



# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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# From the Publisher

## ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

## ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

## WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

## LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

# Arizona Administrative REGISTER

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**PUBLICATION DEADLINES**  
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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# Participate in the Process

## Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

## Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

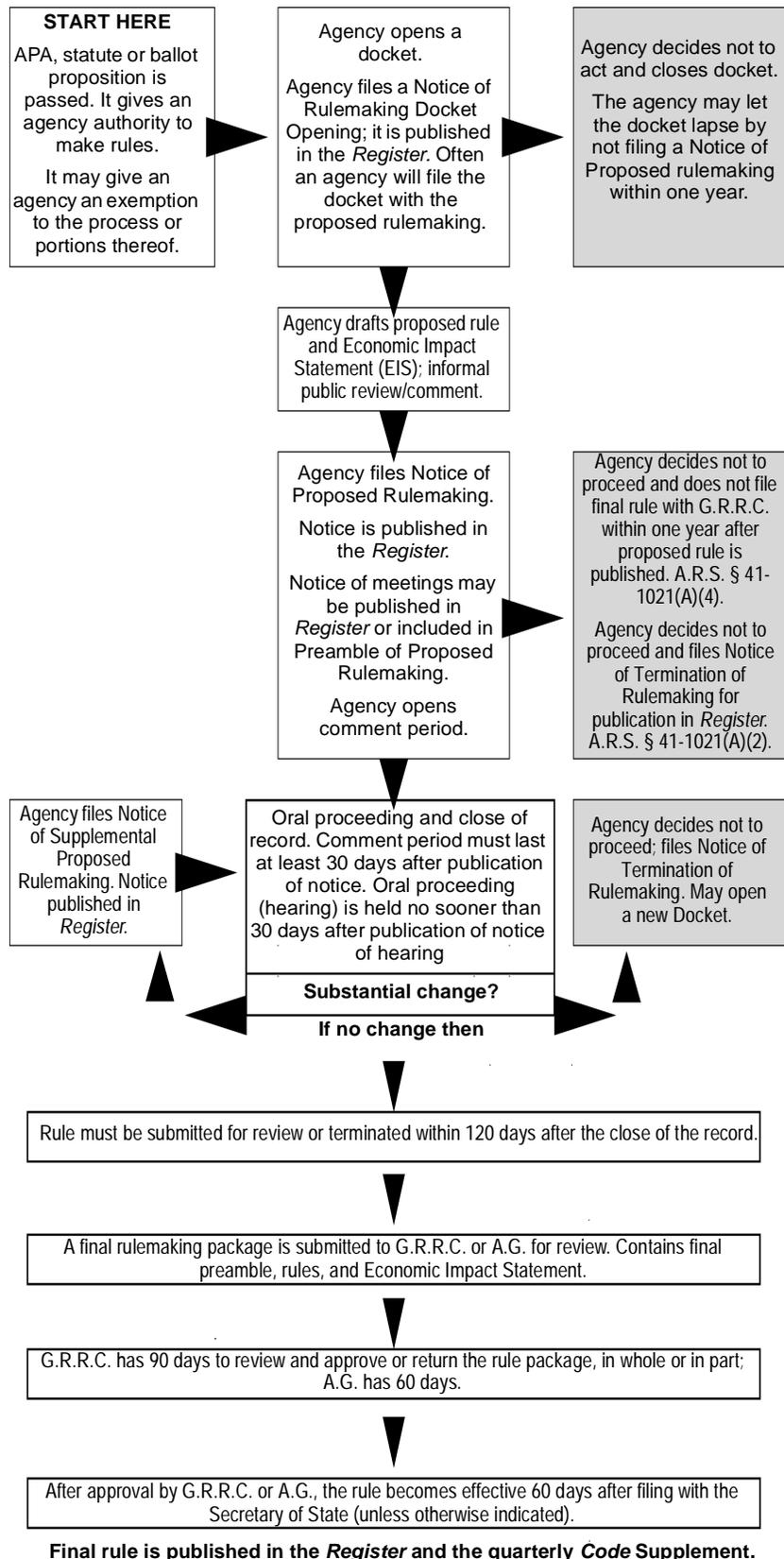
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

# Arizona Regular Rulemaking Process





**Definitions**

**Arizona Administrative Code (A.A.C.):** Official rules codified and published by the Secretary of State’s Office. Available online at [www.azsos.gov](http://www.azsos.gov).

**Arizona Administrative Register (A.A.R.):** The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at [www.azsos.gov](http://www.azsos.gov).

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at [www.azleg.gov](http://www.azleg.gov).

**Arizona Revised Statutes (A.R.S.):** The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at [www.azleg.gov](http://www.azleg.gov).

**Chapter:** A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

**Close of Record:** The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

**Code of Federal Regulations (CFR):** The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

**Docket:** A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

**Economic, Small Business, and Consumer Impact Statement (EIS):** The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

**Governor’s Regulatory Review (G.R.R.C.):** Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

**Incorporated by Reference:** An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

**Federal Register (FR):** The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

**Session Laws or “Laws”:** When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at [www.azleg.gov](http://www.azleg.gov).

**United States Code (U.S.C.):** The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

**Acronyms**

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor’s Regulatory Review Council*

U.S.C. – *United States Code*

**About Preambles**

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF FINAL RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

PREAMBLE

[R15-21]

- 1. Articles, Parts, and Sections Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
3. The effective date for the rules:
4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
5. The agency's contact person who can answer questions about the rulemaking:



Fax: (602) 542-8316  
E-mail: allen.imig@aznciaboard.us  
Web site: www.aznciaboard.us

**6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Board is making the changes identified in a Five-year-Review Report approved by Council on August 5, 2014. Additionally, the Board is establishing new standards regarding being appointed to administer multiple nursing care institutions or manage multiple assisted living facilities. These new standards are necessary to ensure that a licensed administrator or certified manager is actually providing the supervision needed to protect the vulnerable populations that rely on services from a nursing care institution or assisted care facility.

In an e-mail from Ted Vogt, Chief of Operations in the Governor's Office, dated February 27, 2015, an exemption from Executive Order 2015-01 was provided for this rulemaking.

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Board did not review or rely on a study in its evaluation of or justification for any of the rules in this rulemaking.

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. A summary of the economic, small business, and consumer impact:**

The rulemaking will have economic impact on individuals who have previously been appointed to administer more than one nursing care institution or manage more than two assisted living facilities. The Board has determined this restriction is necessary to ensure proper supervision needed to protect the vulnerable populations that rely on services from a nursing care institution or assisted care facility.

**10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**

In the Notice of Proposed Rulemaking published in the Arizona Administrative Register on November 21, 2014, the Board made non-substantive changes to R4-33-106 to make the rule more clear, concise, and understandable. Because the exemption provided by Mr. Vogt on February 27, 2015, did not clearly indicate that the amendment of R4-33-106 was included within the terms of the exemption, the Board removed R4-33-106 from the Notice of Final Rulemaking.

To make the rule more understandable, R4-33-212(C)(2) was changed to be consistent with the language in the R4-33-212(C)(1). A similar change was made between R4-33-411(B)(2) and (B)(3).

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**

The Board received no comments regarding the rulemaking. No one attended the oral proceeding on December 22, 2014.

**12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

R4-33-203, R4-33-401, and R4-33-402 require permits that regulate activities that are substantially similar in nature.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

No federal law applies to the rules. Federal law makes receipt of federal funding contingent on a state licensing and regulating nursing care institution administrators. The specifics of the licensure and regulation are matters of state law.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.



**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

No materials are incorporated by reference.

**14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

None of the rules was previously made, amended, or repealed as an emergency rule.

**15. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS**

**ARTICLE 1. GENERAL**

Section

- R4-33-101. Definitions
- R4-33-108. Display of License or Certificate

**ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING**

Section

- R4-33-203. Requirements for Temporary License
- R4-33-208. Standards of Conduct; Disciplinary Action
- R4-33-212. ~~Renumbered~~ Appointment as Administrator of Multiple Nursing Care Institutions

**ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM**

- R4-33-302. Standards for an AIT Program

**ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION**

Section

- R4-33-401. Requirements for Initial Certification by Examination
- R4-33-402. Requirements for a Temporary Certificate
- R4-33-407. Standards of Conduct; Disciplinary Action
- R4-33-408. Referral Requirements
- R4-33-411. ~~Repeated~~ Appointment as Manager of Multiple Assisted Living Facilities

**ARTICLE 1. GENERAL**

**R4-33-101. Definitions**

The definitions in A.R.S. § 36-446 apply to this Chapter. Additionally, in this Chapter, unless otherwise specified:

“Accredited” means approved by the North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

“ACHCA certified” means written evidence of completing the Professional Certification Program administered by the American College of Health Care Administrators.

“Administrator” has the meaning prescribed at A.R.S. § 36-446 and means an individual licensed under this Chapter to supervise a nursing care institution.

“Administrator in training” or “AIT” means an individual who is taking an AIT program to be licensed as an administrator for a nursing care institution.

“AIT program” means a training that the Board approves after determining that the training meets the standards at R4-33-302.

“Applicant” means an individual who applies to the Board to be licensed as an administrator of a nursing care institution, to be certified as a manager of an assisted living facility, or for approval of a continuing education.

“Application package” means the forms, documents, and fees that the Board requires an applicant to submit or have submitted on the applicant’s behalf.



“Arizona examination” means a measure of an applicant’s knowledge of Arizona statutes and rules regarding nursing care institution administration or assisted living facility management.

“Biennial period” means July 1 of an even-numbered year through June 30 of the next even-numbered year for an administrator and July 1 of an odd-numbered year through June 30 of the next odd-numbered year for a manager.

“Contact hour” means an hour during which an administrator or manager is physically present at a continuing education or a manager is physically present at a required initial training.

“Continuing education” means a planned educational course or program that the Board approves under R4-33-502.

“Good standing” means that an individual licensed by the state is not subject to any disciplinary action or consent order, and not currently under investigation for alleged unprofessional conduct.

“Health care institution” means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health-related services, supervisory care services, personal care services or directed care services and includes home health agencies as defined in A.R.S. § 36-151 and hospice services agencies. A.R.S. § 36-401.

“Manager” means an assisted living facility manager, as defined at A.R.S. § 36-446, who is certified under this Chapter to supervise an assisted living facility.

“NAB” means the National Association of Board of Examiners for Nursing Home Administrators.

“Party” has the same meaning as prescribed in A.R.S. § 41-1001.

“Preceptor” means a practicing nursing care institution administrator who helps to develop a new professional in the field of long-term care administration by tutoring the new professional.

“Qualified instructor” means a person who meets one or more of the following criteria:

A registered nurse, licensed under A.R.S. Title 32, Chapter 15;

An instructor employed by an accredited college or university, or health care institution to teach a health-care related course; or

A person or entity that has sufficient education and training to be qualified to teach a health-care related course.

“Work experience in a health-related field” means employment in a health care institution or in the professional fields of medicine, nursing, social work, gerontology, or other closely related field.

#### **R4-33-108. Display of License or Certificate**

- A. An administrator shall display the administrator’s original license and current renewal receipt in a conspicuous place in the nursing care institution at which the administrator is appointed.
- B. A manager shall display the manager’s original certificate and current renewal receipt in a conspicuous place in the assisted care facility at which the manager is ~~employed~~ appointed.

### **ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING**

#### **R4-33-203. Requirements for Temporary License**

- A. To be eligible for a temporary license as a nursing care institution administrator, an individual shall:
  1. Meet the requirements specified in R4-33-201 or R4-33-202 except for the requirement at R4-33-201(2) or R4-33-202(2)(b);
  2. Have the owner of a nursing care institution that intends to ~~employ~~ appoint the applicant as administrator if the applicant is successful in obtaining a temporary license submit to the Board a Letter of Intent to ~~Employ~~ Appoint on a form that is available from the Board. The owner of the nursing care institution shall include the following in the Letter of Intent to ~~Employ~~ Appoint:
    - a. Name of the owner of the nursing care institution,
    - b. Name and address of the nursing care institution,
    - c. Name of the applicant,
    - d. An affirmation of intent to ~~employ~~ appoint the applicant,
    - e. Reason for requesting a temporary license for the applicant,
    - f. License number of the nursing care institution, and
    - g. Notarized signature of the owner of the nursing care institution;
  3. Not have held an Arizona temporary license as a nursing care institution administrator within the past three years; and
  4. Not have failed the Arizona or NAB examination before applying for a temporary license.
- B. At the Board’s request, an applicant for a temporary license shall appear or be available by telephone for an interview with the Board.
- C. A temporary license is valid for 150 days and is not renewable. Before expiration of the temporary license, the temporary licensee shall become licensed under A.R.S. § 36-446.04 and this Article or discontinue as administrator of the nursing care institution.



D. If a temporary licensee fails the Arizona or NAB examination during the term of the temporary license, the temporary license is automatically revoked and the former licensee shall discontinue as administrator of the nursing care institution.

**R4-33-208. Standards of Conduct; Disciplinary Action**

- A. An administrator shall know and comply with all federal and state laws applicable to operation of a nursing care institution.
- B. An administrator shall not:
  1. Engage in unprofessional conduct as defined at A.R.S. § 36-446;
  2. Be addicted to or dependent on the use of narcotics or other drugs, including alcohol;
  3. Directly or indirectly permit an owner, officer, or employee of a nursing care institution to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to patients of the institution unless the resulting economic benefit is directly passed to the patients;
  4. Directly or indirectly permit an owner, officer, or employee of a nursing care institution to solicit, offer, or receive any premium, rebate, or other valuable consideration for referring a patient to another person or place unless the resulting economic benefit is directly passed to the patient;
  5. Willfully permit the unauthorized disclosure of information relating to a patient or a patient’s records;
  6. Discriminate against a patient or employee on the basis of race, sex, age, religion, disability, or national origin;
  7. Misrepresent the administrator’s qualifications, education, or experience;
  8. Aid or abet another person to misrepresent that person’s qualifications, education, or experience;
  9. Defend, support, or ignore unethical conduct of an employee, owner, or other administrator;
  10. Engage in any conduct or practice contrary to recognized community standards or ethics of a nursing care institution administrator;
  11. Engage in any conduct or practice that is or might constitute incompetence, gross negligence, repeated negligence, or negligence that might constitute a danger to the health, welfare, or safety of a patient or the public;
  12. Procure or attempt to procure by fraud or misrepresentation a license or renewal of a license as a nursing care institution administrator;
  13. Violate a formal order, condition of probation, or stipulation issued by the Board;
  14. Commit an act of sexual abuse, misconduct, harassment, or exploitation; ~~or~~
  15. Retaliate against any person who reports in good faith to the Board alleged incompetence or illegal or unethical conduct of any administrator; ~~or~~
  16. Accept an appointment as administrator of a nursing care institution in violation of R4-33-212.
- C. The Board shall consider a final judgment or conviction for a felony, an offense involving moral turpitude, or direct or indirect elder abuse as grounds for disciplinary action under A.R.S. § 36-446.07 including denial of a license or license renewal.
- D. An administrator who violates any provision of A.R.S. Title 36, Chapter 4, Article 6 or this Chapter is subject to discipline under A.R.S. § 36-446.07.

**R4-33-212. Renumbered Appointment as Administrator of Multiple Nursing Care Institutions**

- A. Except as provided in subsection (B), an individual licensed under R4-33-201 or R4-33-202 shall not be appointed as administrator of more than one nursing care institution.
- B. An individual licensed under R4-33-201 or R4-33-202 may be appointed as administrator of a second nursing care institution if:
  1. Neither nursing care institution is operating under a provisional license;
  2. The two nursing care institutions are no more than 25 miles apart; and
  3. The appointment at the second institution is for no more than 90 days.
- C. A licensed administrator who is appointed as administrator of a second nursing care institution under subsection (B) shall:
  1. For both nursing care institutions, designate in writing an individual who is on the nursing care institution premises and accountable for the services provided at the nursing care institution when the licensed administrator is not on the nursing care institution premises. The designated individual shall:
    - a. Be at least 21 years old;
    - b. Be qualified through education and experience to fulfill the responsibilities of a nursing care institution administrator; and
    - c. Never have had licensure or certification suspended or revoked by the Board;
  2. Ensure that the name of the designated individual is conspicuously displayed at all times in a manner that informs those seeking assistance who is accountable for the services provided;
  3. Place the written notice of designation required under subsection (C)(1) in the personnel file of the individual designated; and
  4. Be available to the individual designated under subsection (C)(1) by telephone or electronically within 60 minutes.

**ARTICLE 3. ADMINISTRATOR-IN-TRAINING PROGRAM**

**R4-33-302. Standards for an AIT Program**

For an AIT program to be approved by the Board, the provider of the AIT program:

1. Shall be:
  - a. An accredited college or university,
  - b. An institution licensed by the Board of Private Postsecondary Education under A.R.S. § 32-3001 et seq.,
  - c. ACHCA or the Arizona chapter of ACHCA, or
  - d. Another nationally recognized organization of long-term care administrators;
2. Shall ensure that the AIT program:
  - a. Provides at least 1,000 hours of full-time educational experience to the AIT in not less than six months and not more than 12 months in the following subject areas:
    - i. Federal and state law regarding nursing care institutions,
    - ii. Nursing care institution administration and policy,
    - iii. Health care quality assurance,
    - iv. Communications skills,
    - v. Health economics,
    - vi. Financial management of a nursing care institution,
    - vii. Personnel management,
    - viii. Resident care,
    - ix. Facility operation and management,
    - x. Safety and environmental management, and
    - xi. Community resources;
  - b. Allows the AIT to work only with a preceptor who meets the standards in subsection (4) and is responsible for supervising the AIT while the AIT participates in the program,
  - c. Is implemented at the nursing care institution of which the preceptor is administrator,
  - d. Measures the AIT's success in acquiring the knowledge and skills necessary to be a competent nursing care institution administrator, and
  - e. Provides the AIT with a certificate of completion that indicates:
    - i. The AIT's name,
    - ii. The preceptor's name and license number,
    - iii. The name and address of the facility at which the AIT program was implemented,
    - iv. The beginning and ending dates of the AIT program, and
    - v. The preceptor's signature affirming that the AIT successfully completed the AIT program;
3. Shall develop a procedure to monitor the AIT program, assess the AIT's progress through the AIT program, and make adjustments necessary to ensure that the AIT acquires the knowledge and skills necessary to be a competent nursing care institution administrator;
4. Shall ensure that an individual who serves as an AIT preceptor:
  - a. Has been licensed by the Board for at least two years,
  - b. Is ~~employed~~ appointed full-time as a nursing care institution administrator at a facility that the Department determines is in compliance with applicable standards,
  - c. Is in good standing and has no disciplinary actions against the individual's license in the last three years, and
  - d. Completes a training course regarding the role and responsibilities of a preceptor; and
5. Shall develop a written policy and procedures manual that includes at least the following:
  - a. Procedure and forms required to apply to be an AIT;
  - b. Procedure and forms required to apply to be a preceptor;
  - c. Procedure for matching an AIT applicant with a preceptor;
  - d. Goals of the AIT program related to each of the subject areas listed in subsection (2)(a);
  - e. Learning experiences to achieve each goal;
  - f. Estimated time to accomplish each goal;
  - g. Responsibilities of a preceptor;
  - h. Responsibilities of an AIT;
  - i. Procedures for deviating from the goals of the AIT program, changing the facility at which the AIT program is implemented, changing preceptor, and extending the AIT program; and
  - j. Procedure for evaluating the preceptor.

**ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION****R4-33-401. Requirements for Initial Certification by Examination**

~~A. To be eligible~~ Except as provided in subsection (B), an individual who wishes to receive an initial certificate by examination as an assisted living facility manager, ~~an individual~~ shall:

1. Education:
  - a. Earn a high school diploma or G.E.D., and



- b. Complete, ~~within one year before the date of application for certification, a training program in personal, supervisory, and directed care and management of an assisted living facility that is:~~
  - i. ~~Approved by the Department under A.A.C. R9-10-724, and~~
  - ii. ~~Provided by an institution licensed by the Board of Private Postsecondary Education under A.R.S. Title 32, Chapter 30 or exempt from licensing by the Board of Private Postsecondary Education, an assisted living facility caregiver training program that is approved by the Board under A.A.C. R4-33-701, and~~
- c. ~~Complete an assisted living facility manager training program that is approved by the Board under A.A.C. R4-33-601, or~~
- e.d. Hold a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2;
- 2. Work experience. Complete at least 2,080 hours of paid work experience in a health-related field within the five years before application;
- 3. Examination. Obtain a score of at least 75 percent on the Arizona examination;
- 4. Training. Complete an adult cardiopulmonary resuscitation and basic first-aid training program;
- 5. Fingerprint clearance card. Have a valid fingerprint clearance card issued under A.R.S. Title 41, Chapter 12, Article 3.1; and
- 6. Submit all applicable information required under R4-33-403.

**B.** An individual who holds a license in good standing issued under A.R.S. Title 32, Chapter 13, 15, or 17 or 4 A.A.C. 33, Article 2 is exempt from the requirements specified in subsections (A)(1)(b) and (4).

**R4-33-402. Requirements for a Temporary Certificate**

- A.** To be eligible for a temporary certificate as an assisted living facility manager, an individual shall:
- 1. Meet the requirements under R4-33-401 except for the requirement at R4-33-401(3);
  - 2. Have the owner of an assisted living facility that intends to employ appoint the applicant as manager if the applicant is successful in obtaining a temporary certificate submit to the Board a Letter of Intent to Employ Appoint on a form that is available from the Board. The owner of the assisted living facility shall include the following in the Letter of Intent to Employ Appoint:
    - a. Name of the owner of the assisted living facility;
    - b. Name and address of the assisted living facility;
    - c. Name of the applicant;
    - d. An affirmation of intent to employ appoint the applicant;
    - e. Reason for requesting a temporary certificate for the applicant;
    - f. License number of the assisted living facility; and
    - g. Notarized signature of the owner of the assisted living facility;
  - 3. Not have held an Arizona temporary certificate as an assisted living facility manager within the past three years; and
  - 4. Not have failed the Arizona examination before applying for the temporary certificate.
- B.** At the Board’s request, an applicant for a temporary certificate shall appear or be available by telephone for an interview with the Board.
- C.** A temporary certificate is valid for 150 days and is not renewable. Before expiration of the temporary certificate, the temporary certificate holder shall obtain a certificate under A.R.S. § 36-446.04 and this Article or discontinue as manager of the assisted living facility.
- D.** If a temporary certificate holder fails the Arizona examination during the term of the temporary certificate, the temporary certificate is automatically revoked and the former temporary certificate holder shall discontinue as manager of the assisted living facility.

**R4-33-407. Standards of Conduct; Disciplinary Action**

- A.** A manager shall know and comply with all federal and state laws applicable to the operation of an assisted living facility.
- B.** A manager shall not:
- 1. Engage in unprofessional conduct as defined at A.R.S. § 36-446;
  - 2. Be addicted to or dependent on the use of narcotics or other drugs, including alcohol;
  - 3. Directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with furnishing goods or services to residents unless the resulting economic benefit is directly passed to the residents;
  - 4. Directly or indirectly permit an owner, officer, or employee of an assisted living facility to solicit, offer, or receive any premium, rebate, or other valuable consideration for referring a resident to another person or place unless the resulting economic benefit is directly passed to the resident;
  - 5. Willfully permit the unauthorized disclosure of information relating to a resident or a resident’s records;
  - 6. Discriminate against a resident or employee on the basis of race, sex, age, religion, disability, or national origin;
  - 7. Misrepresent the manager’s qualifications, education, or experience;
  - 8. Aid or abet another person to misrepresent that person’s qualifications, education, or experience;
  - 9. Defend, support, or ignore unethical conduct of an employee, owner, or other manager;



10. Engage in any conduct or practice contrary to recognized community standards or ethics of an assisted living facility manager;
  11. Engage in any conduct or practice that is or might constitute incompetence, gross negligence, repeated negligence, or negligence that might constitute a danger to the health, welfare, or safety of a resident or the public;
  12. Procure or attempt to procure by fraud or misrepresentation a certificate or renewal of a certificate as an assisted living facility manager;
  13. Violate a formal order, condition of probation, or stipulation issued by the Board;
  14. Commit an act of sexual abuse, misconduct, harassment, or exploitation;
  15. Retaliate against any person who reports in good faith to the Board alleged incompetence or illegal or unethical conduct of any manager;
  16. Allow the manager's certificate to be displayed as required under R4-33-108(B) unless the manager has been appointed as specified in R4-33-410; or
  17. Manage an assisted living facility in violation of R4-33-411.
- C. The Board shall consider a final judgment or conviction for a felony, an offense involving moral turpitude, or direct or indirect elder abuse as grounds for disciplinary action under A.R.S. § 36-446.07, including denial of a certificate or certificate renewal.
- D. A manager who violates any provision of A.R.S. Title 36, Chapter 4, Article 6 or this Chapter is subject to discipline under A.R.S. § 36-446.07.

**R4-33-408. Referral Requirements**

- A. A manager who is ~~employed~~ appointed by an assisted living facility that pays a fee to an individual or entity for referral of a resident to the assisted living facility shall ensure that the assisted living facility:
1. Has on file a contract with the individual or entity making the referral;
  2. Maintains a file of the names of the residents referred by the individual or entity; and
  3. Obtains at the time of admission and maintains a statement, signed by the resident or the resident's representative or legal guardian, which discloses that:
    - a. A fee was paid for referring the resident to the assisted living facility;
    - b. The resident or the resident's representative or legal guardian was informed of the fee arrangement; and
    - c. The resident or the resident's representative or legal guardian was informed of any ownership interest between the assisted living facility and the individual or entity making the referral.
- B. A manager shall maintain the records required under subsection (A)(1) for five years and shall maintain the records required under subsections (A)(2) and (A)(3) for five years after the resident ceases to reside in the assisted living facility.
- C. A manager shall make the records required under this Section available for review upon request by the Board.

**R4-33-411. ~~Repealed~~ Appointment as Manager of Multiple Assisted Living Facilities**

- A. An individual certified under R4-33-401 shall not be appointed to manage more than two assisted living facilities at one time.
- B. A individual certified under R4-33-401 who is appointed to manage two assisted living facilities shall:
1. Ensure that the two assisted living facilities are no more than 25 miles apart;
  2. Designate in writing one or more individuals who are on the assisted living facility premises and accountable for the services provided at the assisted living facility when the appointed certified manager is not on the assisted living facility premises. A designated individual shall:
    - a. Be at least 21 years old;
    - b. Be a caregiver with at least three years' experience as a caregiver or hold a temporary certificate issued under R4-33-402; and
    - c. Never have had licensure or certification suspended or revoked by the Board;
  3. Ensure that the name of the designated individual is conspicuously displayed at all times in a manner that informs those seeking assistance who is accountable for the services provided;
  4. Place the written notice of designation required under subsection (B)(2) in the personnel file of the individual designated; and
  5. Be available to the individual designated under subsection (B)(2) by telephone or electronically within 60 minutes.



**NOTICES OF SUBSTANTIVE POLICY STATEMENT**

The Administrative Procedure Act (APA) requires the publication of Notices of Substantive Policy Statement 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 APA.

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 REAL ESTATE**

[M15-63]

**1. Title of the Substantive Policy Statement and the substantive policy statement number by which the substantive policy statement is referenced:**

Instructor Professional Development Requirements: No. 2015.01

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

March 20, 2015

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

This policy statement is intended to inform the regulated real estate education industry of the Department's interpretation and implementation of the education statutes and rules under the Department's original jurisdiction, through the establishment of real estate instructor professional development requirements.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S § 32-2135(E) and A.A.C. R4-28-404(C)

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

This is a new policy statement.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Louis Dettorre  
Address: 2910 N. 44th St., Suite 101  
Phoenix, AZ 85018  
Telephone: (602) 771-7760  
Fax: (602) 468-0562  
E-mail: ldettorre@azre.gov  
Web site: www.azre.gov

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

Copies of this policy statement may be obtained at no cost via e-mail to the person listed above or on the Department web site: [www.azre.gov](http://www.azre.gov). Hard copies may be obtained by contacting the person listed above for \$0.25 per page.




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## GOVERNOR EXECUTIVE ORDERS

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The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

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### EXECUTIVE ORDER 2015-03

#### Executive Order Renewing the “State Council on the Education for Military Children” Amending and Superceding Executive order 2012-05

[M15-65]

**WHEREAS**, military families encounter significant obstacles when dealing with enrollment, eligibility, placement, and graduation of their children, due to frequent relocations in the course of service to our country;

**WHEREAS**, currently, 11,617 children from military families attend Arizona K-12 schools;

**WHEREAS**, Arizona strives to be the most military friendly state in the country;

**WHEREAS**, Arizona, along with forty-three other states entered into the “Interstate Compact on Educational Opportunity for Military Children” (Compact) to remove barriers to educational success imposed on children of military families because of frequent moves and deployment.

**NOW, THEREFORE**, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby establish the State Council on the Education for Military Children (Council) and order as follows:

1. The Governor shall appoint all members. Membership shall include but is not limited to the following:
  - a. The State Superintendent of Public Instruction or designee
  - b. A superintendent of a school district with a high concentration of military children or designee
  - c. The commander, or their designee, from each of the following military installations:
    - i. Davis-Monthan Air Force Base
    - ii. Fort Huachuca
    - iii. Luke Air Force Base
    - iv. US Army Yuma Proving Ground
    - v. Marine Corps Air Station Yuma
  - d. The Adjutant General or designee
  - e. A representative from the Legislative Branch
  - f. A representative from the Executive Branch
  - g. A teacher of a school with a high concentration of military children
  - h. The President of the Arizona Board of Regents or designee
  - i. A parent of a military family stationed in Arizona
2. The Governor shall select one member of the Council to serve as Chairperson.
3. The Council shall, pursuant to A.R.S. § 15-1911, provide for the coordination among agencies of local government, local education agencies and military installations concerning the state’s participation in, and compliance with, the Compact and the “Interstate Commission on Educational Opportunity for Military Children” activities.
4. The Council shall provide a forum for military families to discuss the unique issues that their children face in school.
5. The Council shall provide recommendations to the Governor on ways to assist military families and their children with the goal of easing their transitions during deployment and relocations.
6. Members shall serve at the pleasure of the Governor.
7. The Chairperson may form an executive committee or other committees, as necessary.
8. The Council shall meet to conduct its affairs at least two times each year.
9. The status of the Council shall be reviewed no later than December 31, 2016 to determine appropriate action for its continuance, modification or termination.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Douglas A. Ducey**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this twelfth day of March in the Year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

### **EXECUTIVE ORDER 2015-01**

#### **Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies**

*Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2015, as a notice to the public regarding state agencies' rulemaking activities.*

[M15-02]

**WHEREAS**, Arizona has lost more jobs per capita than any other state and has yet to recover all of those jobs;

**WHEREAS**, burdensome regulations inhibit job growth and economic development;

**WHEREAS**, each agency of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

**WHEREAS**, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

**WHEREAS**, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

**WHEREAS**, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

**NOW, THEREFORE, I, Douglas A. Ducey**, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
  - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
  - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
  - c. To prevent a significant threat to the public health, peace or safety.
  - d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
  - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
  - f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
  - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
  - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.



4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.
5. No later than September 1, 2015, each State agency shall provide to the Office of the Governor an evaluation of their rules, with recommendations for which rules could be amended or repealed consistent with the priorities and principles set forth in this Order. The evaluation shall also include a summary of licensing time frames and describe how those time frames compare to real processing time, and whether or not they can be reduced. Additionally, each agency shall identify any existing licenses or permits in which a general permit could be used in lieu of an individual permit, pursuant to Arizona Revised Statutes Section 41-1037.
6. No later than July 1, 2015, each State agency shall provide to the Office of the Governor an update on divisions where electronic reporting and payment are not implemented and a suggested plan for how to implement this customer-service-oriented service.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
8. This Executive Order expires on December 31, 2015.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Douglas A. Ducey**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this fifth day of January in the year Two Thousand and Fifteen and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

**ATTEST:**  
**Michele Reagan**  
**Secretary of State**

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**REGISTER INDEXES**

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The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for a more detailed explanation).

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

PN = Proposed new Section  
PM = Proposed amended Section  
PR = Proposed repealed Section  
P# = Proposed renumbered Section

**SUPPLEMENTAL PROPOSED RULEMAKING**

SPN = Supplemental proposed new Section  
SPM = Supplemental proposed amended Section  
SPR = Supplemental proposed repealed Section  
SP# = Supplemental proposed renumbered Section

**FINAL RULEMAKING**

FN = Final new Section  
FM = Final amended Section  
FR = Final repealed Section  
F# = Final renumbered Section

**SUMMARY RULEMAKING****PROPOSED SUMMARY**

PSMN = Proposed Summary new Section  
PSMM = Proposed Summary amended Section  
PSMR = Proposed Summary repealed Section  
PSM# = Proposed Summary renumbered Section

**FINAL SUMMARY**

FSMN = Final Summary new Section  
FSMM = Final Summary amended Section  
FSMR = Final Summary repealed Section  
FSM# = Final Summary renumbered Section

**EXPEDITED RULEMAKING****PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section  
PEM = Proposed Expedited amended Section  
PER = Proposed Expedited repealed Section  
PE# = Proposed Expedited renumbered Section

**SUPPLEMENTAL EXPEDITED**

SPEN = Supplemental Proposed Expedited new Section  
SPEM = Supplemental Proposed Expedited amended Section  
SPER = Supplemental Proposed Expedited repealed Section  
SPE# = Supplemental Proposed Expedited renumbered Section

**FINAL EXPEDITED**

FEN = Final Expedited new Section  
FEM = Final Expedited amended Section  
FER = Final Expedited repealed Section  
FE# = Final Expedited renumbered Section

**EXEMPT RULEMAKING****EXEMPT PROPOSED**

PXN = Proposed Exempt new Section  
PXM = Proposed Exempt amended Section  
PXR = Proposed Exempt repealed Section  
PX# = Proposed Exempt renumbered Section

**EXEMPT SUPPLEMENTAL PROPOSED**

SPXN = Supplemental Proposed Exempt new Section  
SPXR = Supplemental Proposed Exempt repealed Section  
SPXM = Supplemental Proposed Exempt amended Section  
SPX# = Supplemental Proposed Exempt renumbered Section

**FINAL EXEMPT RULMAKING**

FXN = Final Exempt new Section  
FXM = Final Exempt amended Section  
FXR = Final Exempt repealed Section  
FX# = Final Exempt renumbered Section

**EMERGENCY RULEMAKING**

EN = Emergency new Section  
EM = Emergency amended Section  
ER = Emergency repealed Section  
E# = Emergency renumbered Section  
EEXP = Emergency expired

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

TN = Terminated proposed new Sections  
TM = Terminated proposed amended Section  
TR = Terminated proposed repealed Section  
T# = Terminated proposed renumbered Section

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules



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R4-18-209.	PN-201	R12-14-628.	FN-297	R1-1-802.	FN-117
R4-18-501.	PM-201	R12-14-629.	FN-297	R1-1-803.	FN-117
R4-18-502.	PM-201	R12-14-630.	FN-297	R1-1-1001.	FM-117
R4-18-904.	EM-51;	R12-14-631.	FN-297	<b>Weights and Measures, Department of</b>	
	PM-201	R12-14-632.	FN-297	R20-2-101.	PM-437
<b>Power Authority, Arizona</b>		<b>Radiation Regulatory Agency</b>		R20-2-901.	PM-437
R12-14-602.	FR-297	R12-1-1215.	FM-289	R20-2-902.	PM-437
R12-14-603.	FN-297	Table A.	FM-289	R20-2-903.	PM-437
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R12-14-617.	FN-297	R1-1-109.	FM-117	R20-2-1007.	FN-437
R12-14-618.	FN-297	R1-1-110.	FM-117	R20-2-1008.	FN-437
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		R1-1-502.	FM-117		

**OTHER NOTICES AND PUBLIC RECORDS INDEX**

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

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### RULE EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



## REGISTER PUBLISHING DEADLINES

*The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.*

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
December 12, 2014	January 2, 2015	February 2, 2015
December 19, 2014	January 9, 2015	February 9, 2015
December 26, 2014	January 16, 2015	February 16, 2015
January 2, 2015	January 23, 2015	February 23, 2015
January 9, 2015	January 30, 2015	March 2, 2015
January 16, 2015	February 6, 2015	March 9, 2015
January 23, 2015	February 13, 2015	March 16, 2015
January 30, 2015	February 20, 2015	March 23, 2015
February 6, 2015	February 27, 2015	March 30, 2015
February 13, 2015	March 6, 2015	April 6, 2015
February 20, 2015	March 13, 2015	April 13, 2015
February 27, 2015	March 20, 2015	April 20, 2015
March 6, 2015	March 27, 2015	April 27, 2015
March 13, 2015	April 3, 2015	May 4, 2015
March 20, 2015	April 10, 2015	May 11, 2015
March 27, 2015	April 17, 2015	May 18, 2015
April 3, 2015	April 24, 2015	May 26, 2015 (Tuesday)
April 10, 2015	May 1, 2015	June 1, 2015
April 17, 2015	May 8, 2015	June 8, 2015
April 24, 2015	May 15, 2015	June 15, 2015
May 1, 2015	May 22, 2015	June 22, 2015
May 8, 2015	May 29, 2015	June 29, 2015
May 15, 2015	June 5, 2015	July 6, 2015
May 22, 2015	June 12, 2015	July 13, 2015
May 29, 2015	June 19, 2015	July 20, 2015
June 5, 2015	June 26, 2015	July 27, 2015
June 12, 2015	July 3, 2015	August 3, 2015
June 19, 2015	July 10, 2015	August 10, 2015



### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and Register deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5:00 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit [www.grrc.state.az.us](http://www.grrc.state.az.us).

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016



## GOVERNOR'S REGULATORY REVIEW COUNCIL

### NOTICE OF ACTION TAKEN AT THE APRIL 7, 2015 MEETING

This section of the *Register* contains information submitted for publication by the Governor's Regulatory Review Council, including the summaries of action taken by the Council at the monthly meetings.

[M15-66]

#### **CONSIDERATION OF FIVE-YEAR-REVIEW REPORTS:**

##### **ARIZONA DEPARTMENT OF AGRICULTURE (F-15-0301)**

Title 3, Chapter 6, Article 1, Marketing

##### **ARIZONA DEPARTMENT OF AGRICULTURE (F-15-0302)**

Title 3, Chapter 1, Article 1, Administration; Article 2, Practice and Procedure Contested Cases and Appealable Agency Actions; Article 3, Public Participation in Rulemaking

##### **ARIZONA RADIATION REGULATORY AGENCY (F-15-0307)**

Title 12, Chapter 1, Article 2, Registration, Installation and Service of Ionizing Radiation-Producing Machines; And Certification of Mammography Facilities

##### **ARIZONA DEPARTMENT OF VETERANS' SERVICES (F-15-0308)**

Title 4, Chapter 40, Article 1, Definitions; Article 2, General Provisions; Article 3, Application and Admission Process; Article 5, Resident Support; Article 6, Resident Responsibilities and Conduct; Article 7, Involuntary Resident Discharge; Article 8, Resident Trust Fund; Article 9, Appeal Process

##### **BOARD OF BEHAVIORAL HEALTH EXAMINERS (F-15-0401)**

Title 4, Chapter 6, Article 1, Definitions; Article 2, General Provisions; Article 3, Licensure; Article 4, Social Work; Article 5, Counseling; Article 6, Marriage and Family Therapy; Article 7, Substance Abuse Counseling; Article 8, License Renewal and Continuing Education; Article 9, Appeal of Licensure or License Renewal Ineligibility; Article 10, Disciplinary Process for Unprofessional Conduct; Article 11, Standards of Practice

##### **ARIZONA DEPARTMENT OF TRANSPORTATION (F-15-0402)**

Title 17, Chapter 5, Article 5, Motor Carrier Financial Responsibility

#### **RULES**

##### **ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (R-15-0204)**

Title 18, Chapter 2, Article 7, Existing Stationary Source Performance Standards

Repeal:	R18-2-733, R18-2-733.01
Amend:	R18-2-701, R18-2-734

##### **RADIATION REGULATORY AGENCY-MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS (R-15-0302)**

Title 12, Chapter 2, Article 1, General Provisions; Article 2, Application and Certification of Technologists; Article 3, Licensing Time-frames; Article 4, Schools of Practical Radiologic Technology; Article 5, Nuclear Medicine Technologist; Article 6, Practical Technologist in Bone Densitometry

Repeal:	R12-2-104, R12-2-201, R12-2-202, R12-2-203, R12-2-204, R12-2-205, R12-2-206, R12-2-207, R12-2-301, R12-2-401, R12-2-402, R12-2-403, R12-2-404, R12-2-405, R12-2-406, Article 5, R12-2-501, R12-2-502, R12-2-503, R12-2-504, R12-2-505, R12-2-506, Article 6, R12-2-601, R12-2-602, R12-2-603, R12-2-604, R12-2-605
Amend:	R12-2-101, R12-2-102, Article 2, Article 3, Article 4



New Section: R12-2-104, R12-2-201, R12-2-202, R12-2-203, R12-2-204, R12-2-205, R12-2-206, R12-2-207, R12-2-208, R12-2-301, R12-2-302, R12-2-303, R12-2-304, R12-2-305, R12-2-401, R12-2-402, R12-2-403, R12-2-404, R12-2-405, R12-2-406

**BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS (R-15-0303)**

Title 4, Chapter 33, Article 1, General Provisions; Article 2, Nursing Care Institutions Administrator Licensing; Article 3, Administrator-in-Training Program, Article 4, Assisted Living Facility Manager Certification

Amend: R4-33-101, R4-33-108, R4-33-203, R4-33-208, R4-33-302, R4-33-401, R4-33-402, R4-33-407, R4-33-408

New Section: R4-33-212 and R4-33-411

**ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY (R-15-0305)**

Title 4, Chapter 36, Article 4, Permissible Consumer Fireworks

Amend: R4-36-401

**COUNCIL ACTION: ALL OF THE ABOVE ITEMS WERE APPROVED IN CONSENT AGENDA**