

## NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT

#### DEPARTMENT OF ECONOMIC SECURITY

[M11-298]

**1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

This policy provides Unemployment Insurance adjudicators with guidelines for applying the "against equity and good conscience" standard (A.R.S. § 23-787(C)) to requests to waive repayment of an unemployment insurance overpayment that has been classified as administrative. The substantive policy statement number is 3-18P-001.

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

September 1, 2011

**3. Summary of the contents of the substantive policy statement:**

Guidelines for Making Determinations on the Waiver of Recoupment of Unemployment Insurance Overpayments (A.R.S. § 23-787(C)).

In determining whether to grant a request to waive repayment of an unemployment insurance overpayment that has been classified as "administrative," the adjudicator should apply the "against equity and good conscience" standard in a manner consistent with fairness and justice, considering the following factors, when relevant, and any other relevant factors:

**A. Overpayment Status**

1. The total amount of administrative overpayments that the claimant currently owes, and
2. The date that each overpayment was established and whether the claimant has subsequently made any effort to repay the indebtedness during any period of reemployment.

**B. Financial Considerations**

1. Whether the claimant is currently employed and, if so, how much the claimant is earning;
2. Other household income, including the claimant's spouse's wages;
3. The claimant's living expenses and other financial obligations;
4. Dependents whom the claimant totally or partially supports; and
5. Any new obligations that the claimant incurred as a result of the claimant believing that the claimant was entitled to the overpaid benefits.

**C. Potential Earning Power**

1. The claimant's normal occupation, employment history, age, and education; and
2. Restrictions or barriers to the claimant's future employment, such as health problems, disability, or need to provide care for a member of the claimant's household.

**4. A statement as to whether the substantive policy statement is a new statement or a revision:**

This is a new substantive policy statement.

**5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:**

Name: Beth Broeker  
Address: Arizona Department of Economic Security  
1789 W. Jefferson St., Site code 837A  
Phoenix, AZ 85007  
Phone: (602) 542-6555

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Fax: (602) 542-6000  
E-mail: bbroeker@azdes.gov

**6. Information about where a person may obtain a copy of substantive policy statement:**

A person may obtain a copy of the substantive policy statement by contacting the individual listed in item 5.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**DEPARTMENT OF HEALTH SERVICES**

[M11-297]

**1. Subject of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

SP-036-DLS-CCL: Clarification of A.R.S. Title 36, Chapter 7.1, Articles 1 and 4 in the following statutes: §§ 36-884(5), 36-884(6), 36-897.04(A)(5) and 36-897.04(A)(6).

**2. Date of the publication of the substantive policy statement and the effective date of the substantive policy statement if different from the publication:**

Date of publication: September 23, 2011

Effective date: July 20, 2011

**3. Summary of the contents of the substantive policy statement:**

The substantive policy statement clarifies to the public the Arizona Department of Health Services' interpretation of the requirements in A.R.S. Title 36, Chapter 7.1, Articles 1 and 4 in the following statutes: §§ 36-884(5), 36-884(6), 36-897.04(A)(5) and 36-897.04(A)(6). Specifically, it addresses exemptions from child care licensing and certification requirements.

**4. A statement as to whether the guidance document is a new document or a revision:**

This is a new substantive policy statement.

**5. The name and address of the person to whom questions and comments about the guidance document may be directed:**

Name: Lourdes B. Ochoa, State Licensing Manager

Address: Department of Health Services  
Division of Licensing Services  
Office of Child Care Licensing  
150 N. 18th Ave., Suite 400  
Phoenix, AZ 85007

Telephone: (602) 364-2539

Fax: (602) 364-4768

E-mail: ochoal@azdhs.gov

or

Name: Thomas Salow, Manager

Address: Department of Health Services  
Office of Administrative Counsel and Rules  
1740 W. Adams St., Suite 203  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: salowt@azdhs.gov

**6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the substantive policy statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement also may be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.