

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

BOARD OF PHARMACY

[R08-46]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 2, Pharmacist Licensure; 3, Intern Training and Pharmacy Intern Preceptor; 4, Professional Practices
Section numbers: R4-23-202, R4-23-203, R4-23-302, R4-23-407 (Sections may be added, deleted, or modified as necessary.)

2. Subject matter of the proposed rule:

During the Board's five-year-rule review approved by the Governor's Regulatory Review Council (G.R.R.C.) on July 10, 2007, the Board identified three rules to amend because of inconsistencies with other rules and one rule to amend by adding a more current incorporation by reference. In the first two rules, R4-23-202(B)(3)(b)(ii), R4-23-202(b)(4)(b)(ii), R4-23-203(B)(3)(b)(ii), and R4-23-203(B)(4)(b)(ii) reference an "examination fee specified in R4-23-205(C)." However, R4-23-205(C) lists only an application fee. R4-23-205(C) was changed from an examination fee to an application fee on May 1, 2004. The Board intends to correct the inconsistency by inserting the word "application" in place of the word "examination" in R4-23-202(B)(3)(b)(ii), R4-23-202(b)(4)(b)(ii), R4-23-203(B)(3)(b)(ii), and R4-23-302(B)(4)(b)(ii). In the third rule, R4-23-302(D) cites R4-23-104. R4-23-104 was repealed and replaced by R4-23-111 on May 1, 2004. To be consistent, the Board intends to amend R4-23-302(D) by replacing "R4-23-104" with "R4-23-111." In the fourth rule, R4-23-407(D)(2) incorporates by reference "21 CFR 1306.25, published April 1, 2001." To bring the rule up to date, the Board intends to amend R4-23-407(D) by incorporating the April 1, 2008 edition of 21 CFR 1306.25. The rules 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:

R0805

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.

Address: 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

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R08-45]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 6, Permits and Distribution of Drugs
Section number: R4-23-615 (Sections may be added, deleted, or modified as necessary.)

- 2. Subject matter of the proposed rule:**
R4-23-615 (Mechanical Storage and Counting Device for a Drug in Solid, Oral Dosage Form) in subsection (B) prohibits a pharmacy permittee or pharmacist-in-charge from allowing any drug previously counted by a mechanical storage and counting device that has not left the pharmacy from being returned to the drug's original cell, cassette, or stock bottle. The Board is aware that there are pharmacies who through technology, such as bar coding, can ensure that a drug previously counted by a mechanical storage and counting device that has not left the pharmacy is safe to return to the drug's original cell or cassette. In such pharmacies, the label that is affixed to the drug container now can include the drug's manufacturer, name, strength, and lot number. The pharmacy's system can then scan the container label and the cell or cassette label and correctly match the drug with the cell or cassette, thus allowing the drug to be returned to the proper cell or cassette. The proposed rulemaking will add an exception to R4-23-615(B) to allow a previously counted drug that has not left the pharmacy to be returned to its original cell or cassette if the drug return method is approved by the Board or its designee. A new subsection (G) will be added to R4-23-615 specify the requirements for Board approval of a drug return method. The rules 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:

R0804

- 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.

Address: 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

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
CHILDREN'S REHABILITATIVE SERVICES

[R08-48]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 7, Department of Health Services – Children's Rehabilitative Services
Article and its heading: 1, Definitions; 2, Eligibility; 3, Referral; Enrollment; Application; Redetermination; Termination; 4, Covered Medical Services; 5, Covered Support Services; 6, Member Payment; 7, Member Appeals

Notices of Rulemaking Docket Opening

Section numbers: R9-7-101 through R9-7-701 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The purpose of this rulemaking is to amend the rules for the Children’s Rehabilitative Services program consistent with current statutory authority, Department policy, and rulemaking format and style requirements. The Department may add, delete, or modify Sections as necessary.

The agency docket number:

RE-003-08

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: 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

or

Name: Joan Agostinelli
Office Chief

Address: Department of Health Services
Division of Behavioral Health Services
Office for Children with Special Health Care Needs
150 N. 18th Ave., Suite 330
Phoenix, AZ 85007

Telephone: (602) 542-1860

Fax: (602) 542-2589

E-mail: agostij@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

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

[R08-47]

1. Title and its heading:

9, Health Services

Chapter and its heading:

8, Department of Health Services – Food, Recreational, and Institutional Sanitation

Article and their headings:

6, Camp Grounds

Section numbers:

R9-8-601 through R9-8-608 and R9-8-611 through R9-8-617 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The purpose of this rulemaking is to amend the rules for camp grounds in 9 A.A.C. 8, Article 6, in order to make them consistent with current statutory authority, Department policy, and issues raised in the five-year-review report approved by the Governor’s Regulatory Review Council in 2007. The amended rules will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

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The agency docket number:

RE-002-08

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: Ben C. Stepleton
Food Safety Manager

Address: Department of Health Services
Office of Environmental Health
150 N. 18th Ave., Suite 430
Phoenix, AZ 85007

Telephone: (602) 364-3140

Fax: (602) 364-3146

E-mail: stepleb@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