

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 8. DEPARTMENT OF ECONOMIC SECURITY AGING AND ADULT ADMINISTRATION

[R08-331]

PREAMBLE

1. Register citation and date for the Notice of Rulemaking Docket Opening and the original Notice of Proposed Rulemaking:

Notice of Rulemaking Docket Opening: 14 A.A.R. 2041, May 23, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 2892, July 25, 2008

2. Section Affected

R6-8-201
R6-8-204
R6-8-205
R6-8-206
R6-8-210

Rulemaking Action

Amend
Amend
Amend
Amend
Amend

3. 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. § 41-1954

Implementing statutes: A.R.S. §§ 46-451 through 46-459

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

Name: Beth Broeker

Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005

or

Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007

Telephone: (602) 542-6555

Fax: (602) 542-6000

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

The Arizona Department of Economic Security administers the state Adult Protective Services program under Arizona Revised Statutes Title 46, Chapter 4.

Since the last rule revision the Adult Protective Services program has undergone changes due to legislation and changes in policy and procedures. To reflect those changes, the Department proposes the following:

- Take out subsection R6-8-201(13)(n), APS worker narrative, from the definition of "Personally identifiable information."
- Clarify subsection R6-8-204(A) and add subsection R6-8-204(B) to specify that APS worker shall investigate reports that occurred on an Indian Reservation, upon written invitation by the Tribal Council.

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- Delete subsection R6-8-205(3), to reflect the recent appropriations to the APS program in order to investigate 100% of reports.
- Change subsection R6-8-206(3) to more accurately reflect the appropriate response time to cases, depending on the priority levels.
- Delete subsection R6-8-206(B).
- Amend subsection R6-8-210(B) to change the location where requester sends a request to obtain personally identifiable information.

6. An explanation of the substantial change which resulted in this supplemental notice:

The Department has corrected the citation of statutory authority for the rulemaking in item number 3 of the Preamble. The Department has removed R6-8-204(D), which was new language included in the Notice of Proposed Rulemaking published on July 25, 2008, from the 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 rulemaking itself will have no cost effect on employers, claimants, or the Department. The proposed rulemaking will not adversely affect any legitimate business. The rulemaking will have no impact on state revenues.

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: Beth Broeker
Address: Department of Economic Security
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
or
Department of Economic Security
1789 W. Jefferson St., Site Code 837A
Phoenix, AZ 85007
Telephone: (602) 542-6555
Fax: (602) 542-6000

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:

The Department does not plan to conduct an oral proceeding on the proposed rules unless a written request for an oral proceeding is submitted to the person named in item 4 within 30 days after this notice is published. The Department will accept written public comments on the proposed rules for 30 days after the date of this publication.

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 locations in the rules:

None

13. The full text of the rules follows:

TITLE 6. ECONOMIC SECURITY

CHAPTER 8. DEPARTMENT OF ECONOMIC SECURITY
AGING AND ADULT ADMINISTRATION

ARTICLE 2. ADULT PROTECTIVE SERVICES

Section	
R6-8-201.	Definitions
R6-8-204.	Jurisdiction
R6-8-205.	Classification
R6-8-206.	Investigation
R6-8-210.	Confidentiality

ARTICLE 2. ADULT PROTECTIVE SERVICES

R6-8-201. Definitions

No change

1. No change
2. No change
3. No change
4. No change
 - a. No change
 - b. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change
12. No change
 - a. No change
 - b. No change
 - c. No change
13. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - ~~n. APS worker narrative; or~~
 - n. Medical information, history, and diagnosis; or
 - o. Any other ~~identifier specific to~~ information that would reasonably lead to the identification of an individual.
14. No change
15. No change
16. No change
17. No change
18. No change
19. No change
20. “~~Work~~ Business day” means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Arizona state holidays.

R6-8-204. Jurisdiction

A. An APS worker shall not investigate reports of events ~~which that~~ occurred in another state, or foreign country, ~~or Indian reservation.~~

B. An APS worker shall investigate reports that occurred on an Indian Reservation, upon written invitation by the Tribal Council.

~~B.C.~~ No change

R6-8-205. Classification

At intake an APS worker shall classify the incoming communication into ~~1 one~~ of the following ~~3 two~~ categories:

1. Information and referral, ~~or~~
2. Reports accepted for evaluation and investigation, ~~or,~~
3. ~~Reports accepted for evaluation, but not investigation.~~

R6-8-206. Investigation

~~A.~~ Reports Accepted for Evaluation and Investigation:

1. No change

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- a. No change
 - b. No change
 - c. No change
 2. No change
 3. An APS worker shall visit ~~a person~~ an individual who may be in need of adult protective services within ~~2 work days after receipt of a report.~~ the following established time-frames:
 - a. Priority 1. The APS worker shall initiate an assessment within one business day following a report of a qualifying problem with an imminent and substantial risk of life-threatening harm when the adult lacks necessary resources to alleviate the problem.
 - b. Priority 2. The APS worker shall initiate an assessment within two business days following a report of a qualifying problem with moderate aggravating circumstances.
 - c. Priority 3. The APS worker shall initiate assessment within five business days following a report of a qualifying problem with mitigating or no aggravating circumstances.
 4. The APS worker shall investigate, determine and document in the record whether:
 - a. The allegations are ~~substantiated,~~ proposed for substantiation.
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 - o. No change
 - p. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- B.** ~~Reports Accepted for Evaluation but not investigation. APS may classify a report as not accepted for investigation because of:~~
- ~~1. Insufficient information,~~
 - ~~2. Sufficient involvement of other resources,~~
 - ~~3. The situation is known to APS and the report does not provide additional information, or~~
 - ~~4. The client's need is for placement into a care facility only.~~

R6-8-210. Confidentiality

- A. No change
- B. The requester shall send a written request to the Custodian of Records at the Department of Economic Security, Division of Aging and Adult Services, Adult Protective Services Central Office and APS program manager ~~for the office where the requester believes the records are located;~~ the request shall include the following information:
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 - a. No change
 - b. No change

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- c. No change
- C.** No change
- D.** No change
- E.** The Department shall respond to the requester within 15 ~~work~~ business days.
- F.** No change
 - 1. No change
 - 2. No change
 - 3. No change