

# NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

## NOTICE OF EXEMPT RULEMAKING

### TITLE 9. HEALTH SERVICES

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

[R07-294]

#### PREAMBLE

**1. Sections Affected**

R9-25-509  
R9-25-513

**Rulemaking Action**

Repeal  
New Section

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

Authorizing statutes: A.R.S. §§ 36-136(F) and 36-2209(A)(2)

Implementing statute: A.R.S. § 36-2205(A)

Statute or session law authorizing the exemption: A.R.S. § 36-2205(C)

**3. The effective date of the rules:**

October 6, 2007

**4. A list of all previous notices appearing in the *Register* addressing the exempt rules:**

None

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

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Bureau of Emergency Medical Services and Trauma System  
150 N. 18th Ave., Suite 540  
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or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel

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Office of Administrative Rules and Counsel  
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**6. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking is a companion to a regular rulemaking approved by the Governor's Regulatory Review Council on August 7, 2007, which will become effective October 6, 2007. Among other things, the regular rulemaking adds

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training on epinephrine auto-injector administration to the Arizona EMT-B Course and the Arizona EMT-B Refresher, thereby making it a mandatory skill. As a result, the Department no longer needs R9-25-509, which prescribed training for epinephrine auto-injector administration by an EMT-B and made it an optional skill. This rule-making repeals R9-25-509.

This rulemaking also adopts minimum qualifications for supplemental skill training instructors in a new R9-25-513. The Department is adopting these minimum qualifications because there is currently no standard for who may teach some of the supplemental skills.

The changes in this rulemaking were recommended by the Education Committee, an advisory committee to the Emergency Medical Services (EMS) Council, and by the EMS Council and the Medical Direction Commission.

- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 8. **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
- 9. **The summary of the economic, small business, and consumer impact:**  
Not applicable
- 10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
Not applicable
- 11. **A summary of the comments made regarding the rule and the agency response to them:**  
Not applicable
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
- 13. **Incorporations by reference and their location in the rules:**  
None
- 14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation.**  
No
- 15. **The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES  
EMERGENCY MEDICAL SERVICES

ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL TECHNICIANS

Section

- R9-25-509. ~~Protocol for EMT-B Administration of Epinephrine by Auto-injector (A.R.S. §§ 36-2202, 36-2204, 36-2205, and 36-2209)~~ Repealed
- R9-25-513. ~~Repealed Supplemental Skill Training Instructor Requirements~~

ARTICLE 5. MEDICAL DIRECTION PROTOCOLS FOR EMERGENCY MEDICAL TECHNICIANS

- R9-25-509. ~~Protocol for EMT-B Administration of Epinephrine by Auto-injector (A.R.S. §§ 36-2202, 36-2204, 36-2205, and 36-2209)~~ Repealed
- ~~A. For an EMT-B, the ability to administer epinephrine by auto-injector is an optional skill attained by completing training for the administration of epinephrine by auto-injector as prescribed in this Section.~~
- ~~B. The administration of epinephrine by auto-injector is not an advanced procedure that requires an EMT-B to have administrative medical direction and on-line medical direction.~~
- ~~C. An EMT-B shall not administer epinephrine by auto-injector until the EMT-B has completed training that:  
1. Includes at least two clock hours covering:~~

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- a- The requirements of this Section;
  - b- The epidemiology and physiology of anaphylaxis and allergic reaction;
  - e- The common methods of entry of substances into the body;
  - d- The common antigens most frequently associated with anaphylaxis;
  - e- The physical examination of patients with complaints associated with anaphylaxis or allergic reaction;
  - f- The signs and symptoms of anaphylaxis, allergic reaction, and respiratory distress associated with anaphylaxis;
  - g- Differentiating between anaphylaxis and other medical conditions that may mimic anaphylaxis;
  - h- The following information about epinephrine by auto-injector:
    - i- Class;
    - ii- Mechanism of action;
    - iii- Indications and field use;
    - iv- Contraindications;
    - v- Adverse reactions;
    - vi- Incompatibilities and drug interactions;
    - vii- Adult dosage;
    - viii- Pediatric dosage;
    - ix- Route of administration;
    - x- Onset of action;
    - xi- Peak effects;
    - xii- Duration of action;
    - xiii- Dosage forms and packaging;
    - xiv- Recommended Arizona drug box minimum supply; and
    - xv- Special considerations;
  - i- The proper storage of an epinephrine auto-injector;
  - j- Medical asepsis;
  - k- The use of standard precautions, as defined in A.A.C. R9-6-101, and body substance isolation procedures when administering a medication by injection;
  - l- The proper disposal of contaminated objects and sharps; and
  - m- Documenting the administration of epinephrine by auto-injector;
- 2- Includes pre-training and post-training written evaluations and a practical skills evaluation to ensure that the EMT-B demonstrates competency in the subject matter listed in subsection (C)(1); and
- 3- Is approved by the EMT-B's administrative medical director or, if the EMT-B does not have an administrative medical director, by the emergency medical services provider for which the EMT-B works.
- D.** An EMT-B who has completed initial training as described in subsection (C) and who desires to maintain authorization to administer epinephrine by auto-injector shall complete refresher training that complies with subsection (C) at least once every 24 months after completing the initial training.

**R9-25-513. Repealed Supplemental Skill Training Instructor Requirements**

- A.** A person who provides or oversees supplemental skill training to an EMT shall ensure that each individual who serves as an instructor for the supplemental skill training either:
- 1. Meets the qualifications for an instructor specified in the supplemental skill training curriculum or rule; or
  - 2. If there are not qualifications for an instructor specified in the supplemental skill training curriculum or rule, meets the following:
    - a. Would qualify, under R9-25-312(D), to serve as a preceptor for a course at the level of EMT certification held by the EMT; and
    - b. If an EMT, is authorized to perform the supplemental skill as provided under this Article.
- B.** For purposes of this Section, "supplemental skill" means a proficiency acquired through additional training authorized under this Article.

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TITLE 17. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION  
ADMINISTRATION

[R07-288]

PREAMBLE

- 1. Sections Affected**  
R17-1-201  
R17-1-202
- Rulemaking Action**  
Amend  
Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 28-366  
Implementing statute: A.R.S. § 28-446
- 3. The effective date of the rules:**  
August 31, 2007
- 4. A list of all previous notices appearing in the Register addressing the exempt rules:**  
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Celeste M. Cook, Administrative Rules Analyst  
Address: Administrative Rules Unit  
Department of Transportation, Motor Vehicle Division  
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Phoenix, AZ 85007  
Telephone: (602) 712-7624  
Fax: (602) 712-3081  
E-mail: ccook@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](http://www.azdot.gov/mvd/MVDRules/rules.asp).
- 6. An explanation of the rules, including the agency's reasons for initiating the rules, including the statutory citation to the exemption from regular rulemaking procedures:**  
The Division engages in this rulemaking to amend the existing rules to clarify the types of motor vehicle records provided by the Division and to update related citations. Changes are also made to ensure conformity to Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements. This rulemaking is exempt from the regular rulemaking process under A.R.S. § 41-1005(A)(5).
- 7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 8. 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
- 9. The summary of the economic, small business, and consumer impact:**  
Exempt under A.R.S. § 41-1005(A)(5).
- 10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
None
- 11. A summary of the comments made regarding the rules and the agency response to them:**  
Not applicable

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

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Were the rules previously made as emergency rules? If so, please indicate the Register citation:**

No

**15. The full text of the rules follows:**

TITLE 17. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION  
ADMINISTRATION

ARTICLE 2. FEES

Section

R17-1-201. Definitions

R17-1-202. MVD Record Copy Charges

ARTICLE 2. FEES

**R17-1-201. Definitions**

**A. Definitions.** In addition to the definitions prescribed under A.R.S. § 28-440, ~~The~~ the following definitions apply to R17-1-202 made by exempt rulemaking as prescribed under A.R.S. § 41-1005(A)(5):

- 1- "Batch" means a query-command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.
- 2- "Certified record" means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.
- 3- "Interactive" means an electronic query-command method individually initiated by a person that produces immediate results.  
"Reasonable costs" means 10 cents for each page of standard reproduction of documents and the actual costs for reproduction of documents which require special processing plus the reasonable clerical costs incurred in locating and making the documents available billed at the rate of 10 dollars per hour per person.  
"Special MVR" means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.
- 4- "Support document" means any customer record maintained by the agency in a file storage format as follows:
  - a- Electronic;
  - b- Hardcopy; or
  - e- Microfilm.

**B.** The following definitions apply to Sections in this Article made by regular rulemaking:  
There are no definitions in this subsection.

**R17-1-202. MVD Record Copy Charges**

**A.** ~~For each separate request, Motor Vehicle Division shall assess a charge for a provided record or for "no record found" according to the following schedule:~~ In accordance with A.R.S. §§ 12-351 and 28-446, for each separate request, the Division shall assess a charge as provided in Table 1. Certified and Uncertified Motor Vehicle Record Fees. Therefore, a fee is collected if the request results in a motor vehicle record or "No Record Found."

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Description	Amount
A certified record as prescribed under A.R.S. § 28-446(D): <del>Over-the-counter immediate and overnight service;</del> Electronic batch; Mail-in request; Driver license photograph; Support document; or Electronic interactive.	\$5
A non-certified record as prescribed under A.R.S. § 28-446(A): <del>Over-the-counter immediate service;</del> Mail-in request; Electronic batch; Driver license photograph; Support document; or Electronic interactive	\$3
A non-certified record as prescribed under A.R.S. § 28-446(A): Electronic batch; or <del>Over-the-counter overnight service.</del>	\$2
A non-certified record as prescribed under A.R.S. § 28-446(A): Electronic interactive special MVR; • Providing lienholder information only.	\$1.50

**Table 1. Certified and Uncertified Motor Vehicle Record Fees**

Description	Method of Delivery	Amount
<u>A certified record:</u>	<u>Over-the-counter immediate or overnight service;</u> <u>Mail-in request; or</u> <u>Electronic interactive.</u>	<u>\$5</u>
	<u>Electronic batch.</u>	<u>\$3</u>
<u>A certified support document:</u>	<u>Over-the-counter immediate or overnight service; or</u> <u>Mail-in request.</u>	<u>\$5</u>
<u>An uncertified record:</u>	<u>Over-the-counter immediate service;</u> <u>Mail-in request; or</u> <u>Electronic interactive.</u>	<u>\$3</u>
	<u>Electronic batch; or</u> <u>Over-the-counter overnight service.</u>	<u>\$2</u>
<u>An uncertified support document:</u>	<u>Over-the-counter immediate or overnight service; or</u> <u>Mail-in request.</u>	<u>\$3</u>
<u>An uncertified Special MVR:</u>	<u>Over-the-counter immediate and overnight service;</u> <u>Mail-in request; or</u> <u>Electronic interactive.</u>	<u>\$1.50</u>
<u>Civil subpoena support documentation:</u>	<u>Over-the-counter immediate and overnight service; or</u> <u>Mail-in request.</u>	<u>Reasonable costs.</u>
<u>Any photocopied item:</u> (Does not include... etc.)	<u>Over-the-counter immediate and overnight service; or</u> <u>Mail-in request.</u>	<u>25¢ per page.</u>

**B:** The Division shall assess the cost for civil subpoena support documentation as prescribed under A.R.S. § 12-351(F).

**C:** The Division shall charge 25¢ per page for any item photocopied.