

## 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

#### DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

*Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3268.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 28, 2012.*

[R12-241]

- 1. Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 2, Department of Agriculture – Animal Services Division  
**Article and its heading:** 2, Meat and Poultry Inspection  
**Section numbers:** R3-2-202 (Additional sections may be added or amended as necessary.)
- 2. The subject matter of the proposed rule:**  
The Department proposes to revise rule 202, related to meat inspection and slaughtering, to update the incorporated federal regulations from the 2009 version to the most current version.
- 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 rule:**  
Name: Rick Mann  
Address: 1688 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-6398  
E-mail: rmann@azda.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Department will accept written comments at the address listed in item 4 for at least 30 days following publication of this notice. The Department has not scheduled an oral proceeding at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
The Department plans to file a request for approval of emergency rulemaking with the Attorney General's Office during December 2012.

### NOTICE OF RULEMAKING DOCKET OPENING

#### BOARD OF PHARMACY

*Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3268.)*

[R12-236]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 23, Board of Pharmacy  
**Articles and their headings:** 1, Administration  
6, Permits and Distribution of Drugs  
7, Non-Pharmacy Licensed Outlets - General Provisions  
**Section numbers:** R4-23-110, R4-23-674, R4-23-701, R4-23-701.01, R4-23-701.02, R4-23-701.04, R4-23-702 through R4-23-704 (As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)
- 2. Subject matter of the proposed rule:**

*Arizona Administrative Register / Secretary of State*  
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In August 2005 rules R4-23-701, R4-23-701.01, R4-23-701.02, R4-23-701.03, and R4-23-703 underwent the Five-Year Rule Review, and the Board identified that the rules needed to be amended. A task force was appointed by the Board in 2008 to review the rules and several meetings were held before the Governor's moratorium on rulemaking was implemented in March 2009. The rules were again due for the Five-Year Rule Review in August 2010, however the rulemaking moratorium was still in effect through September 2011. The Board appointed another task force in 2012 to review the rules and is now ready to make changes to those rules.

The rulemaking will amend rule R4-23-110 Definitions by adding or amending definitions to support changes in Article 7 rules. These definitions include "assisted living facility", "automated dispensing system", "emergency drug supply unit", "hospice inpatient facility", "long-term care facility", and "resident".

The rulemaking will amend rule R4-23-674 Limited-service Long-term Care Pharmacy by removing the requirement that a long-term care consultant pharmacist be employed by or contracted with the provider pharmacy, and includes changes to the policies and procedures section. These changes are found in R4-23-674(B)(1)(2) and (F)(11).

The rulemaking will amend rule R4-23-701 Long-term Care Facilities Pharmacy Services: Consultant Pharmacist by including the requirement that a long-term care consultant pharmacist in an Arizona facility be licensed by the Board, and edits the long-term care consultant pharmacist's responsibilities to the facility. These changes are found in R4-23-701(A), (B), (C), and (D).

The rulemaking will amend rule R4-23-701.01 Long-term Care Facilities Pharmacy Services: Provider Pharmacy by clarifying the requirement that a provider pharmacy develops procedures for patient level drug recalls, and prohibits a provider pharmacy from repackaging previously dispensed drugs. These changes are found in R4-23-701.01(2)(3)(4) and (5).

The rulemaking will amend rule R4-23-701.02 Long-term Care Facilities Pharmacy Services: Emergency Drugs by editing the criteria for an emergency drug supply unit, revising the drug packaging, unit labeling and restocking requirements, and adding new subsections for the use of automation. These changes are found in R4-23-701.02(A), (B), (C), (D), (E), and (F).

The rulemaking will add a new rule section R4-23-701.04 Long-term Care Facilities Pharmacy Services: Automated Dispensing Systems to allow the use of automation within a long-term care facility.

The rulemaking will add a new rule section R4-23-702 Hospice Inpatient Facilities to outline the criteria for the provision of contracted pharmacy services in a hospice inpatient facility.

The rulemaking will amend rule R4-23-703 Assisted Living Facilities to prohibit the use of an emergency drug supply unit or an automated dispensing system in an assisted living facility, and also to prohibit the repackaging of previously dispensed drugs. These changes are found in R4-23-703(B)(2), (C), (F), and (G).

The rulemaking will add a new rule section R4-23-704 Customized Patient Medication Packages to allow the packaging of two or more prescribed drugs in a single container.

The rule 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:**

R1206

**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: Sandra Sutcliffe, Compliance Officer  
Address: Arizona Board of Pharmacy  
P.O. Box 18520  
Phoenix, AZ 85005  
Telephone: (623) 518-0336  
Fax: (602) 771-2749  
E-mail: [ssutcliffe@azpharmacy.gov](mailto:ssutcliffe@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.

Location: Arizona Board of Pharmacy  
1616 W. Adams, Suite 120  
Phoenix, AZ 85007

Mail: P.O. Box 18520  
Phoenix, AZ 85005

*Arizona Administrative Register / Secretary of State*  
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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 TRANSPORTATION  
OVERDIMENSIONAL PERMITS**

*Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3268.) The Governor's Office authorized the notice to proceed through the rulemaking process on September 27, 2012.*

[R12-235]

- 1. Title and its heading:** 17, Transportation  
**Chapter and its heading:** 6, Department of Transportation – Overdimensional Permits  
**Article and its heading:** 5, Envelope Permit Special Provisions  
**Section number:** R17-6-506 (Sections may be added, deleted, or modified as necessary.)

**2. The subject matter of the proposed rules:**

The Arizona Department of Transportation (ADOT) engages in this rulemaking to establish fees and other requirements for the issuance of envelope permits for vehicles hauling houseboats within a ten mile radius of Lake Powell, subject to certain size and weight restrictions, as required by A.R.S. § 28-1144(B).

**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: Holly B. Hunnicutt, Special Advisor to the Director  
Address: Government Relations and Policy Development Office  
Department of Transportation  
206 S. 17th Ave., Mail Drop 140A  
Phoenix, AZ 85007  
Telephone: (602) 712-4284  
Fax: (602) 712-3232  
E-mail: HHunnicutt@azdot.gov

Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at [www.azdot.gov/Government\\_Relations/adotrules/](http://www.azdot.gov/Government_Relations/adotrules/)

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments may be submitted at any time. All comments should be directed to the person listed under item 4. The date, time, and location of any oral proceeding scheduled for this rulemaking will be included in the Notice of Proposed Rulemaking.

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

To be determined