

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 AGRICULTURE ANIMAL SERVICES DIVISION

[R08-183]

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 2, Department of Agriculture – Animal Services Division
Article and its heading: 1, General Provisions; 4, Animal Disease Prevention and Control; 6, Health Requirements Governing Admission of Animals; 7, Livestock Inspection
Section numbers: R3-2-101, New Section R3-2-414, R3-2-601, R3-2-606, R3-6-612, R3-2-701, and R3-2-702 (Sections may be added, deleted, removed, or amended as necessary.)
- 2. The subject matter of the proposed rule:**

R3-2-101	Amendments related to general provision definitions
R3-2-414	New Section related to trichomoniasis control procedures
R3-2-601	Amendments related to definitions for health requirements governing admission of animals
R3-2-606	Amendments related to health certificates
R3-2-612	Amendments related to importation of cattle and bison
R3-2-701	Amendments related to Department livestock inspections
R3-2-702	Amendments related to livestock self-inspections
- 3. A citation to all published notices relating to the proceeding:**
Not applicable
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name:	Carlos Ramírez, Rules Analyst
Address:	Department of Agriculture 1688 W. Adams St. Phoenix, AZ 85007
Telephone:	(602) 542-0962
Fax:	(602) 542-5420
E-mail:	cramirez@azda.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:	8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments:	8:00 a.m. to 4:00 p.m., Monday through Friday

Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
None

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NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

[R08-182]

1. **Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Department of Agriculture – Plant Services Division
Article and its heading: 2, Quarantine
Section numbers: R3-4-233 (Sections may be added, deleted, or amended as necessary.)
2. **The subject matter of the proposed rule:**
The Department of Agriculture is opening a docket to amend R3-4-233, dealing with lettuce mosaic, to require official certification from the state of origin that lettuce seed is free of the virus, lettuce mosaic.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 14 A.A.R. 2292, June 13, 2008 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Carlos Ramírez, Rules Analyst
Address: Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: cramirez@azda.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: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Department of Agriculture
1688 W. Adams St.
Phoenix, AZ 85007
6. **A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

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BOARD OF PHARMACY

[R08-187]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 2, Pharmacist Licensure
Section numbers: R4-23-205 (Sections may be added, deleted, removed, or amended as necessary.)
2. **Subject matter of the proposed rule:**
During the May 14-15, 2008 Board meeting, the Board discussed a projected revenue shortfall for FY2010, which begins on July 1, 2009. The Board staff explained that a new source of revenue is required by the November 2009 renewal period that will bring in at least \$264 thousand dollars. This can only be accomplished by cutting spending or by raising renewal fees for certain licenses and permits that are currently below the maximum amount as set by the legislature. Most of the targeted fees were last changed November 1, 2002 or have never been raised. The Board voted to increase revenue by raising fees for the following licenses and permits:
 1. Pharmacist License Initial and Renewal currently at \$145/ two years (\$72.50 annually)
Proposed increase to \$180/ two years (\$90 annually) resulting in new annual revenue of \$17.50 x 5,000 pharmacist = \$87,500.
 2. Pharmacy Permit Initial and Renewal currently at \$400/ two years (\$200 annually)
Proposed increase to \$480/ two years (\$240 annually) resulting in new annual revenue of \$40 x 850 pharmacies = \$34,000.

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- 3. Nonprescription Drug Retail Permit, which have never been raised are currently at: Category I - \$100/ two years (\$50 annually) and Category II - \$200/ two years (\$100 annually)
Proposed increase in Category I to \$120/ two years (\$10 annually) and Category II to \$240/ two years (\$20 annually) resulting in new annual revenue of \$10 x 2925 Category I permittees = \$29,250 and \$20 x 1575 Category II permittees = \$31,500.
- 4. Pharmacy Technician License Initial and Renewal currently at \$50/ two years (\$25 annually)
Proposed increase to \$72/ two years (\$11 annually) resulting in new annual revenue of \$11 x 5,000 pharmacy technicians = \$55,000.
- 5. Pharmacy Technician Trainee License Initial currently at \$25/ two years (\$12.50 annually)
Proposed increase to \$36/ two years (\$5.50 annually) resulting in new annual revenue \$5.50 x 4,000 pharmacy technicians trainees = \$22,000.

These increases will provide a total annual revenue increase of \$259,250 and leave an annual revenue shortfall of \$4,750.

The proposed rulemaking will include increases to the fees mentioned above in R4-23-205 (Fees). The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0810

3. A citation to all published notices relating to the proceeding:

None

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

Name: Dean Wright, Compliance Officer
Address: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007
Telephone: (602) 771-2744
Fax: (602) 771-2749
E-mail: dwright@azpharmacy.gov

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

The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

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**DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS**

[R08-180]

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:

2, Communicable Disease and Infestation Reporting

Section numbers:

Table 3 (Sections may be added, deleted, removed, or amended as necessary.)

2. The subject matter of the proposed rules:

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” Recently, a more virulent strain of the bacteria, *Clostridium difficile*, has been detected. This type

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of bacteria causes diarrhea, which may progress to colitis, sepsis, and death. The Department needs to determine the incidence of the more virulent strain of bacteria in Arizona. This rulemaking will add a time-limited requirement for clinical laboratories to report positive results for *Clostridium difficile* to the Department. The rulemaking will also require clinical laboratories to submit positive specimens to the Department so the Department can determine if the specimen contains the more virulent strain of the bacteria. This rulemaking will conform to 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-012-08

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 rules:

Name: Ken Komatsu
Address: Department of Health Services
State Epidemiologist
150 N. 18th Ave., Ste 100
Phoenix, AZ 85007

Telephone: (602) 364-3587

Fax: (602) 364-3266

E-mail: komatsk@azdhs.gov

or

Name: Kathleen Phillips, Esq.
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:

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 in the Notice of Proposed Rulemaking