and non-classroom areas are kept free of insects and rodents, except when the insects or rodents are being kept as specified in R9-8-709 or are food for animals being kept as specified in R9-8-709.

~~R9-8-711. Sanitation; general Repealed~~

- ~~**A.** Regulations in this Article shall apply to any public, private or parochial school.~~
- ~~**B.** The yards shall be free of puddles and clean.~~
- ~~**C.** The school building structurally shall have a watertight roof and interior walls of even cleanable surfaces.~~
- ~~**D.** Ventilation, whether natural or artificial shall be non-noxious and controlled to prevent objectionable air currents on students.~~
- ~~**E.** Cafeterias or lunchrooms shall have a minimum window area equal to 12 1/2% of the floor area.~~

R9-8-711. Inspections

The Department shall inspect:

1. A school for compliance with this Article at least once each calendar year, and
2. Areas of a school pertinent to the details of a valid complaint upon receipt of the valid complaint.

R9-8-712. Water supply Repealed

- ~~**A.** Each school building shall be provided with an ample supply of water, preferably from an approved municipal or public water supply system. If such a system is not available, water from an underground source approved by the Department may be obtained. Such separate supplies must meet the requirements of Article 2 of this Chapter and school authorities shall be responsible for the submission of samples for bacteriological analysis to the Arizona Department of Health Services Laboratory. All pumps shall be maintained in good working order and an adequate supply of water shall be maintained. There shall be adequate pressure and quantity to operate all water supply fixtures efficiently at all times.~~
- ~~**B.** Drinking water shall be dispensed by means of:~~
1. ~~An angle jet sanitary fountain with nozzle opening above overflow rim, and producing a water stream free of contact with fixtures; or~~
 2. ~~A sanitary cooler, of a type approved by the Department, and single service paper cups retained in a sanitary container.~~
- ~~**C.** The use of the common drinking cup and the vertical jet bubbler type fountain is prohibited.~~
- ~~**D.** The minimum number of drinking fountains shall be provided on the following basis:~~
1. ~~Elementary grades -- one for each 50 students.~~
 2. ~~Junior and Senior high schools and colleges -- one for each 100 students.~~

3. A minimum of one fountain on each classroom floor.

R9-8-713. Sanitary facilities Repealed

A. The minimum number of sanitary facilities shall be provided on the following basis:

Slop sink—One each story
(inc. basement)

B. Paper towels and soap shall be furnished in all lavatories. Common towels are prohibited. General toilet rooms should be ventilated by means of a forced air exhaust system.

C. Toilet paper shall be available at all times.

D. Lavatories with hot and cold or tempered running water are required and shall be located in toilet rooms or immediately adjacent thereto. On new construction or replacement, sanitary toilet seats of the split or U-shaped type made of non-absorbent material shall be installed.

E. In rural schools, where handwashing facilities are not located in the toilet rooms, one lavatory shall be provided for each school room.

F. Toilet room floors shall be constructed of concrete or other water impervious material pitched to a suitably located trapped floor drain. In new construction the floor drains shall be connected by means of a separate line to the building sewer. If partitions are provided between flush bowls, they shall be raised at least 12" from the floor.

R9-8-714. Showers Repealed

A. When athletic or gymnastic activities are conducted in a school, showers shall be provided. There shall be one shower head for each 6 users, based upon the maximum demand at any one period.

B. Shower and locker rooms, when provided, shall be constructed with concrete or other impervious floors pitched to a suitable trapped drain and the walls and ceilings shall be of smooth, easily washable material. These rooms shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation upon interior surfaces. If lockers are provided, they shall be set on a solid base or raised 6" above the floor if open underneath. In all new construction lockers shall be set on a solid base.

C. If the bath towels are supplied by the school, they shall be for individual use only and shall be laundered before reissue.

R9-8-715. Sewage disposal Repealed

A. All liquid wastes from a school building shall be discharged into a public sewerage system when possible. When a public sewerage system is not available, liquid wastes shall be disposed of into a septic tank system approved by the Department as provided in Article 3 of this Chapter.

B. Privies shall not be approved except in extreme cases. Where used, they shall be of a standard type approved by the Department.

C. All plumbing shall comply with local regulation and the standards adopted by reference in R9-1-412(D).

R9-8-716. Garbage and refuse Repealed

A. Fly proof and water tight metal containers shall be provided for garbage. Garbage cans shall be emptied at least three times weekly, thoroughly washed, and never allowed to become foul smelling or a breeding place for flies.

B. Combustible rubbish shall be collected in metal covered containers and disposed of in a safe and sanitary manner.

C. Garbage and refuse shall be disposed of in a manner which creates neither a nuisance nor a menace to health and in conformance with the requirements of Article 4 of this Chapter.

R9-8-717. Food handling Repealed

~~R9-8 Article 1 of this Chapter is applicable to all schools where food is handled, stored or sold.~~

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION

TITLE, REGISTRATION, AND DRIVER LICENSES

[R05-238]

PREAMBLE

1. Sections affected

R17-4-305

Rulemaking Action

Amend

Notices of Proposed Rulemaking

2. The statutory 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 statute: A.R.S. §§ 28-4546, 28-4548, 28-4549, 28-4552, 28-5006, and 28-5007

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

Notice of Rulemaking Docket Opening: 11 A.A.R. 2754, July 22, 2005

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

Name: Troy A. Walters, Rules Analyst

Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th St., Suite 160
Phoenix, AZ 85014-5079

Telephone: (602) 712-6722

Fax: (602) 241-1624

E-mail: twalters@azdot.gov

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/index.htm.

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

The Motor Vehicle Division "MVD" is amending this rule due to legislative changes that require new and used motor vehicle dealers and title service companies to send Temporary Registration Plate "TRP" information through an authorized third party or the Division's authorized third party electronic service provider.

There are two entities that can build an electronic TRP application:

- The Division's authorized third party electronic service provider ServiceArizona.com, and
- A participating authorized third party.

The TRP information sent will be recorded in the Division's vehicle title and registration database and the information shall be made available to law enforcement officers as required by statute. The previous process did not require the electronic recording of Temporary Registration Plate "TRP" information on the title and registration database. This process precluded any compliance efforts by law enforcement since the ability to electronically query the owner of a TRP did not exist. Additionally, A.R.S. § 28-4549 states that each dealer or title service company sending an electronic record of the TRP through the Division's authorized third party electronic service provider shall pay a fee of one dollar to the Division's authorized third party electronic service provider.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not review any study for this rulemaking.

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 Division experiences minimal cost for rulemaking only. New and used motor vehicle dealers and title service companies may experience a minimal to moderate economic impact to obtain computer equipment and Internet access to enable the sending of temporary registration plate information via a participating authorized third party or the Division's authorized third party electronic service provider, depending on whether or not the dealer or title service company has the technology. Those dealers and title service companies without electronic capability may experience a moderate to significant economic impact, as these entities will not be authorized to issue temporary registration plates. Additionally, both dealers and title service companies experience a minimal impact for the one-dollar fee charged for sending an electronic record of the temporary registration plate through the Division's authorized third party electronic service provider.

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: Troy A. Walters, Rules Analyst

Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M

Notices of Proposed Rulemaking

3737 N. 7th St., Suite 160
Phoenix, AZ 85014-5079

Telephone: (602) 712-6722
Fax: (602) 241-1624
E-mail: twalters@azdot.gov

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:

No oral proceeding is scheduled for this rulemaking action. A request for an oral proceeding may be made to the agency official listed in item #4. If no request for an oral proceeding is made, the public record for this rulemaking will close at 4:30 p.m. on August 22, 2005.

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

None

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

None

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

ARTICLE 3. VEHICLE REGISTRATION

Section
R17-4-305. Temporary Registration Plate Procedure

ARTICLE 3. VEHICLE REGISTRATION

R17-4-305. Temporary Registration Plate Procedure

~~A.~~ Issuing:

- ~~1. A temporary registration plate "TRP" issuer shall validate the plate by:
 - a. Marking an expiration date of no more than 45 days from validation with a black felt tip marker in a manner that fills the space provided for the date and covers the holographic security strip; and
 - b. Completing applicable information in all other blank spaces on the TRP.~~
- ~~2. An issuer shall not issue more than one TRP per vehicle sale;~~
- ~~3. An issuer shall attach a TRP to the vehicle rear in the same manner and position as a permanent license plate prescribed under A.R.S. § 28-2354; and~~
- ~~4. An issuer shall complete and distribute copies of a TRP registration form as follows:
 - a. One copy to the owner to keep in the vehicle; and
 - b. One copy to MVD as a support document for title application processing.~~

~~B.~~ Voiding:

- ~~1. An issuer shall void a TRP under the following conditions:
 - a. The issuer writes the TRP but does not complete Arizona vehicle registration;
 - b. The issuer issues a duplicate TRP for the same vehicle or purchaser; or
 - c. The issuer makes any alteration on the TRP.~~
- ~~2. An issuer shall reimburse MVD \$8 for each voided TRP.~~

~~C.~~ Recording:

- ~~1. A TRP issuer shall complete a written log of each TRP issue transaction using either:
 - a. MVD form 48-4302-R09/97 as issued with the TRP and registration form; or
 - b. An issuer self-generated computer form that:
 - i. Contains all information required under subsection (C)(2), and
 - ii. Has an MVD copy of each completed TRP attached.~~

Notices of Proposed Rulemaking

- 2. A TRP log form contains:
 - a. TRP number,
 - b. TRP issue date,
 - c. Vehicle purchaser name and address,
 - d. Vehicle identification number, and
 - e. Attachment of any voided TRP or letter of explanation if a voided TRP is not available for attachment.
- 3. A TRP issuer shall distribute copies of a TRP log as follows:
 - a. One copy to the original MVD or third party office issuing the TRP and registration form, and
 - b. One copy for issuer records subject to MVD audit.
- 4. An issuer shall keep the TRP log record in subsection (C)(1) for three years as prescribed under A.R.S. § 28-4552(B).

A. Definitions.

- 1. "Charitable Event TRP" means a TRP issued to a motor vehicle dealership or manufacturer for a charitable event as prescribed by A.R.S. § 28-4548.
- 2. "Deal Unwound" means the vehicle was returned to the dealership and the sale was not completed.
- 3. "Voided TRP" means a TRP that is recorded as voided after issuance has taken place.

B. Issuing.

- 1. New and used motor vehicle dealers and title service companies that issue TRPs shall send an electronic record of the TRP to the Division prior to placing the TRP on the vehicle.
- 2. The TRP expiration date shall be 45 days from the issue date.
- 3. TRPs issued for charitable event are valid for the duration of the event not to exceed 45 days.
- 4. An issuer shall not issue more than one TRP per vehicle sale.
- 5. An issuer shall attach the TRP to the vehicle rear in the same manner and position as a permanent license plate prescribed under A.R.S. § 28-2354.

C. Voiding. An issuer shall void a TRP when:

- 1. The TRP is lost.
- 2. The TRP is damaged.
- 3. The deal unwound.
- 4. The wrong vehicle identification number was entered, or
- 5. The wrong customer identification number was entered.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

[R05-267]

PREAMBLE

- 1. **Sections affected** R17-4-503 **Rulemaking Action** Amend
- 2. **The statutory 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 statute: A.R.S. §§ 28-3051(A), 28-3052(A)(2)(a) and (B), and 28-3164(A)(1)(a)
- 3. **A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 2755, July 22, 2005
- 4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Troy A. Walters, Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th St., Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-6722
Fax: (602) 241-1624

E-mail: twalters@azdot.gov

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/index.htm.

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

The Division is proposing this rulemaking after a recommendation by the Medical Advisory Board to allow a person using bioptic or telescopic lenses to wear the bioptic or telescopic lenses during vision screening. Additionally, a person using these lenses will be required to: have an annual exam performed by a physician or optometrist to ascertain if the eye disease is progressive; obtain a statement from a physician or optometrist that the individual is proficient in the use of the bioptic or telescopic lens while operating a motor vehicle. The rule also requires that the magnification of the lenses be no more than 4X. Other grammatical and technical changes have been made for clarity, conciseness, and understanding.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency will not rely on any written study for this rulemaking. Any change to provisions involving medical criteria or vision standards is based upon advice or direction delivered to the agency by the medical advisory board as prescribed under A.R.S. §§ 28-3051(A) and 28-3052.

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:

Costs incurred by agencies including Arizona Department of Transportation, Motor Vehicle Division, Governor's Regulatory Review Council, Secretary of state are minimal. Cost to an applicant or licensee to obtain vision testing done by a physician or optometrist is minimal. Identifying and denying a license to an applicant who does not meet the vision standards will result in decreasing an insurance carrier's liability exposure. Although the liability savings is not quantifiable, it would range from moderate to substantial.

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:

A concerned person may communicate with the agency official listed in item #4 concerning the economic impact statement.

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:

No oral proceeding is scheduled for this rulemaking action. A request for an oral proceeding may be made to the agency official listed in item #4. If no request for an oral proceeding is made, the public record will close at 4:30 p.m. on August 22, 2005.

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 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

ARTICLE 5. SAFETY

Section
R17-4-503. Vision Standards

ARTICLE 5. SAFETY

R17-4-503. Vision Standards

A. Definitions.

1. "Binocular vision" means vision in both eyes.
2. ~~"Conventionally corrected visual acuity"~~ "Corrected visual acuity" means distance vision corrected by ~~glasses eye-glasses, or contact lenses but not by telescopic lenses, or telescopic lenses.~~
3. "Diplopia" means double vision.
4. "Field of vision" means the area in which objects may be seen when the eye is fixed.
5. "Impaired night vision" means below normal ability to see in reduced light.
6. "Monocular vision" means the ability to see in one eye only when the corrected vision in the other eye is 20/200 or worse. Counting fingers, light perception, and hand movements are also defined as monocular vision.
7. "Optometrist" means ~~a doctor of optometry licensed to practice in Arizona, a contiguous U.S. state, or employed by the federal government and practicing in Arizona~~ a person licensed to practice optometry in any state, territory, or possession of the United States or the Commonwealth of Puerto Rico.
8. "Retinitis pigmentosa" means a chronic progressive inflammation of the retina with atrophy and pigmentary infiltration of the inner layers.
9. "Snellen Chart" means a chart imprinted with lines of black letters graduating in size for testing visual acuity.
10. "Telescopic lens" means a corrective lens ~~which~~ that uses magnification as the main method of obtaining minimal visual acuity.
11. "Visual acuity" means ability to see clearly.

B. Standard.

1. Visual acuity. ~~Conventionally corrected~~ Corrected or uncorrected visual acuity ~~must shall~~ be 20/40 in at least one eye with binocular or monocular vision.
2. Field of vision. Field of vision ~~must shall~~ be ~~70~~ 60 degrees temporally, plus 35 degrees ~~on the opposite side of the nose~~ nasally, in at least one eye

C. Restrictions.

1. ~~Persons~~ A person with ~~conventionally corrected~~ vision ~~must shall~~ wear corrective lenses at all times when driving.
2. ~~Persons~~ The Division shall restrict a person with diagnosed impaired night vision ~~shall be restricted~~ to daytime driving only.
3. ~~Persons~~ The Division shall restrict a person with binocular vision and with visual acuity ~~(including with conventional correction)~~ of 20/50 or 20/60; in both eyes together, including correction ~~will be restricted~~ to daytime driving only.

D. Screening process.

1. ~~The Division, a physician, or an optometrist may administer~~ Visual visual acuity and field of vision screening. ~~may be administered by the Department, a physician, or an optometrist.~~
2. A person ~~Persons may cannot~~ wear telescopic or bioptic lenses during ~~while having their vision screened~~ screening.
 - a. A person using bioptic or telescopic lenses shall have an annual exam performed by a physician or optometrist to ascertain if the eye disease is progressive.
 - b. A person shall obtain a written statement from a physician or an optometrist that the individual is proficient in the use of the lens while operating a motor vehicle.
 - c. Magnification of the lenses shall be no more than 4X.
3. ~~Department screening for~~ The Division shall conduct visual acuity ~~screening will be conducted~~ through the use of visual screening equipment or the Snellen Chart to determine ~~if the~~ whether a person's corrected vision is 20/40 in at least one eye.
4. ~~The Department~~ Division shall conduct screening for field of vision ~~will be conducted~~ through the use of visual screening equipment to determine ~~if the~~ a person's field of vision meets minimum standards.

E. Reporting requirements.

1. ~~If the person wishes to have initial visual acuity and visual field screening done by a physician or optometrist, rather than by the Department, the medical examination must be submitted to the Department. A person choosing to have their initial visual acuity and visual field screening done by a physician or an optometrist rather than the Division shall submit the medical examination results to the Division.~~
2. If a person does not meet the vision standards, ~~the Department will~~ Division shall require a medical examination from a physician or an optometrist.
3. ~~Persons having~~ The Division shall require a person with any of the following conditions ~~will be required~~ to file a medical examination completed by the physician or optometrist:
 - a. ~~Diagnosed retinitis pigmentosa.~~ Any diagnosed progressive eye disease,
 - b. Diagnosed diplopia, ~~or~~
 - c. Diagnosed impaired night vision.

- F.** ~~Content of medical~~ A vision examination shall contain the following.
1. ~~Examination cannot be older than three months from date of submission to the Department.~~ An examination date no more than three months before the submission date to the Division.
 2. Visual acuity and field of vision results.
 3. Identification of ~~the person~~ an examinee who is monocular.
 4. Identification of ~~persons having the conditions referred to in R17-4-521 (E)(3)~~ an examinee with a condition described R17-4-503 (E)(3).
 5. Diagnosis of any progressively deteriorating eye disease.
 6. Any recommendations on frequency of reporting requirements for this person, in addition to those required by the ~~Department~~ Division.
 7. Suggested restrictions on driving, in addition to those required by the ~~Department~~ Division.
 8. Any recommendations on the person's functional ability to safely operate a motor vehicle.
- G.** A physician, optometrist, or the Division may require a driving test if an individual's eye disease is determined by the physician or optometrist to be progressive.