

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 6. DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASES AND INFESTATIONS

[R08-335]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Articles and Sections Affected</u> | <u>Rulemaking Action</u> |
| R9-6-101 | Amend |
| Exhibit I-A | Repeal |
- 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. §§ 36-136(A)(7) and (F)
Implementing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(H)(1)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
Notice of Rulemaking Docket Opening: 14 A.A.R. 3900, October 10, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Ken Komatsu, State Epidemiologist
Address:	Department of Health Services Bureau of Epidemiology and Disease Control 150 N. 18th Ave., Suite 150 Phoenix, AZ 85007
Telephone:	(602) 364-3587
Fax:	(602) 542-2722
E-mail:	komatsk@azdhs.gov
or	
Name:	Kathleen Phillips, Administrative Counsel and Rules Administrator
Address:	Department of Health Services Office of Administrative Counsel and Rules 1740 W. Adams St., Suite 200 Phoenix, AZ 85007
Telephone:	(602) 542-1264
Fax:	(602) 364-1150
E-mail:	phillik@azdhs.gov
- 5. An explanation of the rules, including the agency's reasons for initiating the 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." The Department has adopted rules to implement this statute in 9 A.A.C. 6. The definitions for

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terms used throughout Chapter 6 are contained in R9-6-101, along with Exhibit I-A, to which reference is made in the definition of “vaccinia-related adverse event.” This rulemaking is adding the definition of “medical evaluation,” which is currently used in Article 2 and Article 12, and will be used in the amended definition of “vaccinia-related adverse event.” With the amended definition of “vaccinia-related adverse event,” Exhibit I-A will no longer be used and is being repealed. This rulemaking conforms to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to 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:

The Department did not review or rely on any study related to this rulemaking package.

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, annual costs/revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs are listed as significant when meaningful or important, but not readily subject to quantification.

The Department believes that the proposed rule will result in at most a minimal cost to the Department, a local health agency, a health care institution, a correctional facility, or a health care provider required to report. The clarification of what a “medical evaluation” means and the amended definition of “vaccinia-related adverse event” will provide a minimal benefit to the Department, a local health agency, a health care institution, a correctional facility, and a health care provider.

The Department has determined that the benefits related to public health outweigh any potential costs associated with this 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: Ken Komatsu, State Epidemiologist

Address: Department of Health Services
Bureau of Epidemiology and Disease Control
150 N. 18th Ave., Suite 150
Phoenix, AZ 85007

Telephone: (602) 364-3587

Fax: (602) 542-2722

E-mail: komatsk@azdhs.gov

or

Name: Kathleen Phillips, Administrative Counsel and Rules Administrator

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

Telephone: (602) 542-1264

Fax: (602) 364-1150

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:

The Department has scheduled the following oral proceeding:

Date: November 17, 2008

Time: 9:30 a.m.

Location: 150 N. 18th Ave., Room 540A
Phoenix, AZ 85007

Close of record: 4:00 p.m., November 17, 2008

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items 4 and 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Ruthann Smejkal at (602) 364-1230 or smejkar@azdhs.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

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 rule:

Not applicable

13. The full text of the rule follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS**

ARTICLE 1. GENERAL

Section

R9-6-101. Definitions

Exhibit I-A. ~~Case Definitions for Suspected Clinically Significant Adverse Events~~ Repealed

ARTICLE 1. GENERAL

R9-6-101. Definitions

In this Chapter, unless otherwise specified:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
 - a. No change
 - i. No change
 - (1) No change
 - (2) No change
 - ii. No change
 - (1) No change
 - (2) No change
 - b. No change
 - i. No change
 - ii. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
13. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - c. No change
 - d. No change

- 14. No change
- 15. No change
- 16. No change
- 17. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 18. No change
- 19. No change
- 20. No change
- 21. No change
 - a. No change
 - b. No change
 - c. No change
- 22. No change
- 23. No change
- 24. No change
 - a. No change
 - b. No change
 - c. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 32. No change
- 33. No change
- 34. No change
- 35. No change
- 36. No change
 - a. No change
 - b. No change
- 37. No change
- 38. No change
- 39. No change
- 40. No change
- 41. No change
- 42. No change
 - a. No change
 - b. No change
- 43. No change
- 44. No change
- 45. No change
- 46. No change
- 47. No change
- 48. No change
- 49. No change
 - a. No change
 - b. No change
- 50. No change
- 51. No change
 - a. No change

- b. No change
- 52. No change
- 53. No change
- 54. “Medical evaluation” means an assessment of an individual’s health by a physician, physician assistant, or registered nurse practitioner.
- ~~54-55.~~ No change
 - a. No change
 - b. No change
- ~~55-56.~~ No change
- ~~56-57.~~ No change
- ~~57-58.~~ No change
- ~~58-59.~~ No change
- ~~59-60.~~ No change
- ~~60-61.~~ No change
- ~~61-62.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- ~~62-63.~~ No change
- ~~63-64.~~ No change
- ~~64-65.~~ No change
- ~~65-66.~~ No change
- ~~66-67.~~ No change
- ~~67-68.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
- ~~68-69.~~ No change
- ~~69-70.~~ No change
- ~~70-71.~~ No change
 - a. No change
 - b. No change
 - c. No change
- ~~71-72.~~ No change
- ~~72-73.~~ No change
- ~~73-74.~~ No change
- ~~74-75.~~ No change
- ~~75-76.~~ No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- ~~76-77.~~ No change
- ~~77-78.~~ No change
- ~~78-79.~~ No change
- ~~79-80.~~ No change
- ~~80-81.~~ No change
- ~~81-82.~~ No change
- ~~82-83.~~ “Vaccinia-related adverse event” means any of the reactions described in Exhibit I-A a reaction to the administration of a vaccine against smallpox that requires medical evaluation of the reaction.
- ~~83-84.~~ No change
- ~~84-85.~~ No change
- ~~85-86.~~ No change
- ~~86-87.~~ No change

Notices of Proposed Rulemaking

Exhibit 1-A: ~~Case Definitions for Suspected Clinically Significant Adverse Events~~ Repealed

Adverse Event	Case Definition
Anaphylaxis	Hypotension, tachycardia, nausea, vomiting, collapse in first hours after smallpox vaccination
Eczema vaccinatum	<ul style="list-style-type: none"> • Extensive vesicular and pustular eruption anywhere, or • More limited vesicular or pustular eruption occurring in more than one site typically affected by atopic dermatitis (inner elbow folds, back of knees, face) <p>Comments: Usually occurs in a patient with a history of skin disease, especially atopic dermatitis. Usually occurs concurrently or shortly after the local vaccinia lesion in a vaccinee or 5-19 days after exposure in a contact. Patients usually have signs of moderate to severe systemic illness, including fever, malaise, prostration.</p>
Fetal vaccinia	Generalized vaccinia type rash (vesicular, pustular, or ulcerative) in newborn of vaccinated mother
Generalized vaccinia (severe)	<p>Disseminated maculopapular or vesicular lesions with either:</p> <ul style="list-style-type: none"> a. Symptoms of moderate to severe systemic illness, including fever, malaise, prostration; or b. Documented immunodeficiency
Inadvertent inoculation (severe)	<p>Extensive vesicular and pustular lesions at distal sites in a vaccinee or any sites in a contact, which are not generalized but may involve large contiguous areas, including sites of other skin injury.</p> <p>Comments: Sites usually consistent with physical transfer of virus from primary vaccination site and most commonly are the face, eyelids, nose, mouth, lips, genitalia, and anus.</p>
Ocular vaccinia	Inflammation involving peri-ocular soft tissue or the eye itself (blepharitis, conjunctivitis, keratitis, or iritis) in a recent vaccinee or contact of vaccinee
Post-vaccinia encephalitis or encephalomyelitis	Any change in mental status (confusion, delirium, somnolence) or in sensorimotor function (altered sensation, weakness, paresis) occurring 6-15 days after vaccination
Progressive vaccinia	<ul style="list-style-type: none"> • Progressive expansion of the vaccination site lesion, often with necrosis, or • Failure to heal the vaccinia lesion(s), or • Disseminated vaccinia lesions <p>In association with</p> <ul style="list-style-type: none"> • Minimal or no inflammatory response to the vaccinia lesion(s) <p>Comments: Either (a) rapid progression of the vaccination site lesion with minimal inflammation at any time, or (b) progression at any rate with minimal inflammation after 15 days should suggest progressive vaccinia.</p>
Rashes (severe)	Generalized rash with mucosal ulceration or symptoms of moderate to severe systemic illness, including fever, malaise, prostration

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY
CRIMINAL IDENTIFICATION SECTION

[R08-332]

PREAMBLE

1. Sections Affected

R13-1-101
R13-1-102
R13-1-106
R13-1-108
R13-1-109
R13-1-109
R13-1-110
R13-1-111
R13-1-111

Rulemaking Action

Amend
Amend
Amend
Amend
Re-number
New Section
New Section
Re-number
Amend

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

Authorizing statute: A.R.S. § 41-1750(H)

Implementing statute: A.R.S. §§ 41-1750(G)(7) and 41-2204(6)

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

Notice of Rulemaking Docket Opening: 14 A.A.R. 3442, August 29, 2008

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

Name: Lt. Laurence V. Burns
Address: P. O. Box 6638
Mail Drop 2050
Phoenix, AZ 85005-6638
Telephone: (602) 223-2404
Fax: (602) 223-2978
E-mail: lburns@azdps.gov

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

The Department is required to conduct hearings to determine the accuracy of criminal history record information when the individual who is the subject of the information submits a petition for review. In this rulemaking, the Department is clarifying that the hearings will be conducted according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings. The Department is also making other minor clarifying changes.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to 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

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:

Because the rulemaking simply clarifies existing procedure, the economic impact will be minimal.

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: Lt. Laurence V. Burns
Address: P. O. Box 6638

Notices of Proposed Rulemaking

Mail Drop 2050
Phoenix, AZ 85005-6638

Telephone: (602) 223-2404
Fax: (602) 223-2978
E-mail: lburns@azdps.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:

An oral proceeding regarding the proposed rules will be scheduled if a written request is submitted to the individual listed in item 4 within 30 days after this notice is published. The rulemaking record will close on November 14, 2008.

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 13. PUBLIC SAFETY

**CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY
CRIMINAL IDENTIFICATION SECTION**

ARTICLE 1. CRIMINAL HISTORY RECORDS

Section

- R13-1-101. Definitions
- R13-1-102. Submission and Retention of Criminal Justice Information
- R13-1-106. Arrest Fingerprint Record Submission
- R13-1-107. Procedures for Review of Accuracy and Completeness of Criminal History Records
- R13-1-108. Procedures for Challenging the Accuracy and Completeness of Criminal History Records
- R13-1-109. Hearing Procedures
- R13-1-110. Review or Rehearing of the Director's Decision
- ~~R13-1-109.~~ R13-1-111. Information Deemed Useful for the Study and Prevention of Crime or the Administration of Criminal Justice

ARTICLE 1. CRIMINAL HISTORY RECORDS

R13-1-101. Definitions

In addition to the definitions in A.R.S. §§ 41-1750 and 41-2201, the following definitions apply to this Chapter:

1. No change
2. No change
3. “ADRS” means the Arizona Disposition Reporting system, which is maintained by the Department and supports electronic submission of disposition information to the central state repository.
- ~~3-4.~~ No change
- ~~4-5.~~ No change
- ~~5-6.~~ “Arresting agency case number (OCA)” means a unique identifier consisting of a combination of 15 numbers and letters used to identify a criminal justice agency’s case number such as the Department case number, Department report number, or case report number. The first three characters are the AZAFIS-assigned alpha characters that identify the arresting agency.
- ~~6-7.~~ No change
- ~~7-8.~~ No change
- ~~8-9.~~ No change
- ~~9-10.~~ No change
- ~~10-11.~~ No change
- ~~11-12.~~ “Date of Arrest ~~arrest~~” means the date a person is taken into custody using the MMDDCCYY format as indicated in Exhibit A.
- ~~12-13.~~ “Date of Birth ~~birth~~” means the subject’s date of birth using MMDDCCYY format as indicated in Exhibit A.

- ~~13-14.~~ No change
~~14-15.~~ No change
15. ~~“Hit confirmation” means to verify a record entry with the agency that holds the record.~~
16. “Hot files” means records entered into ACJIS. These records ~~may~~ include those regarding wanted persons and stolen vehicles.
17. No change
18. No change
19. ~~“Local Subject Identifier (LSI) “LSI” means local subject identifier, a unique identifier consisting of a combination of 15 numbers and letters used by local law enforcement agencies to identify an individual. It is the local equivalent of a State Identification (SID) number. The first three characters are the AZAFIS-assigned mnemonic alpha characters that identify the agency.~~
20. No change
21. No change
22. No change
23. No change
24. No change
25. ~~“Offense Type type” means whether the a designation that indicates whether an offense is a felony, designated as “F,” or a misdemeanor, designated as “M.”~~
~~26-26.~~ No change
~~27-27.~~ No change
~~28-28.~~ No change
29. ~~“Photo contact sheet” means an 8" X 10" photo paper containing pictures from an entire roll of film.~~
30-29. “Place of Birth birth” (state or country)” means the state or country in which a subject’s place of birth subject was born.
31. ~~“Private Entity” means a non-governmental agency or company.~~
32. ~~“Redact” means to edit a record based on legal considerations or to withhold sensitive or private, personal information.~~
~~33-30.~~ No change
34-31. “Terminal Operator Certification Level A” means a terminal operator who is authorized to access the ACJIS network for entering, updating, clearing, or canceling records; conducting inquiries; and interpreting responses.
~~35-32.~~ No change
~~36-33.~~ No change
~~37-34.~~ No change
35. “Terminal Operator Certification Level F” means a terminal operator who is authorized to inquire into, enter information into, or modify information in the ADRS.
~~38-36.~~ No change
39. ~~“Uniform Crime Reporting (UCR)” means a collective effort on the part of city, county, state, tribal, and federal law enforcement agencies to present a nationwide view of crime.~~

R13-1-102. Submission and Retention of Criminal Justice Information

- A. No change
1. No change
 2. A law enforcement agency shall submit any corrections to previously submitted arrest fingerprints to the Department by fax or mail on the “Correction of Arrest Information” form available from the Department. The Department’s Central State Repository shall correct the record as requested. Corrections to or deletion of arrest records may only be requested by the arresting or booking agency that created the arrest record. The Correction of Information form includes:
 - a. Name of the person authorizing the correction or deletion;
 - ~~a-b.~~ Agency name, and ORI, and telephone and fax numbers;
 - ~~b-c.~~ PCN;
 - ~~e-d.~~ SID; and
 - e. Subject’s name and date of birth;
 - f. Arresting agency case number;
 - g. Date of arrest; and
 - ~~d-h.~~ Correction or deletion needed.
 3. Law enforcement agencies, prosecutors’ offices, and courts shall submit dispositions related to an arrest fingerprint to the Department’s Central State Repository within 40 days from the date of disposition date.
 4. No change
 5. A county medical examiner shall provide to the Department’s Central State Repository a full set of ten inked and

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rolled fingerprints of a deceased person whose death is required to be investigated by the county medical examiner's office. The Department shall search the fingerprints to determine ~~if~~ whether any criminal record is maintained and, if so, update the record to indicate notification of the death. The county medical examiner shall ensure that the complete fingerprint record submitted to the Department includes:

- a. No change
- b. ~~Date of birth~~ Date of birth, and
- c. No change

B. The Department's Central State Repository shall retain a criminal history record until the subject of record ~~either~~ reaches age 99 or one year after the Department receives notice of the subject's death ~~notification~~.

R13-1-106. Arrest Fingerprint Record Submission

A. No change

1. No change
2. No change
3. No change

B. No change

C. A criminal justice agency ~~utilizing~~ using the ink-and-roll method of fingerprinting shall obtain blank arrest fingerprint cards from the FBI using the CJIS Supply Requisition Form (I-178).

D. A completed arrest fingerprint record contains the following information:

1. About the individual arrested:

- ~~1-a.~~ Name;
- ~~2-b.~~ Date of birth;
- ~~3-c.~~ Personal identifiers;
- ~~4-d.~~ Juvenile fingerprinted, if applicable; and
- ~~e.~~ Place of birth;

~~5-2.~~ Date of arrest;

~~6-3.~~ ORI, and arresting agency's name and address;

~~7-4.~~ Date of offense;

5. Local identification/reference:

- a. LSI and arresting agency case number required.
- b. Local file number and agency tracking number optional;

6. Citation information/charge description. Citation to the state, county, or city code allegedly violated and description of charge, i.e., A.R.S. § 13-1802, theft.

7. Offense type:

- a. Designate a felony with an "F."
- b. Designate a misdemeanor with an "M";

8. ~~Place of birth (state or country);~~

9. ~~Arresting agency case number;~~

~~10- LSI;~~

~~11- Offense;~~

~~12-8.~~ Court ORI;

~~13-9.~~ PCN;

~~14-10.~~ Name or identification number of official taking fingerprints; and

~~15-11.~~ Arrest fingerprints.

R13-1-108. Procedures for Challenging the Accuracy and Completeness of Criminal History Records

A. To challenge a criminal history record, the subject of record or the subject of record's attorney shall complete and return the Review and Challenge of Arizona Criminal History Record Information form referenced in R13-1-107(F) within 35 days of the date of the response referenced in R13-1-107(F).

B. No change

1. No change
2. No change
3. No change

C. If the Department determines that a correction to or deletion from ~~of~~ the criminal history record is necessary, the Department shall modify the record and notify the Federal Bureau of Investigation.

D. Upon conclusion of the audit referenced in subsection (B), the Department shall send written notification of the audit result and a copy of any record modification to the subject of record or the subject of record's attorney.

E. The Department shall include in the notice of audit result referenced in subsection (D) a statement that the subject of record may request a hearing to determine the accuracy of the criminal history record. To request a hearing, the subject of

record or the subject of record's attorney shall submit to the Department a written request within 35 days of the date of the notice of audit result referenced in subsection (D).

R13-1-109. Hearing Procedures

- A.** Under A.R.S. § 41-2204(6), a hearing shall be conducted after receipt of a request for a hearing to determine the accuracy of information in a criminal history record maintained by the Central State Repository.
- B.** The Office of Administrative Hearing shall conduct a hearing to determine the accuracy of information in a criminal history record maintained by the Central State Repository in accordance with the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.
- C.** Under A.R.S. § 41-1092.08, within 30 days after the Office of Administrative Hearings sends the administrative law judge's recommended decision to the Director, the Director may review the recommended decision and accept, modify, or reject it.

R13-1-110. Review or Rehearing of the Director's Decision

- A.** Except as provided in subsection (G), to exhaust a party's administrative remedies, the party is required to file with the Department a motion for rehearing or review of a decision issued by the Director under R13-1-109.
- B.** A party may amend a motion for rehearing or review at any time before the Department rules on the motion.
- C.** The Department may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
 - 1.** Irregularity in the proceedings or any order or abuse of discretion that deprived the moving party of a fair hearing;
 - 2.** Misconduct of the Director, Department staff, or an administrative law judge;
 - 3.** Accident or surprise that could not have been prevented by ordinary prudence;
 - 4.** Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - 5.** Excessive or insufficient penalty;
 - 6.** Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; and
 - 7.** The findings of fact or decision are not justified by the evidence or are contrary to law.
- D.** The Department may affirm or modify a decision or grant a rehearing or review on all or some of the issues for any of the reasons listed in subsection (C). The Department shall specify with particularity the grounds for an order modifying a decision or granting a rehearing or review. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- E.** Not later than 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Department may, on its own initiative, order a rehearing or review of the decision for any reason it might have granted a rehearing or review on motion of a party. The Department may grant a motion for rehearing or review, timely served, for a reason not stated in a motion. The Department shall specify with particularity the grounds on which a rehearing or review is granted under this subsection.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Department may extend this period for a maximum of 20 days for good cause or by written stipulation of the parties. Reply affidavits may be permitted.
- G.** If, in a particular decision, the Director makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision shall be issued as a final decision without an opportunity for a rehearing or review.

~~R13-1-109.~~R13-1-111. Information Deemed Useful for the Study and Prevention of Crime or the Administration of Criminal Justice

- A.** No change
 - 1.** Provide a written or electronic request to the Department that specifies the purpose of the study, or how the records will be used to prevent crime or administer criminal justice; and
 - 2.** No change
- B.** No change