

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 21, Issue 19

~ Administrative Register Contents ~

May 8, 2015

Information 634

Rulemaking Guide 635

RULES AND RULEMAKING

Final Exempt Rulemaking, Notices of

 9 A.A.C. 22 Arizona Health Care Cost Containment System - Administration..... 637

 19 A.A.C. 2 Arizona Racing Commission..... 640

 19 A.A.C. 2 Arizona Racing Commission..... 643

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking

 13 A.A.C. 13 Department of Public Safety - School Buses 646

Guidance Document, Notices of Agency

 Department of Health Services 647

Substantive Policy Statement, Notices of Agency

 Department of Health Services 648

Governor's Executive Orders

 E.O. 2015-01: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and
 Customer-Service-Oriented Agencies 650

Governor's Proclamations

 Arizona Data Privacy Day 652

 Arizona School Choice Week..... 652

 Birth Defects Prevention Month 653

 Catholic Schools Week 654

 Green Out Day 654

INDEXES

 Register Index Ledger 656

 Rulemaking Action, Cumulative Index for 2015 657

 Other Notices and Public Records, Cumulative Index for 2015 658

CALENDAR/DEADLINES

 Rules Effective Dates Calendar 660

 Register Publishing Deadlines 662

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines..... 663

DIRECTOR
Public Services Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

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

Vol. 21

Issue 19

PUBLISHER
SECRETARY OF STATE
Michele Reagan

PUBLIC SERVICES STAFF
DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

PRINTING
Sonia Ramirez

SUBSCRIPTIONS
ADMINISTRATIVE REGISTER

The printed version of the *Administrative Register* is the official publication of Arizona state agency rules.
Rates: \$275 yearly

New subscriptions, renewals and address changes contact customer service at
(602) 364-3224.

This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact customer service at
(602) 364-3224.

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.

CONTACT US
The Honorable Michele Reagan
Office of the Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007
(602) 542-4285

The Office of the Secretary of State is an equal opportunity employer.



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.

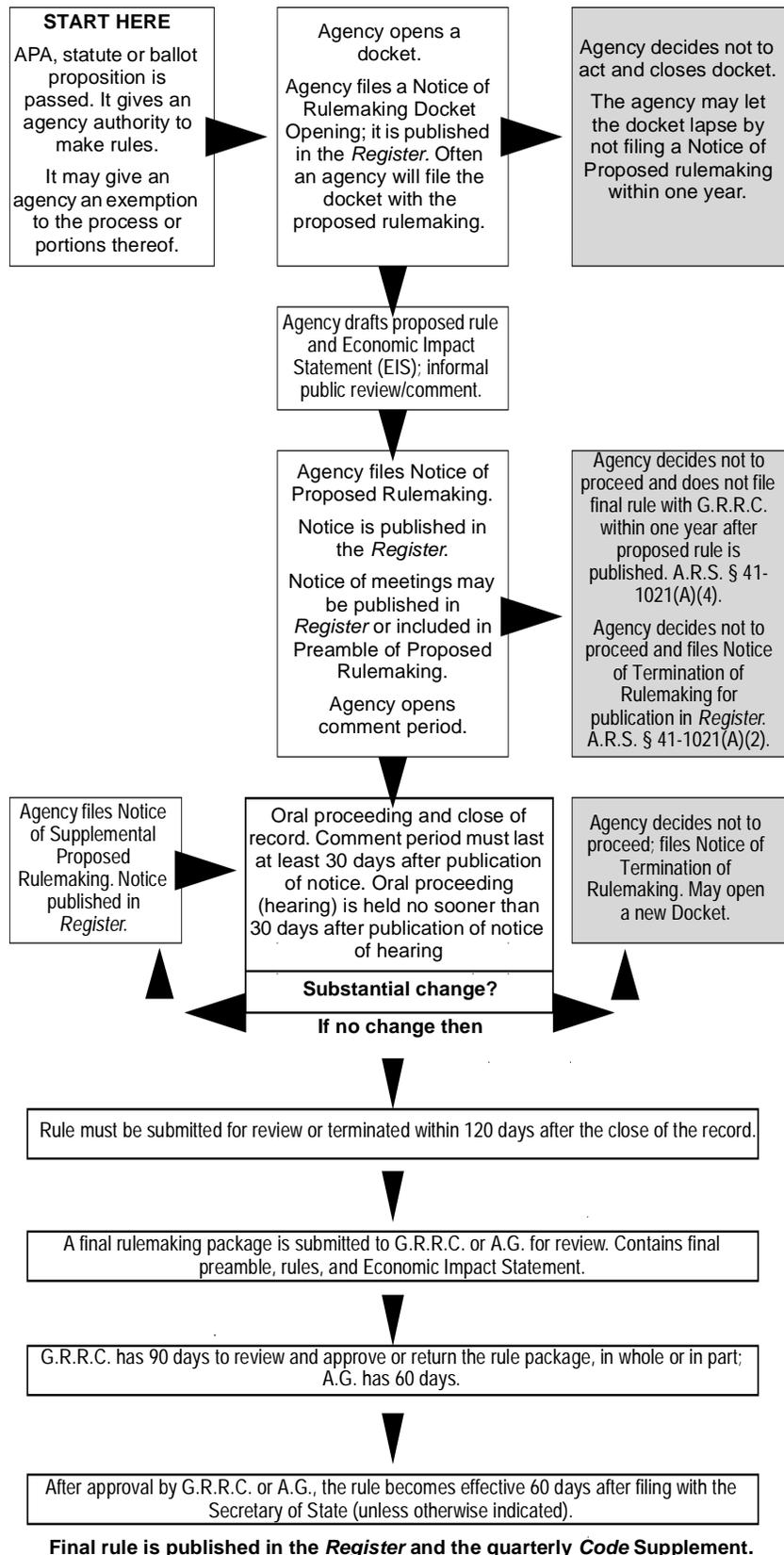
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.

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

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at 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.

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.

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 EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

PREAMBLE

[R15-23]

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rule and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

Laws 2013, 1st Special Session, Chapter 10 added an exemption to the Administrative Procedure Act for purposes of the administration and implementation of the hospital assessment:

A.R.S. § 41-1005 (A)(32) exempts the Administration from Title 41, Chapter 6 of the Arizona Revised Statutes (the Arizona Administrative Procedure Act) for purposes of implementing and establishing the hospital assessment; however, that



provision requires the Administration to provide public notice and an opportunity for public comment at least 30 days before doing so.

- 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:**
Information regarding the Administration's estimations of the number of eligible persons described in A.R.S. § 36-2901.01, and the associated cost of care for those persons, is included in the Administration's State Fiscal Year budget submittal which is available for inspection at the offices of the Administration and the Governor's Office of Strategic Planning & Budget.
- 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. The summary of the economic, small business, and consumer impact, if applicable:**
The Administration had previously estimated that \$233 million would need to be collected from Arizona hospitals to fund the cost required by statute for State Fiscal Year ending June 30, 2015. To date, the Administration has collected about \$175 million in assessments for the current state fiscal year. Based on more current information, the Administration estimates that \$270 million will be needed for the costs associated with the State Fiscal year ending June 30, 2015. To ensure that adequate funds are collected through the assessment to cover the anticipated costs for the current fiscal year, the Administration is adjusting the rates applicable to the quarterly assessment.
- The Administration will continue to review enrollment data to update its estimates of future fiscal requirements. At this time, the Administration anticipates that it will be issuing a separate rule amendment in the future to revise the rates for the assessments that will be invoiced after the quarter ending June 2015.
- The AHCCCS program is jointly funded by the State and the federal government through the Medicaid program. Depending on the eligibility category of the individual, the federal government provides approximately two-thirds, 85%, or 100% of the cost of care for persons described in A.R.S. § 36.2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for an estimated 360,000 persons described in A.R.S. § 36.2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of the providers of that medical care are considered small businesses located in Arizona. A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital. In the aggregate, the Administration expects to return millions more in State Fiscal Year 2015 in incremental payments for hospital services than will be collected through the assessment. Along with a copy of this proposed exempt rule making, the Administration has posted to its website information regarding the fiscal impact of this amendment. <http://www.azahcccs.gov/reporting/state/proposedrules.aspx>
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
No changes were made between the proposed rulemaking and the final rulemaking.
- 11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
No comments were made by the close of the comment period April 13, 2015
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
- 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:**
None
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Not applicable
- 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 and its location in the rule:**
None



14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION**

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
R9-22-730. Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-730. Hospital Assessment

- A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:
 1. "2011 Medicare Cost Report" means:
 - a. The Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated December 31, 2012; or
 - b. For hospitals not included in that CMS HCRIS report, the "as filed" Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 submitted by the hospital to the Administration.
 2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
 3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
 4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
- B. Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period ~~of July 1, 2014 through June 30, 2015~~ beginning April 1, 2015, the assessment shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
 1. ~~\$387.00~~ \$635.00 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
 2. ~~\$387.00~~ \$635.00 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
 3. ~~\$96.75~~ \$158.75 per discharge for hospitals designated as type: hospital, subtype: long term.
 4. ~~\$96.75~~ \$158.75 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
 5. ~~\$309.00~~ \$508.50 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% ~~or more~~ of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 6. ~~\$348.25~~ \$571.25 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 7. ~~\$387.00~~ \$635.00 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C. Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website March 1, 2013.
- D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of ~~\$96.75~~ \$158.75 for each discharge from the psychiatric sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F. Notwithstanding subsection (B), for any hospital that reported more than 29,000 discharges on the hospital's 2011 Medicare Cost Report, discharges in excess of 29,000 are assessed a rate of ~~\$38.75~~ \$63.75 for each discharge in excess



- of 29,000. The initial 29,000 discharges are assessed at the rate required by subsection (B).
- G. Assessment notice. On or before the 15th day of the quarter, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
 - H. Assessment due date. Assessment must be received by the Administration by the 15th day of the second month of the quarter.
 - I. Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2011 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for March 1, 2013:
 1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
 2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
 3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2011 Medicare Cost Report.
 4. Hospitals designated as type: hospital, subtype; rehabilitation.
 5. Hospitals designated as type: hospital, subtype: children's.
 6. Hospitals designated as type: med-hospital, subtype: special hospitals.
 7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
 - J. New hospitals. For hospitals that did not file a 2011 Medicare Cost Report because of the date the hospital began operations, the hospital assessment will begin with the hospital's second quarter of operation but no sooner than January 1, 2014. The assessment will be based on the number of discharges reported by the hospital to AHCCCS for prior quarters until the hospital files its initial Medicare Cost Report. Thereafter, the assessment will be based on the discharges reported in the hospital's initial Medicare Cost Report.
 - K. Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
 - L. Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
 - M. Required information. For any hospital that has not filed a 2011 Medicare Cost report, or if the 2011 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the assessment, the Administration shall use data reported on the 2011 Uniform Accounting Report filed by the hospital in place of the 2011 Medicare Cost report to calculate the assessment. If the 2011 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2011 Medicare Cost report to calculate the assessment.
 - N. The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in 36-2901.08.
 - O. Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

[R15-27]

PREAMBLE

- | | |
|--|--|
| <p><u>1. Article, Part or Section Affected (as applicable):</u>
R19-2-205</p> | <p><u>Rulemaking Action</u>
Amend</p> |
| <p><u>2. Citations to Agency's statutory rulemaking authority to include authorizing statute (general) and the implementing statute (specific) and the statute or session authorizing the exemption:</u>
 Authorizing statute: A.R.S. § 5-104(A)(2), Laws 2011, Ch. 35 § 10(B)
 Implementing statute: A.R.S. §§ 5-104(F), 5-104(R), 5-113.01, 5-230
 Authorizing Exemption: Fifty First Legislature, Second Regular Session, 2014</p> | |



Senate Bill 1487, Section 3. Racing and Boxing fees, Increase, Rulemaking Exemption:

A. The Arizona Department of Racing is exempt from the rulemaking requirements of Title 41, Chapter 6, Arizona Revised Statutes, for the purpose of increasing fees pursuant to §§ 5-104 and 5-230, until July 1, 2015.

3. The effective date of the rule and the agency’s reason it selected the effective date:

April 20, 2015 (upon filing with the Secretary of State).

From time to time, the Department of Racing reviews its major source of income, the Regulatory Wagering Assessment (RWA). In the latest review, a determination was made that income from this source would leave the agency with a shortfall of approximately \$486,000 at the end of this fiscal year, June 30, 2015. Due to the projected shortfall of revenues this fiscal year, the Department believes it is necessary to increase the RWA from 0.60% to 0.85% to help carry it through the remainder of fiscal year 2015 and into fiscal year 2016. This increase should be done as soon as practicable to ensure continued, effective, regulation of the racing industry as mandated by law.

4. A list of all notices published in the Register as specified in R1-1409(A) that pertain to the record of the exempt rulemaking:

None

5. The agency’s contact person who can answer questions about the rulemaking:

Name: Rudy J. Casillas, Interim Director
Address: Arizona Department of Racing
1110 W. Washington, Suite 260
Phoenix, AZ 85007
Telephone: (602) 364-1725
Fax: (602) 364-1703
E-mail: rcasillas@azracing.gov
Website: www.azracing.gov

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

Periodically, the Department of Racing reviews its major source of income, the Regulatory Wagering Assessment (RWA). In the latest review, a determination was made that income from this source would leave the agency with a shortfall of approximately \$486,000.00 at the end of this fiscal year, June 30, 2015. Due to the projected shortfall of revenues this fiscal year, the Department believes it is necessary to increase the RWA from 0.60% to 0.85% to help carry it through the remainder of fiscal year 2015 and into fiscal year 2016.

The current RWA assessment rate of 0.60% along with the other Department revenue streams for fiscal year 2015 is projected to generate \$2.4m in total revenues. However, Department expenditures are projected to total \$2.89m for the fiscal year. The Arizona Racing handle, upon which the RWA is based, has decreased by 14.7% this fiscal year to date and is projected to continue to drop by the same amount for the remainder of the year.

In order for the Department to meet its mission and goals of effectively regulating the racing industry, the RWA must be increased to 0.85 percent. In the event that the RWA is not increased to a sufficient level, the Department will be forced to implement a Reduction in Force (RIF) or furlough several Department employees through the remainder of the fiscal year to off-set the revenue shortfall. Additionally, the Department will be forced to limit travel, cut purchasing of office supplies and equipment. Department furloughs cause significant concerns as the industry would operate with very limited oversight by the Department. Significant administrative backlogs would develop in providing due process regarding licensee and permittee infractions and in the conduct of hearings requested by appellants. Furthermore, the revenue shortfall places the Department at financial risk beginning fiscal year 2016, as the primary revenue inflow does not commence until November 2015.

The Department of Racing is initiating this exempt rulemaking to comply with the requirement that the Department collects fees in the amount necessary to support the Department’s mission under the requirements of Laws 2011, Ch. 35. §10(B).

Additionally, On March 12, 2015, Governor Ducey signed SB1480 “Agency Consolidation: Budget Reconciliation 2015-2016” consolidating the Arizona Department of Racing (ADOR) into the Arizona Department of Gaming (ADG). This agency consolidation will take effect July 1, 2015. As a result of the budget constraints and the agency consolidation, ADOR has entered into an Interagency Service Agreement (ISA) with the Arizona Department of Gaming (ADG) in an effort to reduce costs and transition several administrative duties. The (ISA) will assist both agencies, ensuring a seamless transition and maintain a high level of customer service.



After the agency consolidation, the Division of Racing will continue to be funded by the racing industry and will continue to have its own stand-alone budget.

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:**
None
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. **The summary of the economic, small business, and consumer impact, if applicable:**
The economic impact of this rule amendment will have an effect on the Permittees holding racing meetings within the State of Arizona. The Regulatory Wagering Assessment percentage is taken from the pari-mutuel wagering pools of the tracks hosting race meetings. All monies wagered by patrons on horse, harness or dog races is computed in the amount of money wagered for each racing day, which this percentage increase will ultimately decrease the Permittees net profits. Conversely, the RWA percentage increase will provide the Arizona Department of Racing with additional revenues for the remainder of fiscal year 2015 and into fiscal year 2016 to regulate the racing industry.
10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package if applicable:**
None
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
None
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not limited to:**
- a. **Whether the rule requires a permit, whether a general permit is used and if not, the reason why a general permit is not used:**
Not applicable
- b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Not applicable
- 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
13. **A list of any incorporated by reference material and its location in the rule:**
None
14. **Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
15. **The full text of the rule follows:**

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 2. RACING REGULATION FUND

Section
R19-2-205. Regulatory Wagering Assessment of Pari-mutuel Pools

ARTICLE 2. RACING REGULATION FUND

R19-2-205. Regulatory Wagering Assessment of Pari-mutuel Pools

- A. No change
- B. The racing regulation assessment for each racing meeting on all in-state and/or out-of-state, on-track, off-track, live, import and/or export wagers and/or wager types shall be ~~0.60~~ 0.85 percent beginning _____, 2014 through _____



October 31, 2015. Beginning November 1, 2015, the racing regulation assessment for each race meeting on all in-state and/or out-of-state, on-track, off-track, live, import and/or export wagers and/or wager types shall be 0.60 percent.

- C. No change
- D. No change

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

[R15-28]

1. **Article, Part or Section Affected (as applicable):** **Rulemaking Action**
R19-2-401 Amend
2. **Citations to Agency’s statutory rulemaking authority to include authorizing statute (general) and the implementing statute (specific) and the statute or session authorizing the exemption:**
 Authorizing statute: A.R.S. §5-104(A)(2), Laws 2011, Ch. 35 §10(B)
 Implementing statute: A.R.S. §§5-104(F), 5-104(R), 5-113.01, 5-230
 Authorizing Exemption: Fifty First Legislature, Second Regular Session, 2014
 Senate Bill 1282, Section 9, Exemption from Rulemaking until July 1, 2015.
 For the purposes of this act, the Arizona Department of Racing is exempt from the rulemaking requirements of Title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act, except that the department shall file the rules pursuant to Title 41, chapter 6, Arizona Revised Statutes, hold at least one public hearing and file the rules with the secretary of state.
3. **The effective date of the rule and the agency’s reason it selected the effective date:**
 April 20, 2015 (upon filing with the Secretary of State).

 Reason for Effective Date: The existing rule purports to authorize internet gambling which is illegal in Arizona. See, A.R.S. Title 13, Chapter 33, Gambling, A.R.S. § 13-3301 *et seq.* The existing rule must be repealed as soon as is practicable because it contradicts Arizona criminal law.
4. **A list of all notices published in the Register as specified in R1-1409(A) that pertain to the record of the exempt rulemaking:**
None
5. **The agency’s contact person who can answer questions about the rulemaking:**
 Name: Rudy J. Casillas, Interim Director
 Address: Arizona Department of Racing
 1110 W. Washington, Suite 260
 Phoenix, AZ 85007
 Telephone: (602) 364-1725
 Fax: (602) 364-1703
 E-mail: rcasillas@azracing.gov
 Website: www.azracing.gov
6. **An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
 On May 5, 2014, former Governor Jan Brewer signed state advance-deposit wagering (ADW) legislation into law. The ADW legislation (SB 1282), permits betting on horse and Greyhound races by telephone. “Telephone” is defined as “...any device that a person uses for voice communications in connection with the services of a telephone company.” The law is intended to make Arizona tracks more competitive with tracks in the 37 other states that already have ADW.

 Senate Bill 1282 authorized Advance Deposit Wagering (“ADW”) and specifies that the owner of the ADW account may only make an advance deposit pari-mutuel wager by telephone using voice communication. Additionally, the Bill further states, “that this act does not authorize the state to opt in to any Federal law, rule or regulation that allows legalized gaming or to approve or enter into any framework that allows legalized online gaming”.

 A.R.S. § 5-112. P and Q, respectively state, “The owner of the advance deposit wagering account may make an advance deposit pari-mutuel wager only by telephone” and “Only the advance deposit wagering provider may make an advance deposit wager, pursuant to wagering instructions the owner of the monies issues by telephone.”



Neither Senate Bill 1282 nor A.R.S. § 5-112 authorizes the use of the internet, web-based, native applications or hybrid communication mechanisms.

Additionally, on May 5, 2014 Janice K. Brewer, former Governor, authored a letter to Ken Bennett, former Secretary of State, where she indicated that she signed Senate Bill 1282 stating, “that the bill is explicitly clear that Arizona is authorizing advanced deposit wagering and expressly prescribes that the wager must be placed over the telephone. Senate Bill 1282 does not authorize and cannot be construed as authorizing Internet gaming.” She further indicates that, “it is the well-established position of the State that Internet gaming is not authorized in Arizona and, if pursued, the State will steadfastly and aggressively litigate any attempt to commence Internet gaming in Arizona.

On October 1, 2014, the Racing Commission considered and approved new rules implementing the ADW legislation. Rule R19-2-401(11) changed the definition contained in the legislation to read, “Telephone” means Voice over Internet Protocol (VoIP), cellular voice services, Interactive Voice Response (IVR) computer systems and native telephone functionality, but does not include Internet, web-based, or hybrid communication mechanisms.”

On January 30, 2015, the Department of Racing approved the permits of the ADW providers. On February 28, 2015, the Department discovered that one of the ADW providers, based on the new definition of “telephone”, launched an application (“App”) that can be downloaded from the iTunes App Store to an iPhone or tablet with the ability to place on-line wagers. The App has the following capabilities:

- Full betting menu with all runners and riders
- Fast bet functionality to process your bet within two taps
- Handicapping Information
- Presenter Picks and Selections
- Access to wager and bet on over 150 horse racing tracks worldwide
- Live Streaming for all the tracks
- Race Alerts
- Account Management capabilities, such as funding and withdrawal
- Mobile App wagering services available in Arizona

Based on discussions with representatives of the ADW provider, they have clearly admitted that the downloaded App allows users of iPhones and tablets the ability to place racing wagers at Arizona operated race tracks via the internet. As a result of this iPhone and tablet application, other ADW providers have indicated that they will also launch their own mobile phone Apps to also allow internet wagering, based on the new definition of “telephone” contained in Rule R19-2-401(11).

The Department of Racing is responsible for regulating the Advance Deposit Wagering activity and must stop the internet wagering activity immediately. This type of Internet wagering is prohibited in the State of Arizona. A.R.S. Title 13, Chapter 33, Gambling, A.R.S. § 13-3301, does not define Internet gambling as permissible or as a regulated gambling activity. Therefore, the Advanced Deposit Wagering ADW provider is in violation of A.R.S. § 13-3303, Promotion of Gambling, C5F, and A.R.S. § 13-3304, Benefitting from Gambling, C1M.

- 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:**
None
- 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. The summary of the economic, small business, and consumer impact, if applicable:**
None
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package if applicable:**
None
- 11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
Not Applicable



12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not limited to:

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reason why a general permit is not used:**
Not applicable
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Not applicable
- 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

13. A list of any incorporated by reference material and its location in the rule:
None

14. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:
None

15. The full text of the rule follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 4. ADVANCED DEPOSIT WAGERING, TELETRACKING, AND SIMULCASTING

Section
R19-2-401. Definitions

ARTICLE 4. ADVANCED DEPOSIT WAGERING, TELETRACKING, AND SIMULCASTING

R19-2-401. Definitions

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. “Telephone” means ~~Voice over Internet Protocol (VOIP), cellular voice services, Interactive Voice Response (IVR), computer systems, and native telephone functionality, but does not include Internet, “web-based, or hybrid communication mechanisms,~~ any device that a person uses for voice communications in connection with the services of a telephone company but does not include digital devices utilizing non-verbal communications.
- 12. No change
- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change



NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notice of Rulemaking Docket Openings.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF PUBLIC SAFETY

[R15-17]

- 1. Title and its heading:** 13, Public Safety
- Chapter and its heading:** 13, Department of Public Safety - School Buses
- Article and its heading:** 1, School Bus Minimum Standards
- Section numbers:** R13-13-104, R13-13-105, R13-13-106, R13-13-107, R13-13-108
(The Department may add, delete or modify sections as necessary.)

- 2. The subject matter of the proposed rule:**
The Department in consultation with the Arizona School Bus Advisory Council has identified regulatory burdens imposed by the current rules on the certification of “scissor-type” front entry doors that impact the ability of Arizona’s many student transportation providers to manage their fleets as well as the Department’ ability to fulfill its enforcement mandate. The Department intends to establish language in rule that would alleviate those concerns on “scissor doors” and which would not cause a financial burden to school districts in Arizona.

The Department was granted an exception to the rulemaking moratorium contained in Executive Order 2015-01 in an e-mail from Mr. Ted Vogt, Chief of Operations, Office of the Arizona Governor dated April 1, 2015.

- 3. A citation to all published notices relating to the proceeding:**
None published.

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sergeant Lee Bradshaw
Address: Department of Public Safety – Student Transportation Unit
P.O. Box 6638, Mail Drop 1240
Phoenix, AZ 85005-6638

Telephone: (602) 223-2388
E-mail: lbradshaw@azdps.gov
Web site: www.azdps.gov

or

Name: Mr. Paul Swietek – Research and Planning Unit
Address: Department of Public Safety
2102 W. Encanto Blvd.
Phoenix, AZ 85009

Telephone: (602) 223-2049
E-mail: pswietek@azdps.gov
Web site: www.azdps.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 comments during business hours at the address listed in item 4 until the close of record. Information regarding an oral proceeding 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.



NOTICE OF AGENCY GUIDANCE DOCUMENTS

The Administrative Procedure Act requires the publication of guidance documents and substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)).

Substantive policy statements and guidance documents are written expressions which inform the general public of an agency's current approach to rule or regulation practice.

Substantive policy statements and agency guidance documents do not include internal procedural documents which may only affect the internal procedures of the agency and do not impose additional requirements or penalties on regulated parties in accordance with A.R.S. Title 41.

NOTICE OF AGENCY GUIDANCE DOCUMENT

DEPARTMENT OF HEALTH SERVICES

[M15-74]

1. Title of the guidance document and the guidance document number by which the document is referenced:

GD-110-PHS-EMS: Controlled Substance Storage Security Guidance

2. Date of the publication of the guidance document and the effective date of the document if different from the publication:

Date of publication: May 8, 2015
Effective date: May 1, 2015

3. Summary of the contents of the guidance document:

This guidance document provides technical assistance to the emergency medical services community to identify and discuss areas of vulnerability in the storage, use, administration, and maintenance of pre-hospital agents and controlled substances utilized by authorized emergency medical care technicians and emergency medical services provider organizations.

4. Statement as to whether the guidance document is a new document or a revision:

The guidance document is a new document.

5. The agency contact person who can answer questions and comments about the agency guidance document:

Name: Terry Mullins, Bureau Chief
Address: Arizona Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007-3248

Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: Terry.Mullins@azdhs.gov

or

Name: Jeff Bloomberg, Manager
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams, Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Jeff.Bloomberg@azdhs.gov

6. Information about where a person may obtain a copy of the guidance document and the costs for obtaining the guidance document:

A copy of the guidance document is available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: <http://www.azdhs.gov/ops/oacr/rules/guidance/index.php>. A copy of the guidance document may also be obtained from the Arizona Department of Health Services, Bureau of Emergency Medical Services and Trauma System, 150 N. 18th Avenue, Suite 540, 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.



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 HEALTH SERVICES

[M15-73]

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

SP-097-PHS-EMS: International Classification of Diseases Codes for Trauma Centers

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

Issuance date: April 17, 2015

Effective date: May 1, 2015

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

The substantive policy statement clarifies the data submission standards for trauma patients required under Arizona Revised Statutes (A.R.S.) § 36-2221 and Arizona Administrative Code (A.A.C.) R9-25-1402(A)(3). Specifically, the substantive policy statement provides a cross-walk between International Classification of Diseases (ICD) billing code sets, since A.A.C. R9-25-1402(A)(3) specifies ICD-9-CM codes, and hospitals will be using ICD-10-CM codes for billing purposes as of October 1, 2015. Thus, the substantive policy statement enables a trauma center to comply with A.R.S. § 36-2221, without requiring the trauma center to maintain two sets of billing codes for a patient.

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. § 36-2221 and A.A.C. R9-25-1402

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

This is a new substantive policy statement.

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

Name: Terry Mullins, Bureau Chief
Address: Arizona Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007-3248

Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: Terry.Mullins@azdhs.gov

or
Name: Jeff Bloomberg, Manager
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams, Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Jeff.Bloomberg@azdhs.gov



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

A copy of the substantive policy statement is available, free of charge, from the Arizona Department of Health Services, Office of Administrative Counsel and Rules at the following web address: <http://www.azdhs.gov/ops/oacr/rules/sps/index.php?pg=preparedness>. A copy of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Bureau of Emergency Medical Services and Trauma System, 150 N. 18th Avenue, Suite 540, 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.



GOVERNOR EXECUTIVE ORDERS

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.

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



GOVERNOR PROCLAMATIONS

The Administrative Procedure Act (APA) requires the publication of Governor proclamations of general applicability, and ceremonial dedications issued by the Governor.

*** ARIZONA DATA PRIVACY DAY ***

[M15-87]

WHEREAS, advances in information technology and the Internet enhance our lives by increasing our abilities to effortlessly communicate, create, learn and do business through the innovative use of such technologies; and

WHEREAS, the proliferation of information in hard copy and electronic formats, compounded by the ease of information access through an interconnected world create a global imperative and call to action for government, industry and society to identify data privacy risks and respond proactively to counteract threats to personal data privacy; and

WHEREAS, it is incumbent on private industry, non-profit organizations and government to: (1) continually examine the appropriateness of collecting, securing, managing and disposing of personal identifying information, whether in hardcopy and electronic format; (2) abide by responsible and appropriate information management policies and practices; (3) support information privacy and security education within the organization; and (4) provide individuals with ease of access to the organization’s information management policies and practices; and (5) promote resources which assist individuals to manage the privacy and online security of their personal information; and

WHEREAS, in furtherance of the above, government officials from the United States, Canada, and Europe have joined with privacy professionals, academic communities, legal scholars, educators, business representatives, and others with an interest in raising awareness about data privacy issues to recognize Data Privacy Day; and

WHEREAS, in observance of Arizona Data Privacy Day, schools, businesses, citizens, and other interested groups are encouraged to participate with appropriate events, activities, and initiatives that promote awareness of data privacy; enlist organizations to employ fair information and privacy practices; and advance responsible information sharing by citizens.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim January 28, 2015 as

*** ARIZONA DATA PRIVACY DAY ***

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 twenty-sixth 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

*** ARIZONA SCHOOL CHOICE WEEK ***

[M15-88]

WHEREAS, every student in Arizona should have access to the highest-quality education possible; and

WHEREAS, Arizona recognizes the critical role that an effective and accountable system of education plays in preparing all students in Arizona to be successful adults in a global economy; and

WHEREAS, Arizona offers an array of high-quality public schools, public charter schools, private schools, and homeschooling options; and

WHEREAS, Arizona has thousands of dedicated, effective professionals teaching in our public and private schools who deserve our support and commendation; and



WHEREAS, research demonstrates that providing students with multiple schooling options improves their academic performance; and

WHEREAS, School Choice Week is a nationally-celebrated event when we join with millions of parents, educators, schools, and organizations around the country to raise awareness of the need for effective educational options that challenge and motivate all our students to succeed.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim January 25 -31, 2015 as

*** ARIZONA SCHOOL CHOICE WEEK ***

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 twenty-sixth 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

*** BIRTH DEFECTS PREVENTION MONTH ***

[M15-89]

WHEREAS, the nation's most precious resource is our children, and every baby deserves the best possible start for a healthy, productive, and happy life. Birth defects (congenital anomalies) impact individuals, families, and communities; and

WHEREAS, birth defects are common, costly, and critical; every four and a half minutes a baby is born in the United States with a birth defect. In Arizona, birth defects account for about 130 infant deaths every year; and

WHEREAS, early identification of a child with a birth defect coupled with early intervention services typically improves the child's quality of life and may even save his or her life; and

WHEREAS, not all birth defects can be prevented; steps can be taken to increase the chance of having a healthy baby. Toward the end, the National Birth Defects Prevention Network developed *Make a PACT for Prevention* to promote steps to reduce the risk of birth defects. These include: **Planning** ahead for pregnancy, **Avoiding** harmful substances, **Choosing** a healthy lifestyle, **Talking** to a healthcare provider before pregnancy; and

WHEREAS, the good health and well-being of Arizonans are supported by a national effort to educate about and prevent birth defects; and

WHEREAS, the Arizona Department of Health Services joins with the March of Dimes Arizona Chapter, Arizona Chapter of the American Academy of Pediatrics, the Association of the National Birth Defects Prevention Network, as well as many dedicated volunteers, healthcare professionals, and parent groups to encourage all citizens to increase awareness, education, and services related to birth defects.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim January 2015 as

*** BIRTH DEFECTS PREVENTION MONTH ***

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 twenty-sixth 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

*** CATHOLIC SCHOOLS WEEK ***

[M15-90]

WHEREAS, Catholic schools are committed to providing young students of all races and creeds with an education that emphasizes academic and moral values as well as teaching respect and love for God, country and fellow human beings; and

WHEREAS, Catholic schools serve thousands of families not only of the Catholic faith, but also other families which provide opportunities for a quality education to children of all faiths, many of them from low-income or minority families with financial support being provided mostly from tuition paid by parents; and

WHEREAS, each year people nationwide celebrate Catholic Schools Week to recognize the accomplishments of Catholic primary and secondary schools across the country, with this year’s theme being “*Catholic Schools Communities of Faith, Knowledge and Service*”.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim January 26 - February 1, 2015 as

*** CATHOLIC SCHOOLS WEEK ***

and, I further urge Arizonans to participate in the wide range of activities that will be held in our community to exemplify the best of Catholic education.

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 twenty-sixth 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

*** GREEN OUT DAY ***

[M15-91]

WHEREAS, Waste Management is committed to educating consumers about its Think Green[®] solutions, including the four Rs – reducing, reusing, recycling, and recovering – through its partnership with the Phoenix Open; and

WHEREAS, a priority of the 2015 Waste Management Phoenix Open tournament is the “Zero Waste Challenge,” an initiative aimed at educating patrons on how to properly dispose of their waste; and

WHEREAS, there will be no trash receptacles along the course, instead only recycling and compost bins, in an effort to divert 100 percent of all tournament materials from the landfill; and

WHEREAS, Waste Management will implement the “Greenest Show” campaign, which represents all that Waste Management, the Thunderbirds and the PGA Tour are doing to ensure the tournament known as the “Greatest Show on Grass” is also the “Greenest Show on Grass”; and

WHEREAS, the Thunderbirds will donate “green” to three Arizona charities including the Arizona Chapter of Solid Waste Association of North America (SWANA), Arizona Recycling Coalition, and Bonneville Environmental Foundation’s (BEF) Change the Course Campaign for every person wearing green to the tournament on this day.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby designate January 31, 2015 as



*** GREEN OUT DAY ***

and, I further urge Arizonans to practice the four Rs – reducing, reusing, recycling, and recovering – in their daily lives, and to take the “Zero Waste Challenge” in an effort to divert waste from the landfills.

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 twenty-third 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



REGISTER INDEXES

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

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



2015 Arizona Administrative Register Volume 21 Page Guide

Issue 1, Jan. 2, 2015.....1-46	Issue 8, Feb. 20, 2015.....263-284	Issue 15, April 10, 2015.....517-538
Issue 2, Jan. 9, 2015 47-112	Issue 9, Feb. 27, 2015.....285-320	Issue 16, April 17, 2015.....539-566
Issue 3, Jan. 16, 2015..... 113-152	Issue 10, March 6, 2015.....321-374	Issue 17, April 24, 2015.....567-606
Issue 4, Jan. 23, 2015 153-172	Issue 11, March 13, 2015.....375-406	Issue 18, May 1, 2015.....607-632
Issue 5, Jan. 30, 2015 173-196	Issue 12, March 20, 2015.....407-432	
Issue 6, Feb. 6, 2015..... 197-228	Issue 13, March 27, 2015.....433-482	
Issue 7, Feb. 13, 2015.....229-262	Issue 14, April 3, 2015.....483-516	

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 18 OF VOLUME 21.

Arizona Health Care Cost Containment System - Administration

R9-22-730. PXM-5; PXM-491

Arizona Health Care Cost Containment System - Arizona Long-term Care System

R9-28-202. PM-487

R9-28-206. PM-487

Behavioral Health Examiners, Board of

R4-6-602. EM-521

Collateral Pool, Statewide

R2-14-101. FN-233

R2-14-102. FN-233

R2-14-103. FN-233

R2-14-104. FN-233

R2-14-105. FN-233

R2-14-106. FN-233

R2-14-107. FN-233

R2-14-108. FN-233

R2-14-109. FN-233

Corporation Commission - Fixed Utilities

R14-2-1805. FM-379

R14-2-1812. FM-379

Economic Security, Department of - State Assistance Programs

R6-13-201. EXP-157

R6-13-202. EXP-157

R6-13-203. EXP-157

R6-13-204. EXP-157

R6-13-205. EXP-157

R6-13-206. EXP-157

R6-13-207. EXP-157

R6-13-208. EXP-157

R6-13-209. EXP-157

R6-13-210. EXP-157

R6-13-211. EXP-157

R6-13-212. EXP-157

R6-13-213. EXP-157

R6-13-214. EXP-157

R6-13-215. EXP-157

R6-13-216. EXP-157

R6-13-302. EXP-157

R6-13-303. EXP-157

R6-13-304. EXP-157

R6-13-305. EXP-157

R6-13-306. EXP-157

R6-13-308. EXP-157

R6-13-309. EXP-157

R6-13-310. EXP-157

R6-13-311. EXP-157

R6-13-312. EXP-157

R6-13-313. EXP-157

R6-13-314. EXP-157

R6-13-314.01. EXP-157

R6-13-317. EXP-157

R6-13-318. EXP-157

R6-13-319. EXP-157

R6-13-320. EXP-157

R6-13-321. EXP-157

R6-13-1201. EXP-157

R6-13-1202. EXP-157

R6-13-1203. EXP-157

R6-13-1204. EXP-157

R6-13-1206. EXP-157

R6-13-1209. EXP-157

R6-13-1210. EXP-157

R6-13-1211. EXP-157

R6-13-1212. EXP-157

Examiners of Nursing Care Institution

Administrators and Assisted Living

Facility Managers, Board of

R4-33-101. FM-543

R4-33-108. FM-543

R4-33-203. FM-543

R4-33-208. FM-543

R4-33-212. FN-543

R4-33-302. FM-543

R4-33-401. FM-543

R4-33-402. FM-543

R4-33-407. FM-543

R4-33-408. FM-543

R4-33-411. FN-543

Financial Institutions, Department of

R20-4-707. EXP-411

Fingerprinting, Board of

R13-11-101. EXP-465

Fire, Building and Life Safety, Department of

R4-36-401. FM-571

Insurance, Department of

R20-6-1401. FXM-54

R20-6-1402. FXM-54

R20-6-1403. FXM-54

R20-6-1404. FXM-54

R20-6-1405. FXM-54

R20-6-1406. FXM-54

R20-6-1407. FXM-54

R20-6-1408. FXR-54; FXN-54

R20-6-1409. FXN-54

R20-6-1410. FXN-54

Appendix A. FXM-54

Appendix B. FXM-54

Appendix C. FXM-54

Appendix D. FXM-54

Appendix E. FX#-54; FXM-54;

FXN-54

Appendix F. FXN-54

Appendix G. FX#-54; FXM-54;

FXN-54

Pest Management, Office of

R4-29-102. FM-451



R4-29-103. FM-451	R12-14-626. FN-297	R15-2C-202. EXP-465
R4-29-202. FM-451	R12-14-627. FN-297	R15-2C-204. EXP-465
R4-29-203. FM-451	R12-14-628. FN-297	Secretary of State, Office of
R4-29-204. FM-451	R12-14-629. FN-297	R1-1-101. FM-117
R4-29-207. FM-451	R12-14-630. FN-297	R1-1-103. FM-117
R4-29-208. FM-451	R12-14-631. FN-297	R1-1-104. FM-117
R4-29-304. FM-451	R12-14-632. FN-297	R1-1-105. FM-117
R4-29-307. FM-451	Radiation Regulatory Agency	R1-1-106. FM-117
R4-29-308. FM-451	R12-1-1215. FM-289	R1-1-107. FM-117
R4-29-501. FM-451	Table A. FM-289	R1-1-109. FM-117
R4-29-503. FM-451	R12-1-1302. FM-289	R1-1-110. FM-117
Physicians Medical Board, Naturo- pathic	R12-1-1306. FM-289	R1-1-114. FM-117
R4-18-101. PM-201	Radiation Regulatory Agency - Medical Radiologic Technology Board of Exam- iners	R1-1-202. FM-117
R4-18-107. PM-201	R12-2-101. FM-573	R1-1-205. FM-117
R4-18-202. PM-201	R12-2-102. FM-573	R1-1-211. FM-117
R4-18-203. PM-201	R12-2-104. FR-573; FN-573	R1-1-302. FM-117
R4-18-204. PM-201	R12-2-201. FR-573; FN-573	R1-1-401. FM-117
R4-18-206. PM-201	R12-2-202. FR-573; FN-573	R1-1-414. FM-117
R4-18-207. PN-201	R12-2-203. FR-573; FN-573	R1-1-502. FM-117
R4-18-208. PN-201	R12-2-204. FR-573; FN-573	R1-1-801. FR-117; FN-117
R4-18-209. PN-201	R12-2-205. FR-573; FN-573	R1-1-802. FN-117
R4-18-501. PM-201	R12-2-206. FR-573; FN-573	R1-1-803. FN-117
R4-18-502. PM-201	R12-2-207. FR-573; FN-573	R1-1-1001. FM-117
R4-18-904. EM-51; PM-201	R12-2-208. FN-573	Weights and Measures, Department of
Power Authority, Arizona	R12-2-301. FR-573; FN-573	R20-2-101. PM-437
R12-14-602. FR-297	R12-2-302. FN-573	R20-2-901. PM-437
R12-14-603. FN-297	R12-2-303. FN-573	R20-2-902. PM-437
R12-14-604. FN-297	R12-2-304. FN-573	R20-2-903. PM-437
R12-14-605. FN-297	R12-2-305. FN-573	R20-2-904. PM-437
R12-14-606. FN-297	R12-2-401. FR-573; FN-573	R20-2-906. PM-437
R12-14-607. FN-297	R12-2-402. FR-573; FN-573	R20-2-907. PM-437
R12-14-608. FN-297	R12-2-403. FR-573; FN-573	R20-2-908. PM-437
R12-14-609. FN-297	R12-2-404. FR-573; FN-573	R20-2-909. PM-437
R12-14-610. FN-297	R12-2-405. FR-573; FN-573	R20-2-910. PM-437
R12-14-611. FN-297	R12-2-406. FR-573; FN-573	R20-2-913. FN-437
R12-14-612. FN-297	R12-2-501. FR-573	R20-2-1001. FN-437
R12-14-613. FN-297	R12-2-502. FR-573	R20-2-1002. FN-437
R12-14-614. FN-297	R12-2-503. FR-573	R20-2-1003. FN-437
R12-14-615. FN-297	R12-2-504. FR-573	R20-2-1004. FN-437
R12-14-616. FN-297	R12-2-505. FR-573	R20-2-1005. FN-437
R12-14-617. FN-297	R12-2-506. FR-573	R20-2-1006. FN-437
R12-14-618. FN-297	R12-2-601. FR-573	R20-2-1007. FN-437
R12-14-619. FN-297	R12-2-602. FR-573	R20-2-1008. FN-437
R12-14-620. FN-297	R12-2-603. FR-573	R20-2-1009. FN-437
R12-14-621. FN-297	R12-2-604. FR-573	R20-2-1010. FN-437
R12-14-622. FN-297	R12-2-605. FR-573	R20-2-1011. FN-437
R12-14-623. FN-297	Revenue, Department of - Income and Withholding Tax Section	R20-2-1012. FN-437
R12-14-624. FN-297		R20-2-1013. FN-437
R12-14-625. FN-297		Table 1. FN-437

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.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 18 OF VOLUME 21.

**Agency Guidance Documents, Notices of**

Health Services, Department of; pp. 22-23, 325-326

Agency Ombudsman, Notices of

Child Safety, Department of; p. 466

Early Childhood Development and Health Board; p. 25

Game and Fish Commission; p. 142

Health Services, Department of; p. 498

Lottery Commission, State; p. 526

Psychologist Examiners, Board of; p. 25

County Notices Pursuant to A.R.S. § 49-112

Pima County; pp. 469-471

Pinal County; pp. 501-506

Governor's Office

Executive Order; pp. 26-27, 102-103, 143-144 (E.O. #2012-03); 163-164 (E.O. #2015-01); 216 (E.O. #2015-02); 552-553 (E.O. #2015-03)

Proclamations; pp. 615-621

Governor's Regulatory Review Council

Notices of Action Taken; pp. 193, 317, 479-480, 563-564

Oral Proceeding on Proposed Rulemaking, Notices of

Optometry, Board of; p. 9

Proposed Delegation Agreement, Notices of

Environmental Quality, Department of; p. 267-269, 496

Public Information, Notices of

Emergency and Military Affairs, Department of - Division of Military Affairs; p. 159

Environmental Quality, Department of; pp. 11-20, 77-87

Environmental Quality, Department of - Water Quality Control; pp. 327-360

Environmental Quality, Department of - Water Quality Standards; p. 160

Health Services, Department of; pp. 21, 177-179, 241, 361-362, 413

Health Services, Department of - Health Programs Services; p. 611

Optometry, Board of; p. 11

Secretary of State, Office of the; p. 160-161

Rulemaking Docket Opening, Notices of

Arizona Health Care Cost Containment System - Arizona Long-term Care System; p. 495

Board of Dental Examiners, State; p. 524

Physicians Medical Board, Naturopathic; p. 215

Weights and Measures, Department of; p. 412

Substantive Policy Statement, Notices of

Environmental Quality, Department of; pp. 88-101, 137-139, 162, 307, 591, 612

Game and Fish Commission; p. 141

Greater Arizona Development Authority; pp. 391-392

Health Services, Department of; pp. 140, 180-182, 242-249, 270-272, 416-419

Insurance, Department of; p. 591-593

Nursing, Board of; p. 136

Psychologist Examiners, Board of; p. 24

Real Estate, Department of; p. 551

Technical Registration, Board of; pp. 414-415

Water Infrastructure Finance Authority; pp. 393-395

Water Resources, Department of; p. 183



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.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
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.

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
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