

# 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 HEALTH SERVICES COMMUNICABLE DISEASES AND INFESTATIONS

[R07-378]

- 1. Title and its heading:** 9, Health Services

**Chapter and its heading:** 6, Department of Health Services – Communicable Diseases and Infestations

**Articles and their headings:** 10, HIV-Related Testing and Notification; 11, STD-Related Testing and Notification

**Section numbers:** R9-6-1001 through R9-6-1006 and R9-6-1101 through R9-6-1104  
(Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**

This Notice of Rulemaking Docket Opening adds to the scope of the Notice of Rulemaking Docket Opening that was published June 29, 2007. In addition to adopting rules in Articles 10 and 11 implementing A.R.S. §§ 13-1210, 13-1415, and 32-3207 regarding testing completed as a result of a court order issued under one of the forgoing statutes, the Department intends to amend Sections in Article 10 regarding testing for HIV and make new Sections in Articles 10 and 11 specifying notification and disease control requirements. The proposed changes and additions will conform to the rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

**The agency docket number:**  
RE-024-07
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 13A.A.R. 2268, June 29, 2007
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Judy Norton  
Office Chief

Address: Department of Health Services  
Office of HIV, STD, & Hepatitis C Services  
150 N. 18th Ave., Suite 110  
Phoenix, AZ 85007

Telephone: (602) 364-4698

Fax: (602) 364-3199

E-mail: nortonj@azdhs.gov

or

Name: Kathleen Phillips  
Rules Administrator and Administrative Counsel

Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Department will accept written comments until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

Notices of Rulemaking Docket Opening

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

None

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF HEALTH SERVICES  
VITAL RECORDS AND STATISTICS**

[R07-376]

**1. Title and its heading:**

9, Health Services

**Chapter and its heading:**

19, Department of Health Services – Vital Records and Statistics

**Article and its heading:**

1, Administrative Organization, Duties and Procedures; 2, Duties of Persons Responsible for Birth Records; Birth Certificate Amendments; 3, Vital Records for Death

**Section numbers:**

R9-19-101, R9-19-201 through R9-19-209, R9-19-304

(Sections may be added, deleted, or modified as necessary.)

**2. The subject matter of the proposed rule:**

Laws 2004, Chapter 17, effective August 2004, revised A.R.S. Title 36, Chapter 3, Vital Records and Public Health Statistics that provides statutory authority for 9 A.A.C. 19, Department of Health Services, Vital Records and Statistics. A.A.C. Title 9, Chapter 19 contains requirements and procedures for birth certificates for individuals who are born and death certificates for individuals who die in the state of Arizona. In this rulemaking the Department will amend and add definitions in Article 1 pertinent to birth records; amend Article 2, which contains requirements and procedures for vital records concerning birth, birth certificates, and amending a registered birth certificate; and amend one subsection in Article 3 to reflect a definition amendment, consistent with current statutory authority, Department policies, and industry standards.

**The agency docket number, if applicable:**

RE-022-07

**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: Kathleen Phillips  
Rules Administrator and Administrative Counsel

Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

or

Name: Patricia Adams  
Office Chief

Address: Department of Health Services  
1818 W. Adams St.  
Phoenix, AZ 85007

Phone: (602) 364-1225

Fax: (602) 364-1257

E-mail: adamp@azdhs.gov

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

Written comments will be accepted Monday through Friday, 8:00 a.m. to 5:00 p.m., at the addresses listed in item 4 until the close of record which has not yet been determined. The schedule for public hearings, at which oral comments may be presented, will be included in the notice of proposed rulemaking.

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

The Department plans to submit a notice of proposed rulemaking in November 2007.

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING

[R07-380]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 16, Department of Health Services – Occupational Licensing  
**Article and its heading:** 3, Licensing Hearing Aid Dispensers  
**Section numbers:** R9-16-301 through R9-16-315, Table 1, and R9-16-316  
(Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**  
A.R.S. § 36-1902 authorizes the Department of Health Services (Department) to make rules for the regulation of hearing aid dispensers. The A.A.C. 16, Article 3 rules and table give effect to the Department’s statutory duties, including adoption and enforcement of hearing aid dispenser qualifications, administration of a qualifying examination, licensing of hearing aid dispensers, and adoption and enforcement of standards for licensed hearing aid dispensers. In this rulemaking, the Department will revise the hearing aid dispenser rules and table according to the five-year-review report approved by the Governor’s Regulatory Review Council (Council) on November 6, 2001, and Laws 2007, Ch. 57 and Ch. 127. The rulemaking will update the current Department policies and conform to the format and style requirements of the Council and the Office of the Secretary of State.  
**The agency docket number, if applicable:**  
RE-025-07
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 11 A.A.R. 2980, August 5, 2005  
Notice of Rulemaking Docket Opening: 12 A.A.R. 3381, September 15, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Kathleen Phillips  
Rules Administrator and Administrative Counsel  
  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007  
  
Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: phillik@azdhs.gov  
or  
Name: Rohno Geppert  
Program Manager  
  
Address: Department of Health Services  
Division of Licensing Services  
Office of Special Licensing  
150 N. 18th Ave., Suite 460  
Phoenix, AZ 85007  
  
Telephone: (602) 364-2079  
Fax: (602) 364-4769  
E-mail: gepperr@azdhs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be announced

Notices of Rulemaking Docket Opening

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES  
OCCUPATIONAL LICENSING

[R07-379]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 16, Department of Health Services – Occupational Licensing  
**Article and its heading:** 5, Licensing Speech-Language Pathologist Assistants  
**Section numbers:** R9-16-501 through R9-16-510  
(Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rules:**  
Laws 2006, Ch. 390, § 5 created A.R.S. § 36-1940.04 to establish licensure requirements for speech-language pathologist assistants. The Arizona Department of Health Services (Department) is writing new rules, consistent with A.R.S. § 36-1940.04, for licensing speech-language pathologist assistants. The Department is creating a new Article in the *Arizona Administrative Code* for this rulemaking.  
  
The rules will conform to the rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.  
  
**The agency docket number:**  
RE-026-07
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 12 A.A.R. 4106, November 3, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**  
Name: Kathleen Phillips  
Rules Administrator and Administrative Counsel  
  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007  
  
Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: phillik@azdhs.gov  
or  
Name: Rohno Geppert  
Program Manager  
  
Address: Department of Health Services  
Division of Licensing Services  
Office of Special Licensing  
150 N. 18th Ave., Suite 460  
Phoenix, AZ 85007  
  
Telephone: (602) 364-2079  
Fax: (602) 364-4769  
E-mail: gepperr@azdhs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
None

Notices of Rulemaking Docket Opening

**NOTICE OF RULEMAKING DOCKET OPENING**  
**DEPARTMENT OF HEALTH SERVICES**  
**BEHAVIORAL HEALTH SERVICE AGENCIES: LICENSURE**

[R07-382]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 20, Department of Health Services – Behavioral Health Service Agencies: Licensure  
**Article and its heading:** 15, Adult Therapeutic Foster Home  
**Section numbers:** R9-20-1501 through R9-20-1508  
(Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**  
The purpose of this rulemaking is to amend minimum standards and requirements specific to adult therapeutic foster homes, a subclassification of behavioral health service agencies.  
**The agency docket number, if applicable:**  
RE-027-07
- 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: Kathleen Phillips  
Rules Administrator and Administrative Counsel  
  
Address: Department of Health Services  
Office of Administrative Rules and Counsel  
1740 W. Adams St., Suite 200  
Phoenix, AZ 85007  
  
Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: phillik@azdhs.gov  
or  
Name: Johnie Golden  
Program Manager  
  
Address: Department of Health Services  
150 N. 18th Ave., Suite 410  
Phoenix, AZ 85007  
  
Telephone: (602) 364-2586  
Fax: (602) 364-4801  
E-mail: goldenj@azdhs.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Written comments will be accepted Monday through Friday, 8:00 a.m. to 5:00 p.m., at the addresses listed in item 4 until the close of record, which has not yet been determined. The schedule for public hearings, at which oral comments may be presented, will be included in the notice of proposed rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
The Department has not yet determined a timetable for submitting a notice of proposed rulemaking.

**NOTICE OF RULEMAKING DOCKET OPENING**  
**DEPARTMENT OF WATER RESOURCES**

[R07-377]

- 1. Title and its heading:** 12, Natural Resources  
**Chapter and its heading:** 15, Department of Water Resources  
**Article and its heading:** 7, Assured and Adequate Water Supply  
**Section numbers:** R12-15-716 and R12-15-717  
(Sections may be added, deleted, or modified as necessary.)

*Arizona Administrative Register / Secretary of State*  
**Notices of Rulemaking Docket Opening**

---

**2. The subject matter of the proposed rule:**

The Department proposes amendments to the language of several existing rules in accordance with Laws 2007, Ch. 240, § 10(B), which requires the director of water resources to amend the rules adopted to implement A.R.S. § 45-108 to include: (1) criteria for making determinations pursuant to section 45-108.03; and (2) criteria for demonstrating a physically available 100-year supply of groundwater or stored water to be recovered outside the area of impact in specific aquifer systems and groundwater basins and subbasins outside of active management areas.

The Department may consider additional rule amendments as necessary to implement Laws 2007, Ch. 240 that may include repealing, renumbering and amending sections as well as adding new sections.

**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: J. Scott Miller  
Address: Office of Assured/Adequate Water Supply  
3550 N. Central Ave.  
Phoenix, AZ 85004  
Telephone: (602) 771-8604  
Fax: (602) 771-8689

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

To be announced in the Notice of Proposed Rulemaking

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

To be announced in the Notice of Proposed Rulemaking

**NOTICE OF RULEMAKING DOCKET OPENING**

**TITLE 17. TRANSPORTATION**

**CHAPTER 5. DEPARTMENT OF TRANSPORTATION  
COMMERCIAL PROGRAMS**

[R07-381]

**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:**

R17-5-201, R17-5-202, R17-5-203, R17-5-204, R17-5-205, R17-5-206,  
R17-5-207, and R17-5-208

(Sections may be added, deleted, or modified as necessary.)

**2. The subject matter of the proposed rule:**

The Division proposes to amend these rules 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. Changes are also made to ensure conformity to Arizona Administrative Procedure Act, the Secretary of State, and the Governor’s Regulatory Review Council rulemaking format and style requirements.

**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: Celeste M. Cook, Administrative Rules Analyst  
Address: Administrative Rule Unit  
Department of Transportation, Motor Vehicle Division  
1801 W. Jefferson St., Mail Drop 530M  
Phoenix, AZ 85007  
Telephone: (602) 712-7624  
Fax: (602) 712-3081  
E-mail: ccook@azdot.gov

*Arizona Administrative Register / Secretary of State*  
**Notices of Rulemaking Docket Opening**

---

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).

**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 above, 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