

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.

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DEPARTMENT OF HEALTH SERVICES HEALTH CARE INSTITUTIONS: LICENSING

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per the Governor's Regulatory Review Plan memorandum, January 22, 2009 and its continuations on April 30, June 29, and October 16, 2009. (See a copy of the memoranda in this issue on pages 1861 through 1863.) The Governor's Office authorized the notice to proceed through the rulemaking process on March 13, 2009.

[R09-101]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services – Health Care Institutions: Licensing
Article and its heading: 1, General; 2, Hospitals; 15, Abortion Clinics; 17, Outpatient Surgical Centers
Section numbers: R9-10-115, R9-10-203, R9-10-1501, R9-10-1503, R9-10-1505, R9-10-1506, R9-10-1507, R9-10-1508, R9-10-1511, R9-10-1702 (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
The Department is promulgating amendments to the abortion clinic rules to comply with a Stipulation of Settlement approved by the U.S. District Court on September 10, 2008. The proposed rulemaking will include provisions for adding definitions; amending provisions for access to the facility and patient medical records, training requirements for performing ultrasounds, patient intravenous access, and follow-up visit scheduling; and deleting requirements for a patient care staff and volunteer written work schedule; the treatment of patients with consideration, respect, and full recognition of the patient's dignity and individuality; and the submission of ultrasounds to a Department contractor.

In addition, the Department is amending rules for outpatient treatment centers, hospitals, and outpatient surgical centers to include a requirement for an outpatient treatment center, hospital, or outpatient surgical center that meets the definition of "abortion clinic" in A.R.S. § 36-449.01 to comply with the requirements in 9 A.A.C. 10, Article 15 when providing abortions and related services.

The Department may make further changes to the rules for clarity, to remove or modify outdated language, or to update references and citations.

The agency docket number, if applicable:

RE-001-09

- 3. A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 15 A.A.R. 300, January 1, 2009
Notice of Proposed Rulemaking: 15 A.A.R. 590, April 10, 2009
Notice of Proposed Rulemaking: 15 A.A.R. 786, May 15, 2009 – Correction to 15 A.A.R. 590, April 10, 2009
Notice of Public Information: 15 A.A.R. 798, May 15, 2009
Notice of Supplemental Proposed Rulemaking: 15 A.A.R. 1822, November 6, 2009 (*in this issue*)

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

Name: Thomas Salow, Acting Manager of Administrative Counsel and Rules

Address: Department of Health Services
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: salowt@azdhs.gov

or

Name: Kathy McCanna, Program Manager

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Address: Department of Health Services
Division of Licensing Services
Office of Medical Facilities Licensing
150 N. 18th Ave.
Phoenix, AZ 85007

Telephone: (602) 364-2841

Fax: (602) 364-4764

E-mail: mccannk@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 will be included in the Notice of Supplemental Proposed Rulemaking. The schedule for public hearings, at which oral comments may be presented, will be included in the Notice of Supplemental Proposed Rulemaking.

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

Notice of Supplemental Proposed Rulemaking: 15 A.A.R. 1822, November 6, 2009 (*in this issue*)