

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 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES

[R07-238]

PREAMBLE

1. Sections Affected

Article 14
R9-25-1401
R9-25-1402
Table 1
R9-25-1403
R9-25-1404
R9-25-1405
R9-25-1406

Rulemaking Action

New Article
New Section
New Section
New Table
New Section
New Section
New Section
New Section

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

Authorizing statutes: A.R.S. §§ 36-2202(A)(4) and 36-2209(A)(2)

Implementing statutes: A.R.S. §§ 36-2208(A), 36-2220(A), 36-2221, 36-2223(E)(3), 36-2225(A)(5) and (6), 36-2403(A), and 36-2404

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

Notice of Rulemaking Docket Opening: 12 A.A.R. 3756, October 6, 2006

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

Name: Vicki Conditt, Trauma System Section Chief
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or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
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5. An explanation of the rulemaking, including the agency's reasons for initiating the rulemaking:

A.R.S. § 36-2208(A) makes the Arizona Department of Health Services (ADHS) responsible for coordinating, establishing, and administering a statewide system of emergency medical services (EMS) and trauma care and a trauma registry.

A.R.S. § 36-2221 requires trauma centers, as defined in A.R.S. § 36-2201, to submit to ADHS a uniform data set prescribed by ADHS for each trauma patient. A.R.S. § 36-2221 further provides that advanced life support (ALS) base hospitals that are not trauma centers may submit this data to ADHS. The statute also requires ADHS to identify which patients are to be included as trauma patients and to provide quarterly trauma system data reports to each hospital submitting data.

A.R.S. § 36-2225(A) requires ADHS to develop and administer a statewide EMS and trauma system to implement the Arizona EMS and trauma system plan and to adopt rules to establish standards for, among other things, designation of trauma centers, trauma system evaluation and quality review through the collection and analysis of data, and protection of confidential patient care and trauma registry information. A.R.S. § 36-2225(A)(4)(b) further provides that ADHS may require, in the trauma center designation rules, that trauma centers submit data to the trauma registry. A.R.S. § 36-2225(B)(2) defines "trauma center" to mean a health care institution that is designated by ADHS under its rules for trauma center designation.

Effective October 2005, ADHS adopted rules for trauma center designation. Since that time, ADHS has designated seven Level I trauma centers, all of which are required by rule to submit data to the ADHS trauma registry. The ADHS trauma registry currently receives trauma patient data from those seven Level I trauma centers and from three hospitals that are not designated trauma centers.

Although ADHS has administered the ADHS trauma registry for more than 10 years, ADHS has never before included trauma registry requirements in rule. Instead, ADHS has been prescribing the requirements for trauma registry data submission through policy. With this rulemaking, ADHS creates standards for submission of trauma patient data to the ADHS trauma registry. The rules include trauma patient inclusion criteria, minimum data element requirements, and deadlines for the submission of data. In addition to the data submission requirements, the rules include requirements for ADHS reports on data from the trauma registry, confidentiality requirements for trauma registry data and trauma system quality assurance data, and provisions for trauma registry data quality assurance. The rules were created by ADHS with input from the Trauma Data Rulemaking Work Group, a group of stakeholders convened by ADHS with the approval of the State Trauma Advisory Board (STAB) and its Arizona Trauma System Quality Assurance and System Improvement Committee (AZTQ). After reaching consensus on draft rules with the Work Group, ADHS received support for the draft rules from both STAB and AZTQ. ADHS also solicited informal public comment on the rules before filing its Notice of Proposed Rulemaking.

The rules will add a number of data elements that are not currently required to be collected or submitted by reporting hospitals. ADHS is adding these data elements to align the ADHS trauma registry with the uniform data set collected by the American College of Surgeons Committee on Trauma's (ACS-COT's) National Trauma Data Bank (NTDB). The NTDB is a nonproprietary national repository for trauma registry data, designed with the goal of collecting data on every patient treated in every trauma center in the U.S. With the NTDB, the ACS-COT aspires to inform the medical community, the public, and decision makers about issues related to care of injured persons in the U.S. The insight gained through the NTDB can potentially impact epidemiology, injury control, research, education, acute care, and resource allocation. The NTDB furthers the mission of the ACS-COT: "to improve the care of injured patients through systematic efforts in prevention, care, and rehabilitation."

The trauma registry is important to ADHS and the state of Arizona because it allows ADHS to assess the quality of trauma services provided in Arizona. Having standardized data for the trauma services provided throughout the state will enable ADHS to evaluate the incidence, causes, severity, and outcomes for trauma cases and the operation of the Arizona trauma system and its components. Ideally, the analysis of trauma registry data will result in improved trauma care and enhanced injury prevention activities for the citizens of and visitors to Arizona.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

ADHS did not review any studies related to this rulemaking.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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:

As used in this summary, "minimal" means less than \$1,000; "moderate" means \$1,000 to \$9,999; "substantial" means \$10,000 or more; and "significant" means meaningful or important, but not readily subject to quantification.

ADHS will incur minimal-to-moderate costs from the rulemaking process and substantial costs as a result of the rule changes. To implement the rule changes, ADHS must pay to upgrade the software used by ADHS to operate the trauma registry and used by reporting hospitals to operate their own trauma registries and submit trauma registry data to ADHS. The total estimated software upgrade cost is \$12,395. This is a one-time cost and does not include the ongoing software costs incurred for licenses, technical support, and training, which are not expected to be affected by the new rules.

Six of the 10 hospitals currently reporting trauma patient data to the trauma registry anticipate incurring additional costs as a result of the new rules. The additional costs incurred will depend upon the hospital's current trauma registry operations. Based on estimates provided by the hospitals, one will incur minimal increased costs, three will incur moderate increased costs, and two will incur substantial increased costs (estimated at approximately \$19,032 to \$28,558 for one and approximately \$56,160 to \$78,000 for the other). Three of the 10 hospitals currently reporting trauma patient data to the trauma registry anticipate incurring no additional costs as a result of the new rules. One hospital currently reporting trauma patient data to the trauma registry did not respond to ADHS's request for information on the impact of the new rules.

ADHS and the citizens of and visitors to Arizona should receive significant benefits as a result of the rules. Having standardized data related to trauma services will enable ADHS to assess the quality of trauma services provided in Arizona and to evaluate the incidence, causes, severity, and outcomes for trauma cases and the operation of the Arizona trauma system and its components. Ideally, the analysis of trauma registry data will result in improved trauma care and enhanced injury prevention activities for the citizens of and visitors to Arizona.

ADHS believes that third-party payers for trauma services may also ultimately receive a significant benefit from the new rules, if the rules result in improved trauma care and enhanced injury prevention activities in Arizona. It is not yet possible to determine what the extent of that benefit might be or when it would be realized.

ADHS does not believe that any small businesses are subject to the rules or that there is a less intrusive or less costly alternative method of achieving the purpose of the rulemaking.

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: Vicki Condit, Trauma System Section Chief
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Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Ste. 540
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Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
Address: Department of Health Services
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1740 W. Adams St., Ste. 200
Phoenix, AZ 85007
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E-mail: phillik@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

ADHS has scheduled the following oral proceeding:
Date: August 21, 2007
Time: 10:00 a.m.
Location: Department of Health Services
150 N. 18th Ave., Rm. 540A
Phoenix, AZ 85007
Nature: Oral proceeding

Individuals with a disability may request a reasonable accommodation by contacting Sarah Harpring at harpris@azdhs.gov or (602) 542-1513. A request should be made as early as possible to allow sufficient time to arrange for the accommodation.

Written comments on the proposed rulemaking or the preliminary economic, small business, and consumer impact summary may be submitted to either individual listed in items #4 and #9 until the close of record at 5:00 p.m. on August 21, 2007.

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:

R9-25-1401(2): Association for the Advancement of Automotive Medicine Committee on Injury Scaling, *Abbreviated Injury Scale (AIS) 2005* (2005)

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES**

ARTICLE 14. TRAUMA REGISTRY; TRAUMA SYSTEM QUALITY ASSURANCE

Section

- R9-25-1401. Definitions (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))
- R9-25-1402. Data Submission Requirements (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))
- Table 1. Trauma Registry Data Set (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))
- R9-25-1403. Trauma System Data Reports; Requests for Trauma Registry Reports (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6))
- R9-25-1404. Retention of Reports and Requests for Reports (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))
- R9-25-1405. Confidentiality and Retention of Trauma System Quality Assurance Data (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, 36-2223(E)(3), 36-2225(A)(5) and (6), 36-2403(A), and 36-2404)
- R9-25-1406. Trauma Registry Data Quality Assurance (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6))

ARTICLE 14. TRAUMA REGISTRY; TRAUMA SYSTEM QUALITY ASSURANCE

R9-25-1401. Definitions (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))

The following definitions apply in this Article, unless otherwise specified:

1. “Aggregate trauma data” means a collection of data from the trauma registry that is compiled so that it is not possible to identify a particular trauma patient, trauma patient’s family, health care provider, or health care institution.
2. “AIS” means abbreviated injury scale, an anatomic severity scoring system established in Association for the Advancement of Automotive Medicine Committee on Injury Scaling, Abbreviated Injury Scale (AIS) 2005 (2005), incorporated by reference, including no future editions or amendments, and available from Association for the Advancement of Automotive Medicine, P.O. Box 4176, Barrington, IL 60011-4176, and www.carcrash.org.
3. “ALS base hospital” has the same meaning as in R9-25-101.
4. “Case” means a patient who meets R9-25-1402(A)(1), (2), or (3).
5. “Category” means a group of related codes within the ICD-9-CM, identified by the first three digits of each code number within the group, and including all code numbers that share the same first three digits.
6. “Data element” means a categorized piece of information.
7. “Data set” means a collection of data elements that includes, for each case, data that complies with Table 1.
8. “Department” means the Arizona Department of Health Services.
9. “ED” means emergency department, an organized area of a hospital that provides unscheduled emergency services, as defined in A.A.C. R9-10-201, 24 hours per day, 7 days per week, to individuals who present for immediate medical

attention.

10. “EMS” has the same meaning as “emergency medical services” in A.R.S. § 36-2201.
11. “EMS provider” has the same meaning as “emergency medical services provider” in A.R.S. § 36-2201.
12. “GCS” means Glasgow Coma Scale, a scoring system that defines eye, motor, and verbal responses in the patient with injury.
13. “Health care institution” has the same meaning as in A.R.S. § 36-401.
14. “Health care provider” means a caregiver involved in the delivery of trauma services to a patient, whether in a pre-hospital setting, in a hospital setting, or during rehabilitation.
15. “Hospital” has the same meaning as in A.A.C. R9-10-201.
16. “ICD-9-CM” has the same meaning as in A.A.C. R9-4-101.
17. “ICD-9-CM E-code” means the external cause of injury as coded according to the ICD-9-CM.
18. “ICD-9-CM N-code” means the nature of injury as coded according to the ICD-9-CM.
19. “ICD-9-CM Procedure Code” means the procedure performed on a patient as coded according to the ICD-9-CM.
20. “Injury” means the result of an act that damages, harms, or hurts; unintentional or intentional damage to the body resulting from acute exposure to mechanical, thermal, electrical, or chemical energy or from the absence of such essentials as heat or oxygen.
21. “ISS” has the same meaning as in R9-25-1301.
22. “Owner” has the same meaning as in R9-25-1301.
23. “Patient” means an individual who is sick, injured, or dead and who requires medical monitoring, medical treatment, or transport.
24. “Scene” means a location, other than a health care institution, from which a patient is transported.
25. “Submitting health care institution” means a health care institution that submits data to the trauma registry as provided in R9-25-1402.
26. “Trauma center” means a health care institution that meets the definition of “trauma center” in A.R.S. § 36-2201 or the definition of “trauma center” in A.R.S. § 36-2225.
27. “Trauma registry” has the same meaning as in A.R.S. § 36-2201.
28. “Trauma team” means a group of health care providers organized to provide care to trauma patients.
29. “Trauma team activation” means notification of trauma team members in response to triage information received concerning a patient with injury or suspected injury.
30. “Trauma triage protocol” means a “triage protocol,” as defined in R9-25-101, specifically designed for use with patients with injury.

R9-25-1402. Data Submission Requirements (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))

- A.** As required under A.R.S. § 36-2221 and R9-25-1313, as applicable, an owner of a trauma center shall ensure that the data set identified in Table 1 is submitted to the Department, as prescribed in subsection (B), for each patient meeting one or more of the following criteria:
1. A patient with injury or suspected injury who is triaged from a scene to a trauma center or ED based upon the responding EMS provider’s trauma triage protocol;
 2. A patient with injury or suspected injury for whom a trauma team activation occurs; or
 3. A patient with injury who is admitted as a result of the injury or who dies as a result of the injury, who has an ICD-9-CM N-code within categories 800 through 959, and who does not only have:
 - a. Late effects of injury or another external cause, as demonstrated by an ICD-9-CM N-code within categories 905 through 909;
 - b. A superficial injury or contusion, as demonstrated by an ICD-9-CM N-code within categories 910 through 924;
 - c. Effects of a foreign body entering through an orifice, as demonstrated by an ICD-9-CM N-code within categories 930 through 939;
 - d. An isolated femoral neck fracture from a same-level fall, as demonstrated by:
 - i. An ICD-9-CM N-code within category 820; and
 - ii. An ICD-9-CM E-code within category E885 or E886;
 - e. An isolated distal extremity fracture from a same-level fall, as demonstrated by:
 - i. An ICD-9-CM N-code within categories 813 through 817 or within categories 823 through 826; and
 - ii. An ICD-9-CM E-code within category E885 or E886; or
 - f. An isolated burn, as demonstrated by an ICD-9-CM N-code within categories 940 through 949.
- B.** An owner of a trauma center shall submit the data required under subsection (A) to the Department:
1. On a quarterly basis according to the following schedule:
 - a. For cases identified between January 1 and March 31, so that it is received by the Department by July 1 of the same calendar year;
 - b. For cases identified between April 1 and June 30, so that it is received by the Department by October 1 of the

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- same calendar year;
- c. For cases identified between July 1 and September 30, so that it is received by the Department by January 2 of the following calendar year; and
- d. For cases identified between October 1 and December 31, so that it is received by the Department by April 1 of the following calendar year;
- 2. Through an electronic reporting system authorized by the Department;
- 3. In a format authorized by the Department; and
- 4. Along with the following information:
 - a. The name and physical address of the trauma center;
 - b. The date the trauma data is being submitted to the Department;
 - c. The total number of cases for whom trauma data is being submitted;
 - d. The quarter and year for which trauma data is being submitted;
 - e. The range of ED or hospital arrival dates for the cases for whom trauma data is being submitted;
 - f. The name, title, phone number, fax number, and e-mail address of the trauma center's point of contact for the trauma data; and
 - g. Any special instructions or comments to the Department from the trauma center's point of contact.
- C. An ALS base hospital certificate holder that chooses to submit trauma data to the Department, as provided in A.R.S. § 36-2221, shall comply with the data submission requirements in this Section for an owner of a trauma center.

Table 1. Trauma Registry Data Set (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))

KEY:

Required for TC Levels I, II, and III = An owner of a hospital designated as a Level I, Level II, or Level III trauma center under Article 13 of this Chapter shall include these data elements in the data submission required under R9-25-1402.

Required for TC Level IV, Non-Designated TC, and ALS Base Hospital = An owner of a health care institution designated as a Level IV trauma center under Article 13 of this Chapter; an owner of a trauma center, as defined in A.R.S. § 36-2201, that is not designated as a trauma center under Article 13 of this Chapter; or an ALS base hospital certificate holder that submits trauma data as provided under A.R.S. § 36-2221 shall include these data elements in the data submission required under R9-25-1402.

* = Only required for hospitals designated as Level I trauma centers under Article 13 of this Chapter.

<u>Field Name/Data Element Description</u>	<u>Required for TC Levels I, II, and III</u>	<u>Required for TC Level IV, Non-Designated TC, and ALS Base Hospital</u>
DEMOGRAPHIC DATA ELEMENTS		
<u>Reporting Facility Site ID</u>	<u>X</u>	<u>X</u>
<u>Registration Number</u>	<u>X</u>	<u>X</u>
<u>Medical Record Number</u>	<u>X</u>	<u>X</u>
<u>Hospital Admission Date</u>	<u>X</u>	<u>X</u>
<u>Admission Status</u>	<u>X</u>	<u>X</u>
<u>Patient Last Name</u>	<u>X</u>	<u>X</u>
<u>Patient First Name</u>	<u>X</u>	<u>X</u>
<u>Patient Middle Initial</u>	<u>X</u>	<u>X</u>
<u>Social Security Number</u>	<u>X</u>	<u>X</u>
<u>Date of Birth</u>	<u>X</u>	<u>X</u>
<u>Age</u>	<u>X</u>	<u>X</u>
<u>Units of Age</u>	<u>X</u>	<u>X</u>
<u>Gender</u>	<u>X</u>	<u>X</u>
<u>Race</u>	<u>X</u>	<u>X</u>
<u>Ethnicity</u>	<u>X</u>	<u>X</u>
<u>Zip Code of Residence</u>	<u>X</u>	
<u>City of Residence</u>	<u>X</u>	

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<u>County of Residence</u>	<u>X</u>	
<u>State of Residence</u>	<u>X</u>	<u>X</u>
<u>Country of Residence</u>	<u>X</u>	
<u>Alternate Home Residence</u>	<u>X</u>	
<u>Co-Morbid Conditions (Pre-Existing)</u>	<u>X</u>	
<u>INJURY DATA ELEMENTS</u>		
<u>Injury Date</u>	<u>X</u>	<u>X</u>
<u>Injury Time</u>	<u>X</u>	<u>X</u>
<u>Actual versus Estimated Injury Time</u>	<u>X</u>	
<u>Injury Location ICD-9-CM E-code (E849)</u>	<u>X</u>	<u>X</u>
<u>Street Location of Injury</u>	<u>X</u>	
<u>Zip Code of Injury</u>	<u>X</u>	<u>X</u>
<u>City of Injury</u>	<u>X</u>	<u>X</u>
<u>County of Injury</u>	<u>X</u>	
<u>State of Injury</u>	<u>X</u>	
<u>Primary ICD-9-CM E-code Injury Descriptor</u>	<u>X</u>	<u>X</u>
<u>Additional ICD-9-CM E-code Injury Descriptor</u>	<u>X</u>	
<u>Trauma Type</u>	<u>X</u>	
<u>Work-Related</u>	<u>X</u>	
<u>Patient Occupational Industry</u>	<u>X</u>	
<u>Patient Occupation</u>	<u>X</u>	
<u>Patient Position in Vehicle</u>	<u>X</u>	
<u>Protective Devices</u>	<u>X</u>	<u>X</u>
<u>Child Specific Restraint</u>	<u>X</u>	
<u>Airbag Deployment</u>	<u>X</u>	
<u>Safety Equipment Issues</u>	<u>X</u>	
<u>PREHOSPITAL TRANSPORT DATA ELEMENTS</u>		
<u>EMS Provider Type</u>	<u>X</u>	
<u>Transport Mode (Into Reporting Facility)</u>	<u>X</u>	<u>X</u>
<u>Other Transport Modes</u>	<u>X</u>	
<u>Transport Agency</u>	<u>X</u>	
<u>Run Sheet Available?</u>	<u>X</u>	
<u>Run Sheet Date</u>	<u>X</u>	
<u>Transported From</u>	<u>X</u>	
<u>Date EMS Provider Notified</u>	<u>X</u>	
<u>Time EMS Provider Notified</u>	<u>X</u>	
<u>Date EMS Provider Left for Scene</u>	<u>X</u>	
<u>Time EMS Provider Left for Scene</u>	<u>X</u>	
<u>Date EMS Provider Arrived at Scene</u>	<u>X</u>	
<u>Time EMS Provider Arrived at Scene</u>	<u>X</u>	
<u>Date of EMS Patient Contact</u>	<u>X</u>	
<u>Time of EMS Patient Contact</u>	<u>X</u>	
<u>Date EMS Provider Departed Scene</u>	<u>X</u>	
<u>Time EMS Provider Departed Scene</u>	<u>X</u>	
<u>Date of Arrival at Destination</u>	<u>X</u>	
<u>Time of Arrival at Destination</u>	<u>X</u>	

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<u>EMS Destination</u>	<u>X</u>	
<u>Total EMS Response Time (Minutes)</u>	<u>X</u>	
<u>Total EMS Scene Time (Minutes)</u>	<u>X</u>	
<u>Transport Time – Scene to Destination (Minutes)</u>	<u>X</u>	
<u>Total EMS Time (Minutes)</u>	<u>X</u>	
<u>System Access</u>	<u>X</u>	
<u>Triage Criteria</u>	<u>X</u>	<u>X</u>
<u>Date of Measurement of Vital Signs</u>	<u>X</u>	
<u>Time of Measurement of Vital Signs</u>	<u>X</u>	
<u>Initial Field Pulse Rate</u>	<u>X</u>	
<u>Initial Field Respiratory Rate</u>	<u>X</u>	
<u>Initial Field Oxygen Saturation</u>	<u>X</u>	
<u>Field Airway Management Details</u>	<u>X</u>	
<u>Field Intubation Status</u>	<u>X</u>	
<u>Field Paralytic Agent in Effect</u>	<u>X</u>	
<u>Initial Field Systolic Blood Pressure</u>	<u>X</u>	
<u>Initial Field GCS – Eye Opening</u>	<u>X</u>	
<u>Initial Field GCS – Verbal Response</u>	<u>X</u>	
<u>Initial Field GCS – Motor Response</u>	<u>X</u>	
<u>Initial Field GCS – Total</u>	<u>X</u>	
<u>Field Revised Trauma Score</u>	<u>X</u>	
<u>REFERRING/TRANSFER HOSPITAL DATA ELEMENTS</u>		
<u>Interfacility Transfer</u>	<u>X</u>	
<u>Date of Arrival at First Referring Hospital</u>	<u>X</u>	
<u>Time of Arrival at First Referring Hospital</u>	<u>X</u>	
<u>Date of Transfer from First Referring Hospital</u>	<u>X</u>	
<u>Time of Transfer from First Referring Hospital</u>	<u>X</u>	
<u>Transferring Facility (First Referring)</u>	<u>X</u>	
<u>Length of Stay in First Referring Hospital (Hours)</u>	<u>X</u>	
<u>Destination Facility</u>	<u>X</u>	
<u>Date of Arrival at Second Referring Hospital</u>	<u>X</u>	
<u>Time of Arrival at Second Referring Hospital</u>	<u>X</u>	
<u>Date of Transfer from Second Referring Hospital</u>	<u>X</u>	
<u>Time of Transfer from Second Referring Hospital</u>	<u>X</u>	
<u>Transferring Facility (Second Referring)</u>	<u>X</u>	
<u>Length of Stay in Second Referring Hospital (Hours)</u>	<u>X</u>	
<u>Destination Facility</u>	<u>X</u>	
<u>Vital Signs Designation (If First or Second Referring)</u>	<u>X</u>	
<u>Initial Respiratory Rate in Referring Facility</u>	<u>X</u>	
<u>Initial Systolic Blood Pressure in Referring Facility</u>	<u>X</u>	
<u>Initial GCS Total in Referring Facility</u>	<u>X</u>	
<u>Initial Revised Trauma Score in Referring Facility</u>	<u>X</u>	
<u>ED/TRAUMA DATA ELEMENTS</u>		
<u>ED/Hospital Arrival Date</u>	<u>X</u>	<u>X</u>
<u>ED/Hospital Arrival Time</u>	<u>X</u>	<u>X</u>
<u>ED Exit Date</u>	<u>X</u>	<u>X</u>

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<u>ED Exit Time</u>	<u>X</u>	<u>X</u>
<u>Length of Stay in ED (Hours)</u>	<u>X</u>	<u>X</u>
<u>Complete Trauma Team Arrival Time</u>	<u>X</u>	
<u>ED Discharge Disposition</u>	<u>X</u>	<u>X</u>
<u>ED Discharge Destination Hospital</u>	<u>X</u>	<u>X</u>
<u>Discharge Transport Agency</u>	<u>X</u>	
<u>Transfer Reason</u>	<u>X</u>	
<u>ED/Hospital Initial Pulse Rate</u>	<u>X</u>	
<u>ED/Hospital Initial Respiratory Rate</u>	<u>X</u>	
<u>ED/Hospital Initial Respiratory Assistance</u>	<u>X</u>	
<u>ED/Hospital Initial Oxygen Saturation</u>	<u>X</u>	
<u>ED/Hospital Initial Supplemental Oxygen</u>	<u>X</u>	
<u>ED/Hospital Intubation Status</u>	<u>X</u>	
<u>ED/Hospital Paralytic Agent in Effect</u>	<u>X</u>	
<u>ED/Hospital Initial Systolic Blood Pressure</u>	<u>X</u>	
<u>ED/Hospital Initial GCS – Eye Opening</u>	<u>X</u>	
<u>ED/Hospital Initial GCS – Verbal Response</u>	<u>X</u>	
<u>ED/Hospital Initial GCS – Motor Response</u>	<u>X</u>	
<u>ED/Hospital Initial GCS – Total</u>	<u>X</u>	
<u>ED/Hospital Initial GCS Assessment Qualifiers</u>	<u>X</u>	
<u>ED/Hospital Initial Temperature</u>	<u>X</u>	
<u>ED/Hospital Initial Units of Temperature</u>	<u>X</u>	
<u>ED/Hospital Initial Temperature Route</u>	<u>X</u>	
<u>ED/Hospital Initial Revised Trauma Score</u>	<u>X</u>	
<u>Alcohol Use Indicator</u>	<u>X</u>	
<u>Blood Alcohol Content (mg/dl)</u>	<u>X</u>	
<u>Drug Use Indicator</u>	<u>X</u>	
<u>Toxicology Substances Found</u>	<u>X</u>	
<u>DISCHARGE DATA ELEMENTS</u>		
<u>Hospital Discharge Date</u>	<u>X</u>	<u>X</u>
<u>Hospital Discharge Time</u>	<u>X</u>	<u>X</u>
<u>Hospital Admission Length of Stay (Days)</u>	<u>X</u>	<u>X</u>
<u>Total Length of Hospital Stay – ED plus Admission (Days)</u>	<u>X</u>	
<u>Final Outcome – Dead or Alive</u>	<u>X</u>	<u>X</u>
<u>Total ICU Length of Stay (Days)</u>	<u>X</u>	<u>X</u>
<u>Total Ventilator Days</u>	<u>X</u>	
<u>Hospital Discharge Disposition</u>	<u>X</u>	<u>X</u>
<u>Hospital Discharge Destination Hospital</u>	<u>X</u>	<u>X</u>
<u>Discharge Transport Agency</u>	<u>X</u>	
<u>Transfer Reason</u>	<u>X</u>	
<u>Autopsy Identification Number</u>	<u>X</u>	
<u>Injury Diagnoses – ICD-9-CM N-codes</u>	<u>X</u>	<u>X</u>
<u>AIS Six-Digit Injury Identifier</u>	<u>X*</u>	
<u>AIS Severity Code</u>	<u>X</u>	
<u>AIS Body Region of Injury</u>	<u>X</u>	
<u>Injury Severity Score</u>	<u>X</u>	

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<u>Probability of Survival</u>	<u>X</u>	
<u>ED/Hospital Procedure Location</u>	<u>X</u>	
<u>ED/Hospital Procedure Start Date</u>	<u>X</u>	
<u>ED/Hospital Procedure Start Time</u>	<u>X</u>	
<u>ED/Hospital ICD-9-CM Procedure Codes</u>	<u>X</u>	
<u>Hospital Complications</u>	<u>X</u>	
<u>Primary Method of Payment</u>	<u>X</u>	
<u>Secondary Method of Payment</u>	<u>X</u>	
<u>Total Hospital Charges</u>	<u>X</u>	
<u>Total Reimbursements</u>	<u>X</u>	

R9-25-1403. Trauma System Data Reports: Requests for Trauma Registry Reports (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6))

- A.** The Department shall produce and disseminate to each submitting health care institution a quarterly trauma system data report that includes statewide aggregate trauma data.
- B.** A person may request to receive a report containing statewide aggregate trauma data for data elements not included in the quarterly trauma system data report by submitting a written public records request to the Department as provided in A.A.C. R9-1-303.
- C.** The Department shall process a request for a report submitted under subsection (B) as provided in A.A.C. R9-1-303.
- D.** As provided in A.R.S. § 36-2220(A)(1), Trauma Registry data from which a patient, the patient’s family, or the patient’s health care provider or facility might be identified is confidential and is not available to the public.

R9-25-1404. Retention of Reports and Requests for Reports (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2221, and 36-2225(A)(5) and (6))

The Department shall retain copies of each quarterly trauma system data report, request for a report submitted under R9-25-1403(B), and report generated under R9-25-1403(B) for at least 10 years after the date of the report or request for a report.

R9-25-1405. Confidentiality and Retention of Trauma System Quality Assurance Data (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, 36-2223(E)(3), 36-2225(A)(5) and (6), 36-2403(A), and 36-2404)

- A.** As provided in A.R.S. §§ 36-2220(A)(2) and 36-2403(A), all data and documents obtained by the Department or considered by the Department, the State Trauma Advisory Board, or a State Trauma Advisory Board subcommittee for purposes of trauma system quality assurance are confidential and are not available to the public.
- B.** The Department shall ensure that:
 - 1.** Each member of the State Trauma Advisory Board or member of a State Trauma Advisory Board subcommittee who will have access to the data and documents described in subsection (A) executes a written confidentiality statement before being allowed access to the data and documents;
 - 2.** All trauma system quality assurance activities are completed in executive session during State Trauma Advisory Board or State Trauma Advisory Board subcommittee meetings;
 - 3.** Except for one historical copy, all copies of data and documents described in subsection (A) and used during an executive session are collected at the end of the executive session and destroyed after the State Trauma Advisory Board or State Trauma Advisory Board subcommittee meeting; and
 - 4.** Executive session minutes and all copies of data and documents described in subsection (A) are maintained in a secure area and are accessible only to authorized Department employees.

R9-25-1406. Trauma Registry Data Quality Assurance (Authorized by A.R.S. §§ 36-2202(A)(4), 36-2208(A), 36-2209(A)(2), 36-2220(A), 36-2221, and 36-2225(A)(5) and (6))

- A.** To ensure the completeness and accuracy of trauma registry reporting, a submitting health care institution shall allow the Department to review the following, upon prior notice from the Department of at least five business days:
 - 1.** The submitting health care institution’s database that includes data regarding cases;
 - 2.** Patient medical records; and
 - 3.** Any record, other than those specified in subsections (A)(1) and (2), that may contain information about diagnostic evaluation or treatment provided to a patient.
- B.** Upon prior notice from the Department of at least five business days, a submitting health care institution shall provide the Department with all of its patient medical records for a time period specified by the Department, to allow the Department to review the patient medical records and determine whether the submitting health care institution has submitted data to the trauma registry for the cases who received medical services within the time period.
- C.** For purposes of subsection (B), the Department considers a submitting health care institution to be in compliance with

R9-25-1402(A) if the submitting health care institution submitted data to the trauma registry for 97% of the cases who received medical services within the time period.

- D.** The Department shall return to a submitting health care institution data not submitted in compliance with R9-25-1402 and shall identify the revisions that are needed to bring the data into compliance with R9-25-1402.
- E.** A submitting health care institution that has trauma registry data returned as provided in subsection (D) shall revise the data as identified by the Department and shall submit the revised data to the Department within 15 business days after the date the Department returned the data or within a longer period agreed upon between the Department and the submitting health care institution.
- F.** Within 15 business days after receiving a written request from the Department that includes a simulated patient medical record, a submitting health care institution shall prepare and submit to the Department the data set identified in Table 1 for the patient described in the simulated patient medical record.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 8. DEPARTMENT OF TRANSPORTATION

~~RESERVED~~ MOTOR CARRIER AND TAX SERVICES PROGRAM

[R07-234]

PREAMBLE

1. Sections affected:

Chapter 8
Article 6
R17-8-601
R17-8-602
R17-8-603
R17-8-604
R17-8-605
R17-8-606
R17-8-607
R17-8-608
R17-8-609
R17-8-610
R17-8-611

Rulemaking Action:

New Chapter
New Article
New Section
New Section

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 & 28-5602

Implementing statute: A.R.S. §§ 28-373, 28-401(E), 28-5432, 28-28-5602, 28-5605, 28-5606, 28-5610, 28-5611, 28-5612, 28-5613, 28-5614, 28-5615, 28-5616, 28-5614, 28-5617, 28-5619, 28-5620, 28-5626, 28-5622, & 28-5924

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

Notice of Rulemaking Docket Opening: 12 A.A.R. 3077, August 25, 2006

Notice of Rulemaking Docket Opening: 13 A.A.R. 2531, July 13, 2007

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

Name: Janette M. Quiroz

Address: Administrative Rules Unit
Department of Transportation
Motor Vehicle Division
1801 W. Jefferson, MD 530M
Phoenix, AZ 85007

Telephone: (602) 712-8996

Fax: (602) 712-3081

E-mail: jmquiroz@azdot.gov

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Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters at <http://www.azdot.gov/mvd/mvdrules/index.asp>.

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

This rulemaking is being initiated as a result of a five-year-rule review approved by the Governor's Regulatory Review Council on July 13, 2004. The current rules under A.A.C. 1, Article 3, Taxes regulating Motor Fuel Tax Refunds are antiquated and no longer reflect current statute, making it difficult for the Motor Vehicle Division (Division) to enforce. Therefore, the Division proposes to repeal current rules under A.A.C. 1, Article 3, Taxes and create new rules under this new Chapter. Additional rules were created to clarify supporting documentation requirements for refund of motor fuel taxes paid.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

The Division does not propose to review nor rely upon any study relevant to 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 has created new rules regulating requests for refund of motor fuel taxes paid.

The costs of these rules to the Division is anticipated to be minimal, as there are existing systems, staff, resources, and procedures in place for processing requests for refund of motor fuel taxes paid. The Division may experience an increase in the number of requests for refund submitted to the Division in response to a more clearly defined process. However, the benefit to the Division as well as to the state of Arizona is anticipated to be substantial as the potential for fraudulent activities is expected to be minimized, as the rules provide for clear requirements as to the documentation that shall be provided to the Division in support of a request for refund.

These proposed rules are anticipated to have a moderate to substantial cost to industry regulated under these rules. Associated costs expected to increase is anticipated to include system modifications, training of staff for new requirements, studies, equipment, and other related services. However, the benefit to industry under these rules is a more clearly identified process regulating requests for refund, which should allow for a reduction in filing errors resulting in a more expedited and efficient review and approval process.

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: Janette M. Quiroz
Address: Administrative Rules Unit
Department of Transportation
Motor Vehicle Division
1801 W. Jefferson, MD 530M
Phoenix, AZ 85007
Telephone: (602) 712-8996
Fax: (602) 712-3081
E-mail: jmquiroz@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:

Date: August 31, 2007
Time: 1:00 p.m.
Location: Department of Transportation
206 S. 17th Ave.
Phoenix, AZ
Nature: Oral Proceeding

Written, faxed, or e-mailed comments will be accepted by the Division under item #4 until September 7, 2007, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

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 8. DEPARTMENT OF TRANSPORTATION
~~RESERVED~~ MOTOR CARRIER AND TAX SERVICES PROGRAM**

ARTICLE 6. MOTOR FUEL REFUNDS

Section

<u>R17-8-601.</u>	<u>Definitions and General Provisions</u>
<u>R17-8-602.</u>	<u>Exports</u>
<u>R17-8-603.</u>	<u>Use Fuel Vendors</u>
<u>R17-8-604.</u>	<u>Off-highway</u>
<u>R17-8-605.</u>	<u>Idle Time</u>
<u>R17-8-606.</u>	<u>Tribal Government</u>
<u>R17-8-607.</u>	<u>Tribal Member</u>
<u>R17-8-608.</u>	<u>Transport of Forest Products; Healthy Forest Initiative</u>
<u>R17-8-609.</u>	<u>Motor Vehicle Fuel Used in Aircraft</u>
<u>R17-8-610.</u>	<u>Motor Fuel Losses Caused by Fire, Theft, Accident, or Contamination</u>
<u>R17-8-611.</u>	<u>Bulk Purchase of Motor Fuel</u>

ARTICLE 6. MOTOR FUEL REFUNDS

R17-8-601. Definitions and General Provisions

A. Definitions. The following definitions apply to this Article unless otherwise specified:

“Application” means a request for refund of motor fuel taxes, made on a form provided by the Department.

“Authorized representative” means a person who has authority to file an application on behalf of the Claimant, as authorized by a notarized Power of Attorney.

“Card lock use fuel facility” has the same meaning as prescribed under A.R.S. § 28-5601(40), and satisfies requirements under A.R.S. § 28-5605.

“Claimant” means the taxpayer or an authorized representative of the taxpayer, also referred to as applicant.

“Complete application” means an application that includes supporting documentation and schedules, Claimant signature, and provides all information required on the application.

“Contaminated Fuel” means motor fuel under A.R.S. § 28-5601(18), which is accidentally contaminated, and which is unsalable for highway use.

“Declaration of Status” means a statement on a form provided by the Department that a light class or exempt use class vehicle qualifies for Use Fuel Tax Differential under A.R.S. § 28-5606.

“Department” means the Arizona Department of Transportation.

“Daily log” means notations made by a driver of a commercial motor vehicle which records a daily record of duty status as specified under 49 CFR 395.5.

“Destination state” means a state in the United States, other than the state of Arizona.

“Diversion” means delivery of motor fuel to a destination state other than the intended destination as signified on Carrier Bill of Lading.

“Exempt use class motor vehicle” means a vehicle exempt from gross weight fees under A.R.S. § 28-5432.

“GPS” means a Global Positioning System of satellites and receiving devices used to compute vehicle position and time information.

“Highway” has the meaning prescribed under A.R.S. § 28-5601(11), and also includes a:

Port of entry;

Weigh station, or

Public rest area.

“Idle status” means a vehicle that is stationary, its engine continues to operate, and it is located in Arizona, but off-highway.

“Light class motor vehicle” has the same meaning as prescribed under A.R.S. § 28-5601(17).

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“Licensee” has the same meaning as prescribed under A.R.S. § 28-5613.

“Motor fuel” has the meaning prescribed under A.R.S. 28-5601(18).

“Motor fuel tax” means any tax on motor fuel imposed under A.R.S. Title 28, Chapter 16, Article 1.

“Notification date” means the date on a Notice sent by the Department.

“Off-highway” means any location that is not on a highway in this state.

“Person” has the same meaning prescribed under A.R.S. § 28-5601(21).

“Power-take-off” means the operation of vehicle-mounted, auxiliary equipment that is powered by energy supplied by the same engine that propels the motor vehicle, but does not include equipment related to the operation of a vehicle and powered by the vehicle’s engine, including air conditioning, alternator, automatic transmission, and power steering.

“Tribal agreement” means an agreement between the Department and a Native American tribe for the administration of motor fuel taxes.

“Trip” means travel within or through Arizona’s state borders with a designated beginning and ending location.

“Use class motor vehicle” has the meaning prescribed under A.R.S. § 28-5601(37).

“Use fuel” has the same meaning as prescribed under A.R.S. § 28-5601(38).

“Use fuel tax differential” means the difference between the use fuel tax rate applicable to light class motor vehicles or exempt use class motor vehicles, and the use fuel tax rate applicable to use class motor vehicles.

“Vendor” has the same meaning as prescribed under A.R.S. § 28-5601(40).

“VIN” means Vehicle Identification Number.

B. General Provisions

1. Scope. For purposes of administering A.R.S. § 28-5612 this Article applies to a person or licensee under A.R.S. §§ 28-5612 and 28-5613.

2. Application.

a. A complete application for refund of motor fuel tax shall be submitted to the Department.

b. An application for refund for an amount of \$10 or less:

i. Shall be accepted only once within a consecutive six-month period.

ii. If the aggregate monthly total of a request for refund is less than \$10 the applicant may combine.

c. A Claimant shall submit to the Department a separate application for refund for each calendar month.

d. When the Department determines that an application is incomplete under these rules and A.R.S. Title 28, Chapter 16, Article 1, the Department shall suspend processing of the application for refund and:

i. Notify the Claimant of the deficiencies, and

ii. Return application to Claimant.

e. A Claimant whose application is returned as incomplete under A.R.S. Title 28, Chapter 16, Article 1 and these rules shall have 60 days from the notification date to remedy the deficiencies.

f. If the Claimant fails to remedy the deficiencies under subsection (d) within 60 days of the notification date and return a complete application, the Department shall deny the application for refund.

g. If the Department denies an application because the Claimant failed to remedy a deficiency, the deadline to submit a new application shall be governed by the time-frames established in subsection (3).

3. Application filing. A complete application for refund shall be submitted to the Department as provided within the following table:

<u>Refund Type</u>	<u>Claimant Status</u>	
	<u>Licensee</u>	<u>Non-Licensee</u>
<u>R17-8-602. Exports</u>	<u>3 years from date of export</u>	<u>3 months from date of export</u>
<u>R17-8-603. Use Fuel Vendor</u>	<u>3 years from date of sale</u>	<u>6 months from date of sale</u>
<u>R17-8-604. Off-highway</u>	<u>3 years from date of purchase</u>	<u>6 months from date of purchase</u>
<u>R17-8-606. Indian Tribal Government</u>	<u>If no Tribal Agreement with the Department, 6 months from date of purchase</u>	
<u>R17-8-607. Indian Tribal Member</u>		
<u>R17-8-608. Transport of Forest Products; Healthy Forest Initiative</u>	<u>March 1st of the year following calendar year consumed</u>	
<u>R17-8-609. Motor Vehicle Fuel Used in Aircraft</u>	<u>6 months from date of purchase</u>	

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<u>R17-8-610. Motor Vehicle Fuel Losses Caused by Fire, Theft, Accident, or Contamination</u>	<u>3 years from date of event</u>	<u>6 months from date of event</u>
<u>R17-8-611. Bulk Purchase of Motor Fuel</u>	<u>3 years</u>	<u>6 months</u>

4. Filing location and timely filing. A Claimant shall submit an application under this Article to the Department as provided under A.R.S. § 1-218, and this subsection:
 - a. Hand delivered, certified or registered mail:
 - i. Arizona Department of Transportation, Motor Vehicle Division
Fuel, Licensing, & Refund Compliance Unit
1801 W. Jefferson St., Rm. 201
Phoenix, AZ 85007;
 - ii. Hand delivered: the Department time and date stamp will be used to determine whether a complete application was received within the required time-frames established under subsection (3).
 - iii. Certified or registered mail: the date of receipt by the designated delivery service shall be used to determine whether an application was received by the Department within the required time-frame established under subsection (3).
 - b. United States Postal Service:
 - i. Arizona Department of Transportation, Motor Vehicle Division
Fuel, Licensing, & Refund Compliance Unit, Mail Drop 521M
P.O. Box 2100
Phoenix, AZ 85001
 - ii. The postmark date will be used to determine whether an application was received by the Department within the required time-frames established under subsection (3).
5. Supporting documentation.
 - a. The Department shall accept any of the following forms of documentation to support a claim for refund, which may be admissible to the same extent as an original:
 - i. Photocopies,
 - ii. Duplicates, or
 - iii. Document image.
 - b. The Department shall not return documentation submitted to support an application for refund once an application for refund has been accepted as complete.
 - c. If the Department determines that the supporting documentation required under these rules does not provide sufficient evidence of motor fuel tax paid, the Department may require Claimant to produce additional information.
 - d. Failure to produce additional documentation as requested by the Department, within the time prescribed under R17-8-601(B)(2)(e), shall result in a denial of refund request being issued by the Department.
6. Record retention and review.
 - a. A licensee shall maintain the records relied upon to support the application for refund as specified under A.R.S. Title 28, Chapter 16, Article 1 and these rules, and produce those records to the Department when requested.
 - b. Unless required by A.R.S. Title 28, Chapter 16 to maintain records relied upon to substantiate an application for refund for a shorter or longer period of time, a licensee shall retain the records required to support an application for refund for three years from the issuance date of refund by the Department.
 - c. The Department reserves the right to review a Claimant's records used to substantiate an application for refund under these rules.
7. If at any time, the Department discovers an overpayment of motor fuel tax refunded to a Claimant under these rules, the Department shall recover payment under A.R.S. § 28-5612.
8. Notification; violation; suspension; administrative hearing.
 - a. Denial of request for refund. If the Department denies an applicant's request for refund the Department shall send notification of denial to the Claimant.
 - b. Administrative Hearings. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 28-5924 and A.A.C Title 17, Chapter 1, Article 5 except under § 28-5612(K).
 - c. Suspension due to violation of A.R.S. § 28-5612.
 - i. If the Department finds that a Claimant is in violation of A.R.S. § 28-5612, the Department shall send notification to the Claimant identifying violation.
 - ii. The Department's determination of violation under A.R.S § 28-5612, is final unless the Claimant files an action under A.R.S. § 28-5612(K).
 - iii. A Claimant determined by the Department to be in violation of state laws and regulations under A.R.S. § 28-

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- 5612 and these rules, may be suspended from filing motor tax fuel refunds for six consecutive months from the notification date of the Department for motor fuel tax paid during the suspension period.
- iv. If a suspension is set aside under A.R.S. § 28-5612, a Claimant may again apply to the Department for refund.
 - v. The time-frame requirements under subsection (B)(3) shall not toll while pursuit of remedy by the Claimant or the Department under this subsection.

R17-8-602. Exports

- A.** To qualify for a refund of Arizona use fuel tax paid on motor fuel exported, a Claimant shall provide the following documents to support a request for refund:
- 1. Export to another state within the United States:
 - a. Terminal, Carrier, or Bulk Plant Bill of Lading showing the point of origin, and destination of the motor fuel;
 - b. Invoice or Monthly Supplier Report schedule indicating that the Arizona tax was paid;
 - c. Motor fuel invoice or shipping document reflecting final destination and gallons exported;
 - d. Tax Report establishing that the destination state's tax was reported;
 - e. Name and license number issued by the destination state of the licensee responsible for payment of motor fuel tax and tax reporting to the destination state; and
 - f. If the export of motor fuel is a diversion, the Claimant shall provide the following documents to the Department:
 - i. A Carrier Bill of Lading; and
 - ii. Other documentation which supports the delivery of motor fuel to a specific location, other than its intended destination.
 - 2. Exports to Mexico:
 - a. Documentation under (A);
 - b. Documentation that Petróleos Mexicanos authorized the motor fuel import;
 - c. U.S. Department of Commerce export documentation; and
 - d. Copy of Mexican Pedimento.
 - 3. Exports to Navajo Nation:
 - a. Documentation under (A);
 - b. Name and license number of the Navajo Nation distributor;
 - c. Copy of Navajo Nation Manifest or copy of the Navajo Nation monthly motor fuel distribute tax return; and
 - d. Invoice showing the Navajo Nation tax was included in total amount due.
- B.** The description of the motor fuel exported shall be identical on all documentation submitted in support of a request for refund of motor fuel tax paid on export.

R17-8-603. Use Fuel Vendors

- A.** To qualify for refund of the use fuel tax differential, a use fuel vendor shall submit to the Department:
- 1. A complete application;
 - 2. Supplier or distributor invoice, documenting the use fuel taxes that the vendor paid for the fuel; and
 - 3. Supporting documentation:
 - a. For sales of use fuel dispensed from a pump which is labeled for use class and light class vehicles, a fuel log of use fuel tax differential sales, submitted on a format approved by the Department that includes the following vendor information:
 - i. Vendor name;
 - ii. Vendor address;
 - iii. Retail branch location;
 - iv. Department issued Vendor License number;
 - v. Date of sale to consumer;
 - vi. License plate number and name of jurisdiction that issued the license plate of the motor vehicle into which the fuel was dispensed;
 - vii. Number of gallons of use fuel that was purchased and dispensed into the fuel tank of a qualifying vehicle under subsection (D)(2);
 - viii. Amount of fuel tax refunded to purchaser; and
 - ix. Purchaser's signature indicating receipt of the refund made by a vendor of use fuel, submitted on a Vendor Use Fuel Refund Log, provided by the Department.
 - b. For sales of use fuel dispensed from a pump that is labeled for light class or exempt use class only, items under subsection (1) and (2).
- B.** The Department shall not accept an application for a period that a vendor of use fuel was not licensed under A.R.S. § 28-5605, except as provided under this subsection.
- 1. An application for a period that a vendor was not licensed under A.R.S. § 28-5605 will be accepted by the Depart-

- ment if the Claimant submits an application to the Department for a vendor license at the time initial application for refund is submitted.
2. The unlicensed use fuel vendor shall demonstrate compliance with A.R.S. § 28-5605(B), at the time of the applicable use fuel sale to the satisfaction of the Department by the following means:
 - a. Photographs.
 - b. Diagrams.
 - c. Statements, and
 - d. Any other documentation approved by the Department which demonstrates compliance.
- C.** A licensed use fuel vendor shall maintain the following records under R17-8 601(B)(6):
1. Records of daily sales to qualified vehicles for all gallons sold at the light class or exempt use class motor vehicle tax rate which details each use fuel sale to include:
 - a. Gallorage.
 - b. Transaction date.
 - c. Price per gallon, and
 - d. Product description.
 2. Acquisition invoices of use fuel.
 3. Inventory records of use fuel.
 4. Vendor Use Fuel Refund Log under subsection (A)(3)(a).
- D.** Card lock use fuel facility.
1. Applicability. For purposes of receiving a refund from the Department for use fuel sold to a light class or exempt use class vehicle at a card lock use fuel facility, the vendor shall:
 - a. Submit documentation to the Department under subsection (A)(3), except subsection (A)(3)(ix);
 - b. Have controlled access to the card lock use fuel facility in compliance with A.R.S. § 28-5605;
 - c. Restrict use of a card lock use fuel facility to those approved purchasers that have completed a Declaration of Status; and
 - d. Shall maintain records under subsection (C).
 2. Declaration of Status.
 - a. A vendor shall require that a purchaser of use fuel for use in light class or exempt use class vehicles complete and submit to the vendor a Declaration of Status for each vehicle that will have the ability to obtain fuel at a card lock use fuel facility labeled for light class or exempt use class vehicles.
 - b. A Declaration of Status must be completed for each additional vehicle prior to purchase of motor fuel at a card lock use fuel facility.
 - c. A Declaration of Status shall be made on a form provided by the Department and may be obtained at www.azdot.gov.
 - d. The original signature of the purchaser shall be included on the Declaration of Status.
 - e. A vendor who operates a card lock use fuel facility must retain all original Declarations of Status received from a purchaser in the vendor's files under R17-8-601(B)(6), and shall make the Declarations of Status available for review by the Department.
 3. Labeling. A card lock vendor shall comply with state law by placing a label with verbiage and specifications as required under A.R.S. § 28-5605.
 - a. Card lock use fuel facilities shall post a Use Fuel Tax Rate label provided by Department.
 - b. Vendors found in violation of labeling regulations shall be subject to penalties under A.R.S. § 28-5605.

R17-8-604. Off-Highway

- A.** The Department shall refund the Arizona motor fuel tax paid on the motor fuel consumed in Arizona while the vehicle is off-highway.
- B.** An application for refund shall include the following supporting documentation:
1. System or manual motor fuel log summary by VIN which includes the following:
 - a. Items under subsection (C)(1)(a), and
 - b. Mileage consumed off-highway.
 2. Equipment and vehicle listing which includes year, make, model, gallon capacity, and
 3. Proof of fuel purchase which may include:
 - a. Motor fuel invoices.
 - b. Motor fuel purchase receipts.
 - c. Computerized fuel purchase statement, and
 - d. International Fuel Tax Agreement Reports.
- C.** A Claimant shall provide the following documentation to the Department for the identified refund types:
1. Refrigeration unit:
 - a. Fuel log summary consisting of at a minimum the following information:

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- i. Date fuel dispensed.
 - ii. Number of gallons dispensed, and
 - iii. Identification number of equipment or vehicle into which the fuel was dispensed.
 - b. Equipment or vehicle identification number.
- 2. Power take-off: A motor fuel consumption study under this Section shall be conducted at the Claimant's expense, and shall be approved by the Department prior to initial application for refund, and shall include the following information:
 - a. A description of the methodology used to determine the percentage of exempt motor fuel consumed by the power-take-off.
 - b. A list of all equipment using motor fuel.
 - c. All operations where motor fuel is consumed.
 - d. Testing and study components shall be a true representation of the operation of business as follows:
 - i. Vehicles shall be grouped into similar categories based on like power-take-off units and like Gross Vehicle Weight.
 - ii. Vehicles selected shall be representative of the category as to age, make, model, and engine size.
 - iii. Each vehicle category shall be tested individually to determine the amount of motor fuel consumed by the power-take-off unit.
 - iv. If a vehicle category contains:
 - v. Less than four vehicles, all vehicles must be included in the test study.
 - vi. Thirty or fewer vehicles, then at least three vehicles must be included in the test sample.
 - vii. More than 30 and fewer than 151 vehicles, then at least 10 percent of the vehicles must be included in the test sample.
 - viii. More than 151 vehicles, then at least fifteen vehicles must be included in the test sample.
 - e. Explanation of the measuring method used to determine fuel consumption by vehicles, equipment, and machinery, which shall include manufacturer specifications.
 - f. Results of a period of a study which shall include a period covering cyclical or seasonal impacts which includes low and high points of fuel usage for exempt or non-exempt purposes.
 - g. Results from a test or study shall be a duration of at least two weeks; and
 - h. The approved power-take-off percentage may then be used for three years or shall be updated as requested by the Department.
- 3. Idle time under R17-8-605.

R17-8-605. Idle Time

- A. Under the provisions of this Article, the Department shall refund the Arizona motor fuel tax imposed on the motor fuel consumed by a Claimant's vehicle while in idle status.
- B. In addition to the application under R17-8-601, a Claimant shall provide the following documentation to the Department to verify the quantity of motor fuel consumed by a vehicle while in idle status:
 - 1. Documentation that proves the total quantity of motor fuel purchased by the Claimant in Arizona during refund period.
 - a. An invoice that contains the following information:
 - i. Date of purchase.
 - ii. Seller's name.
 - iii. Physical address where fuel was purchased.
 - iv. Number of gallons of motor fuel purchased.
 - v. Type of motor fuel purchased.
 - vi. Price per gallon of motor fuel.
 - b. A fuel log shall be maintained that contains the following information:
 - i. The date that the motor fuel was placed in the fuel tank of a motor vehicle;
 - ii. The vehicle make, model, year, and VIN in which the motor fuel was placed; and
 - iii. The number of gallons of motor fuel placed in a fuel tank.
 - c. In lieu of subsections (a) and (b), a licensee may submit a summary of the fuel purchases made by the Claimant for the vehicle during the refund period. The summary shall contain the same information required to be on a fuel invoice under subsection (1)(a).
 - 2. Documentation that proves that the Claimant's vehicle was located in Arizona, off-highway, at the time it was in idle status, and the length of time the vehicle was in idle status, using one or more of the following methods:
 - a. Non scheduled route.
 - i. A logbook, approved by the Department, maintained for each vehicle that identifies the date and time when the idle status started, the date and time when the idle status ended, and a physical description of the location of the vehicle during the idle status that establishes that the vehicle was in Arizona, but located off-highway.

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ing the study under subsection (C).

4. If the Department rejects the results of a study, a Claimant may request a hearing under A.R.S. § 28-5924.

R17-8-606. Tribal Government

- A.** The Department shall refund the Arizona motor fuel tax imposed on the motor fuel consumed by a vehicle owned or leased to a tribal government under this Article.
- B.** An application for refund shall include the following supporting documentation for each vehicle:
 1. Detailed fuel receipt statement which includes the following purchase information:
 - a. Date of fuel purchase.
 - b. Gallonage.
 - c. Location.
 - d. Fuel type, and
 - e. Purchasers name and address.
 2. Fuel purchase summary by vehicle which includes documentation under (B)(1); or
 3. Bulk motor fuel purchase invoice; which includes:
 - a. Gallonage.
 - b. Delivery location.
 - c. Fuel Type, and
 - d. Tax rate paid.
 4. If vehicle is leased, a copy of the lease agreement.
- C.** A vehicle and equipment listing shall be maintained by the tribal government to include year, make, model, gallon capacity, and VIN.

R17-8-607. Tribal Member

- A.** Enrolled members of a tribe may make application to the Department for a refund of the Arizona motor fuel taxes on fuel purchased on the reservation of the tribe in which the member is enrolled; provided the motor fuel was not used off the reservation for a commercial purpose.
- B.** An application for refund shall include the following supporting documentation.
 1. Copy of vehicle registration;
 2. Copy of Tribal member identification card.
 3. Receipt of motor fuel purchased on reservation, and
 4. Signed statement certifying motor fuel was used for non-commercial purposes under A.R.S. § 28-5610(A).

R17-8-608. Transport of Forest Products: Healthy Forest Initiative

- A.** A claim for refund, pursuant to A.R.S. § 28-5614(B), of the tax on motor fuel used to transport forest products on Arizona highways shall comply with the requirements of R17-8-601.
- B.** An application shall include the following supporting documentation obtained from the Arizona Department of Commerce:
 1. A completed Healthy Forest Enterprise Use Fuel Vehicle Schedule;
 2. Certification issued by the Arizona Department of Commerce pursuant to A.R.S. § 41-1516 for the same period of time as the refund claim.
 3. Memorandum of Understanding between the Arizona Department of Commerce and the Claimant pursuant to A.R.S. § 41-1516.
 4. Individual Vehicle Mileage and Fuel Report Summaries for each vehicle, and
 5. Changes to the Arizona Department of Commerce Certification.

R17-8-609. Motor Vehicle Fuel Used in Aircraft

- A.** A claim for the refund of the tax, pursuant to A.R.S. § 28-5611(A)(2) or non-agricultural purposes under A.R.S. § 28-5611(B), on motor vehicle fuel used to power aircraft shall comply with the requirements of R17-8-601 and subsection (B) and (C) of this Section.
- B.** An application shall include the following supporting documentation:
 1. Motor fuel log summary by aircraft which includes:
 - a. Purchase date.
 - b. Name and location of vendor of fuel to show that Arizona motor fuel tax was included in the purchase price.
 - c. Gallons dispensed.
 - d. Fuel type, and
 - e. Manner consumed.
 2. List of aircraft to include, year, make model, and N-number assigned by the Federal Aviation Administration, and
 3. Purchase invoice indicating items under (B)(1) and tax paid amount.
- C.** Motor vehicle fuel used to power aircraft for agricultural purposes shall, in addition to subsection (B), include a flight log

detailing purpose of use.

R17-8-610. Motor Fuel Losses Caused by Fire, Theft, Accident, or Contamination

- A.** A Claimant may apply to the Department for refund of the tax on motor fuel lost due to fire, theft, accident, or contamination.
- B.** A request for refund pursuant to A.R.S. §§ 28-5610 or 28-5611 of the tax on motor fuel that is lost due to fire, theft, accident, or contamination shall comply with the requirements of R17-8-601.
- C.** An application shall include the following supporting documentation:
 - 1.** Signed statements from persons with personal knowledge regarding the facts and circumstances of the loss, including:
 - a.** Date of loss or contamination.
 - b.** Location where the loss or contamination occurred.
 - c.** Detailed explanation regarding the nature of the loss or contamination.
 - d.** Name and contact information of persons who witnessed loss or contamination, and
 - e.** Quantity of fuel lost or contaminated.
 - 2.** Copies of records that substantiate the date of acquisition and quantity acquired of the fuel lost as well as the fact the Arizona motor fuel tax was paid by the Claimant when the fuel was acquired.
 - 3.** If the motor fuel is considered lost because of contamination, a statement from persons with personal knowledge regarding the disposition of the contaminated motor fuel.

R17-8-611. Bulk Purchase of Motor Fuel

- A.** A request for refund of taxes paid on the bulk purchase of motor fuel dispensed into a light class, or exempt use class vehicle, shall be submitted to the Department under R17-8-601(B), on an application provided by the Department.
- B.** Bulk motor fuel shall be purchased and consumed in Arizona to qualify for refund.
- C.** An application for refund shall include the following supporting documentation:
 - 1.** Invoice that contains the following information:
 - a.** Name and address of vendor.
 - b.** Tax rate.
 - c.** Product type.
 - d.** Delivery date.
 - e.** Quantity of fuel.
 - f.** Invoiced amount, and
 - g.** A statement from the seller of the motor fuel that the motor fuel is non-dyed use fuel.
 - 2.** Fuel usage log which includes the following information:
 - a.** Date fuel dispensed.
 - b.** VIN of vehicle into which fuel was dispensed.
 - c.** Gallons dispensed, and
 - d.** Fuel type.
 - 3.** Annual vehicle listing to include make, model, year, and VIN.