

Arizona Administrative REGISTER

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From the Publisher

ABOUT THIS PUBLICATION

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

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

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

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

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

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

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

LEGAL CITATIONS AND FILING NUMBERS

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

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

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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.

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

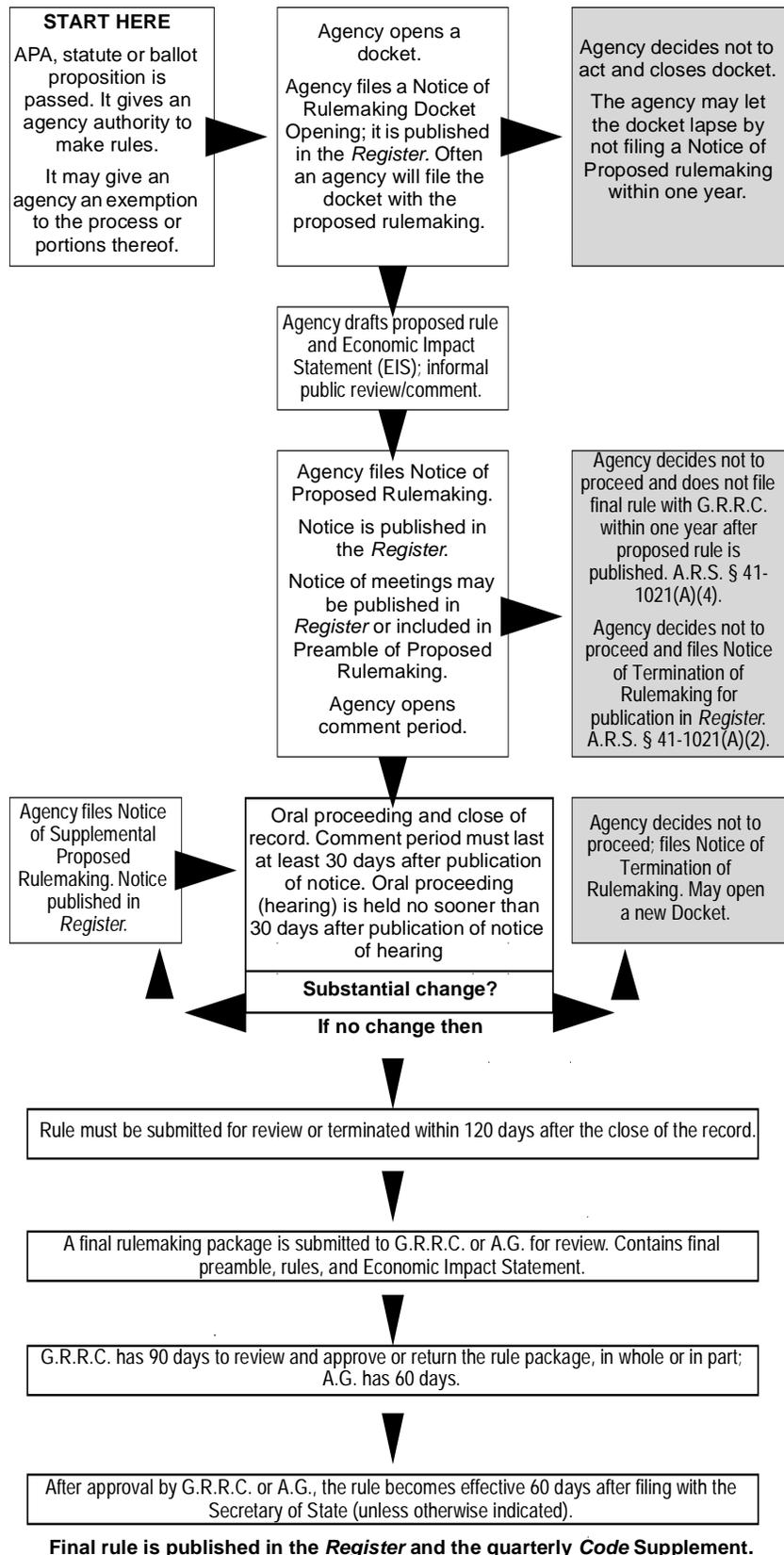
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process





Definitions

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

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 PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

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

[R15-48]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R9-22-1301 | Amend |
| R9-22-1303 | Amend |
| R9-22-1304 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. §§ 36-2904 and 36-2903.01
 Implementing statute: A.R.S. § 36-261
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 21 A.A.R. 839, June 12, 2015 (*in this issue*).
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Mariaelena Ugarte
 Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4693
 Fax: (602) 253-9115
 E-mail: AHCCCSRules@azahcccs.gov
 Web site: www.azahcccs.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
 The AHCCCS Administration is proposing to amend the current CRS rules to more precisely delineate those conditions which qualify for CRS medical eligibility as well as those conditions which do not qualify for CRS medical eligibility. It is expected that the rules will specify additional conditions that qualify for CRS medical eligibility due to the complexity of the medical condition and the need for active treatment by multiple medical specialists. Additionally, the proposed rules will clarify those medical conditions that do not qualify for CRS eligibility due to their acute nature. In those situations, members will have choice of available acute Contractors where the primary care physician can refer the member to a specialist to effectively manage the member’s condition whenever necessary.



6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:

A study was not referenced or relied upon when revising these regulations.

7. 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

8. The preliminary summary of the economic, small business, and consumer impact:

The Administration anticipates no economic impact on the implementing agency, small businesses and consumers. The medical condition changes made will continue to be covered under the acute services rather than by CRS. Clarifying the CRS rules will reduce ambiguity and coverage disputes by members and providers, thus reducing the regulatory burden while achieving the objective of implementing a CRS Program for those conditions that benefit from specialized expertise. The public will also benefit from a greater understanding of coverage responsibility of the CRS Program through the CRS Contractor and the coverage requirements provided by non CRS Contractors.

9. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
Web site: www.azahcccs.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of June 15, 2015. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., July 13, 2015.

Date: July 13, 2015
Time: 10:00 a.m.
Location: AHCCCS
701 E. Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: July 13, 2015
Time: 10:00 a.m.
Location: ALTCS: Arizona Long-Term Care System
1010 N. Finance Center Dr., Suite 201
Tucson, AZ 85710
Nature: Public Hearing

Date: July 13, 2015
Time: 10:00 a.m.
Location: 2717 N. 4th St., Suite 130
Flagstaff, AZ 86004
Nature: Public Hearing

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

No other matters have been prescribed.

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:

Not applicable

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

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.

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

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

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

ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)

Section

- R9-22-1301. Children's Rehabilitative Services (CRS) related Definitions
 R9-22-1303. Medical Eligibility
 R9-22-1304. Referral and Disposition of CRS Medical Eligibility Determination

ARTICLE 13. CHILDREN'S REHABILITATIVE SERVICES (CRS)

R9-22-1301. Children's Rehabilitative Services (CRS) related Definitions

In addition to definitions contained in A.R.S. § 36-2901, the words and phrases in this Article have the following meanings unless the context explicitly requires another meaning:

"Active treatment" means there is a current need for treatment ~~or evaluation for continuing treatment~~ of the CRS qualifying condition(s) or it is anticipated that treatment or evaluation for continuing treatment of the CRS qualifying condition(s) will be needed within the next 18 months from the last date of service for treatment of any CRS qualifying condition.

"CRS application" means a submitted form with any additional documentation required by the Administration to determine whether an individual is medically eligible for CRS.

~~"Chronic" means expected to persist over an extended period of time.~~

"CRS condition" means any of the covered medical condition(s) in R9-22-1303.

~~"CRS provider" means a person who is authorized by employment or written agreement with the Administration to provide covered CRS medical services to a member or covered support services to a member or a member's family.~~

"Functionally limiting" means a restriction having a significant effect on an individual's ability to perform an activity of daily living as determined by a CRS provider.

"Medically eligible" means meeting the medical eligibility requirements of R9-22-1303.

"Redetermination" means a decision made by the Administration regarding whether a member continues to meet the requirements in R9-22-1302.

R9-22-1303. Medical Eligibility

The following lists identify those medical condition(s) that do qualify for the CRS program as well as those that do not qualify for the CRS program. The covered condition(s) list is all inclusive. The list of condition(s) not covered by CRS is not an all-inclusive list:

1. Cardiovascular System
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Congenital heart defect other than small VSD, PDA, ASD,
 - ii. Cardiomyopathy,
 - iii. Valvular disorder,
 - iv. Arrhythmia,
 - v. Conduction defect,
 - vi. Rheumatic heart disease,
 - vii. Renal vascular hypertension,
 - viii. Arteriovenous fistula, and
 - ix. ~~Kawasaki disease with coronary~~ Coronary artery aneurysm~~;~~
 - b. Condition(s) not medically eligible for CRS:
 - i. Essential hypertension~~;~~
 - ii. Premature atrial, nodal or ventricular contractions that are of no hemodynamic significance~~;~~



- iii. Arteriovenous fistula that is not expected to cause cardiac failure or threaten loss of function; ~~and~~
 - iv. Benign heart murmur; ~~and~~
 - v. Peripheral pulmonary stenosis.
 - vi. Postural orthopedic tachycardia.
 - vii. Branch artery pulmonary stenosis, and
 - viii. Patent foramen ovale (PFO).
2. Endocrine system:
- a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. ~~Hypothyroidism~~
 - ii. ~~Hyperthyroidism,~~
 - iii. ~~Adrenogenital syndrome,~~
 - iv. ~~Addison's disease,~~
 - v. ~~Hypoparathyroidism,~~
 - vi. ~~Hyperparathyroidism,~~
 - vii. ~~Diabetes insipidus,~~
 - viii. ~~Cystic fibrosis (including atypical cystic fibrosis), and~~
 - ix. ~~Panhypopituitarism; ~~and~~~~
 - b. Condition(s) not medically eligible for CRS:
 - i. Diabetes mellitus,
 - ii. Isolated growth hormone deficiency,
 - iii. Hypopituitarism ~~encountered in the acute treatment of a malignancy associated with a malignancy and requiring treatment of less than 90 days,~~ and
 - iv. Precocious puberty; ~~and~~
3. Genitourinary system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. ~~Vesicoureteral reflux, with at least mild or moderate dilatation and tortuosity of the ureter and mild or moderate dilatation of renal pelvis; at a grade 3 or higher; ~~and~~~~
 - ii. ~~Ectopic ureter; ~~and~~~~
 - iii. ~~Ambiguous genitalia; ~~and~~~~
 - iv. ~~Ureteral stricture; ~~and~~~~
 - v. ~~Complex hypospadias; ~~and~~~~
 - vi. ~~Hydronephrosis, that is not resolved with antibiotics; ~~and~~~~
 - vii. ~~Deformity and dysfunction of the genitourinary system secondary to trauma 90 days or more after the acute phase of the trauma has passed occurred; ~~and~~~~
 - viii. ~~Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required; ~~and~~~~
 - ix. ~~Multicystic dysplastic Dysplastic (includes polycystic and multicystic) kidneys; ~~and~~~~
 - x. ~~Nephritis associated with lupus erythematosus; and; ~~and~~~~
 - xi. ~~Bladder extrophy.~~
 - xii. ~~Hydrocele associated with a ventriculo-peritoneal shunt; ~~and~~~~
 - b. Condition(s) not medically eligible for CRS:
 - i. ~~Nephritis, infectious or noninfectious; ~~and~~~~
 - ii. ~~Nephrosis; ~~and~~~~
 - iii. ~~Undescended testicle; ~~and~~~~
 - iv. ~~Phimosi; ~~and~~~~
 - v. ~~Hydrocele not associated with a ventriculo-peritoneal shunt; ~~and~~~~
 - vi. ~~Enuresis; ~~and~~~~
 - vii. ~~Meatal stenosis; ~~and~~~~
 - viii. ~~Hypospadias involving isolated glandular or coronal aberrant location of the urethral meatus without curvature of the penis; ~~and~~~~
 - ix. Isolated hydronephrosis that is resolved with antibiotics.
4. Ear, nose, or throat medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. ~~Cholesteatoma; ~~and~~~~
 - ii. ~~Chronic mastoiditis Mastoiditis that continues 90 days or more after the first diagnosis of the condition; ~~and~~~~
 - iii. ~~Deformity and dysfunction of the ear, nose, or throat secondary to trauma, after the acute phase of 90 days or more after the trauma has passed occurred; ~~and~~~~
 - iv. ~~Neurosensory hearing loss; ~~and~~~~
 - v. ~~Congenital malformation; ~~and~~~~



- ~~vi-v.~~ Significant conductive hearing loss due to an anomaly in one ear or both ears equal to or greater than a pure tone average of 30 decibels, that despite medical treatment, requires a hearing aid;₂
- ~~vii-vi.~~ Congenital/Craniofacial anomaly that requires treatment by more than one CRS provider that is functionally limiting;₂ and
- ~~viii-vii.~~ Microtia that requires multiple surgical interventions;₂
- b. Condition(s) not medically eligible for CRS
 - i. Tonsillitis,
 - ii. Adenoiditis,
 - iii. Hypertrophic lingual frenum,
 - iv. Nasal polyp,
 - v. Cranial or temporal mandibular joint syndrome,
 - vi. Simple deviated nasal septum,
 - vii. Recurrent otitis media,
 - viii. Obstructive apnea,
 - ix. ~~Acute perforation~~ Perforation of the tympanic membrane,
 - x. Sinusitis,
 - xi. Isolated preauricular tag or pit, and
 - xii. Uncontrolled salivation;₂
- 5. Musculoskeletal system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Achondroplasia;₂
 - ii. Hypochondroplasia;₂
 - iii. Diastrophic dysplasia;₂
 - iv. Chondrodysplasia;₂
 - v. Chondroectodermal dysplasia;₂
 - vi. Spondyloepiphyseal dysplasia;₂
 - vii. Metaphyseal and epiphyseal dysplasia;₂
 - viii. Larsen syndrome;₂
 - ix. Fibrous dysplasia;₂
 - x. Osteogenesis imperfecta;₂
 - xi. Rickets;₂
 - xii. Enchondromatosis;₂
 - ~~xiii.~~ Juvenile rheumatoid arthritis;
 - ~~xiv-xiii.~~ Seronegative spondyloarthropathy such as Reiters, psoriatic arthritis, and ankylosing spondylitis;
 - ~~xv.~~ Orthopedic complications of hemophilia;
 - ~~xvi.~~ Myopathy;
 - ~~xvii-xiv.~~ Muscular dystrophy;₂
 - ~~xviii.~~ Myoneural disorder;
 - ~~xix-xv.~~ Arthrogryposis (multiple joint contractures);₂
 - ~~xx-xvi.~~ Spinal muscle atrophy
 - ~~xxi.~~ Polyneuropathy;
 - ~~xxii-xvii.~~ Chronic stage bone Bone infection that continues 90 days or more after the initial diagnosis;₂
 - ~~xxiii-xviii.~~ Chronic stage joint Joint infection that continues 90 days or more after the initial diagnosis;₂
 - ~~xxiv-xix.~~ Upper limb Limb amputation and malformation (excluding polydactyly without bone involvement);₂
 - ~~xxv-xx.~~ Syndactyly;₂
 - ~~xxvi-xxi.~~ Kyphosis (Scheurmann's Kyphosis) 50 degrees or over;₂
 - ~~xxvii-xxii.~~ Scoliosis when 25 degrees or greater, or when there is a need for bracing or surgery);₂
 - ~~xxviii-xxiii.~~ Congenital spinal deformity;₂
 - ~~xxix-xxiv.~~ Congenital or developmental cervical spine abnormality;₂
 - ~~xxx-xxv.~~ Hip dysplasia;₂
 - ~~xxxi-xxvi.~~ Slipped capital femoral epiphysis;₂
 - ~~xxxii-xxvii.~~ Femoral anteversion and tibial torsion;₂
 - ~~xxxiii-xxviii.~~ Legg-Calve-Perthes disease;₂
 - ~~xxxiv.~~ Lower limb amputation, including prosthetic sequelae of cancer;
 - ~~xxxv-xxix.~~ Metatarsus adductus;₂
 - ~~xxxvi-xxx.~~ Leg length discrepancy of five two centimeters or more;₂
 - ~~xxxvii.~~ Metatarsus primus varus;
 - ~~xxxviii.~~ Dorsal bunions;



- ~~xxxix-xxxi.~~ Collagen vascular disease, including but not limited to, ankylosis spondylitis, polymyositis, derma- myositis, polyarteritis nodosa, psoriatic arthritis, scleroderma and lupus; but excluding rheumatoid arthri- tis and Ehlers Danlos;
- ~~xxxx.~~ Benign bone tumor;
- ~~xxxxi.~~ Deformity and dysfunction secondary to musculoskeletal trauma;
- ~~xxxxii-xxxii.~~ Osgood Schlatter's disease that requires surgical intervention; and
- ~~xxxxiii.~~ Complicated flat foot, such as rigid foot, unstable subtalar joint, or significant calcaneus deformity; and
- ~~xxxxiv-xxxiii.~~ Club foot Clubfoot.
- b. Condition(s) not medically eligible for CRS
 - i. Ingrown toenail;
 - ii. Back pain with no structural abnormality;
 - iii. Ganglion cyst;
 - iv. Flat foot other than complicated flat foot;
 - v. Fracture;
 - vi. Popliteal cyst;
 - vii. ~~Simple bunion~~ Bunion; and
 - viii. Carpal tunnel syndrome;
 - ix. Deformity and dysfunction secondary to trauma or injury; if:
- 4. ~~Three months have not passed since the trauma or injury; and-~~
 - ~~2-x.~~ Leg length discrepancy of less than five two centimeters at skeletal maturity;
 - ~~xi.~~ Kyphosis under 50 degrees;
 - ~~xii.~~ Trigger finger;
 - ~~xiii.~~ Rheumatoid arthritis; and
 - ~~xiv.~~ Ehlers Danlos
- 6. Gastrointestinal system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Tracheoesophageal fistula;
 - ii. Anorectal atresia;
 - iii. Hirschsprung's disease;
 - iv. Diaphragmatic hernia;
 - ~~v.~~ Gastroesophageal reflux that has failed treatment with drugs or biologicals and requires surgery;
 - ~~vi-v.~~ Deformity and dysfunction of the gastrointestinal system secondary to trauma, after the acute phase of 90 days or more after the trauma has passed occurred;
 - ~~vii-vi.~~ Biliary atresia;
 - ~~viii-vii.~~ Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract;
 - ~~ix-viii.~~ Cleft lip;
 - ~~x-ix.~~ Cleft palate;
 - ~~xi-x.~~ Omphalocele; and
 - ~~xii-xi.~~ Gastroschisis;
 - b. Condition(s) not medically eligible for CRS
 - i. Malabsorption syndrome, also known as short bowel syndrome,
 - ii. Crohn's disease,
 - iii. Hernia other than a diaphragmatic hernia,
 - iv. Ulcer disease,
 - v. Ulcerative colitis,
 - vi. Intestinal polyp,
 - vii. Pyloric stenosis, and
 - viii. Celiac disease;
- 7. Nervous system medical condition(s):
 - a. CRS condition(s) that qualify for CRS medical eligibility:
 - i. Uncontrolled seizure disorder, in which there have been more than two seizures with documented ade- quate blood levels of one or more medications;
 - ii. Cerebral palsy;
 - iii. Muscular dystrophy or other myopathy;
 - iv. Myoneural disorder, including but not limited to, amyotrophic Lateral Sclerosis or ALS, myasthenia gra- vis, Eaton-Lambert syndrome, muscular dystrophy, troyer sclerosis, polymyositis, dermamoyositis, pro- gressive bulbar palsy, polio;
 - v. Neuropathy/polyneuropathy, hereditary or idiopathic;
 - vi. Central nervous system degenerative disease;



- vii. Central nervous system malformation or structural abnormality;
 - viii. Hydrocephalus;
 - ix. ~~Craniosynostosis of a sagittal suture, a unilateral coronal suture, or multiple sutures in a child less than 18 months of age; requiring surgery.~~
 - x. ~~Myasthenia gravis, congenital or acquired;~~
 - ~~xi-x.~~ Benign intracranial tumor;
 - ~~xii-xi.~~ Benign intraspinal tumor;
 - ~~xiii.~~ Tourette's syndrome;
 - ~~xiv-xii.~~ Residual dysfunction after resolution of an acute phase that continues 90 days or more after a of vascular accident, inflammatory condition, or infection of the central nervous system;
 - ~~xv-xiii.~~ Myelomeningocele, also known as spina bifida;
 - ~~xvi-xiv.~~ Neurofibromatosis;
 - ~~xvii-xv.~~ Deformity and dysfunction secondary to trauma in an individual that continues 90 days or more after the incident;
 - ~~xviii-xvi.~~ Residual dysfunction after acute phase of near drowning; and that continues 90 days or more after near drowning, and
 - ~~xix-xvii.~~ Residual dysfunction after acute phase of that continues 90 days or more after the spinal cord injury;
- b. Condition(s) not medically eligible for CRS
- i. Headaches;
 - ii. Central apnea secondary to prematurity;
 - ~~iii. Near sudden infant death syndrome;~~
 - ~~iv-iii.~~ Febrile seizures;
 - ~~v-iv.~~ Occipital plagiocephaly, either positional or secondary to lambdoidal synostosis Plagiocephaly, and
 - ~~vi.~~ Trigonoecephaly secondary to isolated metopic synostosis;
 - ~~vii-v.~~ Spina bifida occulta;
 - ~~viii.~~ Near drowning in the acute phase; and
 - ~~ix.~~ Spinal cord injury in the acute phase;
 - ~~x.~~ Chronic vegetative state;
8. Ophthalmology:
- a. CRS condition(s) that qualify for CRS medical eligibility:
- i. Cataracts;
 - ii. Glaucoma;
 - iii. Disorder of the optic nerve;
 - iv. Non-malignant enucleation and post-enucleation reconstruction;
 - v. Retinopathy of prematurity; and
 - vi. Disorder of the iris, ciliary bodies, retina, lens, or cornea;
- b. Condition(s) not medically eligible for CRS
- i. Simple refraction error,
 - ii. Astigmatism,
 - iii. Strabismus, and
 - iv. Ptosis;
9. Respiratory system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
- i. Anomaly of the larynx, trachea, or bronchi that requires surgery; and
 - ii. Nonmalignant obstructive lesion of the larynx, trachea, or bronchi;
- b. Condition(s) not medically eligible for CRS:
- i. Respiratory distress syndrome,
 - ii. Asthma,
 - iii. Allergies,
 - iv. Bronchopulmonary dysplasia,
 - v. Emphysema,
 - vi. Chronic obstructive pulmonary disease, and
 - vii. ~~Acute or chronic respiratory~~ Respiratory condition requiring venting for the neuromuscularly impaired;
10. Integumentary Dermatological system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
- ~~i.~~ ~~A craniofacial anomaly that is functionally limiting,~~
 - ~~ii-i.~~ A burn scar that is functionally limiting,
 - ~~iii-ii.~~ A hemangioma that is functionally limiting that requires laser or surgery.
 - ~~iii.~~ Malocclusion that is functionally limiting.
 - iv. Cystic hygroma, and



- v. Complicated nevi requiring multiple procedures;
- b. Condition(s) not medically eligible for CRS:
 - i. A deformity that is not functionally limiting,
 - ~~ii. A burn other than a burn scar that is functionally limiting;~~
 - ~~iii.ii.~~ Simple nevi,
 - ~~iv.iii.~~ Skin tag,
 - ~~v.iv.~~ Port wine stain,
 - ~~vi.v.~~ Sebaceous cyst,
 - ~~vii.vi.~~ Isolated malocclusion that is not functionally limiting,
 - ~~viii.vii.~~ Pilonidal cyst,
 - ~~ix.viii.~~ Ectodermal dysplasia, and
 - ~~x.ix.~~ A craniofacial anomaly that is not functionally limiting;
- 11. Metabolic CRS condition(s) that qualify for CRS medical eligibility:
 - i. Amino acid or organic acidopathy,
 - ii. Inborn error of metabolism,
 - iii. Storage disease,
 - iv. Phenylketonuria,
 - v. Homocystinuria,
 - vi. Maple syrup urine disease, and
 - vii. Biotinidase deficiency;
- 12. Hemoglobinopathies CRS condition(s) that qualify for CRS medical eligibility:
 - a. Sickle cell anemia, and
 - b. Thalassemia.
- 13. Additional Medical/behavioral condition(s) which are not medically eligible for CRS:
 - a. Allergies;
 - b. Anorexia nervosa or obesity;
 - c. Autism;
 - d. Cancer;
 - e. Depression or other mental illness;
 - f. Developmental delay;
 - g. Dyslexia or other learning disabilities;
 - h. Failure to thrive;
 - i. Hyperactivity;
 - j. Attention deficit disorder; ~~and~~
 - k. Immunodeficiency, such as AIDS and HIV; and
 - l. Vegetative state.

R9-22-1304. Referral and Disposition of CRS Medical Eligibility Determination

- A. To refer an individual for a CRS medical eligibility determination a person shall submit to the Administration the following information:
 - 1. CRS application,
 - 2. ~~Documentation from a provider who evaluated the individual, stating the individual's diagnosis;~~ Documentation from a specialist who diagnosed the individual, stating the individual's diagnosis.
 - 3. Diagnostic test results that support the individual's diagnosis, and
 - 4. Documentation of the individual's need for specialized treatment of the CRS condition through medical, surgical, or therapy modalities.
- B. The Administration shall notify the CRS applicant, member or authorized representative of the outcome of the determination within 60 days of receipt of information required under subsection (A). The member may appeal the determination under Chapter 34.



NOTICES OF PROPOSED EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Exempt Rulemaking. An agency may be exempt from rulemaking standards outlined in the Arizona Administrative Procedures Act (APA).

An agency's exemption is listed in the Preamble of the rulemaking as specified under: A.R.S. §§ 41-1005 or 41-1057; or a specific statute; or if a rule is promulgated by the Corporation Commission, it is exempt from Attorney General review under a court decision as determined by the Commission.

If an agency determines it is exempt under the law or court decision, the law may still require publication of the Proposed Exempt Rulemaking in this section to solicit and review public comments on the rulemaking.

Some agencies, even though completely exempt, may still elect to follow certain provisions of the APA, such as circulating its exempt rulemaking for comment. If an agency chooses this option, our office encourages filing the notice with our office for publication in the Register.

Please note, if a statute dictates that an agency is completely exempt from the rulemaking process, the agency is authorized to file a Notice of Exempt Rulemaking.

In all cases, an agency must still follow the procedures as established by our office in order to have its rulemaking package published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed exempt rule should be directed to the agency proposing them. Refer to Item #5 of the Preamble to contact the person charged with the rulemaking.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R15-43]

PREAMBLE

- 1. Article, Part or Sections 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 R9-1-409(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:



The Commission's rulemakings are exempt from Title 41, Ch. 6, Article 3, pursuant to A.R.S. § 16-956.

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:**
Not applicable
8. **A showing of good cause why the rule 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:**
Not applicable
10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and final rulemaking package, (if applicable):**
The proposed rule amendment would require a respondent's response to a complaint generated matter to be sworn to and notarized under the penalty of perjury. The proposed amendment was developed by the Commission during a review of its rules and was proposed in an open meeting on May 14, 2015. There were no Notices of Supplemental Proposed Rulemakings related to this Section, and changes are being made to the subsection R2-20-205(C) only.
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
The Commission solicits public comment throughout the rulemaking process.
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:**
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 the 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:**
Not applicable
13. **A list of any incorporated by reference material and its location in the rules:**
Not applicable
14. **Whether this rule 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:**
The rule was not previously made, amended, repealed, or renumbered as an emergency rule.
15. **The full text of the rules follows:**

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 2. COMPLIANCE AND ENFORCEMENT PROCEDURES

Section
R2-20-205. Opportunity for No Action on Complaint-generated Matters

ARTICLE 2. COMPLIANCE AND ENFORCEMENT PROCEDURES

R2-20-205. Opportunity for No Action on Complaint-generated Matters

- A. A respondent shall be afforded an opportunity to demonstrate that no action should be taken on the basis of a complaint by submitting, within 5 days from receipt of a written copy of the complaint, a letter or memorandum setting forth reasons why the Commission should take no action.
- B. The Commission shall not take any action, or make any finding, against a respondent other than action dismissing the complaint, unless it has considered such response or unless no such response has been served upon the Commission within the 5 day period specified in subsection (A).
- C. The respondent's response shall be sworn to and signed in the presence of a notary public and shall be notarized. The respondent's failure to respond in accordance with subsection A within 5 days of receiving the written copy of the complaint may be viewed as an admission to the allegations made in the complaint for purposes of the reason to believe



- 3. The effective date of the rule and the agency’s reason it selected the effective date:**
If given final unanimous approval by the Commission, the earliest effective date is July 23, 2015.
- 4. A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**
Not applicable
- 5. The agency’s contact person who can answer questions about the rulemaking:**
Name: Thomas M. Collins, Executive Director
Address: Citizens Clean Elections Commission
1616 W. Adams St., Suite 110
Phoenix, AZ 85007
Telephone: (602) 364-3477
Fax: (602) 364-3487
E-mail: thomas.collins@azcleelections.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:**
R2-20-703. Documentation for Direct Campaign Expenditures
The Commission proposes an amendment to clarify that participating candidates must keep a list of fixed assets with a value of \$200 or more. The amendment keeps the rules regarding fixed assets consistent. The proposed amendment stems from the Commission’s review of the rules and was proposed in an open meeting on May 14, 2015.
The Commission’s rulemakings are exempt from Title 41, Ch. 6, Article 3, pursuant to A.R.S. § 16-956.
- 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:**
Not applicable
- 8. A showing of good cause why the rule 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:**
Not applicable
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and final rulemaking package, (if applicable):**
The Commission proposes an amendment to clarify that participating candidates must keep a list of fixed assets with a value of \$200 or more. The amendment keeps the rules regarding fixed assets consistent. The proposed amendment was developed by the Commission during a review of its rules and was proposed in an open meeting on May 14, 2015. There were no Notices of Supplemental Proposed Rulemakings related to this Section.
- 11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
The Commission solicits public comment throughout the rulemaking process.
- 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:**
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 the 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:**
Not applicable
- 13. A list of any incorporated by reference material and its location in the rules:**
Not applicable
- 14. Whether this rule 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:**
The rule was not previously made, amended, repealed, or renumbered as an emergency rule.



15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section
R2-20-703. Documentation for Direct Campaign Expenditures

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-703. Documentation for Direct Campaign Expenditures

- A. In addition to the general books and records requirements prescribed in A.A.C. R2-20-111, participating candidates shall comply with the following requirements:
 - 1. All participating candidates shall have the burden of proving that expenditures made by the candidate were for direct campaign purposes. The candidate shall obtain and furnish to the Commission on request any evidence regarding direct campaign expenses made by the candidate as provided in subsection (2) of this rule.
 - 2. All participating candidates shall retain records with respect to each expenditure and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years, and shall present these records to the Commission on request.
 - 3. All participating candidates shall maintain a list of all fixed assets whose purchase price exceeded \$~~300~~200 when acquired by the campaign. The list shall include a brief description of each fixed asset, the purchase price, the date it was acquired, the method of disposition and the amount received in disposition.
- B. No change
- C. No change
- D. No change

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

[R15-46]

PREAMBLE

- 1. **Article, Part or Sections Affected (as applicable)** **Rulemaking Action**
R2-20-704 Amend
- 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:**
 Authorizing statute: A.R.S. § 16-940, et seq.
 Implementing statute and statute authorizing the exemption: A.R.S. § 16-956(C).
 The Citizens Clean Elections Commission is exempt from Executive Order 15-01 because it is not an agency whose head is appointed by the Governor and is, therefore, exempt.
- 3. **The effective date of the rule and the agency’s reason it selected the effective date:**
 If given final unanimous approval by the Commission, the earliest effective date is July 23, 2015.
- 4. **A list of all notices published in the Register as specified in R9-1-409(A) that pertain to the record of the exempt rulemaking:**
 Not applicable
- 5. **The agency’s contact person who can answer questions about the rulemaking:**
 Name: Thomas M. Collins, Executive Director
 Address: Citizens Clean Elections Commission
 1616 W. Adams St., Suite 110
 Phoenix, AZ 85007
 Telephone: (602) 364-3477



Fax: (602) 364-3487
E-mail: thomas.collins@azcleaselections.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: R2-20-704. Repayment
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: Not applicable
8. A showing of good cause why the rule 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: Not applicable
10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and final rulemaking package, (if applicable):
11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if 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 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:
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 the federal law:
c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:
13. A list of any incorporated by reference material and its location in the rules:
14. Whether this rule 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:
15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION

ARTICLE 7. USE OF FUNDS AND REPAYMENT

Section R2-20-704. Repayment

ARTICLE 7. USE OF FUNDS AND REPAYMENT

R2-20-704. Repayment

A. In general, the Commission may determine that a participating candidate who has received payments from the Fund



must repay the Fund as determined by the Commission.

1. A candidate who has received payments from the Fund shall pay the Fund any amounts that the Commission determines to be repayable. In making repayment determinations, the Commission may utilize information obtained from audits and examinations or otherwise obtained by the Commission in carrying out its responsibilities.
2. The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than one year after the day of the election.
3. Once the candidate receives notice of the Commission's repayment determination, the candidate should give preference to the repayment over all other outstanding obligations of the candidate, except for any taxes owed by the candidate.
4. Repayments may be made only from the following sources: personal funds of the candidate, funds in the candidate's current election campaign accounts, and any additional funds raised subject to the limitations and prohibitions of the Act.
5. The Commission may withhold the portion of funds required to be repaid from future payments to a participating candidate if the Commission has made a repayment determination.

- B.** No change
- C.** No change
- D.** 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

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

[R15-49]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 22, Arizona Health Care Cost Containment System - Administration
- Article and its heading:** 13, Children's Rehabilitative Services (CRS)
- Section numbers:** R9-22-1301, R9-22-1303, R9-22-1304 (*As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.*)

- 2. The subject matter of the proposed rule:**
The AHCCCS Administration is proposing to amend the current CRS rules to more precisely delineate those conditions which qualify for CRS medical eligibility as well as those conditions which do not qualify for CRS medical eligibility. It is expected that the rules will specify additional conditions that qualify for CRS medical eligibility due to the complexity of the medical condition and the need for active treatment by multiple medical specialists. Additionally, the proposed rules will clarify those medical conditions that do not qualify for CRS eligibility due to their acute nature. In those situations, members will have choice of available acute Contractors where the primary care physician can refer the member to a specialist to effectively manage the member's condition whenever necessary.

- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 21 A.A.R. 823, June 12, 2015 (*in this issue*).

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

Name: Mariaelena Ugarte
 Address: AHCCCS
 Office of Administrative Legal Services
 701 E. Jefferson, Mail Drop 6200
 Phoenix, AZ 85034
 Telephone: (602) 417-4693
 Fax: (602) 253-9115
 E-mail: AHCCCSrules@azahcccs.gov

- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The Notice of Proposed Rulemaking is published along with this notice.



NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

NOTICE OF PUBLIC INFORMATION

[M15-116]

- 1. Name of the Agency: Arizona Health Care Cost Containment System (AHCCCS)
2. The topic of the public information notice: AHCCCS Emergency Ground Ambulance Rate Update for Dates of Service On and After October 1, 2015
3. The public information relating to the topic:

This Notice of Public Information describes proposed changes to the Arizona Health Care Cost Containment System (AHCCCS) fee-for-service (FFS) reimbursement rates for emergency ambulance services provided by ground ambulance providers operating under a certificate of necessity issued by the Arizona Department of Health Services (ADHS).

Pursuant to Arizona Laws 2015, Chapter 14, Section 3 (SB 1475), the new rates for emergency ground ambulance services for dates of service on and after October 1, 2015 will be set at 68.59% of the rates established on the July 1, 2015 Arizona Ground Ambulance Service Rate Schedule published by ADHS, Bureau of Emergency Medical Services.

Written comments may be sent to the following address and received no later than 5:00 p.m. on June 22, 2015:

Michael Veit, Contracts and Purchasing Administrator
Arizona Health Care Cost Containment System
701 E. Jefferson St.
Phoenix, AZ 85034

More information regarding these proposed changes to reimbursement may be obtained at the following link to SB 1475:

http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/52leg/1r/laws/0014.htm&Session_ID=114

Many public libraries offer access to the internet. In addition, the information can be obtained at the Offices of the AHCCCS Administration, 701 E. Jefferson, Phoenix, AZ 85034.

NOTICE OF PUBLIC INFORMATION

[M15-118]

- 1. Name of the agency: Department of Environmental Quality
2. Type of notice filed: Reissuance of AZPDES De Minimis General Permit
3. A brief description of the proposed general permit:

Pursuant to 18 A.A.C. 9, Article 9, R18-9-C901 and -C903, the Department is proposing to reissue a general permit under the Arizona Pollutant Discharge Elimination System (AZPDES), authorizing De Minimis discharges to surface waters.



The proposed permit is intended to replace the AZPDES De Minimis General Permit (DMGP) No. AZG2010-001, which was issued on April 27, 2010, and expired on April 26, 2015. Proposed changes from the 2010 permit are listed in a fact sheet accompanying the draft 2015 permit (see item 5, below).

De Minimis discharges are point source discharges that meet the applicable surface water quality standards (18 A.A.C. 11, Article 1); are generally infrequent, of low volume, and/or short in duration; and are conducted with appropriate best management practices to ensure compliance with the conditions of the permit. De Minimis discharges include discharges from the following: potable water system installation and maintenance activities; subterranean dewatering; well development and maintenance; aquifer testing; hydrostatic testing of pipes and vessels; reclaimed water system repair and pressure releases; uncontaminated air conditioning condensate; overflow from residential evaporative coolers; charitable car washes; exterior building washing and street wash water; dechlorinated drainage from swimming pools; and other discharges specifically determined to be De Minimis by the Department. The proposed permit contains certain limitations and exclusions that apply to the above categories.

In general, to obtain coverage under this permit, an eligible party must prepare and implement a Best Management Practices Plan (BMPP) and submit a completed Notice of Intent (NOI) form to the Department. The BMPP and NOI requirements do not apply to certain types of discharge activities such as charitable car washes and dechlorinated swimming pool drainage. As proposed in the 2015 DMGP, discharges that were authorized and not terminated under the 2010 DMGP would transfer to coverage under the new permit without submittal of a new NOI, subject to certain conditions. Where required, the BMPP must identify measures that will be implemented to ensure compliance with the conditions of the permit. For new NOIs for discharges within ¼ mile of impaired or Outstanding Arizona Waters, and for new Areawide, Projectwide, and Facilitywide coverage, the BMPP must be submitted to the Department for review along with the NOI.

With certain exceptions, the permittee must conduct discharge monitoring in accordance with permit conditions. After the covered discharges have permanently ceased, or responsibility for the discharge activity has been transferred to another entity, the permittee must terminate coverage by completing and submitting a Notice of Termination form to the Department.

4. A description of the permit area:

The proposed general permit covers discharges from the specified activities in Arizona, except for Indian Country as defined in 18 U.S.C.1151. US EPA Region 9 is the permitting authority for Indian lands in Arizona.

5. How to obtain copies of the draft permit documents:

Copies of the proposed general permit and accompanying fact sheet are available upon request from the agency personnel listed in item 7, below, and on the Department's website at <http://www.azdeq.gov/environ/water/permits/gen.html#demi>

The proposed general permit and fact sheet are also available at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona and may be reviewed any time between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

6. The time during which the agency will accept written comments:

Comments on the proposed general permit must be submitted c/o Lavinia Wright at the address, fax number, or e-mail address provided below, and received or postmarked no later than **July 13, 2015**. No formal public hearing is currently scheduled. However, within the comment period, interested persons may also request a public hearing under A.A.C. R18-9-A908 concerning the proposed permit.

If the Department decides to hold a public hearing, the time and place of the public hearing will be announced on the ADEQ web site at <http://www.azdeq.gov/environ/water/permits/gen.html#demi>. Interested persons may also request email notification of a public hearing by subscribing to the "De Minimis General Permit" topic at <https://public.govdelivery.com/accounts/AZDEQ/subscriber/new>. Alternatively, interested persons may request such notification by contacting Lavinia Wright at the e-mail address, postal address, or phone number below.

7. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:

Name: Lavinia Wright
Address: Arizona Department of Environmental Quality
Water Quality Division, Surface Water Section
1110 W. Washington, 5415A-1
Phoenix, AZ 85007
Telephone: (602) 771-4585



Fax: (602) 771-4528

E-mail: wright.lavinia@azdeq.gov



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

[M15-115]

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

SP-026-PHL-OAD: Clarification of Fingerprinting Requirements for Residential Care Institutions, Nursing Care Institutions, and Home Health Agencies

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

Issuance date: May 22, 2015

Effective date: June 1, 2015

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

The substantive policy statement clarifies who must be fingerprinted as a condition of employment or before beginning volunteer work in a residential care institution, nursing care institution, or home health agency.

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

Arizona Revised Statutes (A.R.S.) §§ 36-151, 36-401, and 36-411(A) and (E)

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

This is a revised substantive policy statement that reinstates and updates SP-026-DLS-OAD, which had been rescinded by the Arizona Department of Health Services (Department), effective December 1, 2014, as no longer necessary. Since then, the Department has determined that persons affected by the fingerprinting requirements in A.R.S. § 36-411 are still unclear as to who must be fingerprinted as a condition of employment or before beginning volunteer work in a residential care institution, nursing care institution, or home health agency. Therefore, the Department is reinstating the previously rescinded substantive policy statement. The number of the substantive policy statement is also being amended to reflect organizational changes within the Department, and the content revised to improve clarity.

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

Name: Kathryn McCanna, Branch Chief
Address: Arizona Department of Health Services
Public Health Licensing Services
Health Care Institutions Licensing
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007
Telephone: (602) 364-2841
Fax: (602) 364-4808
E-mail: Kathryn.McCanna@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=licensing>. A copy of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Public Health Licensing Services, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007 for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.



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.

*** ALL ARIZONA ACADEMIC TEAM ***

[M15-109]

WHEREAS, special commendations are extended to the outstanding scholars who comprise the All Arizona Academic Team, a team of highly successful students nominated by Arizona’s ten community college districts and selected by Phi Theta Kappa, the international honor society for community and junior colleges; and

WHEREAS, to be chosen as a member of the All Arizona Academic Team, these students must demonstrate impressive intellect, outstanding leadership, and a determination to achieve academic excellence; and

WHEREAS, the praiseworthy and devoted efforts of the members of the All Arizona Academic Team have earned the respect and admiration of the citizenry of this State; and

WHEREAS, the following students have been named as members of the All Arizona Academic Team:

FIRST TEAM:

Emily Alcazar, Nathaniel P. Bush, Valerie Campodall’Orto, Paola Castro, Daniel Clevenger, John Field, Lori Fusak, Riana Jacquez, Brett Laine, Valerie Le Grande, Monica LeMoine, Kristi-Lee Mathiesen, Todd Myren, Jeremiah Palicka, Geneva Patterson, Andrew Paxton, Raymond Rosas, David Rowlands, Cecile Sharp, Gilberto Sosa Mendoza, Andrew Sypher, Jonathan Talos, Fern Van Vliet, Whitney Vizzini, Bailey Wilson.

SECOND TEAM:

Charity Bidegain, Jacob Bowdon, Alisha Brown, Kathlyn Dibene, Fernando Gomez, Moira Hamilton, Aubrial Harrington, Yingli Hillis, Cassie Johnson, Alexandria Joyce, Chet Martinez-Droeg, Abdullah Matalgah, Daniel McGee, Kelcee Moore, Rex Moore, Raphael Nicas, Tracie Osier, Debra Pennington, Lauren Peters, Cassandra Roose, David Selby, Brittany Sheldahl, Jenna Shockey, Michael Stanley, Blake Suarez.

THIRD TEAM:

Sara Anderson, Socorro Carrillo, Jennifer DoBell, William Gray, Shanti Guerrero, JaNae Hancock, Gabriela Hebranova, Christopher Hughes, Kasey Johnston, Ashley Knister, Nailea Leon, Charles Manley, Ashley McDowell, Deshell Mileham, Leah Norris, Dorka Nsagane, Alfredo Ortiz, Diego Ramirez, Natalie Relitz, Isaac Schimmel, Dawn Taylor, Michelle Valenzuela, Laurie Shyann Vance, Nannan Zhang.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby congratulate Arizona’s community college districts and members of the

*** ALL ARIZONA ACADEMIC TEAM ***

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

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

DONE at the Capitol in Phoenix on this twelfth day of February 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 ADULT LITERACY WEEK ***

[M15-110]

WHEREAS, approximately 20 percent of Arizona's adults experience literacy issues that impair their lives and families, their ability to work productively, and their full participation as citizens and residents of Arizona; and

WHEREAS, Arizona adult education provides a bridge to successful post-secondary and career goals for adult learners; and

WHEREAS, Arizona's economic future depends on a skilled workforce and Adult Education is a core partner in our workforce development system; and

WHEREAS, parents are their children's first teachers, preparing their children to learn and succeed in school and their community; and

WHEREAS, Arizona's adult education providers supplied over 1.3 million hours of instruction to improve the literacy of Arizona's adults; and

WHEREAS, Arizona Adult Literacy Week will encourage and promote literacy and lifelong learning across our great State.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 22 - 28, 2015 as

*** ARIZONA ADULT LITERACY 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 thirteenth day of February 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 STATEHOOD DAY ***

[M15-111]

WHEREAS, on February 14, 1912, after forty-nine years as a U.S. territory, President William Howard Taft signed the Arizona Statehood Act, making Arizona the forty-eighth and last of the contiguous states to enter the Union of the United States of America; and

WHEREAS, news of Arizona's statehood was telegraphed to the people of Arizona, Governor George W.P. Hunt was inaugurated and the Legislature was called into its first session; and

WHEREAS, for 103 years, people have come to make Arizona their home, drawn by its striking landscapes, rich history and proud heritage, unlimited opportunities, warm hospitality and the chance to be part of a prosperous and dynamic state; and

WHEREAS, Arizona Statehood Day affords Arizonans an opportunity to celebrate our pioneer spirit, immense diversity and cherished traditions; and

WHEREAS, Statehood Day 2015 encourages all citizens to take an active role in commemorating Arizona's strong foundations and great accomplishments, as well as to look toward new opportunities and the bright future ahead.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 14, 2015 as

*** ARIZONA STATEHOOD DAY ***

and, I further encourage citizens to participate in all activities in recognition thereof.



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 thirteenth day of February 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

*** CONGENITAL HEART DEFECT AWARENESS WEEK ***

[M15-112]

WHEREAS, congenital heart defects are the most frequently occurring birth defects and a leading cause of birth defect related deaths worldwide; and

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with congenital heart defects, and nearly one million adults in the United States are currently living with a congenital heart defect; and

WHEREAS, every year more than 500 babies in Arizona and nearly 40,000 babies in the United States are born with congenital heart defects; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth, complicating diagnosis and treatment, and causing many cases of sudden cardiac death in young athletes who have not been diagnosed with congenital heart conditions; and

WHEREAS, despite these statistics, there is a disproportionately small amount of funding available for congenital heart defect research; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected by congenital heart defects to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about congenital heart defects.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim February 7 - 14, 2015 as

*** CONGENITAL HEART DEFECT AWARENESS WEEK ***

and, I further encourage all citizens to increase awareness, education and services for congenital heart defects, which each year affect thousands of babies in Arizona.

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 eleventh day of February 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



*** NATIONAL PREVENTION WEEK ***

[M15-113]

WHEREAS, drug abuse and drug addiction threaten the stability of the family structure and with commitment and support, substance abuse and other behavioral health issues can be prevented. The focus of National Prevention Week this May is to increase public awareness of, and action around, substance abuse and mental health issues; and

WHEREAS, according to the 2013 National Survey on Drug Use and Health, and estimated 24.6 million Americans are current illicit drug users, nearly one in four young people aged 12 to 20 report drinking alcohol in the past month, and one in four Americans age 12 or older smoke cigarettes; and

WHEREAS, in Arizona, teenagers who abuse prescription drugs are twice as likely to use illegal drugs, five times more likely to use marijuana, and twelve to twenty times more likely to use illegal street drugs, such as heroin, ecstasy, and cocaine and the most frequently abused prescription drugs reported by high school students were pain relievers, such as Vicodin, OxyContin, Percocet, and Codeine; and

WHEREAS, this year's National Prevention Week theme, "The Voice of One, the Power of All," recognizes the power each person has to influence the health and well-being of others—whether by supporting someone who's going through a difficult time, participating in activities that strengthen the community, or instilling healthy habits in children from an early age taking part in prevention-related activities and conversations helps raise awareness of behavioral health issues and changes lives; and

WHEREAS, through National Prevention Week, people become more aware and able to recognize the signs of mental health problems and substance abuse. Equally important, community members of all walks of life learn what they can do to help prevent these problems before they start. Whether by being a shoulder for someone to lean on, leading someone to help for a behavioral health issue before it worsens, or setting an example by staying substance-free, we all have a role to play in keeping the people around us—and ourselves—healthy and safe; and

WHEREAS, the State of Arizona, the Arizona Department of Health Services Division of Behavioral Health Services and its partners, recognize the seriousness of behavioral health issues in our communities, the power of prevention, and the tireless efforts of those working to make a difference.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim May 17 – 23, 2015 as

*** NATIONAL PREVENTION 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 fifteenth day of May 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

*** RARE DISEASE DAY ***

[M15-114]

WHEREAS, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States, according to the National Institutes of Health (NIH); and

WHEREAS, while each of these diseases may affect small numbers of people, rare diseases as a group affect almost 30 million Americans; and

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and



WHEREAS, while more than 450 drugs and biologics have been approved for the treatment of rare diseases according to the Food and Drug Administration (FDA), millions of Americans still have rare diseases for which there is no approved treatment; and

WHEREAS, individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and

WHEREAS, while the public is familiar with some rare diseases such as “Lou Gehrig’s disease” and sympathetic to those affected, many patients and families affected by less widely known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments; and

WHEREAS, thousands of residents of Arizona are among those affected by rare diseases since nearly one in 10 Americans have rare diseases; and

WHEREAS, the National Organization for Rare Disorders (NORD) is organizing a nationwide observance of Rare Disease Day on February 28, 2015; and

WHEREAS, thousands of patients and caregivers, medical professionals, researchers, companies developing orphan products to treat people with rare diseases, and others in the State of Arizona will participate in that observance.

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

*** RARE DISEASE 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 eleventh day of February 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



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the Arizona Administrative Register contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the Register, they do not conform to the standards specified in

the Arizona Rulemaking Manual. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF FINAL RULEMAKING

PIMA COUNTY CODE

TITLE 17 – AIR QUALITY CONTROL

CHAPTER 4 GENERAL PROVISIONS

[M15-108]

PREAMBLE

1. Article, Part or Section Affected (as applicable) Rulemaking Action
PCC 17.04.190 Amend

2. Statutory authority for the rulemaking:
Authorizing Statutes: Arizona Revised Statutes (A.R.S.) §§ 49-402 and 49-479
Implementing Statutes: A.R.S. §§ 49-478

3. The effective date of the rule:
June 5, 2015

4. List of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening: 21 A.A.R. 471, March 27, 2015
Notice of Proposed Expedited Rulemaking: 21 A.A.R. 469, March 27, 2015

5. The agency’s contact person who can answer questions about the rulemaking:
Name: Sarah Reitmeyer
Address: Pima County DEQ
33 N. Stone Ave., Suite 700
Tucson, AZ 85701
Telephone: (520) 724-7437
Fax: (520) 838-7432
E-mail: sarah.reitmeyer@pima.gov

6. An explanation of the rule, including the control officer’s reasons for initiating the rule:
Summary:
Pima County Department of Environmental Quality (PDEQ) is updating this rule to conform to the Arizona Revised Statutes in an effort to achieve consistency and accuracy in Title 17 of the Pima County Code. PDEQ's intention in updating this rule is to conform to the composition of the Air Quality Hearing Board as put forth in A.R.S. 49-478. This update includes changes to Section PCC 17.04.190.

7. Reference to any study relevant to the rule that the control officer reviewed and either relied or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:
No studies were reviewed in reference to this rulemaking action.

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:
Not applicable

9. The preliminary summary of the economic, small business, and consumer impact:
Pima County is proposing to update the composition of the Air Quality Hearing Board to amend the composition of the five members of the board to conform to the A.R.S. This revision will not have an economic impact on businesses in Pima County, and will not impose additional costs on the regulated community, small businesses, political subdivisions, and members of the public beyond that already incurred by reason of federal or state rule or law. The costs of compliance for the hearing board have already occurred, and were considered when the state rule or law



was proposed and adopted.

10. A description of the changes between the expedited rule, including supplemental notices, and final rules (if applicable):

No changes were made between the expedited rule and the final rule.

11. A summary of the comments made regarding the rule and the agency response to them:

None

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Conforming change and its location in the rules:

<u>Conforming Rule:</u>	<u>Location</u>
A.R.S. § 49-478	17.04-190

14. Were these rules previously made as emergency rules?

No

15. The full text of the rule follows:

TITLE 17 - AIR QUALITY CONTROL

CHAPTER 17.04 GENERAL PROVISIONS

ARTICLE IV. HEARING BOARD

Section

17.04.190 Composition.

Chapter 17.04 General Provisions

Article IV. Hearing Board

17.04.190 Composition.

- A. The hearing board shall consist of five members, ~~none of whom is an employee of the county or of the state or any of its political subdivisions.~~
1. The five members shall be knowledgeable in the field of air pollution control.
 2. One member shall ~~have been admitted to the practice of law in the state~~ be an attorney licensed to practice law in this state.
 3. ~~One member shall be a duly licensed practitioner of medicine in the state.~~
 4. ~~One member shall be a registered professional engineer in the state.~~
- B. At least a majority of the hearing board members shall not individually have a substantial interest in an emission source subject to permits or enforcement orders issued pursuant to this title. Substantial interest means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest as ~~defined in A.R.S. 38-502, paragraph 10.~~



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



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RULE EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
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
June 26, 2015	July 17, 2015	August 17, 2015
July 3, 2015	July 24, 2015	August 24, 2015
July 10, 2015	July 31, 2015	August 31, 2015
July 17, 2015	August 7, 2015	September 8, 2015 (Tuesday)
July 24, 2015	August 14, 2015	September 14, 2015
July 31, 2015	August 21, 2015	September 21, 2015
August 7, 2015	August 28, 2015	September 28, 2015
August 14, 2015	September 4, 2015	October 5, 2015
August 21, 2015	September 11, 2015	October 13, 2015 (Tuesday)
August 28, 2015	September 18, 2015	October 19, 2015
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 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
November 17, 2014	December 17, 2014	December 30, 2014	January 6, 2015
December 15, 2014	January 14, 2015	January 27, 2015	February 3, 2015
January 20, 2015	February 11, 2015	February 24, 2015	March 3, 2015
February 17, 2015	March 18, 2015	March 31, 2015	April 7, 2015
March 16, 2015	April 15, 2015	April 28, 2015	May 5, 2015
April 20, 2015	May 13, 2015	May 28, 2015	June 2, 2015
May 18, 2015	June 17, 2015	June 30, 2015	July 7, 2015
June 15, 2015	July 15, 2015	July 28, 2015	August 4, 2015
July 20, 2015	August 12, 2015	August 25, 2015	September 1, 2015
August 17, 2015	September 16, 2015	September 29, 2015	October 6, 2015
September 21, 2015	October 14, 2015	October 27, 2015	November 3, 2015
October 19, 2015	November 12, 2015	November 24, 2015	December 1, 2015
November 16, 2015	December 16, 2015	December 29, 2015	January 5, 2016