

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 ADMINISTRATION PERSONNEL ADMINISTRATION

[R06-47]

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 5, Department of Administration – Personnel Administration
Article and its heading: 4, Benefits
Section numbers: R2-5-401, R2-5-403 (As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**
The subsection of R2-5-401, Benefits Administration, is being amended to clarify that any leave taken under the provisions of Article 4 that qualifies as Family and Medical Leave Act (FMLA) leave is to be charged against an employee's available FMLA leave entitlement. Subsections of R2-5-403, Annual Leave, are being amended to clarify the definition of "extended" as a period of three consecutive weeks; and, subject to funding availability, provide a mechanism for an agency head to pay an employee for the employee's accumulated and unused annual leave for reasons other than exceeding the maximum accumulation at the end of a calendar year or the employee's separation.
- 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: Christine Bronson, Human Resources Consultant
Address: ADOA Human Resources
100 N. 15th Ave., Suite 261
Phoenix, AZ 85007
Telephone: (602) 364-1693
Fax: (602) 542-2796
E-mail: Christine.Bronson@azdoa.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Will accept public comments during business hours of Monday through Friday from 9:00 a.m to 5:00 p.m. at contact information provided in item #4
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF NURSING

[R06-36]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 19, Board of Nursing
Article and its heading: 2, Arizona Professional and Practical Nursing Programs
3, Licensure
5, Advanced and Extended Nursing Practice
Section numbers: R4-19-215; R4-19-301; R4-19-302; R4-19-505; R4-19-506; and R4-19-507. (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Board is initiating rulemaking on R4-19-215, R4-19-301, and R4-19-302 to clarify the process by which the Board will no longer recognize a nursing program approved in another jurisdiction that does not meet standards prescribed in Article 2. The Board will also update the English proficiency requirements for graduates of foreign nursing

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programs under R4-19-301. The Board is amending Article 5 to extend the waiver of national certification for clinical nurse specialists in the specialty areas of maternal/newborn and women's health since no national exam exists and is not likely to be developed in the near future.

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: Pamela Randolph
Nurse Practice Consultant
State Board of Nursing

Address: 1651 E. Morten, Suite 210
Phoenix, AZ 85020

Telephone: (602) 889-5209

Fax: (602) 889-5155

E-mail: prandolph@azbn.gov

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

Has not been determined

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

Has not been determined

NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF PHARMACY

[R06-45]

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:

R4-23-110 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

Following the Board's directive to move to electronic records, the Board staff is proposing a change to R4-23-110 (Definitions) to add a new definition for "verified signature" or "signature verifying." The new definition would make it possible to leave the language in existing rules that requires a "verified signature" or "signature verifying" on a Board license or permit application or report, form, or agreement. The proposed rule will be added to the rule package under the agency docket number R0602. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R0602

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: 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@cox.net

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

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

The time and place where oral comments may be made:

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

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

Notices of Rulemaking Docket Opening

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 on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R06-38]

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

Section numbers:

R4-23-110, R4-23-407, R4-23-408 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)

2. The subject matter of the proposed rule:

The Board recognizes the importance of creating a regulatory environment that facilitates and regulates the electronic transmission of prescriptions for both controlled and non-controlled substances in the interest of patient safety. The Board intends to make rules addressing electronic transmission of prescriptions based on existing statutes in A.R.S. Title 32 (Professions and Occupations), Title 41 (State Government), and Title 44 (Trade and Commerce). The proposed rules will amend R4-23-110 (Definitions) by adding definitions for "digital signature," "electronic signature," and "security paper." The proposed rules will amend R4-23-407 (Prescription Requirements) by adding subsections for the requirements for transmission of a prescription order by fax and for the requirements for electronic transmission of a prescription order from a medical practitioner to a pharmacy. The proposed rules will amend R4-23-408 to add language detailing the requirements for pharmacy computer systems that receive electronic transmission of a prescription order. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R0601

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: Dean Wright, Compliance Officer

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

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

Fax: (623) 934-0583

E-mail: rxcop@cox.net

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

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

The time and place where oral comments may be made:

Time: Monday through Friday, 8 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 on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING
BOARD OF PHARMACY

[R06-40]

- 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, R4-23-410, R4-23-670 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)

- 2. The subject matter of the proposed rule:**
During the June 16, 2005, Board meeting, Board President Linda McCoy appointed a task force committee headed by Board members Tom Van Hassel and Ridge Schmidt to look at the 2004 changes made to *USP General Chapter 797 Pharmaceutical Compounding—Sterile Preparations* and recommend how the Board should address those changes in the pharmacy rules. The 797 Task Force Committee met four times on August 16, 2005, September 28, 2005, November 17, 2005, and January 26, 2006. The 797 Task Force Committee present their recommended rule changes to the Board at the March 15, 2006, Board meeting. The proposed rules are a result of the work of the 797 Task Force Committee. The proposed rules amend R4-23-110 (Definitions) by adding new definitions for buffer zone, ISO class 5 environment, ISO class 7 environment, standard-risk sterile pharmaceutical product, and substantial-risk sterile pharmaceutical product and delete the definition for class 100 environment. The proposed rules amend R4-23-410 (Current Good Compounding Practices) and R4-23-670 (Sterile Pharmaceutical Products) to implement the recommendations of the 797 Task Force Committee. The proposed rules make minor changes to R4-23-410 to require a compounding pharmacy to comply with its policies and procedures. The proposed changes in R4-23-670 require an increase in the minimum square footage of the sterile pharmaceutical product compounding area from 60 square feet to 100 square feet and include a grandfather clause for existing pharmacies. Additional changes to R4-23-670 include changes to the required policies and procedures and new subsections describing the requirements for standard-risk and substantial-risk sterile pharmaceutical compounding. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R0603

- 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: 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@cox.net

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

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

The time and place where oral comments may be made:

Time: Monday through Friday, 8 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 on the proceeding, if known:**

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R06-39]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Article and its heading: 2, Pharmacist Licensure
3, Intern Training and Pharmacy Intern Preceptors
4, Professional Practices
6, Permits and Distribution of Drugs
7, Non-Pharmacy Licensed Outlets--General Provisions
11, Pharmacy Technicians
- Section numbers:** R4-23-205, R4-23-301, R4-23-304, R4-23-408, R4-23-610, R4-23-611, R4-23-653, R4-23-654, R4-23-657, R4-23-658, R4-23-659, R4-23-671, R4-23-675, R4-23-682, R4-23-701, R4-23-701.02, R4-23-1104, R4-23-1105 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)

- 2. The subject matter of the proposed rule:**
During the 2003 Legislative Session, the Legislature changed an intern license from a two-year license to a five-year license and mandated the Board to make rules for intern license renewal. The proposed rules will amend R4-23-205 (Fees) by removing the fee for intern licensure renewal and R4-23-301 (Intern Licensure) by adding language to subsection (J) detailing the requirements for intern license renewal. Following the Board's directive to move to electronic records, the Board staff is proposing changes to R4-23-301 (Intern Licensure) and R4-23-304 (Reports) to add language allowing electronic signatures on license applications and pharmacy intern quarterly reports. The Board staff is proposing changes to R4-23-611 (Pharmacy Facilities) addressing the issue of licensed assistant animals that may be allowed inside a pharmacy and the addition of language that requires a pharmacy to comply with its policies and procedures. The Board staff is proposing changes to R4-23-408 (Computer Requirements), R4-23-610 (Community Pharmacy Personnel and Security), R4-23-653 (Personnel: Professional or Technician), R4-23-654 (Absence of Pharmacist), R4-23-657 (Security), R4-23-658 (Drug Distribution and Control), R4-23-659 (Administration of Drugs), R4-23-671 (General Requirement for Limited-service Pharmacy), R4-23-675 (Limited-service Sterile Pharmaceutical Products Pharmacy), R4-23-682 (Limited-service Nuclear Pharmacy), R4-23-701 (Long-term Care Facilities Pharmacy Services: Consultant Pharmacist), R4-23-701.02 (Long-term Care Facilities Pharmacy Services: Emergency Drugs), R4-23-1104 (Pharmacy Technicians and Pharmacy Technician Trainees), and R4-23-1105 (Pharmacy Technician Training Program) to add language that requires a pharmacy to comply with its policies and procedures. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R0602

- 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: 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@cox.net

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

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

The time and place where oral comments may be made:

Time: Monday through Friday, 8 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 on the proceeding, if known:**

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R06-44]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Article and its heading: 4, Professional Practices
Section numbers: R4-23-402 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)
2. **The subject matter of the proposed rule:**
During the January 25, 2006, Board meeting, Board President Chuck Dutcher instructed Board staff to craft proposed rules that require the documentation of the name or initials of the pharmacist, graduate intern, or pharmacy intern who does or does not provide oral consultation on a new prescription. Mr. Dutcher feels that the existing rule is flawed because it does not require the identification of the person who does or does not counsel. The proposed rule will amend R4-23-402 (Pharmacist, Graduate Intern, and Pharmacy Intern) by adding language to subsection (H) requiring documentation of the identity of the pharmacist, graduate intern, or pharmacy intern who does or does not provide oral consultation on a new prescription. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.
The agency docket number, if applicable: R0604
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: 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@cox.net
5. **The time during which the agency will accept written comments:**
The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.
The time and place where oral comments may be made:
Time: Monday through Friday, 8 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 on the proceeding, if known:**
None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

[R06-48]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 46, Board of Appraisal
Article and its heading: 4, Standards of Practice
Section numbers: R4-46-401
2. **The subject matter of the proposed rule:**
The Board is amending the current R4-46-401 to conform by reference to the most recent edition of the *Uniform Standards of Appraisal Practice* (USPAP), 2006 Edition, published by The Appraisal Foundation, which will become effective nationally on July 1, 2006.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 12 A.A.R. 633, March 3, 2006

Notices of Rulemaking Docket Opening

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

Name: Deborah G. Pearson, Executive Director
Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
Telephone: (602) 542-1539
Fax: (602) 542-1598
E-mail: deborah.pearson@appraisal.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 between 8:00 a.m. and 5:00 p.m. Monday through Friday (excluding holidays) at the address listed in item #4 until April 11, 2006. In addition, the Board will meet telephonically April 12, 2006, at 9:00 a.m., at 1400 W. Washington, Suite 360, Phoenix, Arizona, and will accept oral comments. The record will be closed at the conclusion of the comment period at the meeting.

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION**

[R06-42]

1. Title and its heading:

9, Health Services

Chapter and its heading:

22, Arizona Health Care Cost Containment System – Administration

Article and its heading:

1, Definitions; 7, Standards for Payments

Section numbers:

R9-22-101; R9-22-701; R9-22-712.07 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

2. The subject matter of the proposed rule:

As authorized in A.R.S. § 36-2905.02 promulgation of rule is necessary to describe how the supplemental payment or adjustment to tier rates for rural hospitals will be administered.

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: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

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

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

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

Proposed rule language will immediate follow docket filing.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

[R06-37]

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: R17-5-208
2. **The subject matter of the proposed rule:**
The division proposes to amend this rule to establish a permanent waiver process for intrastate drivers who are disqualified from driving a commercial motor vehicle as prescribed in 49 CFR 391.41(b)(3), but who are otherwise qualified to apply for a waiver, restricted to the state of Arizona, from the provisions prescribed in 49 CFR 391.41(b)(3).
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: Troy A. Walters, Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 530M
1801 W. Jefferson St.
Phoenix, AZ 85007
Telephone: (602) 712-8994
Fax: (602) 712-3081
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.azdot.gov/mvd/mvdrules/rules.asp.
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Oral, written, or faxed comments may be made to the agency official listed in item #4, Monday through Friday, 8:00 a.m. to 4:30 p.m., except state holidays.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined