
NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

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

[R15-101]

BOARD OF COSMETOLOGY

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 10, Board of Cosmetology
Article and its heading: Article 1, General Provisions
Section numbers: R4-10-102, R4-10-107, and R4-10-110 (*Additional Sections may be made, amended, or repealed as needed*)
- 2. The subject matter of the proposed rule:**
During its 2015 session, the legislature enacted HB 2120 (See Laws 2015, Chapter 99), which provides that individuals licensed by the Board are required to renew their licenses every two years rather than annually and increased the maximum amount the Board is authorized to collect in licensing fees accordingly. The Board is amending its rules to achieve biennial license renewal and increase licensing fees. Exemptions from Executive Order 2015-01 were provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in emails dated April 20 and May 7, 2015.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 21 A.A.R. 1765, September 4, 2015 (*in this issue*)
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Donna Aune
Address: 1721 E. Broadway
Tempe, AZ 85282-1611
Telephone: (480) 784-4539
Fax: (480) 784-4962
E-mail: daune@azboc.gov
Web site: www.azboc.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined



NOTICE OF RULEMAKING DOCKET OPENING

[R15-104]

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) - ADMINISTRATION

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 7, Standards For Payments
Section numbers: R9-22-712.07 (*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 A.A.C. R9-22-712.07 to fix an unintended effect of recent budget bills, eliminate Disproportionate Share Hospital (DSH) payments from the Rural Hospital Inpatient Fund (RHIF) calculation, and to make RHIF clarifications consistent with the current protocol.

The State Fiscal Year (SFY) 2015 budget increased the Critical Access Hospital (CAH) supplemental payments from \$1,700,000 annually to \$10,491,000, and the SFY 2016 budget retained the higher appropriation. Since the RHIF calculation is based on the proportion of AHCCCS inpatient service payments from one-year prior data-including the inpatient portion of the CAH supplemental payments and the DSH payments- an increase in CAH supplemental payments has the effect of increasing the RHIF payments for CAHs. Since the total funds available for the RHIF payments are fixed, an increase in RHIF payments for CAHs provides a corresponding decrease in aggregate payments for the non-CAHs receiving a RHIF payment. An additional increase in RHIF payments for CAHs and a corresponding decrease to non-CAH RHIF hospitals will also occur if hospitals are able to find a partnering political subdivision to provide a state match for the voluntary CAH payments enacted in the SFY 2016 Health Budget Reconciliation Bill (Laws 2015, Chapter 14, Section 4).

In addition to eliminating the inpatient portion of the CAH payment from the RHIF calculation, the Agency proposes eliminating the requirement to account for DSH payments in the RHIF calculation. The RHIF rule was created prior to the creation of "Pool 5" DSH payments (the payments which can only be received if a hospital is able to find a partnering political subdivision to provide the non-federal share of the payment). The continued inclusion of DSH in the calculation in current rules allows hospitals which are able to find a partner to obtain both a higher DSH payment and a higher RHIF payment.

Finally, the Agency proposes amending the rule to clarify that RHIF payments are only made to acute care hospitals which are neither an Indian Health Services or a tribal owned and operated facility and that "PPS beds" do not include subprovider beds. These changes are consistent with the current protocol. These changes have been presented to all hospitals currently receiving a RHIF payment, and hospitals (including both CAHs and non-CAHs) have expressed widespread support for this change.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 21 A.A.R. 1768, September 4, 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 Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.