

# 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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 New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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.

# Arizona Administrative REGISTER

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

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

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

## About Preambles

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

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

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



NOTICES OF FINAL RULEMAKING

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

The final published notice includes a preamble and

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

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

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS MEDICAL BOARD

[R15-121]

PREAMBLE

1. Article, Part, or Section Affected (as applicable)

- R4-18-101
R4-18-107
R4-18-202
R4-18-203
R4-18-204
R4-18-206
R4-18-207
R4-18-208
R4-18-209
R4-18-501
R4-18-502
R4-18-904

Rulemaking Action

- Amend
Amend
Amend
Amend
Amend
Amend
New Section
New Section
New Section
Amend
Amend
Amend

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statutes (specific):

Authorizing statute: A.R.S. §§ 32-1504(A)(1), (B)(3) and (B)(6).
Implementing statutes: A.R.S. §§ 32-1522 through 32-1529, 32-1551 through 32-1552, 32-1560 through 32-1561.

3. The effective date of the rules:

September 1, 2015

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5).

The agency has selected an immediate effective date of the rules. Pursuant to A.R.S. § 41-1032(A)(1), "A rule may only be effective immediately for any of the following reasons: 1. To preserve the public peace, health or safety. Under section 3 (A) of the notice of final rulemaking, the Board states a goal "(t)o prevent toxicity due to excessive intake of a natural substance, drug, or devise to an individual..."

Further, R4-18-107 is the Board fees, which were amended by an exempt rule making effective September 16, 2013. Pursuant to A.R.S. §41-1008(E), the Board is required to process the exempt rules via the regular rules process within two years. The Board is requesting an immediate effective date of the rules based on A.R.S. 41-1032(A)(2); "To avoid a violation of federal law or regulation or state law, if the need for an immediate effective date is not created due to the agency's delay or inaction." The Board began the rulemaking process upon receipt of the exemption from the rulemaking moratorium. The exemption was approved by the Governor's Office on January 27, 2015.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable



**4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of proposed rules:**

Notice of Rulemaking Docket Opening: 21 A.A.R. 215, February 6, 2015

Notice of Proposed Rulemaking: 21 A.A.R. 201, February 6, 2015

Notice of Emergency Rulemaking: 21 A.A.R. 51, January 9, 2015 (Section R4-18-904)

Notice of Emergency Rulemaking (Renewal): 21 A.A.R. 928, June 26, 2015 (Section R4-18-904)

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

Name: Gail Anthony, Executive Director

Address: 1400 W. Washington, Suite 230  
Phoenix, AZ 85007

Telephone: (602) 542-8242

Fax: (602) 542- 3093

Email: gail.anthony@aznd.gov

Website: www.aznd.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:**

During the 2007 Five-Year Review, it was determined the Board's rules do not include the application requirements that are contained on the Board's website. In 2010, the Board's agenda included submission of rules to the Governor's Regulatory Review Council ("GRRC"). The Board did not submit rules at that time because of the rulemaking moratorium.

The Board is amending its definitions in R4-18-101 for clarification purposes. Under the definition of Approved Specialty College or Program in R4-18-101, the Arizona Naturopathic Medical Association ("AzNMA") and the Council on Naturopathic Medical Education ("CNME") are being removed because they do not approve specialty postdoctoral training programs. The Board is inserting; **"a college or program must be certified by a Specialty Board of Examiners, The American Association of Naturopathic Physicians ("AANP") or another professional association, or, another states licensing agency, recognized by the Board."**

A.R.S. § 32-1524(A) requires each applicant for licensure to submit a verified completed application form. The Board is adding the definition of "verified" to mean; a notarized form dated, and signed by the applicant, affirming the information provided in the application, including any accompanying documents submitted by or on behalf of the applicant, is true and complete.

R4-18-107 is the Board fees, which were amended by an exempt rule making "at 19. A.A.R. 1986" effective September 16, 2013 (Supp. 13-3). Pursuant to 41-1008 (E), the Board is required to process the exempt rules via the regular rules process.

The Board is amending R4-18-202, by including specific information required on an application form for licensure by examination. R4-18-202 (2.) requires an applicant to take Homeopathy as an additional clinical elective examination, administered by the North American Board of Naturopathic Examiners ("NABNE") and to have their examination record, including the Homeopathy elective score, sent directly to the Board. In August of 2007, NABNE began including the subject matter of Homeopathy in Part II of the Clinical Science portion of the examination. The Board is eliminating the need to take Homeopathy as an additional clinical elective examination. A.R.S. § 32-1525(H) requires an applicant for examination to take and complete all of the examinations required by this section within a five year period. The Board is amending its rules to clarify the five-year period means immediately preceding the submission of the application to the Board.

The scope of practice for a Naturopathic Physician licensed in Arizona includes acupuncture and minor surgery. As a requirement for licensure, applicants must take and pass NPLEX examinations in these subjects. The Board is amending R4-18-203 to require applicants applying for licensure by endorsement to supply evidence of passing NPLEX examinations that are required for licensure. A.R.S. § 35-1525(4) requires all persons applying by endorsement who were licensed in another state or a Canadian province before January 1, 2005, to complete an additional 60-hour course and examination in pharmacotherapeutics. The Board is amending its rules to define what are considered approved hours in order to satisfy this requirement.

The Board is amending R4-18-204 to include specific information required on an application form for specialty certification.

The Board is amending R4-18-206 to include specific information required on an application for renewal of a naturopathic medical license.



Currently, there are no rules regarding requirements for reinstatement of an expired license or certificate, reinstatement of a retired license or certificate, reinstatement of a suspended license or certificate, reissuance of a revoked license or certificate or application requirements for a surrendered license or certificate. The Board is adding sections R4-18-207, R4-18-208, and, R4-18-209 to address these requirements.

The Board is amending R4-18-501 to specify requirements for certification, and to include specific information required on an application for certificate to engage in clinical or preceptorship training. The Board is amending R4-18-502 to include specific information required on a renewal application form for clinical training or preceptorship certification.

R4-18-904 was revised via emergency rule effective 12/18/2014. A.R.S. § 32-1504(A)(8) States the Board shall adopt rules for the safe administration of intravenous nutrients and, identify and exclude substances that do not meet the criteria of nutrients suitable for intravenous administration. R4-18-904(B)(1) identifies nutrients not suitable for intravenous administration as any substance not manufactured and supplied for intravenous use by a manufacturer registered with the United States Food and Drug Administration or compounded by a pharmacy licensed in Arizona, another state, or United States territory. Prior to the emergency rulemaking, the rule, however, went further by establishing a list of four excluded nutrients in R4-18-904(B)(2); Silver protein, or any substance that contains silver, Cesium chloride, Hydrazine sulfate, and Lipid replacement as used in total parenteral nutrition. A.R.S. § 32-1501(15)(iii) defines nutrients as a substance that provides nourishment for growth or metabolism and that is manufactured and supplied for intravenous use by a manufacturer registered with the United States Food and Drug Administration or compounded by a pharmacy licensed by the state board of pharmacy. Statute does not require rule to list specific nutrients because both statute and rule already define substances considered not suitable for intravenous administration.

It came to the Board's attention that some of our licensees have used one or more of the substances listed in R4-18-904(B)(2), and state they have had positive results with their use. The American Naturopathic Research Institute/ Naturopathic Oncology Research Institute report, they are currently conducting an IRB (ID # IORG0007953), in which one or more of the excluded nutrients had been used. The current rules have an impact on the data supplied for the IRB. According to the website www.cancer.gov; The Food and Drug Administration (FDA) has approved the study of hydrazine sulfate in clinical trials. According to www.researchednutritionals.com; Lipid Replacement is not just the dietary substitution of certain lipids with proposed health benefits; it is the actual replacement of damaged cellular lipids with undamaged lipids to ensure proper structure and function of cellular structures, mainly cellular and organelle membranes. By removing the use of the 4 excluded substances, the rule may have impacted the health and safety of the public. The Board requested an emergency rule change under A.R.S. §41-1032 (A)(1), and is seeking continuance of the rule via the regular rulemaking process.

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

The Board was made aware of the IRB conducted by The American Naturopathic Research Institute /Naturopathic Oncology Research Institute, by way of a request from the institute, for Board review of R4-18-904. However, the Board did not rely on IRB data when reviewing the rule. The Board queried via the internet, use of the four nutrients excluded in rule, and found information of a hydrazine sulfate clinical trial approved by the FDA. The Board also found information regarding lipid replacement, which defined lipid replacement beyond a dietary substitution of certain lipid cells. The Board did not rely on the printed material when reviewing the rule.

**8. A showing of good cause why the rulemaking is 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. A summary of the economic, small business, and consumer impact:**

When used in the economic impact statement summary, annual cost/revenue are designated as minimal when less than \$5,000, moderate when between \$5,000 and \$10,000, and substantial when greater than \$10,000.

The Board will incur minimal expense to write the rules and enforce their requirements. The addition of the definition in R4-18-101 should not result in any additional costs to the applicant, as the Board currently requires all initial application forms for naturopathic medical licensure, clinical training, and preceptorship training, to be notarized. The same is true for including the specific application requirements in R4-18-202, R4-18-203, R4-18-204, R4-18-206, R4-18-207, R4-18-208, R4-18-209, R4-18-501, and R4-18-202. A minimal cost could be incurred by an applicant when applying for licensure by endorsement, in the event the applicant has not met the required competency for licensure in Arizona because they have not taken or passed the acupuncture and minor surgery examinations.



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

Non-substantive technical changes have been made at the request of GRRC staff.

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

No comments were received by the Board on the rules package.

**12. 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:**

**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:**

The Board issues a license or certificate that is for facilities, activities or practices in a class that are substantially similar in nature. The license or certificate is issued or granted by an agency to a qualified applicant to conduct identified operations or activities if the applicant meets the applicable requirements of the general permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing, which fall under the definition of General Permit.

**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:**

Federal law is not applicable to the subject of the rule.

**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:**

The Board did not receive such an analysis from any person.

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

None

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

A portion of the rule was previously made by emergency rulemaking, specifically Section R4-18-904, and published in the *Administrative Register* at 21 A.A.R. 51, January 9, 2015; and became effective, December 18, 2014. The text has not changed between the emergency and the final rulemaking. Following is the original text with changes:

**R4-18-904. Dispensing; Intravenous Nutrients**

- A.** To prevent toxicity due to the excessive intake of a natural substance, drug, or device, before dispensing the natural substance, drug, or device to an individual, a certified physician shall:
1. Conduct a physical examination of the individual,
  2. Conduct laboratory tests as necessary that determine the potential for toxicity of the individual, and
  3. Document the results of the physical examination and laboratory tests in the individual's medical record.
- B.** For the purposes of A.R.S. § 32-1504(A)(8), a substance is considered a nutrient ~~not~~ suitable for intravenous administration if it is:
1. ~~Not manufactured and supplied for intravenous use by a manufacturer registered with the United States Food and Drug Administration or compounded by a pharmacy licensed in Arizona, another state, or United States territory; or Complies with A.R.S. §32-1501 (15)(iii).~~
  2. ~~One of the following:~~
    - a. ~~Silver protein, or any substance that contains silver;~~
    - b. ~~Cesium chloride;~~
    - e. ~~Hydrazine sulfate; or~~
    - d. ~~Lipid replacement as used in total parenteral nutrition.~~

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



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS ~~BOARD OF MEDICAL BOARD EXAMINERS~~

ARTICLE 1. GENERAL PROVISIONS

- Section
- R4-18-101. Definitions
- R4-18-107. Fees

ARTICLE 2. LICENSES; SPECIALISTS CERTIFICATES; CONTINUING MEDICAL EDUCATION; RENEWAL

- Section
- R4-18-202. License by Examination
- R4-18-203. License by Endorsement
- R4-18-204. Specialists Certificate
- R4-18-206. Renewal of a License
- R4-18-207. Reinstatement of an Expired License or Certificate
- R4-18-208. Reinstatement of a Retired License
- R4-18-209. Reinstatement of a Suspended, Revoked or Surrendered License or Certificate

ARTICLE 5. NATUROPATHIC CLINICAL TRAINING AND PRECEPTORSHIP TRAINING PROGRAM REQUIREMENTS

- Section
- R4-18-501. Certificate to Engage in Clinical or Preceptorship Training
- R4-18-502. Annual Renewal of a Certificate to Engage in Clinical or Preceptorship Training

ARTICLE 1. GENERAL PROVISIONS

**R4-18-101. Definitions**

In addition to the definitions in A.R.S. §§ 32-1501 through 32-1581, the following definitions apply to this Chapter unless otherwise specified:

1. "Administrative completeness review" means the Board's process for determining that an applicant has provided, or caused to be provided, all of the application packet information and documentation required by statute or rule for an application for a license or a certificate.
2. "Applicant" means a person requesting from the Board an initial, temporary, or renewal license or certificate.
3. "Approved Specialty College or Program" means ~~any~~ a postdoctoral training program that awards a medical specialist certificate, and is certified by a Specialty Board of Examiners, The American Association of Naturopathic Physicians ("AANP") or another professional association or, another state's licensing agency, and which is recognized by the Board, is approved by one of the following:
  - a. ~~The Council on Naturopathic Medical Education,~~
  - b. ~~The American Association of Naturopathic Physicians, or~~
  - e. ~~The Arizona Naturopathic Medical Association.~~
4. "Chief medical officer" means a physician who is responsible for a clinical, preceptorship, internship, or postdoctoral training program's compliance with state and federal laws, rules, and regulations.
5. "Continuing medical education" means courses, seminars, lectures, programs, conferences, and workshops related to subjects listed in A.R.S. § 32-1525(B), that are offered or sanctioned by one of the organizations referenced in R4-18-205(B).
6. "Device" means the same as in A.R.S. § 32-1581(H)(1).
7. "Endorsement" means the procedure for granting a license in this state to an applicant who is currently licensed to practice naturopathic medicine by another state, district, or territory of the United States or by a foreign country that requires a written examination substantially equivalent to the written examination provided for in A.R.S. § 32-1525.
8. "Facility" means a health care institution as defined in A.R.S. § 36-401, office or clinic maintained by a health care institution or by an individual licensed under A.R.S. Title 32, Chapter 13, 14, 17, or 29, office or public health clinic maintained by a state or county, office or clinic operated by a qualifying community health center under A.R.S. § 36-2907.06, or an office or clinic operated by a corporation, association, partnership, or company authorized to do business in Arizona under A.R.S. Title 10.



9. "Informed consent" means a document, signed by a patient or the patient's legal guardian, which contains the information in R4-18-802(A)(1), (A)(2), and (A)(3).
10. "Institutional review board" means a group of persons that is approved according to guidelines of the United States Department of Health and Human Services, Office for Human Research Protection, which reviews investigational or experimental protocols and approves their use on animals or humans for the purposes of protecting the subjects of the investigational or experimental protocol from undue harm and assures that the research and its review is carried out according to guidelines of the United States Department of Health and Human Services, Office for Human Research Protection.
11. "Internship" means clinical and didactic training by a doctor of naturopathic medicine certified by the Board according to A.R.S. § 32-1561.
12. "License" means a document issued by the Board that authorizes the individual to whom it is issued to practice naturopathic medicine.
13. "Medical student" means naturopathic medical student defined in A.R.S. § 32-1501(24).
14. "Medication" means the same as drug defined in A.R.S. § 32-1501(15) or natural substance defined in A.R.S. § 32-1501(23).
15. "National board" means any of the following:
  - a. The Federation of State Medical Licensing Boards,
  - b. The National Board of Chiropractic Examiners,
  - c. The National Board of Medical Examiners,
  - d. The National Board of Osteopathic Examiners, or
  - e. The North American Board of Naturopathic Examiners.
16. "Procedure" means an activity directed at or performed on an individual for improving health, treating disease or injury, or making a diagnosis.
17. "Protocol" means an explicit detailed plan of an experimental medical procedure or test that is approved by an institutional review board.
18. "Resident physician in training" means a person who holds a degree of doctor of naturopathic medicine and is certified by the Board to diagnose and treat patients under supervision in an internship, preceptorship, or a post doctoral training program.
19. "Substantive review" means the Board's process for determining whether an applicant for licensure, certification, or approval meets the requirements of A.R.S. Title 32, Chapter 14 and this Chapter.
20. "Verified" means a notarized form dated, and signed by the applicant, affirming the information provided in the application, including any accompanying documents submitted by or on behalf of the applicant, is true and complete.

**R4-18-107. Fees**

- A. Application fees are as follows:
  1. Medical license, \$225
  2. Certificate to dispense, \$225
  3. Medical assistant certificate, \$100
  4. Clinical training certificate, \$100
  5. Preceptorship certificate, \$100
  6. Specialty certificate, \$225
- B. Arizona naturopathic jurisprudence examination, \$60
- C. Annual renewal fees are as follows:
  1. Medical license, \$165
  2. Certificate to Dispense, \$225
  3. Medical assistant certificate, \$150
  4. Clinical training certificate, \$225
  5. Preceptorship certificate, \$225
  6. Renewal of Specialty certificate, \$225
- D. Late renewal fees are as follows:
  1. Medical license, \$83
  2. Certificate to dispense, \$113
  3. Medical assistant certificate, \$75
  4. Clinical training certificate, \$113
  5. Preceptorship certificate, \$113
  6. Specialty certificate, \$113
- E. Other fees are as follows:



1. For a duplicate license or certificate, \$20
2. For photocopying Board records, documents, letters, applications, or files, \$5 or \$0.25 per page, whichever is greater
3. For each audio tape or computer disk containing information requested, \$25
4. For written verification of a license or certificate, \$5
5. For the costs in locating a person who is licensed or certified, actual cost incurred by the Board
6. For each insufficient fund check, \$25

**ARTICLE 2. LICENSES; SPECIALISTS CERTIFICATES; CONTINUING MEDICAL EDUCATION; RENEWAL**

**R4-18-202. License by Examination**

In addition to the requirements of R4-18-201, an applicant for licensure by examination shall meet the requirements of A.R.S. Title 32, Chapter 14 and provide the Board:

1. A completed application form, provided by the Board that is signed and dated, and verified; which shall include the following information:
  - a. Applicant's full name and any former names used by the applicant;
  - b. Place and date of birth;
  - c. Social Security number;
  - d. Home, business, and e-mail addresses;
  - e. Home, business, and cell phone numbers;
  - f. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, and copy of evidence;
  - g. The name of the approved naturopathic college applicant graduated from, date of graduation, and date of clinical training completion;
  - h. The date applicant took and passed the required NPLEX examinations of Part I: Biomedical examination, Part II: Clinical Science examination, Part II: Core Clinical Science Examination, and the Clinical Elective examinations in acupuncture, and minor surgery. The date applicant took and passed the examination in Arizona naturopathic jurisprudence that is administered by the Board. Applicant must have taken and passed all the required examinations within a five-year period immediately preceding the date of application submission to the Board;
  - i. A list of all license or certificates issued or denied by any agency. Applicant must cause to have a document submitted directly to the Board from each agency listed, containing the applicant's name, date of issuance or denial, current status, and whether or not any disciplinary actions are pending or have ever been taken;
  - j. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
  - k. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency;
  - l. Whether applicant has ever been disciplined by any agency for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
  - m. Whether in lieu of disciplinary action, has applicant ever entered into a consent agreement or stipulation with a licensing agency;
  - n. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state or territory of the United States;
  - o. Whether applicant has ever had the authority to prescribe, dispense, or administer a natural substance, drug, or device limited, restricted, modified, denied, surrendered or revoked by a federal or state agency or court of law;
  - p. Whether applicant has ever been found medically incompetent;
  - q. Whether applicant has ever been a defendant in any malpractice matter that resulted in a settlement or judgment;
  - r. Whether applicant has a medical condition that in any way impairs or limits applicant's ability to practice medicine, and;
  - s. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
2. A copy of the applicant's complete NPLEX examination record, including the basic science examination, the clinical science examination, and the additional test sections of acupuncture, minor surgery, and homeopathy to be sent directly to the Board by the North American Board of Naturopathic Examiners ("NABNE") or its successor;
3. A complete transcript sent directly to the Board from the approved school of naturopathic medicine from which the applicant graduated. The transcript shall include the date of graduation and the date of completion of clinical training;
4. A complete and legible fingerprint card, including the DPS processing fee;
5. The fee specified in R4-18-107. A passport size photograph taken within 60 days prior to application submission that is signed on the back by the applicant, and;
6. The fees specified in R4-18-107.

**R4-18-203. License by Endorsement**

In addition to the requirements of R4-18-201, an applicant for licensure by endorsement shall meet the requirements of A.R.S. Title 32, Chapter 14, and provide the Board:

1. A completed application form, provided by the Board that is signed and dated, and verified, which shall include the following information:
  - a. Applicant's full name and any former names used by the applicant;
  - b. Place and date of birth;
  - c. Social Security number;
  - d. Home, business, and e-mail addresses;
  - e. Home, business, and cell phone numbers;
  - f. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, and copy of evidence;
  - g. The name of the approved naturopathic college applicant graduated from, date of graduation, and date of clinical training completion;
  - h. The date applicant took and passed the required NPLEX examinations of Part I; Biomedical examination, Part II; Clinical Science examination, Part II; Core Clinical Science Examination, and the Clinical Elective examinations in acupuncture, and minor surgery. The date applicant took and passed the examination in Arizona naturopathic jurisprudence that is administered by the Board;
  - i. A list of all license or certificates issued or denied by any Agency. Applicant must cause to have a document submitted directly to the Board from each agency listed, containing the applicant's name, date of issuance or denial, current status, and whether or not any disciplinary actions are pending or have ever been taken;
  - j. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
  - k. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency;
  - l. Whether applicant has ever been disciplined by any agency for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
  - m. Whether in lieu of disciplinary action, has applicant ever entered into a consent agreement or stipulation with a licensing agency in any state or territory of the United States;
  - n. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state or territory of the United States;
  - o. Whether applicant has ever had the authority to prescribe, dispense, or administer a natural substance, drug, or device limited, restricted, modified, denied, surrendered or revoked by a federal or state agency or court of law; in any state or territory of the United States;
  - p. Whether applicant has ever been found medically incompetent;
  - q. Whether applicant has ever been a defendant in any malpractice matter that resulted in a settlement or judgment;
  - r. Whether applicant has a medical condition that in any way impairs or limits applicant's ability to practice medicine, and;
  - s. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
2. A document submitted directly to the Board by the agency by whom the applicant is licensed as a naturopathic physician that is signed and dated by an official of the agency and that contains:
  - a. The applicant's name;
  - b. The date of issuance of the license;
  - c. The current status of the license;
  - d. A statement of whether the applicant has ever been denied a license by the agency, and;
  - e. A statement of whether any disciplinary action is pending or has ever been taken against the applicant;
3. A copy of the applicant's complete NPLEX examination record, to be sent directly to the Board by the North American Board of Naturopathic Examiners "NABNE" or its successor;
4. A complete transcript sent directly to the board from the approved school of naturopathic medicine from which the applicant graduated. The transcript shall include the date of graduation and the date of completion of clinical training.
5. Applicant must provide evidence of being actively engaged, for at least three years immediately preceding the application, in one or more of the following:
  - a. The active practice as a licensed doctor of naturopathic medicine;
  - b. Participation in an approved internship, preceptorship or clinical training program in naturopathic medicine, as defined in A.R.S. § 32-1501(4), (5), (7);
  - c. Participation in an approved postdoctoral training program in naturopathic medicine, as defined in A.R.S. § 32-1501(6);



- d. Active in the resident study of naturopathic medicine at an approved school of naturopathic medicine, as defined in A.R.S. § 32-1501(8)(a) and (b);
- 6. A complete and legible fingerprint card, including the DPS processing fee;
- 7. A passport size photograph taken within 60 days prior to application submission, that is signed on the back by the applicant;
- 8. The fees specified in R4-18-107;
- 9. Applicants who were licensed in another state or a Canadian province before January 1, 2005, shall include evidence of completion of additional 60 hours of continuing medical education (“CME”) in the subject of pharmacotherapeutics. The CME must be offered, sanctioned, or accredited by one of the organizations referenced in R4-18-205(B)(1), (2)(a), (b), (c) or (4)(a), (b), (c), and include an examination. In the event the applicant cannot provide satisfactory evidence of completion of the required pharmacotherapeutics, or the required examinations, pursuant to A.R.S. § 32-1524(E), and (G)(3), the applicant will have an additional 365 days from the date the board notifies the applicant of the deficiency, to supply satisfactory evidence of completion.

**R4-18-204. Specialists Certificate**

To obtain a specialist certificate, a physician shall meet the requirements of A.R.S. Title 32, Chapter 14 and provide the Board:

- 1. A completed application form, provided by the Board that is signed and dated, and verified, which shall include the following information:
  - a. Applicant's full name;
  - b. Current State of Arizona Naturopathic Physicians Medical License number;
  - c. Email address, phone number, and mailing address;
  - d. Name and address of the approved specialty college or program from which applicant completed postdoctoral specialty training;
  - e. The specialty applicant received training in, and a copy of the certificate of completion received in the specialty;
  - f. Who the specialty program was approved by;
  - g. Whether applicant has a medical condition that in any way impairs or limits applicant's ability to practice medicine;
  - h. Whether applicant has ever been disciplined by any agency in any state or territory of the United States, for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
  - i. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency in any state or territory of the United States, and;
  - j. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
- 2. The name and address of the approved specialty college or program at which the licensee completed postdoctoral specialty training and the date of completion, and The fees specified in R4-18-107 and;
- 3. A letter from the specialty board that conducted the specialty examination verifying that the licensee is certified as a specialists in the specialty for which application is made;
- 4. A certificate issued to a physician pursuant to A.R.S. § 32-1529(C.), shall be concurrently renewed, suspended or revoked, with that physician's license to practice naturopathic medicine.

**R4-18-206. Renewal of a License**

**A.** To renew a license to practice naturopathic medicine, on or before January 1 of each year, a licensee shall submit a complete license application renewal form, that allows the Board to determine whether the applicant continues to meet the requirements of A.R.S. Title 32, Chapter 14. If an applicant makes a timely and complete application for renewal of the applicant's license, the physician may continue to practice until the application is approved or denied by the Board.

- 1. A completed application form, provided by the Board that is signed, dated, and verified, which shall include the following information:
  - a. Applicant's full name;
  - b. Applicant's State of Arizona Naturopathic Physicians Medical License number and initial issuance date of the license;
  - c. Applicant's home, business, and e-mail addresses, and choice of mailing address;
  - d. Applicant's home, business, and cell phone numbers;
  - e. Applicant's attestation of completion of the Continuing Medical Education credit hours required to renew the medical license;
  - f. A statement of whether during the last 12 months applicant was arrested, charged with, convicted of, or entered into a plea of no contest to any criminal act;
  - g. A statement of whether during the last 12 months applicant had any licensing agency or board initiate or take any action against any license or certificate that is or was held;



- h. A statement of whether during the last 12 months applicant entered into a consent agreement or stipulation with any agency in lieu of disciplinary action;
- i. A statement of whether during the last 12 months applicant was named in a malpractice suit;
- j. A statement of whether applicant has a complaint currently pending before any agency, or court of law; in any state or territory of the United States;
- k. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;

2. The fee specified in R4-18-107.

**B.** A licensee shall submit the licensure renewal fee required in R4-18/107 to the Board by mail or in person.

**R4-18-207. Reinstatement of an Expired License or Certificate**

**A.** In order to reinstate an expired license, an applicant must meet the requirements in A.R.S. § 32-1526, and pay a renewal and penalty fee for each year the license has been expired. In addition, the applicant must demonstrate completion of 30 hours of continuing medical education for each year the license has been expired. The CME must cover clinical application of naturopathic medical philosophy, pharmacology, and be accredited by the Accreditation Council on Continuing Medical Education or approved by any of the programs listed in R4-18-201(B)(2).

**B.** The applicant must provide the Board with:

1. A completed application form, provided by the Board that is signed, dated, and verified; which shall include the following information;

- a. Applicant's full name and any former names used by the applicant;
- b. Place and date of birth;
- c. Social Security number;
- d. Home, business, and e-mail addresses;
- e. Home, business, and cell phone numbers;
- f. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, and copy of evidence;
- g. The name of the approved naturopathic college applicant graduated from, date of graduation, and date of clinical training completion;
- h. A list of all license or certificates issued or denied by any agency. Applicant must cause to have a document submitted directly to the Board from each agency listed, containing the applicant's name, date of issuance or denial, current status and whether or not any disciplinary actions are pending or have ever been taken;
- i. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
- j. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency;
- k. Whether applicant has ever been disciplined by any agency for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
- l. Whether in lieu of disciplinary action, has applicant ever entered into a consent agreement or stipulation with a licensing agency;
- m. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state or territory of the United States;
- n. Whether applicant has ever had the authority to prescribe, dispense, or administer a natural substance, drug, or device limited, restricted, modified, denied, surrendered or revoked by a federal or state agency or court of law;
- o. Whether applicant has ever been found medically incompetent;
- p. Whether applicant has ever been a defendant in any malpractice matter that resulted in a settlement or judgment;
- q. Whether applicant has a medical condition that in any way impairs or limits applicant's ability to practice medicine, and;
- r. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;

2. A complete and legible fingerprint card, including the DPS processing fee;

3. A passport size photograph taken within 60 days prior to application submission that is signed on the back by the applicant;

**C.** An applicant for reinstatement of an expired certificate to dispense must complete the renewal application form and pay the renewal and late fees for each year the certificate has been expired;

**D.** An applicant for reinstatement of a certificate to dispense must complete the initial application form for the certificate. Pursuant to A.R.S. § 32-1526(H), an applicant for reinstatement of an expired certificate shall pay all renewal and penalty fees;

**E.** A applicant who held a specialty certificate that expired with the license, may request reinstatement of the certificate on the application for reinstatement of the medical license.

**R4-18-208. Reinstatement of a Retired License**

**A.** A person may apply to reinstate a retired license to active practice, upon payment of the renewal fee. As a condition of



reinstatement of a retired license, Pursuant to A.R.S. § 32-1528, each applicant shall provide proof of completion of 30 hours of continuing medical education, and provide the board with:

- 1. A completed application form, provided by the Board that is signed, dated, and verified; which shall include the following information:
  - a. Applicant's full name and any former names used by the applicant;
  - b. Place and date of birth;
  - c. Social Security number;
  - d. Home, business, and e-mail addresses;
  - e. Home, business, and cell phone numbers;
  - f. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, and copy of evidence;
  - g. The name of the approved naturopathic college applicant graduated from, date of graduation, and date of clinical training completion;
  - h. The dates applicant retired the license;
  - i. A list of all license or certificates issued or denied by any agency. Applicant must cause to have a document submitted directly to the Board from each agency listed, containing the applicant's name, date of issuance or denial, current status and whether or not any disciplinary actions are pending or have ever been taken;
  - j. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
  - k. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency;
  - l. Whether applicant has ever been disciplined by any agency for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
  - m. Whether in lieu of disciplinary action, has applicant ever entered into a consent agreement or stipulation with a licensing agency;
  - n. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state or territory of the United States;
  - o. Whether applicant has ever had the authority to prescribe, dispense, or administer a natural substance, drug, or device limited, restricted, modified, denied, surrendered or revoked by a federal or state agency or court of law;
  - p. Whether applicant has ever been found medically incompetent;
  - q. Whether applicant has ever been a defendant in any malpractice matter that resulted in a settlement or judgment;
  - r. Whether applicant has a medical condition that in any way impairs or limits applicant's ability to practice medicine, and;
  - s. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background.
- 2. A complete and legible fingerprint card, including the DPS processing fee;
- 3. A passport size photograph taken within 60 days prior to application submission that is signed on the back by the applicant, and;
- 4. The fees specified in R4-18-107;
- 5. Provide proof of completion of 30 hours of CME taken, within the last 12 months prior to application submission. The CME is in addition to the 30 hours required each year for license renewal, must cover clinical application of naturopathic medical philosophy, pharmacology, and be accredited by the Accreditation Council on Continuing Education, or approved by any of the programs listed in R4-18-201(B)(2)(a), (b) and (c).
- B.** An applicant for reinstatement of a retired certificate to dispense must complete the renewal application form for the certificate, and pay the required fee.
- C.** An applicant who held a specialty certificate that retired with the license, may request reinstatement of the certificate on the application for reinstatement of the medical license.

**R4-18-209. Reinstatement of a Suspended, Revoked, or Surrendered License or Certificate**

- A.** A person may apply to the board for the termination of the suspension or reissuance of a revoked license. Pursuant to A.R.S. § 32-1551, the board shall make its determination on each application as it deems consistent with the public health, safety and just in the circumstances. The applicant must provide the Board with:
  - 1. A completed application form, provided by the Board that is signed, dated, and verified; which shall include the following information:
    - a. Applicant's full name and any former names used by the applicant;
    - b. Place and date of birth;
    - c. Social Security number;
    - d. Home, business, and e-mail addresses;
    - e. Home, business, and cell phone numbers;
    - f. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, and copy of evidence;



- g. The name of the approved naturopathic college applicant graduated from, date of graduation, and date of clinical training completion;
- h. Documentation showing that the basis for the suspension or revocation has been removed, and that suspension termination or reinstatement of the license or certificate, does not constitute a threat to the public health or safety;
- i. A list of all license or certificates issued or denied by any agency. Applicant must cause to have a document submitted directly to the Board from each agency listed, containing the applicant's name, date of issuance or denial, current status and whether or not any disciplinary actions are pending or have ever been taken;
- j. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
- k. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency;
- l. Whether applicant has ever been disciplined by any agency for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
- m. Whether in lieu of disciplinary action, has applicant ever entered into a consent agreement or stipulation with a licensing agency;
- n. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state or territory of the United States;
- o. Whether applicant has ever had the authority to prescribe, dispense, or administer a natural substance, drug, or device limited, restricted, modified, denied, surrendered or revoked by a federal or state agency or court of law;
- p. Whether applicant has ever been found medically incompetent;
- q. Whether applicant has ever been a defendant in any malpractice matter that resulted in a settlement or judgment;
- r. Whether applicant has a medical condition that in any way impairs or limits applicant's ability to practice medicine, and;
- s. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
- 2. A complete and legible fingerprint card, including the DPS processing fee;
- 3. A passport size photograph taken within 60 days prior to application submission that is signed on the back by the applicant, and;
- 4. The fees specified in R4-18-107;
- 5. Proof of completion of 30 hours of CME for each year the license has been suspended or revoked. The CME is in addition to the 30 hours required each year for license renewal, must cover clinical application of naturopathic medical philosophy and pharmacology, and, be accredited by the Accreditation Council on Continuing Education, or approved by any of the programs listed in R4-18-205(B)(2);
- B.** An applicant for reinstatement of a suspended or revoked certificate to dispense shall submit a complete renewal form, along with the fee specified in R4-18-107;
- C.** An applicant who held a specialty certificate that was suspended or revoked with the license, may request reinstatement of the certificate on the application for reinstatement of the medical license.
- D.** An applicant seeking licensure after the surrendered of a license or certificate must apply and meet the requirements as a new applicant.

#### ARTICLE 5. NATUROPATHIC CLINICAL TRAINING AND PRECEPTORSHIP TRAINING PROGRAM REQUIREMENTS

##### **R4-18-501. Certificate to Engage in Clinical or Preceptorship Training**

- A.** To obtain a certificate to engage in clinical or preceptorship training, an applicant shall submit to the Board ~~an application packet that includes~~ 1. a complete application form provided by the Board, that allows the Board to determine if the applicant meets the requirements of A.R.S. § 32-1524. ~~The application shall be verified, and include signed and dated by the applicant~~ the fee listed in R4-18-107;
- B.** In addition to the requirements in subsection (A.) a naturopathic medical student who applies for a certificate to engage in clinical training shall comply with the requirements of A.R.S. § 32-1560, and, ~~a.~~ be attending an approved naturopathic medical school. ~~b.~~ Applicant must arrange to have submitted directly to the Board, a letter from the chief medical officer of the medical school verifying that the applicant will be entering clinical training, and the anticipated starting and completion dates. The Board may deny an application for any reason set forth in A.R.S. § 32-1501(31) and A.R.S. § 32-1522(A)(3) - (6);
- C.** Applicant must provide a legible fingerprint card, take and pass the Arizona naturopathic jurisprudence examination ~~the examination in Arizona naturopathic jurisprudence that is administered by the Board, with a minimum score of 75%.~~ include with the application a passport size photograph taken within 60 days prior to application submission that is signed on the back by the applicant, provide a legible fingerprint card, including the DPS processing fee as specified on the application form;
- D.** The application form for clinical training entry shall include:
  - 1. Applicant's full name and any former names used by applicant;



2. Applicant's place and date of birth;
  3. Applicant's Social Security number;
  4. Applicant's home and email address;
  5. Applicant's home and cell phone numbers;
  6. The name and address of the approved naturopathic college applicant is attending; name and address of clinical training program, the date of clinical entry and the date of completion of clinical entry;
  7. The name of the Supervising Physician and the name of the Chief Medical Officer of the Clinical Training program;
  8. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
  9. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any agency in any state, district or territory of the United States or another country;
  10. Whether applicant has ever been disciplined by any agency in any state, district or territory of the United States or another country, for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
  11. Whether applicant, in lieu of disciplinary action, has entered into a consent agreement or stipulation with a licensing agency in any state, district or territory of the United States or another country;
  12. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state, district or territory of the United States or another country;
  13. Whether applicant has ever had the authority to prescribe, dispense, or administer a natural substance, drug, or device limited, restricted, modified, denied, surrendered or revoked by a federal or state agency or court of law, in any state, district or territory of the United States or another country;
  14. Whether applicant has ever been found medically incompetent;
  15. Whether applicant has ever been a defendant in any malpractice matter that resulted in a settlement or judgment;
  16. Whether applicant has a medical condition, that in any way, impairs or limits applicant's ability to practice medicine;
  17. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background, and;
  18. A completed Arizona Statement of Citizenship and Alien Status for State Public Benefits, and copy of evidence;
- C.E.** ~~In addition to the requirements in subsection (A.), an applicant for a certificate to engage in a preceptorship training program shall comply with the requirements of A.R.S. § 32-1561 and arrange to submit or have submitted directly to the Board: 1. an official transcript from the approved naturopathic medical school from which the applicant graduated; 2. A Board approved verification form from the physician who will be responsible for the applicant's supervision and training; 3.~~
- F.** ~~Applicant must provide a legible fingerprint card, take and pass the Arizona naturopathic jurisprudence examination the examination in Arizona naturopathic jurisprudence that is administered by the Board with a minimum score of 75%; include with the application, a passport size photograph taken within 60 days prior to application submission that is signed on the back by the applicant, provide a legible fingerprint card, including the DPS processing fee as specified on the application form;~~
- G.** The application form for preceptorship training shall include:
1. Applicant's full name and any former names used by applicant;
  2. Applicant's place and date of birth;
  3. Applicant's Social Security number;
  4. Applicant's home and email address;
  5. Applicant's home and cell phone numbers;
  6. The name, address, and medical license number of the Supervising Physician, designated Supervising Physician, if any, and Chief Medical Officer;
  7. Attestation signed by the Supervising Physician declaring they have read and understand A.R.S. § 32-1561 and R4-18-108, and agree to be the Supervising physician of record;
  8. Whether applicant has ever been arrested, charged with, convicted of, or entered into a plea of no contest to a felony or a misdemeanor;
  9. Whether applicant has ever had a naturopathic medical license or certification, or any other health profession license or certification denied, suspended, rejected or revoked by any state, district or territory or the United States or another country;
  10. Whether applicant has ever been disciplined by any agency in any state, district or territory of the United States or another country, for any act of unprofessional conduct as defined in A.R.S. § 32-1501;
  11. Whether applicant, in lieu of disciplinary action by any agency, in any state, district or territory of the United States or another country, has entered into a consent agreement or stipulation with a licensing agency;
  12. Whether applicant currently has an open complaint or is involved in any open investigation in any agency or court of law, in any state, district or territory of the United States or another country;





The agency selected an effective date of October 1, 2015. The date requested is less than 60 days which meets the immediate effective date requirements of A.R.S. § 41-1032(A)(1), to preserve the public health with the clarification of the medical conditions that qualify for the CRS program.

**b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**

Not applicable

**4. Citations to all related notices published in the Register to include the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 21 A.A.R. 839, June 12, 2015  
Notice of Proposed Rulemaking: 21 A.A.R. 823, June 12, 2015

**5. 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 St.  
Phoenix, AZ 85034  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: AHCCCSrules@azahcccs.gov  
Web site: www.azahcccs.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:**

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.

**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:**

A study was not referenced or relied upon when revising the regulations for CRS.

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

Not applicable

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

The Administration anticipates no economic impact on the implementing agency, small businesses and consumers. The medical condition changes made that remove conditions from CRS coverage 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.

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

The changes made between the proposed rulemaking and the final rulemaking were resulting from the public comments received. These changes are for clarifying purposes, such as, “Varus and valgus deformities” have been added as a non qualifying CRS condition under item 5 to clarify that they do not qualify for CRS medical eligibility as part of the limb amputation or limb malformation qualifying condition or revert to existing language in Code. The definition of “CRS condition” has been clarified to avoid confusion with the terminology of “covered services”.

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

The following comments were received as of the close of the comment period of July 13, 2015.



Item #	Rule Cite Line #	Comment From and Date rec'd.	Comment	Analysis/ Recommendation
1.	R9-22-1301	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Add definition "Condition(s) not medically eligible for CRS" means when no other CRS condition is causing listed condition. We recommend clarification of what AHCCCS expectation that conditions related to the CRS condition should be covered by CRS if Partially Integrated Behavioral Health or CRS only plan coverage types.	The Rule specifies the medical conditions that qualify an AHCCCS member for the CRS Program. AHCCCS is unable to include in Rule all possible conditions that may be related to a CRS condition as they are dependent on the health status of the member, the treatment provided, outcomes from the treatment, etc. The CRS Program is responsible for providing care and services for treating the CRS condition(s) and all conditions that are related to the CRS condition.  Clarification is provided under R9-22-1303.
2.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 825 1. Cardiovascular System a. i. Congenital heart defect other than small VSD, PDA, ASD  Insert word "isolated" to read the following: 1. a. i. Congenital heart defect other than isolated small VSD,PDA,ASD, helps differentiate from when there are multiple congenital heart defects when then the usually not eligible small VSD, PDA or ASD would then be part of covered congenital heart defects.	Agreed, change made.
3.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 825 Cardiovascular System ADD x. Aortic aneurysm  Recommend to ADD aortic aneurysm to covered conditions as many are grandfathered in but not truly congenital heart defect	The Administration agrees with the recommended change to add aortic aneurysm.
4.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 826 Endocrine System i. Hypothyroidism Recommend to KEEP hypothyroidism as a covered CRS condition. As this effects rural Arizona per provider input, Robert Cannel, MD, in that they do not feel local pediatricians can manage appropriately and shortage of endocrinologist in area, unless work with CRS. Also changes the mix for CRS makes much higher acuity would need rate adjustment	The Administration does not support this recommendation. CRS is only located in four locations statewide so the argument regarding limited specialty availability is a universal issue for many pediatric sub-specialties. Pediatricians are trained in managing most pediatric conditions and are able to refer out for consults or patient management of conditions that they are unable to provide care for.
5.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 826 Endocrine System viii. Panhypopituitarism Panhypopituitarism (as defined by 3 pituitary hormones showing deficiency or 2 deficient with known n septum optic dysplasia)  Recommend adding criteria: with a hormone deficiency	The Administration recommends retaining the condition of panhypopituitarism, without further defining the condition, for purposes of CRS medical eligibility based on the diagnosis of the specialist. The recommended language suggested by the commenter is restrictive.



6.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 826 Endocrine System: ix. Type I Diabetes Mellitus  Recommend to ADD Diabetes Mellitus to covered conditions as this requires multispecialty, interdisciplinary approach, some CRS conditions predispose to this condition as well such as cystic fibrosis, some of mitochondrial myopathies, secondary to treat.	The Administration considers the addition of Diabetes Mellitus to be a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.
7.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 826 3. Genitourinary system medical conditions: b. ix. Isolated hydronephrosis that is resolved with antibiotics  Recommend REMOVING from b. ix. Isolated hydronephrosis that is resolved with antibiotics Condition(s) not medically eligible for CRS as this is duplicated above in description of what is covered.	Agreed, change made.
8.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 827 Ear, nose, or throat medical condition(s): vii. Microtia that requires multiple surgical interventions  Recommend ADD wording: Microtia that requires multiple surgical interventions and is functionally limiting. This will prevent surgery for only cosmetic reasons	The addition of the term "functionally limiting" adds an additional and unnecessary requirement for a member to qualify for CRS eligibility. The Administration does not support the change.
9.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 827- Musculoskeletal system medical condition(s): xiii. Juvenile rheumatoid arthritis  Recommend to KEEP JAS as a covered CRS condition. Juvenile rheumatoid arthritis or Juvenile idiopathic arthritis are autoimmune collagen vascular disease and it has significant multispecialty interdisciplinary care needed, fits within model of CRS as do other collagen vascular diseases	The Administration agrees to retain Juvenile rheumatoid arthritis.
10.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 827- Musculoskeletal system medical condition(s): xix. Limb amputation and malformation (excluding polydactyly without bone involvement) xxxiv.  b.x polydactyly without bone involvement) Recommend REMOVING from description, (excluding polydactyly without bone involvement) and list under b. Condition(s) not medically eligible for CRS and separating out limb malformation to a stand alone condition	The Administration agrees with the change of polydactyly to move the exclusion to section (b).  The Administration has clarified the limb malformation separate from limb amputation.



<p>11.</p>	<p>R9-22-1303</p>	<p>Mimi Coomler (Children’s Clinics) Recd 07/10/15 And Dr. Leslie Paulus’ revised comments 07/13/15 (written)</p>	<p>Page 827 Musculoskeletal system medical condition(s): xxix. Metatarsus adductus limb malformation with significant functional limitation (excludes flat foot, bunion and metatarsus primus varu) Recommend REPLACE as a covered condition wit “Lower limb malformation with significant functional/imitation (excludes /flat foot bunion and metatarsus prim us varu)”.</p> <p>Create own criteria to allow conditions needing surgery or bracing with significant functional limitation, valgus or varus abnormalities or recurrent non traumatic dislocation of patella, etc.</p>	<p>The addition of the term “functionally limiting” adds additional and unnecessary requirements for a member to qualify for CRS eligibility. The Administration does not support the change.</p> <p>“Varus and valgus deformities” have been added as a non qualifying CRS condition under item 5 to clarify that they do not qualify for CRS medical eligibility as part of the limb amputation or limb malformation qualifying condition.</p> <p>The Administration considers the suggested criteria to be a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.</p>
<p>12.</p>	<p>R9-22-1303</p>	<p>Mimi Coomler (Children’s Clinics) Recd 07/10/15 And Dr. Leslie Paulus’ revised comments 07/13/15 (written)</p>	<p>Page 828 Musculoskeletal system medical condition(s) xxxi. Collagen vascular disease, including but not limited to, ankyloses spondylitis, polymyositis, derma myositis, polyarthritis, nodosa, psoriatic arthritis, scleroderma and lupus; but excluding rheumatoid arthritis and Ehlers Danlos</p> <p>Recommend KEEP Rheumatoid arthritis; see comments for Juvenile rheumatoid arthritis recommendation.</p> <p>Recommend not to include exclusion of Ehlers Danlos. This will be identified if genetic condition meets other CRS conditions such as cardiac or extremity malformation and functional limitation.</p>	<p>The Administration agrees to keep Rheumatoid arthritis and has updated the rule accordingly.</p> <p>Ehlers Danlos is not currently a qualifying condition, and, the addition of Ehlers Danlos is a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking. However, if the member has other qualifying conditions in addition to the Ehlers Danlos, s/he would otherwise qualify for CRS and the Ehlers Danos will be treated.</p>



13.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	<p>Page 828 6. Gastrointestinal system medical condition(s) b. Condition(s) not medically eligible for CRS ii. Crohn's v. Ulcerative colitis vii. Celiac Disease</p> <p>Recommend ADD as covered conditions: CRS condition(s) that qualify for CRS medical eligibility: Celiac Disease. Crohn's Disease, Ulcerative Colitis if functionally limiting or needs multispecialty care. Necrotizing Entero Colitis (NEC) if functionally limiting after 90 d</p> <p>Necrotizing entero colitis {NEX} if functional/ limitations after 90 days. Frequently seen with other prematurity related disorders such as cerebral palsy, creates more integrated approach for growth issues with cerebral palsy if nutrition issues covered for problems related to NEC.</p> <p>Celiac disease, ulcerative colitis, Crohn's Disease that is functionally limiting Crohn's Disease Ulcerative Colitis The recommendation to add as these conditions as they may cause growth issues, skin issues, arthritis, and behavioral health issues and require multispecialty interdisciplinary approach.</p>	The addition of celiac, Crohns disease, ulcerative colitis and necrotizing enterocolitis are substantive changes to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.
14.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	<p>Page 828- 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 adequate blood levels of one or more medications; or if not blood levels documentation of adequate dose of medications for weight/age were given during time of breakthrough seizures.</p> <p>Nervous System medical condition(s): iv. Myoneural disorder including but not limited to amyotrophic Lateral Sclerosis or ALS, myasthenia gravis, Eaton-Lambert syndrome, muscular dystrophy, troyer sclerosis, polymyositis, dermamyositis, progressive bulbar palsy, polio</p> <p>Recommend to REMOVE examples and keep general description</p>	<p>The Administration agrees to clarify the patient compliance of seizure medication. The Administration agreed to remove the specific reference to blood levels because certain seizure medications may not allow for measurement of blood level.</p> <p>The Administration has added the suggested examples to allow easier referral decisions for providers.</p>
15.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	<p>Page 828- Nervous System medical condition(s): v. Neuropathy/polyneuropathy hereditary or idiopathic</p> <p>Recommend REMOVE hereditary or idiopathic. This allows neuropathies to be included which are not hereditary or idiopathic but functionally limiting.</p> <p>Recommend ADD wording Neuropathy/polyneuropathy, with functional/imitations.</p>	<p>The removal of the terms hereditary or idiopathic is a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.</p> <p>The addition of the term "functionally limiting" adds additional and unnecessary requirements for a member to qualify for CRS eligibility. The Administration does not support the change.</p>



16.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 829-  Nervous System medical condition(s): a.xiii. Tourette's syndrome Recommend KEEP Tourette's syndrome as a Covered condition. The integrated treatment approach between the neurologist and behavioral health providers is now achievable through the integrated CRS model.	The Administration does not support this recommendation. The rationale for the recommendation does not support the need for an integrated clinic approach. Care and services should be coordinated through the Acute Contractor.
17.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 829-  7. Nervous System medical condition(s) a. vii. Tuberous Sclerosis Recommend ADD condition as covered: Tuberous sclerosis: Tuberous sclerosis complex (TSC) is a genetic disorder that causes non-malignant tumors to form in many different organs, primarily in the brain, eyes, heart, kidney, skin and lungs. The aspects of TSC that most strongly impact quality of life are generally associated with the brain: seizures, developmental delay, intellectual disability and autism. Treatment requires a multi disciplinary approach that is currently available through the CRS Multi-specialty interdisciplinary clinics. Historically has been covered last 20 + years.	The condition of Tuberous Sclerosis may exist in one or more of the qualifying conditions specified in rule, depending upon which organ(s) is involved,
18.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 829-  Ophthalmology CRS conditions that qualify for medical eligibility. ADD Severe Ptosis with functional limitations iv. Ptosis without functional limitations iv. Ptosis Recommend ADD Severe Ptosis with functional/limitations as a covered condition, as this may cause blindness in one eye if not corrected.  Recommend insert wording Ptosis without functional/imitations	The addition of Severe Ptosis with or without functional limitation is a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.
19.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 829- 9. Respiratory system  b. Conditions not medically eligible for CRS: vii. Acute or chronic respiratory Respiratory condition requiring venting for the neuromuscularly impaired  Recommend REMOVING "condition requiring venting for the neuromuscularly impaired." Respiratory conditions requiring venting are associated with multiple CRS conditions and should be covered as related, such as muscular dystrophy or degenerative brain disorders. It makes no sense to have this excluded but then require CRS to cover related conditions. AHC-CCS has had CRS cover ventilation services related to the CRS condition since 10-1-2013	The Administration agrees to remove the condition since it is not a specific condition.
20.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 829-  10. Dermatological system medical conditions: a. iv. Cystic hygroma  Recommend ADD wording in description for Cystic hygroma to include "lymphangioma with functional/imitations"	The Administration agrees to add "lymphangioma" for clarification purposes. The term "functional/limitations" is too restrictive.
21.	R9-22-1303	Mimi Coomler (Children's Clinics) Recd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 830-  10. Dermatological system medical conditions: a. vi. ADD Ectodermal Dysplasia with Functional limitations  Recommend ADD as covered condition: Ectodermal Dysplasia with functional/imitations as this requires multispecialty interdisciplinary approach	The addition of Ectodermal Dysplasia at this time would be considered a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.



22.	R9-22-1303	Mimi Coomler (Children's Clinics) Rec'd 07/10/15 And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 830-  12. Hemoglobinopathies CRS condition(s)  Recommend CHANGE category to HEMATOLOGIC  Recommend ADD as a covered condition: HEMATOLOGY ADD HEMACHROMATOSIS Note that the issue with having kept the orthopedic isolated joint bleeds related to hemachromatosis which was removed from section 5 a. above was that without control of the bleeding disorder itself, it made working with the condition challenging. Adding to this area would then allow for whatever complications occur related to the Hemochromatosis. Need to change title of the section to meet move of diagnosis to this area.	The addition of Hemachromatosis is considered a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.
23.	R9-22-1303	Mimi Coomler (Children's Clinics) Rec'd 07/10/15 (written) And Dr. Leslie Paulus' revised comments 07/13/15 (written)	Page 830  13. Additional Medical/Behavioral condition(s) which are not medical eligible for CRS:  Vegetative state:  Recommend ADD a definition to what AHC-CCS determines "vegetative state". " and ADD the word PERSISTENT, to clarify or use in determinations such as Merck Manual A vegetative state is absence of responsiveness and awareness due to overwhelming dysfunction of the cerebral hemispheres, with sufficient sparing of the diencephalon and brain stem to preserve autonomic and motor reflexes and sleep- wake cycles. Patients may have complex reflexes, including eye movements, yawning, and involuntary movements to noxious stimuli, but show no awareness of self or environment.... Traditionally, a vegetative state that lasts > 1 mo is considered to be a persistent vegetative state For the rare case where member improves then can reapply. <a href="http://www.merckmanuals.com/professional/neurologic-disorders/coma-and-impaired-consciousness/vegetative-state-and-minimally-conscious-state">http://www.merckmanuals.com/professional/neurologic-disorders/coma-and-impaired-consciousness/vegetative-state-and-minimally-conscious-state</a>	The Administration removed "vegetative state" because the term is rarely documented by practitioners.
24.		Dr. Leslie Paulus United health care/ CRS medical director Rec'd 07/13/15 (verbal comment)	Will submit comments in writing.	NA
25.		Mimi Coomler/ CEO Childrens Clinic Rec'd 07/13/15 (verbal comment)	Have submitted written recommendations but will like to call out three significant diagnosis:  Juvenile Rheumatoid Arthritis it is recommended to be removed in the proposed rule, but after conversations with our physicians and patients we recommend that JRA remain a CRS eligible medical condition. These patients require a multidisciplinary approach, particularly collaborating with ophthalmologist, orthopedics, and benefit from social services as well. A letter of support from our Rheumatologist is also available. [To be submitted].	The Administration will retain JRA as a CRS eligible condition. Same response as item 9 and 12.



			<p>Down Syndrome, there are a variety of different recommendations in rule to remove flat foot, moderate hypothyroidism and mild congenital cardiac condition, we do not specifically object to the removal of these conditions, but while talking to providers they have identified that children with down syndrome get incorporated into the CRS program with these conditions. It is found these patients become very complex and need the multi disciplinary approach that CRS offers. We strongly recommend incorporating Down Syndrome up through 21 as a CRS eligible condition.</p> <p>The multidisciplinary/multispecialty approach CRS offers has fantastic outcomes for patients. As a parent of Type 1 diabetic, my son does not benefit from the coordinated medical approach for behavioral health, shared electronic health record, and additional social support that the CRS program has. I strongly recommend that Type 1 diabetes and Type 2 diabetes be incorporated as a CRS eligible condition. I am not sure what caused Type 1 or diabetes to be excluded in the past, as this disease has been studied over the years, a percentage of these children have a siliac disease, need to see an ophthalmologist every year, strong need for behavioral health support, see a GI doctor, kidney involvement, need to see a Nephrologist, etc. This population would greatly benefit to be incorporated into the CRS program.</p> <p>[Dr Paulus added] As an auto-immune type of disorder you tend to have auto antibiotics present and you may also have a Rheumatologist visit within the multidisciplinary approach.</p> <p>[Mimi Coomler response] Interestingly the Angelwing clinic, the only pediatric and endocrinology clinic in southern Arizona attempted to incorporate behavioral health services through a grant, the grant ended and they had to sunset. They believed it was important to provide the behavioral health services and were concerned they were no longer able to provide integrated behavioral health services. By adding CRS services this provides a greater opportunity for us to do so and there is greater coordination between the specialists with CRS. That information does not flow automatically electronically and with the CRS program we have a care coordinator that specifically ensure that the information is shared and reviewed by all of the specialists.</p> <p>[Sydney Rice, Medical Director at Childrens Clinics in Tucson] Taking on Diabetes into the system would be challenging but the care coordination for children who have diabetes is so important, we are looking at conditions that we have chosen for this system to be the complex medically fragile children, you cannot have a diagnosis that is more complicated or complex than one with diabetes. We strongly support the comments.</p> <p>[Dr. Paulus stated] CRS conditions are seen along with Type 1 diabetes specifically some of the mitochondrial disorders and cystic fibrosis may be predisposed to that as well. If not a stand alone, definitely would not exclude diabetes when it is associated with the CRS conditions.</p>	<p>The addition of Down Syndrome is a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.</p> <p>The addition of Diabetes is a substantive change to the proposed rules which would require a supplemental rulemaking as well as extensive research and financial analyses. Therefore, the Administration will not consider this change as part of this rulemaking but will consider this comment in a future rulemaking.</p> <p>Contractors are responsible for coordinating care for all children, including those diagnosed with diabetes. All Contractors are required to coordinate care between primary, specialty and behavioral health care.</p>
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26.		Wendy Burkholder Care coordination operator, District Medical group Rec'd 07/13/15 (verbal comment)	We appreciate all the efforts on the Juvenile Rheumatoid Arthritis. As a sibling of a down syndrome child the multi-disciplinary care that is provided in our integrated system is very important to them. Everything from behavioral health services to ophthalmology services, I understand that services can be provided elsewhere but it is certainly not in the nature of an integrated model where there is collaborative efforts from the physicians, team working on the care of the child. I understand there are different levels of down syndrome, and some might need care in the integrated model, but if it cant be considered as a stand alone but if at least has other diagnosis, that it be considered as part of the care, the care the CRS system has will lead to a higher quality of care. It helps the families with the coordination of care as well.  [Troy Nelson, Medical Director] We see many of the down syndrome children at the facility, with accompanying issues such as heart disease. The frustrating thing is that we cannot take care of all of the pieces and families do not understand why. We would support this recommendation.	See response in item 25.
27.		Kim Lonsway Parent Rec'd 07/13/15 (verbal comment)	Parent of type 1 diabetic, the continuity of care is not available. We have to run to different appointments at different offices with physicians that are not speaking to each other. If another specialty is needed, we are finding ourselves in positions to call friends to see who they are seeing; it is not a coordinated effort. It would be very helpful to have the services in one place for the continuity of care and medical records. As an occupational therapist in a public school system and having worked with different teams I find that the teams that work together in multi-disciplinary care provide more positive outcomes for parents, children and teams as a whole if everyone is working together.	See item 6.
28.		Dr. Paulus Rec'd 07/13/15 (verbal comment)	There may be an easy diagnosis to take care of in the metropolitan areas, there are issues in the rural areas. Hypothyroidism is one for example. In Yuma, Dr. Robert Canal, prior CRS medical director and currently a provider has stated that when care is left to primary care managing or attempting to manage on their own because they do not know they need to refer, he has seen less than optimal results. This is a concern.	See comments above #4
29.		Mimi Coomler Rec'd 07/13/15 (verbal comment)	Pg. 828 On the Gastrointestinal system we recommend adding GI Necrotizing enterocolitis with functional limitations greater than 90 days, celiac disease and crones disease is functionally limiting, these conditions need multidisciplinary care, such as nutrition and GI. The care that is provided in an integrated model for these patients and conditions, everything from behavioral health to GI, to integrated, to nutritional issues the patient may have, it is especially beneficial when the condition is greater than 90 days.  [Dr. Paulus added] This condition is frequently associated with prematurity types of disorders, you see it in a usual association with retina, prematurity, cerebral palsy and tricular and hemorrhage of the brain. It also allows better coordination of taken care. It is hard to separate out what is nec bowel disorder versus the disfasia, the inability the bowel is not working because of the CNS effects on the esophagus, stomach and bowel related to the cerebral policy that is developed.	Same response as item 13.



30.		Jacqueline Larson Parent Rec'd 07/13/15 (verbal comment)	Parent of a child with cerebral palsy due to a brain injury. My child receives all his services in one location. The Primary care last week could look up other doctors notes from a year ago where I didn't have to remember what each specialist said to me. I am able to coordinate appointments and have to make less trips to clinics. It is great having that coordination of care.	Thank you for your support of the CRS program.
31		Sydney Rice Medical Director Children's Clinics 07/13/15 (written comment)	1. Children with Down syndrome need the coordinated care of an interdisciplinary setting. 2. Cardiac conditions: Atrial septal defect may be able to come out, since they usually close on their own or can be addressed with a simple intervention. Ventricular septal defects are more complicated and the children who have had surgery have higher risk for cognitive, behavioral and sleep disorder. I would recommend keeping these children in the program. 3. Diabetes: This could be a challenge, but children would greatly benefit from the care coordination supported in the CRS system. While children can receive individual specialty care, they do not usually receive the psychosocial support available through CRS.	see item 25.  The Administration agrees, and a clarification was made in rule that a "small" ASD and VSD are not CRS eligible conditions. However, if the septal defects are moderate or large, they are medically eligible CRS conditions.  see item 6
32.		Scott E. Klewer, M.D., The University of Arizona College of Medicine - Tucson 07/13/15 (written comment)	I feel strongly that the removal of Ventricular Septal Defects (VSD) should be reconsidered.  The Multi-Specialty approach at Children's Clinics is essential to the care provided to the CRS population, and allows families to receive complex coordinated care in one place. This is critical for children with VSDs, as it is becoming better recognized that many affected children have previously unrecognized multi-system syndromes. In addition, many children with VSDs will require open heart surgery/cardiopulmonary bypass with its inherent effects on future learning, behavior and other systems. The complexity of patients with VSDs therefore often involves treatment by additional specialists, and often requires the assistance of an education specialist and social worker, both of which are on site at Children's Clinics and regularly assist with children who have VSD. For these reasons, I cannot support the removal of VSD from eligible CRS diagnoses.	See item 31.
33.		Troy Nelson MD Medical Director CRS at DMG	There is a proposed change to scoliosis care. I received feedback from some of the Orthopedic Surgeons. Their concern is that if there is a longer delay in getting care at CRS that many opportunities are missed for proper recommendations and possibly bracing before surgery is needed. If referral is delayed as well, patients may be seeing surgeons who are not up to date with current recommendations. It obviously becomes more difficult to sever the relationship and establish a new CRS relationship. They feel since it is already difficult enough this new change would only make the situation worse.	The Administration does not support the recommendation. By narrowing the criteria to those members who need specific treatment, delays are expected to be reduced.

**12. 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 are applicable.

- 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:**  
Not applicable



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

None

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

Not applicable

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

**TITLE 9. HEALTH SERVICES**

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

**ARTICLE 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 list of condition(s) that qualify for CRS medical eligibility list~~ is all inclusive. The list of condition(s) ~~that do not qualify for CRS medical eligibility 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,~~
    - 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 artery aneurysm;~~
    - i. Arrhythmia.





- vii. ~~Deformity and dysfunction of the genitourinary system secondary to trauma after the acute phase of the trauma has passed;~~
  - viii. ~~Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required;~~
  - ix. ~~Multicystic dysplastic kidneys;~~
  - x. ~~Nephritis associated with lupus erythematosus; and;~~
  - xi. ~~Hydrocele associated with a ventriculo-peritoneal shunt;~~
    - i. Ambiguous genitalia.
    - ii. Bladder extrophy.
    - iii. Deformity and dysfunction of the genitourinary system secondary to trauma 90 days or more after the trauma occurred.
    - iv. Ectopic ureter.
    - v. Hydronephrosis, that is not resolved with antibiotics.
    - vi. Polycystic and multicystic kidneys.
    - vii. Pyelonephritis when treatment with drugs or biologicals has failed to cure or ameliorate and surgical intervention is required.
    - viii. Ureteral stricture, and
    - ix. Vesicoureteral reflux, at a grade 3 or higher.
- b. Condition(s) not medically eligible for CRS:
- i. ~~Nephritis, infectious or noninfectious;~~
  - ii. ~~Nephrosis;~~
  - iii. ~~Undescended testicle;~~
  - iv. ~~Phimosis;~~
  - v. ~~Hydrocele not associated with a ventriculo-peritoneal shunt;~~
  - vi. ~~Enuresis;~~
  - vii. ~~Meatal stenosis; and~~
  - viii. ~~Hypospadias involving isolated glandular or coronal aberrant location of the urethral meatus without curvature of the penis;~~
    - i. Enuresis.
    - ii. Hydrocele.
    - iii. Hypospadias.
    - iv. Meatal stenosis.
    - v. Nephritis, infectious or noninfectious.
    - vi. Nephrosis.
    - vii. Phimosis, and
    - viii. Undescended testicle.
4. Ear, nose, or throat medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
- i. ~~Cholesteatoma;~~
  - ii. ~~Chronic mastoiditis;~~
  - iii. ~~Deformity and dysfunction of the ear, nose, or throat secondary to trauma, after the acute phase of the trauma has passed;~~
  - iv. ~~Neurosensory hearing loss;~~
  - v. ~~Congenital malformation;~~
  - vi. ~~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;~~
  - vii. ~~Craniofacial anomaly that requires treatment by more than one CRS provider; and~~
  - viii. ~~Microtia that requires multiple surgical interventions;~~
    - i. Cholesteatoma.
    - ii. Congenital/Craniofacial anomaly that is functionally limiting.
    - iii. Deformity and dysfunction of the ear, nose, or throat secondary to trauma, 90 days or more after the trauma occurred.
    - iv. Mastoiditis that continues 90 days or more after the first diagnosis of the condition.
    - v. Microtia that requires multiple surgical interventions.
    - vi. Neurosensory hearing loss, and
    - vii. 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.
- 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 of the tympanic membrane;
  - x. Sinusitis;
  - xi. Isolated preauricular tag or pit, and
  - xii. Uncontrolled salivation;
  - i. A craniofacial anomaly that is not functionally limiting.
  - ii. Adenoiditis.
  - iii. Cranial or temporal mandibular joint syndrome.
  - iv. Hypertrophic lingual frenum.
  - v. Isolated preauricular tag or pit.
  - vi. Nasal polyp.
  - vii. Obstructive apnea.
  - viii. Perforation of the tympanic membrane.
  - ix. Recurrent otitis media.
  - x. Simple deviated nasal septum.
  - xi. Sinusitis.
  - xii. Tonsillitis, and
  - xiii. Uncontrolled salivation.
5. Musculoskeletal system medical condition(s):
- a. CRS condition(s) that qualify for CRS medical eligibility:
    - i. Achondroplasia;
    - ii. Hypochondroplasia;
    - iii. Diastrophic dysplasia;
    - iv. Chondrodysplasia;
    - v. Chondroectodermal dysplasia;
    - vi. Spondyloepiphyseal dysplasia;
    - vii. Metaphyseal and epiphyseal dysplasia;
    - viii. Larsen syndrome;
    - ix. Fibrous dysplasia;
    - x. Osteogenesis imperfecta;
    - xi. Rickets;
    - xii. Enchondromatosis;
    - xiii. Juvenile rheumatoid arthritis;
    - xiv. Seronegative spondyloarthropathy;
    - xv. Orthopedic complications of hemophilia;
    - xvi. Myopathy;
    - xvii. Muscular dystrophy;
    - xviii. Myoneural disorder;
    - xix. Arthrogryposis;
    - xx. Spinal muscle atrophy;
    - xxi. Polyneuropathy;
    - xxii. Chronic stage bone infection;
    - xxiii. Chronic stage joint infection;
    - xxiv. Upper limb amputation;
    - xxv. Syndactyly;
    - xxvi. Kyphosis;
    - xxvii. Scoliosis;
    - xxviii. Congenital spinal deformity;
    - xxix. Congenital or developmental cervical spine abnormality;
    - xxx. Hip dysplasia;
    - xxxi. Slipped capital femoral epiphysis;
    - xxxii. Femoral anteversion and tibial torsion;
    - xxxiii. Legg-Calve-Perthes disease;
    - xxxiv. Lower limb amputation, including prosthetic sequelae of cancer;
    - xxxv. Metatarsus adductus;



- xxxvi. Leg length discrepancy of five centimeters or more;
- xxxvii. Metatarsus primus varus;
- xxxviii. Dorsal bunions;
- xxxix. Collagen vascular disease;
- xxxx. Benign bone tumor;
- xxxxi. Deformity and dysfunction secondary to musculoskeletal trauma;
- xxxxii. Osgood Schlatter's disease that requires surgical intervention;
- xxxxiii. Complicated flat foot, such as rigid foot, unstable subtalar joint, or significant calcaneus deformity;

and

- xxxxiv. Club foot
  - i. Achondroplasia.
  - ii. Arthrogyposis (multiple joint contractures).
  - iii. Bone infection that continues 90 days or more after the initial diagnosis.
  - iv. Chondrodysplasia.
  - v. Chondroectodermal dysplasia.
  - vi. Clubfoot.
  - vii. Collagen vascular disease, including but not limited to, ankylosis spondylitis, polymyositis, dermatomyositis, polyarteritis nodosa, psoriatic arthritis, scleroderma, rheumatoid arthritis and lupus.
  - viii. Congenital or developmental cervical spine abnormality.
  - ix. Congenital spinal deformity.
  - x. Diastrophic dysplasia.
  - xi. Enchondromatosis.
  - xii. Femoral anteversion and tibial torsion.
  - xiii. Fibrous dysplasia.
  - xiv. Hip dysplasia.
  - xv. Hypochondroplasia.
  - xvi. Joint infection that continues 90 days or more after the initial diagnosis.
  - xvii. Juvenile rheumatoid arthritis.
  - xviii. Kyphosis (Scheurmann's Kyphosis) 50 degrees or over.
  - xix. Larsen syndrome.
  - xx. Leg length discrepancy of two centimeters or more.
  - xxi. Legg-Calve-Perthes disease.
  - xxii. Limb amputation or limb malformation.
  - xxiii. Metaphyseal and epiphyseal dysplasia.
  - xxiv. Metatarsus adductus.
  - xxv. Muscular dystrophy.
  - xxvi. Orthopedic complications of hemophilia.
  - xxvii. Osgood Schlatter's disease that requires surgical intervention.
  - xxviii. Osteogenesis imperfecta.
  - xxix. Rickets.
  - xxx. Scoliosis when 25 degrees or greater, or when there is a need for bracing or surgery.
  - xxxi. Seronegative spondyloarthropathy such as Reiters, psoriatic arthritis, and ankylosing spondylitis.
  - xxxii. Slipped capital femoral epiphysis.
  - xxxiii. Spinal muscle atrophy.
  - xxxiv. Spondyloepiphyseal dysplasia, and
  - xxxv. Syndactyly.

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; and
- viii. Carpal tunnel syndrome;
- ix. Deformity and dysfunction secondary to trauma or injury if:
  - 1. Three months have not passed since the trauma or injury; and
  - 2. Leg length discrepancy of less than five centimeters at skeletal maturity.
    - i. Back pain with no structural abnormality.
    - ii. Benign bone tumor.



- iii. Bunion.
  - iv. Carpal tunnel syndrome.
  - v. Deformity and dysfunction secondary to trauma or injury.
  - vi. Ehlers Danlos.
  - vii. Flat foot.
  - viii. Fracture.
  - ix. Ganglion cyst.
  - x. Ingrown toenail.
  - xi. Kyphosis under 50 degrees.
  - xii. Leg length discrepancy of less than two centimeters at skeletal maturity.
  - xiii. Polydactyly without bone involvement.
  - xiv. Popliteal cyst.
  - xv. Trigger finger, and
  - xvi. Varus and valgus deformities.
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. Deformity and dysfunction of the gastrointestinal system secondary to trauma, after the acute phase of the trauma has passed;
    - vii. Biliary atresia;
    - viii. Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract;
    - ix. Cleft lip;
    - x. Cleft palate;
    - xi. Omphalocele; and
    - xii. Gastroschisis;
      - i. Anorectal atresia.
      - ii. Biliary atresia.
      - iii. Cleft lip.
      - iv. Cleft palate.
      - v. Congenital atresia, stenosis, fistula, or rotational abnormalities of the gastrointestinal tract.
      - vi. Deformity and dysfunction of the gastrointestinal system secondary to trauma, 90 days or more after the trauma occurred.
      - vii. Diaphragmatic hernia.
      - viii. Gastroschisis.
      - ix. Hirschsprung's disease.
      - x. Omphalocele, and
      - xi. Tracheoesophageal fistula.
  - 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;
      - i. Celiac disease.
      - ii. Crohn's disease.
      - iii. Hernia other than a diaphragmatic hernia.
      - iv. Intestinal polyp.
      - v. Malabsorption syndrome, also known as short bowel syndrome.
      - vi. Pyloric stenosis.
      - vii. Ulcer disease, and
      - viii. Ulcerative colitis.
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 adequate blood levels of one or more medications;~~
  - ~~ii. Cerebral palsy;~~
  - ~~iii. Muscular dystrophy or other myopathy;~~
  - ~~iv. Myoneural disorder;~~
  - ~~v. Neuropathy, 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;~~
  - ~~x. Myasthenia gravis, congenital or acquired;~~
  - ~~xi. Benign intracranial tumor;~~
  - ~~xii. Benign intraspinal tumor;~~
  - ~~xiii. Tourette's syndrome;~~
  - ~~xiv. Residual dysfunction after resolution of an acute phase of vascular accident, inflammatory condition, or infection of the central nervous system;~~
  - ~~xv. Myelomeningocele, also known as spina bifida;~~
  - ~~xvi. Neurofibromatosis;~~
  - ~~xvii. Deformity and dysfunction secondary to trauma in an individual;~~
  - ~~xviii. Residual dysfunction after acute phase of near drowning; and~~
  - ~~xix. Residual dysfunction after acute phase of spinal cord injury;~~
  - i. Benign intracranial tumor.
  - ii. Benign intraspinal tumor.
  - iii. Central nervous system degenerative disease.
  - iv. Central nervous system malformation or structural abnormality.
  - v. Cerebral palsy.
  - vi. Craniosynostosis requiring surgery.
  - vii. Deformity and dysfunction secondary to trauma in an individual that continues 90 days or more after the incident.
  - viii. Hydrocephalus.
  - ix. Muscular dystrophy or other myopathy.
  - x. Myelomeningocele, also known as spina bifida.
  - xi. Myoneural disorder, including but not limited to, amyotrophic Lateral Sclerosis or ALS, myasthenia gravis, Eaton-Lambert syndrome, muscular dystrophy, troyer sclerosis, polymyositis, dermamyositis, progressive bulbar palsy, polio.
  - xii. Neurofibromatosis.
  - xiii. Neuropathy/polyneuropathy, hereditary or idiopathic.
  - xiv. Residual dysfunction that continues 90 days or more after a vascular accident, inflammatory condition, or infection of the central nervous system.
  - xv. Residual dysfunction that continues 90 days or more after near drowning.
  - xvi. Residual dysfunction that continues 90 days or more after the spinal cord injury, and
  - xvii. Uncontrolled seizure disorder, in which there have been more than two seizures with documented compliance of one or more medications.
- b. Condition(s) not medically eligible for CRS
- i. Headaches;
  - ii. Central apnea secondary to prematurity;
  - iii. Near sudden infant death syndrome;
  - iv. Febrile seizures;
  - v. Occipital plagiocephaly, either positional or secondary to lambdoidal synostosis;
  - vi. Trigonoecephaly secondary to isolated metopic synostosis;
  - vii. Spina bifida occulta;
  - viii. Near drowning in the acute phase; and
  - ix. Spinal cord injury in the acute phase;
  - x. Chronic vegetative state;
  - i. Central apnea secondary to prematurity.
  - ii. Febrile seizures.
  - iii. Headaches.
  - iv. Near sudden infant death syndrome.
  - v. Plagiocephaly, and



- vi. Spina bifida occulta.
- 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;~~
      - i. Cataracts.
      - ii. Disorder of the iris, ciliary bodies, retina, lens, or cornea.
      - iii. Disorder of the optic nerve.
      - iv. Glaucoma.
      - v. Non-malignant enucleation and post-enucleation reconstruction, and
      - vi. Retinopathy of prematurity.
  - b. Condition(s) not medically eligible for CRS
    - i. ~~Simple refraction error;~~
    - ii. ~~Astigmatism;~~
    - iii. ~~Strabismus, and~~
    - iv. ~~Ptosis;~~
      - i. Astigmatism.
      - ii. Ptosis.
      - iii. Simple refraction error, and
      - iv. Strabismus.
- 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;~~<sub>a</sub> and
    - ii. ~~Nonmalignant obstructive lesion of the larynx, trachea, or bronchi;~~<sub>a</sub>
  - 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 condition requiring venting for the neuromuscularly impaired;~~
      - i. Allergies.
      - ii. Asthma.
      - iii. Bronchopulmonary dysplasia.
      - iv. Chronic obstructive pulmonary disease.
      - v. Emphysema, and
      - vi. Respiratory distress syndrome.
- 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. ~~A burn scar that is functionally limiting;~~
    - iii. ~~A hemangioma that is functionally limiting;~~
    - iv. ~~Cystic hygroma, and~~
    - v. ~~Complicated nevi requiring multiple procedures;~~
      - i. A burn scar that is functionally limiting.
      - ii. A hemangioma that is functionally limiting that requires laser or surgery.
      - iii. Complicated nevi requiring multiple procedures.
      - iv. Cystic hygroma such as lymphangioma, and
      - v. Malocclusion that is functionally limiting.
  - 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. ~~Simple nevi;~~
    - iv. ~~Skin tag;~~
    - v. ~~Port wine stain;~~



- vi. ~~Sebaceous cyst,~~
  - vii. ~~Isolated malocclusion that is not functionally limiting,~~
  - viii. ~~Pilonidal cyst,~~
  - ix. ~~Ectodermal dysplasia, and~~
  - x. ~~A craniofacial anomaly that is not functionally limiting;~~
  - i. A deformity that is not functionally limiting.
  - ii. Ectodermal dysplasia,
  - iii. Isolated malocclusion that is not functionally limiting.
  - iv. Pilonidal cyst,
  - v. Port wine stain,
  - vi. Sebaceous cyst,
  - vii. Simple nevi, and
  - viii. Skin tag.
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,~~
  - vii. ~~Biotinidase deficiency,~~
  - i. Amino acid or organic acidopathy.
  - ii. Biotinidase deficiency.
  - iii. Homocystinuria.
  - iv. Inborn error of metabolism.
  - v. Maple syrup urine disease.
  - vi. Phenylketonuria, and
  - vii. Storage disease.
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;~~
  - e. ~~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.~~
  - a. Allergies.
  - b. Anorexia nervosa or obesity.
  - c. Attention deficit disorder.
  - d. Autism.
  - e. Cancer.
  - f. Depression or other mental illness.
  - g. Developmental delay.
  - h. Dyslexia or other learning disabilities.
  - i. Failure to thrive.
  - j. Hyperactivity, and
  - k. Immunodeficiency, such as AIDS and HIV.

**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

[R15-123]

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:



ties under A.R.S. § 16-942.

The amendments were proposed in an open meeting on August 20, 2015 and August 21, 2015, and the Commission agreed to post the proposed amendments for public comment on August 21, 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 proposed rule amendments clarify the Commission’s expenditure reporting requirements for candidates, persons, entities, and associations. The proposed amendments were developed by the Secretary of State’s Office, which petitioned the Commission for a rule change pursuant to R2-20-502, the consideration of the rule and posting the rule for public comment was proposed in an open on August 21, 2015. There were no Notices of Supplemental Proposed Rulemaking related to this Section, and changes are being made only to R2-20-109(F).
- 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 1. GENERAL PROVISIONS

Section  
R2-20-109. Reporting Requirements

ARTICLE 1. GENERAL PROVISIONS

**R2-20-109. Reporting Requirements**

- A. No change
- B. No change
  - 1. No change
  - 2. No change
  - 3. No change



- a. No change
- b. No change
- c. No change
- 4. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
- 5. No change
- C. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
- D. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
  - 3. No change
    - a. No change
    - b. No change
  - 4. No change
- E. No change
  - 1. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
  - 2. No change
    - a. No change
    - b. No change
  - 3. No change
- F. Independent Expenditure Reporting Requirements.
  - 1. Any person making independent expenditures cumulatively exceeding the amount prescribed in A.R.S. § 16-941(D) in an election cycle shall file campaign finance reports in accordance with A.R.S. § 16-958 and Commission rules.
  - 2. Any person required to comply with A.R.S. § 16-917 shall provide a copy of the literature and advertisement to the Commission at the same time and in the same manner as prescribed by A.R.S. § 16-917(A) and (B). For purposes of this subsection (F), “literature and advertisement” includes electronic communications, including emails and social media messages or postings, sent to more than 1,000 people.
  - 3. Any person making an independent expenditure on behalf of a candidate and not timely filing a campaign finance report as required by A.R.S. § 16-941(D), ~~or~~ A.R.S. § 16-958, ~~or A.R.S. § 16-913~~ shall be subject to a civil penalty as described in A.R.S. § 16-942(B). Penalties imposed pursuant to this subsection shall not exceed twice the amount of expenditures not reported. Penalties shall be assessed as follows:
    - a. For an election involving a candidate for statewide office, the civil penalty shall be \$300 per day.
    - b. For an election involving a legislative candidate, the civil penalty shall be \$100 per day.
    - c. The penalties in (a) and (b) shall be doubled if the amount not reported for a particular election cycle exceeds ten (10%) percent of the applicable one of the adjusted primary election spending limit or adjusted general election spending limit.
    - d. The dollar amounts in items (a) and (b), and the spending limits in item (c) are subject to adjustment of A.R.S. § 16-959.
  - 4. Any corporation, limited liability company, or labor organization that is both (a) not registered as a political committee and (b) in compliance with or intends to comply with A.R.S. § 16-920(A)(6) and A.R.S. § 16-914.02(A)(2) may seek an exemption from the reporting requirements of A.R.S. § 16-941(D) and A.R.S. § 16-958(A) and (B) for an election cycle by applying to the Commission for an exemption using a form specified by the Commission’s Executive Director.
  - 5. The form shall contain, at a minimum, a sworn statement by a natural person authorized to bind the corporation, limited liability company, or labor organization certifying that the corporation, limited liability company, or labor organization:



- a. Is in compliance with, and intends to remain in compliance with, the reporting requirements of A.R.S. § 16-914.02(A)-(J); and
  - b. Has or intends to spend more than the applicable threshold prescribed by A.R.S. § 16-914.02(A)(1) and (A)(2).
  6. A corporation, limited liability company, or labor organization that does not receive an exemption from the Commission must file the Clean Elections Act independent expenditure reports specified by A.R.S. § 16-958.
  7. Unless the request for an exemption is incomplete or the Executive Director is aware that any required statement is untrue or incorrect, the Executive Director shall grant the exemption. Civil penalties shall not accrue during the pendency of a request for exemption.
    - a. If the Executive Director deems the application for exemption is incomplete the person may reapply within two weeks of the Executive Director's decision by filing a completed application for exemption.
    - b. The denial of an exemption pursuant to this subsection is an appealable agency action. The Executive Director shall draft and serve notice of an appealable agency action pursuant to A.R.S. § 41-1092.03 and § 41-1092.04 on the respondent. The notice shall identify the following:
      - i. The specific facts constituting the denial;
      - ii. A description of the respondent's right to request a hearing and to request an informal settlement conference; and
      - iii. A description of what the respondent may do if the respondent wishes to remedy the situation without appealing the Commission's decision.
  8. A corporation, limited liability company, or labor organization that has received an exemption is exempt from the filing requirements of A.R.S. § 16-941(D) and A.R.S. § 16-958 and the civil penalties outlined in A.R.S. § 16-942, provided that the exempt entity, during the election cycle (a) remains in compliance with the reporting requirements of A.R.S. § 16-914.02 (A)-(J) and (b) remains in compliance with section part (2) of this subsection (F). All Commission rules and statutes related to enforcement apply to exempt entities. The Commission may audit any exempt entity pursuant to Article 4 of these rules.
  9. Any person may file a complaint with the Commission alleging that (a) any corporation, limited liability company, or labor organization that has applied for or received an exemption under this subsection has provided false information in an application or violated the terms of the exemption stated in part (8) of this subsection (F); or (b) any person that has not applied for or received an exemption has violated A.R.S. § 16-941(D), § 16-958, or parts (1), (2), or (6) of this subsection (F). Complaints shall be processed as prescribed in Article 2 of these rules. If the Commission finds that a complaint is valid, the person complained of shall be liable as outlined in A.R.S. § 16-942(B) and part (3) of this subsection (F), in addition to any other penalties applicable pursuant to rule or statute.
  10. Neither a form filed seeking an exemption pursuant to this subsection (F) nor a Clean Elections Act independent expenditure report filed as specified by A.R.S. § 16-9958 constitutes an admission that the filer is or should be considered a political committee. The grant of an exemption pursuant to this subsection (F) does not constitute a finding or determination that the filer is or should be considered a political committee.
  11. Any entity that has been granted an exemption as of September 11, 2014 is deemed compliant with the requirements of subpart (5) of this subsection (F) for the election cycle ending in 2014.
- G. No change**
1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  2. No change
  3. No change



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

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

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R15-124]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
R7-2-604 Amend
R7-2-604.01 Amend
R7-2-604.02 Amend
R7-2-604.03 Amend
R7-2-604.04 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. §§ 15-203(A)(1) and 15-203(A)(14)
Implementing statute: Not applicable
3. The effective date of the rules and the agency's reason it selected the effective date:
October 27, 2014
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:
Not applicable
5. The agency's contact person who can answer questions about the rulemaking:
Name: Christine Thompson, Executive Director
Address: State Board of Education
1700 W. Washington, Suite 300
Phoenix, AZ 85007
Telephone: (602) 542-5057
Fax: (602) 542-3046
E-mail: inbox@azsbe.az.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:
A.R.S. § 15-203(A)(14) requires the State Board of Education to supervise and control the certification of teachers. The law requires the rules adopted by the Board to "allow a variety of alternative teacher and administrator preparation programs" and outlines specific requirements to be considered. Arizona State Board rules R7-2-604 through R7-2-604.04 outline the requirements of and procedures for programs seeking approval of professional preparation programs.

At its April 30, 2014 meeting, the Board's Certification Advisory Committee approved proposed amendments to R7-2-604, R7-2-604.01, R7-2-604.02, R7-2-604.03 and R7-2-604.04 professional preparation programs. These proposed amendments allow for inclusion, consistency, clarity, and transparency of processes and criteria for professional preparation program review and State Board of Education approval. Stakeholder input was sought from professional preparation institutions through quarterly meetings and throughout the process of reviewing professional preparation programs. Superintendent, principal and recent completer feedback was compiled and consid-



ered in determining the proposed amendments.

Pursuant to the Board’s rulemaking procedures, a public hearing was held on July 16, 2014 after the rule was opened at the June 23, 2014 Board meeting. Additional Rules Hearings were held on September 15, 2014 and October 22, 2014. Modifications recommended by oral and written comments received were incorporated into the document. These changes include clarifying language, streamlining of the definitions and more specific professional preparation program evaluation criteria. In addition, stakeholder committees responsible for providing input in the development of guidance documents to proposed rule changes have been informed of the feedback and subsequent changes have been proposed.

- 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 rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. **The summary of the economic, small business and consumer impact, if applicable:**  
**The rules are not expected to have significant, if any, economic impact on small businesses.**
- 10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**  
Not applicable
- 11. **A summary of the comments made regarding the rule and the agency response to them:**  
Public hearings were held regarding R7-2-604 through R7-2-604.04 on June 23, 2014, September 15, 2014 and October 22, 2014. Comments was received from the following individuals attending the rules hearing: Katy Yanez, Northern Arizona University, Director of Government Affairs, asked to postpone any changes until further discussion can occur on institutional recommendations and teacher prep programs. This is an opportunity to dig deeper into the teacher prep issues. NAU has reviewed the package as it stands and does not think there is anything that is super urgent that cannot be delayed. Kelly McManus, Stand for Children, Government Affairs Director, submitted written comment and address those comments at the rules hearing. Dr. Karol Schmidt, Grand Canyon University, offered support for the rule and for the work of the EPP committee and staff. Hopefully these proposed revisions can be approved so the prep programs can continue to update their programs. Grand Canyon University does not support any further delay of this rule. Accountability measures are encompassed within these proposed revisions. Additional written emails and letters were also received and modifications recommended by oral and written comments received were incorporated into the document. These changes include clarifying language, streamlining of the definitions and more specific professional preparation program evaluation criteria. In addition, stakeholder committees responsible for providing input in the development of guidance documents to proposed Rule changes were informed of the feedback and subsequent changes proposed.
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
- 13. **Incorporations by reference and their location in the rules:**  
Not applicable
- 14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**  
Not applicable
- 15. **The full text of the rule follows:**

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section	
R7-2-604.	Definitions
R7-2-604.01.	Professional Educator Preparation Programs
R7-2-604.02.	Professional Educator Preparation Program Approval Procedures
R7-2-604.03.	Alternative Professional Educator Preparation Programs
R7-2-604.04.	Alternative Professional Educator Preparation Program Approval Process



ARTICLE 6. CERTIFICATION

R7-2-604. Definitions

In R7-2-604 through R7-2-604.02 R7-2-604.04, unless the context otherwise requires:

1. “Accreditation” means a professional preparation institution’s recognition by a national or regional agency or organization acknowledged for meeting identified standards or criteria.
- 1-2. “Annual ReportBiennial report” means a report submitted yearly every two years to the Department by all Arizona State Board approved professional preparation institutions of higher education for each approved educator preparation program.
3. “Biennial status letter” means correspondence issued by the Department to the professional preparation institution within 30 days upon completion of the review of the biennial report, indicating the status of the educator preparation program(s).
- 2-4. “Board approved program Approved Program” means a course of study; that is approved by the Board and meets the state’s standards all relevant standards for early childhood, elementary, secondary and special education teachers, administrators, school guidance counselors, and or school psychologists.
- 3-5. “Capstone experienceExperience” means a culminating professional experience in a PreK-12 setting. This experience may include student teaching or internships in administration, administrative internships, counseling, practicum and internships, and or school psychology, internships, or alternative path preK-12 teaching.
6. “Educator preparation program” means a traditional or alternative educator preparation program. Either type of program shall include courses, seminars, or modules of study; field experiences; and capstone experiences for preparing PreK-12 teachers, administrators, school guidance counselors, and school psychologists for an institutional recommendation for an Arizona certificate.
- 4-7. “Field experienceExperience” means scheduled, directed, structured, supervised, frequent experiences in a PreK-12 setting that occurs prior to the capstone experience. Field experiences must assist educator candidates in developing the knowledge, skills, and dispositions necessary to ensure all students learn, and provide evidence in meeting standards described in the Board approved professional teaching standards or professional administrative standards, and relevant Board approved academic standards.
- 5-8. “Institutional recommendationRecommendation” means a form developed by the Department and issued by a professional preparation institution, that indicates an individual has completed a Board approved educator preparation program.
6. “Institutional Report” means a report issued by the review team that cites evidence of compliance with or deviation from each standard that applies to the institution's program. The report may include accommodations, recommendations, and areas of improvement.
7. “Low Performing Institutions” mean Board approved teacher preparation institutions where less than 75% of program completers successfully completed the professional knowledge portion of the Arizona Teacher Proficiency Assessment on their first attempt as reported in Title II of the Higher Education Act. When a candidate has attended more than one institution, performance on the proficiency assessment shall be attributed to the institution where the student teaching was successfully completed.
8. “National Accreditation” means accreditation by a national agency that is recognized by the U.S. Secretary of Education. The Department shall publish a list of these agencies on its web site.
9. “Internship” means significant opportunities for candidates to practice and develop the skills identified in relevant state and national standards as measured by substantial and sustained work in real settings, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor.
10. “Program” means a course of study and school based experiences for preparing PreK-12 teachers, administrators, school guidance counselors, and school psychologists. These courses and school based experiences shall lead to a recommendation for an Arizona teaching, administrator, school guidance counselor, or school psychologist certificate.
- 9-10. “National standardsStandards” means written expectations for meeting a specified level of performance that are established by, but not limited to, the following organizations: Council for Accreditation of Counseling and Related Education Program (CACREP), Council for the Accreditation of Educator Preparation (CAEP), Council for Exceptional Children. (CEC), Educational Leadership Constituent Counsel (ELCC), Interstate New Teacher Assessment and Support Consortium (INtTASC), Interstate School Leaders Licensure Consortium (ISLLC), National Educational Technology Standards (ISTE-NETS), National Association for the Education of Young Children (NAEYC), National Association of School Psychologists (NASP-~~or~~), National Council for Accreditation of Teacher Education (NCATE) or Teacher Education Accreditation Council (TEAC).
11. “Regional Accreditation” means accreditation by a regional agency that is recognized by the U.S. Secretary of Education. The Department shall publish a list of these agencies on its web site. “Probationary educator preparation program” means a program with at least one deficiency identified in the biennial status letter issued by the Department, as a result of a Department review of the biennial report. Programs with the same deficiency(s) in two con-



- secutive biennial status letters are subject to revocation of Board approval. A deficiency may include, but is not limited to, stakeholder surveys, completer data and student achievement data.
12. “Student teaching” means a sustained period of rigorous field-based experiences, performed under the supervision of a certified teacher and an institutional program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking. “Professional preparation institutions” means organizations that include, but are not limited to, universities and colleges, school districts, not for profit organizations, professional organizations, private businesses, charter schools, and regional training centers that oversee one or more educator preparation programs.
  13. “Program completer” means a student who has met all the professional program institution’s requirements of a Board approved educator preparation program necessary to obtain an institutional recommendation.
  14. The organizations cited in R7-2-604, R7-2-604.01 and R7-2-604.02 are as follows:
    - a. “CACREP” means the Council for Accreditation of Counseling and Related Education Program.
    - b. “CEC” means the Council for Exceptional Children.
    - e. “INTASC” means the Interstate New Teacher Assessment and Support Consortium.
    - d. “ISLLC” means the Interstate School Leaders Licensure Consortium.
    - e. “ISTE-NETS” means the National Educational Technology Standards.
    - f. “NAEYC” means the National Association for the Education of Young Children.
    - g. “NASP” means the National Association of School Psychologists.
    - h. “NCATE” means the National Council for Accreditation of Teacher Education.
  14. “Program supervisor” means an educator from the professional preparation institution under whose supervision the candidate for licensure practices during a capstone experience. The program supervisor’s professional work experiences must be relevant to the license the candidate is seeking. Program supervisors must also have adequate training from the professional preparation institution.
  - 13-15. “Review Team” means a committee appointed by that reviews educator preparation programs seeking Board approval that consists of representatives from the Department that shall review professional preparation programs seeking Board approval and provide recommendations to the Board. The committee shall consist of representatives from an and at least three of the following entities: an institutions under the jurisdiction of the Arizona Board of Regents institutions, an Arizona private institutions institution of higher education, an Arizona community collegecolleges, other organizations with a Board approved educator preparation program, the Arizona Education Association, professional educator associations, a district level administrator from a local education agency PreK-12 administrators from local education agencies, and a National Board Certified Teachers Teacher, and the Department.
  16. “Student teaching” means a minimum of twelve weeks of rigorous field-based experiences, appropriate for the certificate the candidate is seeking, performed under the direction of a supervising practitioner and a program supervisor. The student teaching placement must be appropriate for the certification that the applicant is seeking.
  17. “Supervising practitioner” means a standard certified educator, currently employed by a local education agency, private agency or other PreK-12 setting who supervises the candidate during a capstone experience. Supervising practitioners must have:
    - a. a minimum of three full years of experience relevant to the license the candidate is seeking.
    - b. a current classification of highly effective or effective pursuant to § 15-203(A)(38) when applicable.
    - c. adequate training from the professional preparation institution.

#### **R7-2-604.01. Professional Educator Preparation Programs**

- A. Professional preparation institutions may shall include, but are not limited to, universities and colleges, school districts, professional organizations, private businesses, charter schools, and regional training centers. At a minimum, the professional evidence that the educator preparation program is aligned to shall include training in the standards described in R7-2-602 and R7-2-603 the Board approved professional teaching standards or professional administrative standards and relevant national standards, and provides field experiences, and a capstone experience, and alignment with national standards.
- B. Educator preparation programs of professional preparation institutions requesting Board approval shall be reviewed by the Department, and the Department shall recommend Board action. Upon the recommendation of the Department, the Board shall evaluate and may approve an educator the professional preparation programs of institutions which request Board approval. R7-2-604, R7-2-604.01 and R7-2-604.02 apply to all professional preparation programs in teacher, administrator, school guidance counselor, and school psychology programs that lead to certification. The Board may grant program approval for a period not to exceed five six years.
- C. All educator preparation programs that lead to an Arizona certification must be approved by the Board pursuant to these rules. Board approval of professional educator preparation programs may be granted following the successful evaluation of the program. Board rules in effect at the time of the submission of a program for evaluation shall be the rules upon which the institution educator preparation program is evaluated.

#### **R7-2-604.02. Professional Educator Preparation Program Approval Procedures**

- A. Institutions-Professional preparation institutions with no Board approved educator preparation programs, seeking initial approval for an educator professional preparation program approval shall submit to the Department the information nec-



essary to conduct a preliminary readiness review of the professional preparation program institution. The Department shall prescribe forms to assist professional preparation institutions with providing all information required as part of the preliminary readiness review process. The required information, at a minimum, shall include includes the following:

1. An institutional profile that includes information regarding the type of institution demonstrating program and financial stability, a description of the educator preparation program seeking approval, the type of approval being requested, any a listing of national or regional accreditations held by the program, the institution's governance and administrative structures and student demographic data. A program that is not regionally accredited by a Board recognized entity shall provide the Department with the necessary information to demonstrate program sustainability. This shall include a description of the institution's facilities, relevant equipment and supplies, student support services, access to library resources and technology, and evidence of financial stability.
2. A description of the institution's conceptual framework. This shall include an explanation of the professional preparation institution's vision, mission, philosophy and goals, and a description of how this framework information is shared with students, faculty relevant staff and other relevant stakeholders.
3. Data regarding the professional preparation institution's relevant staff, including the following faculty. This shall include:
  - a. Demographic data relating to the faculty relevant staff for each educator preparation program seeking approval, including, at a minimum, educational. This data shall include the number with terminal degrees, the faculty staff to student ratio, and the percentage of faculty members with experience teaching in a PreK-12 setting, and, if available, may also include ethnicity and gender data if available.
  - b. Definitions of titles and clarification of roles of terms used by the institution to describe individuals responsible for professional coursework, clinical supervision courses, seminars, or modules of study; field experiences; capstone experiences; and administration of each program.
  - c. A description of the professional preparation institution's employment policies, including procedures for determining faculty staff assignments, evaluation procedures and professional development opportunities and requirements.

B. The Department shall provide professional preparation institutions applying for program approval with written notification, within 60 days of receiving readiness review materials, either indicating readiness to submit educator preparation programs for review or specifying any deficiencies, whether all necessary information has been submitted to complete the preliminary review process. If additional information is required the written notice shall specify the deficiencies and indicate that the institution has 30 days from receipt of the notice to supply the Department with all required information regarding identified deficiencies.

C. Upon verification that an institution has satisfied the submittal requirements for the preliminary review, the Department shall initiate a review of the specific educator preparation programs being considered for Board approval. The Department shall prescribe forms to assist institutions with providing all information required as part of the educator preparation programs review. Professional Preparation Institutions with accreditation may submit accreditation documentation to be considered as part of the review process. To facilitate this review, institutions shall provide the Department with the following:

1. Provide the Department with a A description of the educator preparation programs program being considered for Board approval. This shall include, at a minimum, the criteria for student entry into the program; a summary of the program coursecourses, seminars, or modules of study; field experiences; and capstone experiences. The professional preparation institution must verify that it requires courses, seminars, or modules of study sequence, descriptions of all required courses, and verification that the program requires courses that are necessary to obtain a full Structured English Immersion endorsement if required for the certificate the candidate is seeking.
2. Provide the Department with a A description of the field experience and capstone experience policies for the educator preparation programs being considered for Board approval. The review team shall verify that the field experience or and capstone experience includes evidence of engagement in the application of complies with relevant standards as articulated in R7-2-602 or R7-2-603 the Board approved professional teaching standards or professional administrative standards and relevant national standards. Educator preparation Programs programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
3. Evidence that candidates are provided instruction and practice in how to gather, evaluate, and synthesize multiple data sources and how to effectively use data in educational and classroom instructional decisions.
4. Provide the Department with evidence that candidates are provided instruction and practice in how to appropriately integrate technology when working with students.
- 3.5 Provide the Department with a A description of the assessment plan for measuring each candidate's competencies as they progress through in coursework courses, seminars, or modules of study and field experienceexperiences to ensure readiness for a capstone experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in R7-2-602 or R7-2-603 the Board approved professional teaching standards or professional administrative standards, relevant Board approved academic standards, and relevant national standards. The plan shall also describe processes for utilizing performance-based assessments and for providing candidates with necessary remediation. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable relevant national standards.



- ~~4.6. Provide the Department with a description of the procedures used to monitor and evaluate the operation, scope and quality of the educator preparation program being considered for approval. This shall include the use of internal and external evaluations, and may include stakeholder surveys, program completer employment information, and PreK-12 student achievement data. The institutions shall also submit to the Department data relating to program graduates.~~
- ~~5.7. Provide the Department with an educator preparation program matrix matrices demonstrating that program coursework course, seminar, or module assessments, field experiences and capstone experiences align with relevant standards as articulated in R7-2-602 or R7-2-603 measure candidates' success in meeting the Board approved professional teaching standards or professional administrative standards, and relevant with applicable national standards. Programs-Educator preparation programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable-relevant national standards.~~
- D. Upon completion of the program review, the review team shall schedule and conduct an onsite visit. The Department may schedule and conduct an onsite visit upon completion of the educator preparation programs review for professional preparation institutions seeking initial approval. The onsite visit may include, a tour of the professional preparation institution; a review of documentation and related evidence; and interviews of administrative relevant staff, faculty, students educator candidates, and local education agency, private agency or other PreK-12 administrators who employ program completers.
- E. Upon completion of the review, and onsite review if applicable, the review team Department shall, within 90 days, provide the professional preparation institution with a program report of the Department's findings. This report shall cite any evidence showing deviation from each relevant standard Board approved professional teaching standard, professional administrative standard, and relevant national standard that applies to the educator preparation program institution's programs. The professional preparation institution shall have 30 days from receipt of the review team's findings Department's program report to submit a response addressing the findings any identified deficiencies.
- F. Based upon its findings the Department's program report, the review team Department shall recommend to the Board that the educator preparation program be approved, approved with conditions or denied. The Board may grant program approval for a period not to exceed five years.
- G. The Board may grant educator preparation program approval for a period not to exceed six years or deny program approval.
- ~~G.H. Within 60 days of the Board's action, a professional preparation institution An institution may request reconsideration of the Board's decision to deny an educator preparation program. If a program is ultimately denied program approval the institution may not reapply for approval for a period of one year from the date of the Board's final action.~~
- ~~H.I. Professional preparation institutions Institutions with Board approval shall make available to the public a statement indicating the type of approval it has been granted and the valid period for that approval which the educator preparation program has been approved.~~
- ~~I.J. Board approved Professional preparation institutions with Board approved educator preparation programs shall comply with the reporting requirements established by Title II of the Higher Education Act (P.L. 110-315).~~
- ~~J.K. Each approved professional preparation institution shall file submit an annual a biennial report with the Department documenting educator preparation program activities for the previous year two years. The annual report shall be submitted on the yearly due date established by Title II of the Higher Education Act (P.L. 110-315) for the institutional report. The annual biennial report shall include the following:~~
- ~~1. A description of any substantive changes in courses, seminars, modules, assessments, field experiences or capstone experiences in to Board approved educator preparation programs;~~
  - ~~2. A copy of the current institutional catalog; Electronic access to relevant educator preparation program information;~~
  - ~~3. The name, title and original signature of the certification officer for the professional preparation institution;~~
  - ~~4. Program-Relevant data on the educator preparation program, faculty relevant staff, and candidates, data which may include, but is not limited to, stakeholder surveys, completer data, and student achievement data required as a condition of initial or continuing program approval.~~
- L. The Department shall provide annual updates to the Board and make publically available information summarizing the biennial reports to include, but not limited to, program status, deficiencies, and commendations.
- ~~K.M. Board approved educator preparation programs shall provide their program graduates completers with an institutional recommendation for issuance of the appropriate Arizona certification within 45 days.~~
- ~~L.N. To maintain Board educator preparation program approval, the professional preparation institution shall be in continuous operation and training students candidates in accordance with its mission and program objectives, fulfill all reporting requirements, and maintain compliance with all applicable local, state, tribal and federal requirements.~~
- ~~M.O. The Department shall administer two cycles per year for the review of applications for provide a timeline for professional preparation institutions to submit educator preparation programs for approval. One cycle shall commence in January and the other cycle in July. To be eligible for either cycle an institution must submit all required preliminary review documentation by either January 15 or July 15.~~
- ~~N.P. Professional preparation Institutions seeking renewal of educator preparation program approval shall submit the required preliminary documents for review documentation by the deadline for a review cycle that commences at least one year prior to the expiration date of the approved program at least six month prior to the program expiration date.~~
- R7-2-604.03. Alternative Professional Educator Preparation Programs**
- A. Professional Preparation Institutions that submit an alternative educator preparation program(s) for Board approval must adhere to R7-2-604.01. Alternative professional preparation institutions may include, but are not limited to, univer-



sities and colleges, school districts, professional organizations, private businesses, charter schools, and regional training centers. At a minimum, the professional preparation program shall include training in the standards described in R7-2-602 and R7-2-603, a capstone experience, and alignment with national standards.

- B.** The Board shall evaluate and may approve the alternative professional preparation programs of applicants which request Board approval. Rules R7-2-604, R7-2-604.03 and R7-2-604.04 apply to all alternative professional preparation programs in teacher, administrator, school guidance counselor, and school psychology programs that lead to certification. The Board may grant program approval for a period not to exceed seven years.
- C.** Board approval of alternative professional preparation programs may be granted following the successful evaluation of the program. Board rules in effect at the time of the submission of a program for evaluation shall be the rules upon which the institution is evaluated.

**R7-2-604.04. Alternative Professional Educator Preparation Program Approval Process**

- A.** The Board shall establish a review committee for the purpose of evaluating all complete applications for alternative professional preparation program approval. The committee shall be comprised of seven members and may include representatives from the Board, the Department, higher education, local school districts, charter schools or the local business community. Professional Preparation Institutions that submit an alternative educator preparation program(s) for Board approval must adhere to R7-2-604.02, except that individuals participating in or completing Board approved alternative educator preparation programs as delineated in this section may apply for a teaching intern certificate, pursuant to R7-2-614(E), and may complete their field experience and capstone experiences during the valid period of their teaching intern certificate.
- B.** Applicants seeking professional preparation program approval shall submit to the Department the information necessary to conduct a review of the preparation program. The Department shall prescribe forms to assist applicants with providing all information required as part of the review process. The required information shall include the following:
  1. A profile that includes information regarding the type of organization seeking approval, the type of approval being requested.
  2. A description of the organization’s conceptual framework. This shall include an explanation of the applicant’s vision, mission, philosophy and goals.
  3. The criteria for student entry into the program, a summary of the program course sequence or alternative program/course of study, descriptions of all required courses, or alternative program/course of study, and verification that program graduates possess a bachelor’s degree from an accredited institution and have completed the training necessary to obtain a Structured English Immersion endorsement.
  4. Data regarding the institution’s faculty or personnel. This shall include demographic data relating to the faculty and/or personnel for each program seeking approval.
  5. A description of the field experience and capstone experience policies for the program being considered for Board approval. The review committee shall verify that the field experience or capstone experience complies with relevant standards as articulated in R7-2-602 or R7-2-603 and relevant national standards. Individuals enrolled in an approved alternative professional preparation program may complete their field experiences or capstone experiences during the valid period of their intern certificates. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
  6. A description of the assessment plan for measuring competencies in coursework and field experience. The plan shall require, at a minimum, that candidates demonstrate competencies as articulated in R7-2-602 or R7-2-603 and relevant national standards. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
  7. A description of how this program will align with relevant standards as articulated in R7-2-602 or R7-2-603 and with applicable national standards. Programs applying for approval in school psychology and guidance counseling shall only be required to demonstrate compliance with applicable national standards.
- C.** The Department shall provide applicants for program approval with written notification indicating whether all necessary information has been submitted to complete the review process. If additional information is required the written notice shall specify the deficiencies and indicate that the institution has 30 days from receipt of the notice to supply the Department with all required information.
- D.** Upon verification that an applicant has satisfied the submittal requirements for the review, the Department shall inform the executive director for the Board that the application is complete. The executive director shall schedule a meeting of the review committee described in subsection (A) to review the application and prepare a recommendation for the Board. The review committee shall evaluate each program on identical criteria, as directed by the Board. The evaluation shall permit variations in program design.
- E.** The review committee may request additional information from an applicant if it determines that such information is necessary to complete an evaluation.
- F.** Upon completion of the review, the review committee shall, within 90 days, provide the applicant with a report of its findings. The institution shall have 30 days from receipt of the review team’s findings to submit a response addressing the findings.
- G.** Based upon the findings, the review team shall recommend to the Board that the program be approved, approved with conditions or denied. The Board may grant program approval for a period not to exceed seven years.
- H.** An applicant may request reconsideration of the Board’s decision. If a program is ultimately denied approval the applicant may not reapply for approval for a period of one year from the date of the Board’s final action.





- 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 rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. **The summary of the economic, small business and consumer impact, if applicable:**  
The rules are not expected to have significant, if any, economic impact on small businesses.
- 10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**  
Not applicable
- 11. **A summary of the comments made regarding the rule and the agency response to them:**  
Pursuant to the Board’s rulemaking procedures, a public hearing on this proposed rule change was held on August 7, 2013. No comment was received.
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
- 13. **Incorporations by reference and their location in the rules:**  
Not applicable
- 14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**  
Not applicable
- 15. **The full text of the rule follows:**

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

- Section
- R7-2-607. General Certification Provisions
- R7-2-610. Secondary Teaching Certificates

ARTICLE 6. CERTIFICATION

**R7-2-607. General Certification Provisions**

- A. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
- J. Teachers in grades ~~seven through 12~~ six through 12 whose primary assignment is in an academic subject required pursuant to R7-2-301, R7-2-302, R7-302.01 and R7-302.02 shall demonstrate proficiency by passing the appropriate subject area portion of the Arizona Teacher Proficiency Assessment. The subject areas of demonstrated proficiency shall be specified on the certificate. If a proficiency assessment is not offered in a subject area, an approved area shall consist of a minimum of 24 semester hours of courses in the subject.
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change

**R7-2-610. Secondary Teaching Certificates**

- A. No change
- B. Provisional Secondary Certificate - ~~grades seven through 12~~ grades six through 12



1. No change
  2. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. Thirty semester hours of education courses which teach the knowledge and skills described in R7-2-602, including at least eight semester hours of practicum in grades ~~seven through 12~~ six through 12. Two years of verified teaching experience in grades ~~seven through postsecondary~~ six through postsecondary may substitute for the eight semester hours of practicum; or
      - iii. No change
    - c. No change
    - d. No change
    - e. No change
- C. Standard Secondary Certificate - grades ~~seven through 12~~ six through 12
1. No change
  2. No change
    - a. No change
    - b. No change
    - c. No change
- D. Specialized Secondary Certificate – Science, Technology, Engineering or Mathematics – grades seven through 12
1. The certificate is valid for six years.
  2. The requirements are:
    - a. A bachelor's degree;
    - b. Completion of training in structured English immersion as prescribed by the Arizona State Board of Education;
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
    - d. One of the following options:
      - i. Option A – Postsecondary teaching experience – science, technology, engineering or mathematics:
        - (1) Have taught science, technology, engineering or mathematics courses for the last two consecutive years, and for a total of at least three years, at one or more regionally or nationally accredited public or private postsecondary institutions, to be demonstrated by providing written proof of employment from each applicable qualifying postsecondary institution, including specific durations of employment and the nature of the teaching assignment; and
        - (2) A baccalaureate degree, a master's degree or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics or a passing score the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
      - ii. Option B – Work experience – science, technology, engineering or mathematics:
        - (1) A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment;
        - (2) Have ten or more years of work experience in science, technology, engineering or mathematics, to be demonstrated by providing written proof of employment from each applicable employer, including specific durations of employment and the nature of the assignment; and
        - (3) Demonstrate adequate subject matter knowledge through either:
          - a) A baccalaureate degree, a master's degree or a doctoral degree in an academic subject that is specific to science, technology, engineering or mathematics;
          - b) Twenty-four hours of relevant coursework in an academic subject that is specific to science, technology, engineering or mathematics; or
          - c) A passing score on one or more science, technology, engineering or mathematics subject knowledge portions of the Arizona Teacher Proficiency Assessment.

## NOTICE OF FINAL EXEMPT RULEMAKING

### TITLE 7. EDUCATION

#### CHAPTER 2. STATE BOARD OF EDUCATION

[R15-126]

#### PREAMBLE

**1. Article, Part, or Section Affected (as applicable)**  
R7-2-611

**Rulemaking Action**  
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. §§ 15-203(A)(1) and 15-203(A)(14)

Implementing statute: Not applicable

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

December 2, 2013

**4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:**

Not applicable

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

Name: Christine Thompson, Executive Director

Address: State Board of Education  
1700 W. Washington, Suite 300  
Phoenix, AZ 85007

Telephone: (602) 542-5057

Fax: (602) 542-3046

E-mail: inbox@azsbe.az.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:**

The Certification Advisory Committee recommended that the board consider the following changes to R7-2-611, subsections (C), (D), (E), (F), (G), (H), (M), (N).

- R7-2-611(C) Provisional Cross-Categorical Special Education Certificate
- R7-2-611(D) Standard Cross Categorical Special Education Certificate

Rename the Cross Categorical Special Education certificate to the Mild-Moderate Special Education certificate as well as increase the rigor of coursework required to align with current best practices as well as the Council for Exceptional Children standards. The increase in coursework rigor has been added to better prepare teachers to work with the targeted special education population. The proposed rule change would go into effect January 1, 2016.

Rename the mental retardation disability category to intellectual disabilities to align with Rosa’s Law under IDEA, a federal Special Education law.

- R7-2-611(E) Provisional Specialized Special Education Certificates
- R7-2-611 (F) Standard Specialized Special Education Certificates

No new applications for the Specialized Special Education certificates will be accepted after December 31, 2015. Specialized Special Education certificates are offered in the following disability areas: Mental Retardation, Learning Disabilities, Emotional Disabilities, Orthopedic Impairments and Other Health impairments. This proposal coincides with the proposal for the Mild-Moderate Special Education Certificate which would allow a Mild-Moderate certificate holder to serve students with the disabilities that are currently covered under the Specialized Special Education certificate. The adoption of the Mild-Moderate Special Education certificate eliminates the need for the Specialized Special education certificates. Individuals who hold one or more Specialized Special Education Certificate(s) will be able to maintain these certificates by fulfilling the current renewal requirements.

Rename the mental retardation disability category to intellectual disabilities to align with Rosa’s Law under IDEA, a federal special education law.

- R7-2-611(G) Provisional Severely and Profoundly Disabled Certificate
- R7-2-611(H) Standard Severely and Profoundly Disabled Certificate

To increase the rigor of coursework to align with current best practices as well as the Council for Exceptional Children standards. The increase in coursework rigor has been added to better prepare teachers to work with the targeted special education population. The proposed rule would go into effect January 1, 2016.

- R7-2-611(M) Provisional Early Childhood Special Education Certificate
- R7-2-611(N) Standard Early Childhood Special Education Certificate

Increase the age range a certificate holder can teach with this certificate as well as increase the rigor of coursework required to align with the Arizona Early Childhood and Council for Exceptional Children standards. The current Early Childhood Special Education certificate only allows an individual to teach students from age 0-5. The proposal to increase the age range to Birth-age 8 or Grade 3 would allow individuals the opportunity to service a wider range of students. School Districts would have greater flexibility in placing teachers due to the increased age range of the certificate. The increased rigor of coursework will better prepare teachers to service the early childhood special education population. The proposed rule change would go into effect January 1, 2016.

Current Early Childhood Special Education certificate holders will be able to maintain their certificates as long as they



fulfill the current renewal requirements.

Proposed Amendments to Rule

The proposed rule changes contain modifications to the following subsections of R7-2-611:

- R7-2-611(C) and (D), regarding provisional and standard teaching certificates for mild to moderate disabilities: rename the Cross-categorical certificate to Mild-moderate special education certificate, modify coursework requirements, and re-name the mental retardation disability category to intellectual disabilities.
- R7-2-611(E) and (F), regarding discontinuing the Specialized Special Education certificates: no new applications for the Specialized Special Education certificate will be accepted after December 31, 2015 and re-name the mental retardation disability category to intellectual disabilities.
- R7-2-611(G) and (H), regarding the Severely and Profoundly Disabled certificates: increase the rigor of coursework requirements.
- R7-2-611(M) and (N), regarding the Early Childhood Special Education certificates: change the Early Childhood Special Education certificate from birth through 5 years to birth-age 8 or grade 3 for applications received on or after January 1, 2016 and increase the rigor of coursework requirements.

**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 rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business and consumer impact, if applicable:**

The rules are not expected to have significant, if any, economic impact on small businesses.

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

Not applicable

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

A public hearing was held regarding these proposed rules on November 26, 2013. No comments were received.

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

Not applicable

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

Not applicable

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

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-611. Special Education Teaching Certificates

ARTICLE 6. CERTIFICATION

**R7-2-611. Special Education Teaching Certificates**

A. No change

B. No change

C. Provisional Cross-Categorical Special Education Certificate - grades K through 12 for applications received through December 31, 2015, and Provisional Mild-Moderate Disabilities Special Education Certificate grades K through 12 for applications received on and after January 1, 2016.

1. No change



- 2. The holder is qualified to teach students with mild to moderate ~~mental retardation, autism, intellectual disabilities, traumatic brain injury~~, emotional disability, specific learning disability, orthopedic impairments and/or other health impairments.
- 3. No change
  - a. No change
  - b. No change
    - i. Completion of a teacher preparation program in special education from an accredited institution, which included courses in ~~mental retardation, emotional disability, specific learning disability, orthopedic impairments and other health impairments~~ the instruction and behavior management of students with mild-moderate disabilities; or
    - ii. ~~Forty five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum with students representing at least three of the five disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation intellectual disabilities, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K through 12 may substitute for the eight semester hours of practicum; or A valid mild-moderate special education certificate from another state; or~~
      - iii. A valid ~~cross-categorical special education certificate from another state~~ Semester hours of education courses as follows:
        - (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum with students representing at least three of the five disability areas. Special education courses shall include survey of exceptional students; teaching methodologies and strategies for students with disabilities; foundations course in mild to moderate mental retardation intellectual disabilities, learning disability, emotional disabilities, and physical/health impairment; and diagnosis and assessment of mild disabilities. Two years of verified teaching experience in special education in grades K through 12 may substitute for the eight semester hours of practicum; or
        - (2) For applications received on and after January 1, 2016: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 37 semester hours of special education courses with shall include:
          - (a) Foundations of special education;
          - (b) Legal aspects;
          - (c) Effective collaboration and communication practices;
          - (d) Research-based instruction in math;
          - (e) Research-based instruction in English language arts;
          - (f) Classroom management and behavior analysis;
          - (g) Assessment and eligibility;
          - (h) Language development and disorders;
          - (i) Electives; and a minimum of eight semester hours of practicum with students with mild-moderate disabilities. Two years of verified teaching experience in mild-moderate special education in grades K through 12 may substitute for the eight semester hours of practicum.
  - c. No change
  - d. A passing score on the ~~cross-categorical~~ special education portion of the Arizona Teacher Proficiency Assessment, and
  - e. No change
- D. Standard Cross-Categorical Special Education Certificate - grades K through 12 for applications received through December 31, 2015, and Standard Mild-Moderate Disabilities Special Education Certificate grades K through 12 for applications received on and after January 1, 2016.
  - 1. No change
  - 2. The holder is qualified to teach students with mild to moderate ~~mental retardation, autism, intellectual disabilities, traumatic brain injury~~, emotional disability, specific learning disability, orthopedic impairments and/or other health impairments.
  - 3. No change
    - a. A provisional cross-categorical Special Education certificate or mild-moderate disabilities special education certificate;
    - b. No change
    - c. No change
- E. Provisional Specialized Special Education Certificate - grades K through 12.
  - 1. No change



2. No new applications for a Provisional Specialized Special Education Certificate will be accepted after December 31, 2015.
  23. The holder is qualified to teach students with ~~mental retardation~~ intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
  34. The requirements are:
    - a. A bachelor's degree,
    - b. One of the following:
      - i. Completion of a teacher preparation program in the specified area of special education from an accredited institution; or
      - ii. Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum in the designated area of disability. Special education courses shall include survey of exceptional students, teaching methodologies for students with disabilities, foundations of instruction in the designated area of disability, and diagnosis and assessment of disabilities. Two years of verified teaching experience in the area of disability in grades K through 12 may be substituted for the eight semester hours of practicum; or
      - iii. A valid special education certificate in the specified area from another state.
    - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment,
    - d. A passing score on the specified disability special education portion of the Arizona Teacher Proficiency Assessment, and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- F. No change
1. No change
  2. The holder is qualified to teach students with ~~mental retardation~~ intellectual disabilities, emotional disability, specific learning disability, orthopedic impairments or other health impairments, as specified on the certificate.
  3. No change
    - a. No change
    - b. No change
    - c. No change
- G. No change
1. No change
  2. The holder is qualified to teach students with severe and profound disabilities.
  23. The requirements are:
    - a. A bachelor's degree,
    - b. One of the following:
      - i. Completion of a teacher preparation program in severely and profoundly disabled education from an accredited institution; or
      - ii. ~~Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades PreK-12 who are severely and profoundly disabled may be substituted for the eight semester hours of practicum; or~~ A valid severe and profound special education certificate from another state; or
      - iii. ~~A valid Severely and Profoundly Disabled certificate from another state.~~ Semester hours of education courses as follows:
        - (1) For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the knowledge and skills described in R7-2-602, including 21 semester hours of special education courses and eight semester hours of practicum. Special education courses shall include survey of exceptional students, teaching methodologies for students with severe and profound disabilities, foundations of instruction of students with severe and profound disabilities, and diagnostic and assessment procedures for students with severe and profound disabilities. Two years of verified teaching experience with students in grades PreK-12 who are severely and profoundly disabled may be substituted for the eight semester hours of practicum; or
        - (2) For applications received on and after January 1, 2016: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including 37 semester hours of special education courses with shall include:
          - (a) Foundations low incidence disabilities;
          - (b) Legal aspects;
          - (c) Effective collaboration and communication practices;



- (d) Adaptive communication;
- (e) Instructional strategies across the curriculum;
- (f) Classroom management and behavior analysis;
- (g) Assessment and eligibility;
- (h) Electives; and a minimum of eight semester hours of practicum with students with severe and profound disabilities. Two years of verified teaching experience in special education in grades K through 12 who have severe and profound disabilities may substitute for the eight semester hours of practicum.

- c. No change
- d. No change
- e. No change

**H.** No change

- 1. No change
- 2. The holder is qualified to teach students with severe and profound disabilities.

**23.** The requirements are:

- a. A provisional severely and profoundly disabled certificate;
- b. A passing score on the performance portion of the Arizona Teacher Proficiency Assessment. If a performance portion of the Proficiency Assessment has not been adopted by the Board, two years of verified full-time teaching experience may be used to fulfill this requirement; and
- c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**I.** No change

- 1. No change
- 2. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
  - c. No change
  - d. No change
  - e. No change

**J.** No change

- 1. No change
- 2. No change
  - a. No change
  - b. No change
  - c. No change

**K.** No change

- 1. No change
- 2. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
  - c. No change
  - d. No change
  - e. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
  - f. No change

**L.** No change

- 1. No change
- 2. No change
  - a. No change
  - b. No change
  - c. No change

**M.** Provisional Early Childhood Special Education Certificate - birth through 5 years for applications received through December 31, 2015, and birth through age 8 or grade 3 for applications received on and after January 1, 2016.



1. No change
  2. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. ~~Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and eight semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the eight semester hours of practicum; or A valid early childhood special education certificate from another state; or~~
      - iii. ~~A valid early childhood special education certificate from another state; or Early childhood education coursework and practicum experience which teaches the knowledge and skills described in R7-2-602 and includes the following:~~
        - (1) ~~For applications received through December 31, 2015: Forty-five semester hours of education courses which teach the standards described in R7-2-602, including child development and learning, language development, social and emotional development, curriculum development and implementation, and assessment and evaluation, early childhood special education, and eight semester hours of practicum in early childhood special education. Two years of verified teaching experience in the area of early childhood special education may be substituted for the eight semester hours of practicum; or~~
        - (2) ~~For applications received on and after January 1, 2016:~~
1. Thirty-seven semester hours of early childhood education courses which teach the standards described in R7-2-602, to include all of the following areas of study:
    - a. Foundations early childhood education and special education;
    - b. Behavioral interventions for children with an without disabilities;
    - c. Characteristics and quality practices for typical and atypical behaviors of young children;
    - d. Typical and atypical child growth and development, including health, safety and nutrition with an emphasis on special health care needs for children birth through grade 3;
    - e. Child, family, cultural and community relationships including community organizations that support and assist children with disabilities and their families;
    - f. Developmentally appropriate instructional and inclusive methodologies for teaching social and emotional development, language arts, math, science, social studies, the arts and diagnosis and remediation of learning difficulties;
    - g. Early language and literacy development including communication methods in early childhood education/special education; (h) Assessment and evaluation for early childhood special education to include observing, assessing, monitoring and reporting on the progress of young children; and
  2. A minimum of eight semester hours of practicum, including:
    - a. A minimum of four semester hours in a supervised field experience, practicum, internship or student teaching setting serving children with identified special needs birth through preschool or one year of full-time teaching experience with children identified with specials needs birth through preschool, and
    - b. A minimum of four semester hours in a supervised student teaching setting serving children with identified special needs in kindergarten through grade 3 or one year of full time teaching experience with children identified with special needs kindergarten through grade 3.
    - c. No change
    - d. No change
    - e. No change
- N. Standard Early Childhood Special Education Certificate - birth through 5 years for applications received through December 31, 2015, and birth through age 8 or grade 3 for applications received on and after January 1, 2016.
1. No change
  2. No change
    - a. No change
    - b. No change
    - c. No change



NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R15-127]

PREAMBLE

- 1. **Article, Part, or Section Affected (as applicable)**                      **Rulemaking Action**  
     R7-2-612    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. §§ 15-203(A)(1) and 15-203(A)(14)  
     Implementing statute: Not applicable
- 3. **The effective date of the rules and the agency’s reason it selected the effective date:**  
     August 26, 2013
- 4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:**  
     Not applicable
- 5. **The agency’s contact person who can answer questions about the rulemaking:**  
     Name:                      Christine Thompson, Executive Director, State Board of Education  
     Address:                  1700 W. Washington, Suite 300  
                                         Phoenix, AZ 85007  
     Telephone:              (602) 542-5057  
     Fax:                          (602) 542-3046  
     E-mail:                      inbox@azsbe.az.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:**  
     Pursuant to A.R.S. § 15-792.02 the State Board of Education shall adopt rules to carry out the following initiative:  
     Career and Technical Education teachers are required by statute to hold a teaching certificate, just as any teacher of a traditional academic subject is required to hold. However, while teachers of traditional academic subjects are required to hold a bachelor’s degree, due to the specialized nature of the knowledge involved, a provisional CTE certificate may be granted by substituting an amount of hours of direct experience in the field (typically 6,000) for a bachelor’s degree. In order to obtain a standard certificate, teachers who have not had professional knowledge/pedagogical coursework through a teacher preparation program as part of their degree must complete a certain number of credit hours in these areas in order to obtain a certificate. CTE programs maintain that they experience difficulty in getting quality teachers through this process for two reasons:  
     1) Some may never have been involved in a postsecondary program and find it difficult to navigate and/or are unable to complete while teaching full time and  
     2) Since current rule does not mandate a distribution of subject areas, teachers may take whatever is available to fulfill the requirement, and not achieve a well-rounded knowledge of practice.  
     A consortium of Joint Technical Education Districts (JTEDs), led by Western Maricopa Education Center (West-MEC), brought forward this proposal to expand the ability of teachers who hold a provisional CTE certificate to complete the professional knowledge requirements to acquire a standard CTE certificate through ADE-approved professional development. Currently, CTE teachers may substitute professional development clock hours for up to six semester hours of these required hours, at a rate of 15 clock hours to one semester hour. The rest must be completed at an accredited community college or university. This proposal would enable the entirety of the professional knowledge component of the standard CTE certificate via ADE-approved professional development, at the same rate of 15 clock hours to one semester hour. The intent of the districts involved is to create a sequence of ADE-approved professional development courses that offer teachers instruction in a range of the required areas, in order to provide more well-rounded CTE instructors to meet their current and future needs. Pursuant to the Board’s rulemaking procedures, a public hearing on this proposed rule change was held on August 7, 2013. No comments were made.



- 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 rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. **The summary of the economic, small business and consumer impact, if applicable:**  
The rules are not expected to have significant, if any, economic impact on small businesses.
- 10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**  
Not applicable
- 11. **A summary of the comments made regarding the rule and the agency response to them:**  
A public hearing was held regarding these proposed rules on August 7, 2013. No comment was received.
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
- 13. **Incorporations by reference and their location in the rules:**  
Not applicable
- 14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**  
Not applicable
- 15. **The full text of the rule follows:**

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section  
R7-2-612. Career and Technical Education Teaching Certificates

ARTICLE 6. CERTIFICATION

**R7-2-612. Career and Technical Education Teaching Certificates**

- A. No change
- B. No change
- C. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
  - 9. No change
  - 10. No change
- D. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
      - i. No change
        - (1) No change
        - (2) No change
        - (3) No change
      - ii. No change
        - (1) No change



- (2) No change
- (3) No change
- (4) No change
- iii. No change
- iv. No change
- v. No change
  - (1) No change
  - (2) No change
- 3. No change
  - a. No change
  - b. No change
  - c. No change
- E. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
      - i. No change
        - (1) No change
        - (2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Agriculture. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
        - (3) No change
      - ii. No change
        - (1) No change
        - (2) No change
        - (3) No change
          - (a) No change
          - (b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Agriculture. ~~A maximum of six~~ Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
      - (4) No change
    - iii. No change
      - (1) No change
      - (2) No change
      - (3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. ~~A maximum of six~~ Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.
    - iv. No change
      - (1) No change
      - (2) No change
    - v. No change
      - (1) No change
      - (2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development,



instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Agriculture. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

- (3) No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change
- F. No change
  - 1. No change
  - 2. No change
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    - b. No change
      - i. No change
        - (1) No change
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        - (3) No change
      - ii. No change
        - (1) No change
        - (2) No change
        - (3) No change
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      - iii. No change
      - iv. No change
      - v. No change
        - (1) No change
        - (2) No change
    - 3. No change
      - a. No change
      - b. No change
      - c. No change
  - G. No change
    - 1. No change
    - 2. No change
      - a. No change
      - b. No change
        - i. No change
          - (1) No change
          - (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
          - (3) No change
        - ii. No change
          - (1) No change
          - (2) No change
          - (3) No change
            - (a) No change
            - (b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, classroom management, educational philosophy, instructional design/methodology, or assessment/evaluation. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. ~~A maximum of~~



~~six~~ Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

- (4) No change
- iii. No change
  - (1) No change
  - (2) No change
  - (3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. ~~A maximum of six~~ Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.
- iv. No change
  - (1) No change
  - (2) No change
- v. No change
  - (1) No change
  - (2) Eighteen semester hours of courses in professional knowledge, to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Business and Marketing. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
  - (3) No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change

**H.** No change

- 1. No change
- 2. No change
  - a. No change
  - b. No change
    - i. No change
      - (1) No change
      - (2) No change
      - (3) No change
    - ii. No change
      - (1) No change
      - (2) No change
      - (3) No change
      - (4) No change
    - iii. No change
    - iv. No change
    - v. No change
      - (1) No change
      - (2) No change
- 3. No change
  - a. No change
  - b. No change
  - c. No change

**I.** No change

- 1. No change
- 2. No change
  - a. No change
  - b. No change
    - i. No change



- (1) No change
- (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
- (3) No change
- ii. No change
  - (1) No change
  - (2) No change
  - (3) No change
    - (a) No change
    - (b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. ~~A maximum of six~~ Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
  - (4) No change
- iii. No change
  - (1) No change
  - (2) No change
  - (3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. ~~A maximum of six~~ Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.
- iv. No change
  - (1) No change
  - (2) No change
- v. No change
  - (1) No change
  - (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Family and Consumer Sciences. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
  - (3) No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change
- J. No change
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    - a. No change
    - b. No change
      - i. No change
        - (1) No change
        - (2) No change



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- ii. No change
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  - (3) No change
  - (4) No change
- iii. No change
- iv. No change
- v. No change
  - (1) No change
  - (2) No change
- 3. No change
  - a. No change
  - b. No change
  - c. No change
- K.** No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
      - i. No change
        - (1) No change
        - (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
        - (3) No change
      - ii. No change
        - (1) No change
        - (2) No change
        - (3) No change
          - (a) No change
          - (b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Health Careers. ~~A maximum of six~~ Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
        - (4) No change
      - iii. No change
        - (1) No change
        - (2) No change
        - (3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. ~~A maximum of six~~ Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.
      - iv. No change
        - (1) No change
        - (2) No change
      - v. No change
        - (1) No change





opment, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. ~~A maximum of six~~ Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and

- (4) No change
- iii. No change
  - (1) No change
  - (2) No change
  - (3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or classroom management. ~~A maximum of six~~ Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.
- iv. No change
  - (1) No change
  - (2) No change
- v. No change
  - (1) No change
  - (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Industrial and Emerging Technologies. ~~A maximum of six~~ Eigh-teen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
  - (3) No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change
- N. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
      - i. No change
        - (1) No change
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        - (3) No change
      - ii. No change
        - (1) No change
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        - (3) No change
        - (4) No change
      - iii. No change
      - iv. No change
      - v. No change
        - (1) No change
        - (2) No change
    - 3. No change
      - a. No change
      - b. No change
      - c. No change
- O. No change
  - 1. No change
  - 2. No change



- a. No change
- b. No change
  - i. No change
    - (1) No change
    - (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
    - (3) No change
  - ii. No change
    - (1) No change
    - (2) No change
    - (3) No change
  - (a) No change
  - (b) Three semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation, or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. ~~A maximum of six~~ Twelve semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
    - (4) No change
  - iii. No change
    - (1) No change
    - (2) No change
    - (3) Fifteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional design/methodology, assessment/evaluation, instructional technology, educational philosophy, or career and technical education classroom management. ~~A maximum of six~~ Fifteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour.
  - iv. No change
    - (1) No change
    - (2) No change
  - v. No change
    - (1) No change
    - (2) Eighteen semester hours of courses in professional knowledge to include any of the following areas: principles/philosophy of career and technical education, operation of a career and technical student organization, methods of teaching career and technical education, curriculum design/development, instructional technology, educational philosophy, instructional design/methodology, assessment/evaluation or classroom management. Hours may be obtained prior to issuance of the provisional career and technical education certificate - Education and Training. ~~A maximum of six~~ Eighteen semester hours may be obtained through Department-CTE approved professional development. Fifteen clock hours equals one semester hour; and
      - (3) No change
- c. No change
  - i. No change
  - ii. No change
  - iii. No change



NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

[R15-128]

PREAMBLE

- 1. **Article, Part, or Section Affected (as applicable)**                      **Rulemaking Action**  
     R7-2-613    Amend  
     R7-2-614    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. §§ 15-203(A)(1) and 15-203(A)(14)  
     Implementing statute: Not applicable
- 3. **The effective date of the rules and the agency’s reason it selected the effective date:**  
     R7-2-613 effective June 22, 2015  
     R7-2-614(J) effective August 27, 2012  
     R7-2-614(I) effective June 24, 2013  
     R7-2-614(B)(C)(E) effective January 26, 2015
- 4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:**  
     Not applicable
- 5. **The agency’s contact person who can answer questions about the rulemaking:**  
     Name:                      Christine Thompson, Executive Director  
     Address:                      State Board of Education  
     1700 W. Washington, Suite 300  
     Phoenix, AZ 85007  
     Telephone:                      (602) 542-5057  
     Fax:                                      (602) 542-3046  
     E-mail:                                      inbox@azsbe.az.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:**  
     A.R.S.§15-203.(A)(14) Authorizes the State Board to supervise and control the certification of educators. Board rule R7-2-613 currently outlines the PreK-12 Arts Education certificate requirements. The proposed amendment would rename this section to reflect PreK-12 Teaching Certificates. This amendment would also create a Provisional PreK-12 Physical Education Certificate. Arizona does not have a PreK-12 Physical Education certificate. Individuals who want to teach Physical Education in grades PreK-12 have to get a Secondary certificate and add a Physical Education Endorsement to it. This results in additional fees and undue burden for individuals who have completed Physical Education teacher preparation programs or who hold a PreK-12 Physical Education certificate from another state. The creation of a PreK-12 Physical Education certificate would streamline the certification process and allow flexibility for teachers who want to teach Physical Education.  
     R7-2-614(J) Native American Language Teaching Certificate: Provides certification for those teachers who are qualified to teach the language but who do not meet the requirements for the Elementary or Secondary Teaching Certificates.  
     R7-2-614(I) Provisional Foreign Teacher Teaching Certificate: Proposed amendment expands the foreign teacher certificate from two to three years and allows a local education agency to extend the validity of a foreign teacher certificate yearly for up to two years. Additionally, the amendment allows a prospective foreign teacher to obtain a letter from the applicant’s home university for submission to the Department stating mastery of their purposed language of instruction. The change, in practice, would exempt foreign teachers from the ACTFL exam that demonstrates mastery in their native language.  
     R7-2-614(B)(C)(E) Substitute Certificate: Individuals who only hold a Substitute certificate are limited to 120 days in the same school each school year. This is problematic for schools that are unable to find a teacher for a classroom and have placed a Substitute in the class to fill the need because the 120 day mark typically occurs around testing time in the spring. The classroom is disrupted because the Substitute is removed from the classroom to comply with



the 120 day provision listed in the rule. The proposed rule change would allow districts to use Substitute certificate holders in the same classroom beyond the 120 day limit if certain criteria are met. The proposed amendment would also allow a person holding a Substitute certificate to teach in grades PreK-12 instead of K-12 which addresses staffing issues raised by the field. R7-2-614.C and E. also need to be modified to reflect the grade range change from K-12 to PreK-12 to be consistent with other teaching certificates.

Pursuant to A.R.S. § 41-1005(F) the State Board of Education is exempt from standard rulemaking procedures.

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 rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
9. **The summary of the economic, small business and consumer impact, if applicable:**  
The rules are not expected to have significant, if any, economic impact on small businesses.
10. **A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**  
Not applicable
11. **A summary of the comments made regarding the rule and the agency response to them:**  
R7-2-613, PreK-12 Arts Education Certificates: A public hearing was held on May 21, 2015, to collect public input on the proposed rule changes. There were no public comments received at this meeting.  
R7-2-614(J) Native American Language Teaching Certificate: A public hearing was held regarding these proposed rule changes on June 27, 2012. Public comment was received and every comment was in support of the rule change.  
R7-2-614(I) Provisional Foreign Teacher Teaching Certificate: A public hearing was held regarding these proposed rules on June 12, 2013. There public comment was received.  
R7-2-614(B) Substitute Certificate: A public hearing was held regarding these proposed rules on January 7, 2015. No comments from the public were received.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
13. **Incorporations by reference and their location in the rules:**  
Not applicable
14. **Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**  
Not applicable
15. **The full text of the rule follows:**

## TITLE 7. EDUCATION

### CHAPTER 2. STATE BOARD OF EDUCATION

#### ARTICLE 6. CERTIFICATION

Section	
R7-2-613.	PreK-12 Arts Education Certificates
R7-2-614.	Other Teaching Certificates

#### ARTICLE 6. CERTIFICATION

#### **R7-2-613. ~~PreK-12 Arts Education~~ Teaching Certificates**

- A. No change
- B. No change
  1. No change
  2. No change
    - a. No change
    - b. No change
      - i. No change



- ii. No change
  - iii. No change
  - iv. No change
  - c. No change
  - d. No change
  - e. No change
  - C. No change
    - 1. No change
    - 2. No change
      - a. No change
      - b. No change
      - c. No change
  - D. Provisional PreK-12 Physical Education Certificate.
    - 1. The certificate is valid for three years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
    - 2. The requirements are:
      - a. A bachelor's degree.
      - b. One of the following:
        - i. Completion of a teacher preparation program in PreK-12 physical education, including 12 semester practicum hours evenly split between elementary and secondary physical education from an accredited institution or a Board-approved teacher preparation program; or
        - ii. Thirty-three semester hours of education or physical education courses, including:
          - (1) At least nine semester hours of elementary, secondary and adaptive physical education methods;
          - (2) Foundational coursework in the areas of Growth and Motor Development, Movement Activities, Life-long Physical Fitness and Comprehensive School Physical Activity Programming; and
          - (3) Twelve semester hours of practicum in physical education in PreK-12 grades, evenly split between elementary and secondary physical education, and supervised by a licensed or certified physical education teacher. Two years of verified full-time teaching experience in the certificate area in grades PreK-12 may substitute for the Twelve semester hours of practicum; or
        - iii. A valid PreK-12 physical education certificate from another state.
      - c. A passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment.
      - d. A passing score on the Physical Education subject knowledge portion of the Arizona Teacher Proficiency Assessment.
      - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - E. Standard PreK-12 Physical Education Certificate
    - 1. The certificate is valid for six years.
    - 2. The requirements are:
      - a. The provisional PreK-12 Physical Education certificate.
      - b. Two years of verified teaching experience will be accepted in lieu of the performance portion of the Arizona Teacher Proficiency Assessment.
      - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
- R7-2-614. Other Teaching Certificates**
- A. No change
  - B. Substitute Certificate -- ~~grades K through 12~~ PreK-12
    - 1. No change
    - 2. No change
    - 3. No change
    - 4. No change
    - 5. No change
    - 6. No change
    - 7. A person holding only a substitute certificate may be exempt from the limit on teaching 120 days in the same school each school year if the school district superintendent has provided verification to the Department of Education that the position is continuously advertised on a statewide basis at a minimum of three sites with at least one being a higher education institution and that a highly qualified and employable candidate was not found. An exemption from teaching 120 days shall not be granted to the same individual more than three times.
  - C. Emergency Substitute Certificate -- ~~grades K through 12~~ PreK-12
    - 1. No change
    - 2. No change
    - 3. No change
    - 4. No change
    - 5. No change



- a. No change
- b. No change
- c. No change
- 6. No change
  - a. No change
  - b. No change
  - c. No change
- D.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
      - i. No change
      - ii. No change
  - 6. No change
- E.** Teaching Intern Certificate -- ~~grades K through 12~~ PreK-12
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
  - 6. No change
    - a. No change
    - b. No change
    - c. No change
  - 7. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
- F.** No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
  - 3. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
    - c. No change
- G.** No change
  - 1. No change
  - 2. No change
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
- H.** No change
  - 1. No change



- 2. No change
- 3. No change
  - a. No change
  - b. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
  - c. No change
  - d. No change
- 4. No change
  - a. No change
  - b. No change
- I. No change
  - 1. No change
  - 2. This certificate is valid for one year and may be extended for an additional year by the consent of the contracting governing board, the education service agency, the charter holder, or the Arizona Board of Regents, yearly for up to two additional years upon request by the contracting governing board. The contracting teacher shall submit a letter of intent to hire to the Arizona Department of Education on official letterhead signed by the Superintendent or Director of Human Resources.
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
  - 4. A prospective teacher seeking to instruct in a language other than English may furnish a letter for submission to the Arizona Department of Education, on official letterhead, signed by the dean or designee of the home university to verify mastery of the purposed language of instruction. The Arizona Department of Education shall review and may approve submissions for the prospective teacher's exemption to the American Council of the Teaching of Foreign Languages Exam.
- J. Native American Language Certificate
  - 1. The certificate is optional and issued to individuals to teach only a Native American language in grades preK-12.
  - 2. The certificate is valid for six years.
  - 3. The requirements are:
    - a. A valid IVP fingerprint clearance card issued by the Arizona Department of Public Safety.
    - b. Language proficiency in a Native American Language. Proficiency shall be verified on official letterhead by a person, persons, or entity designated by the appropriate tribe.
  - 4. The certificate may be renewed upon completion of 60 clock hours of professional development, as prescribed in R7-2-619(B).

**NOTICE OF FINAL EXEMPT RULEMAKING**

**TITLE 7. EDUCATION**

**CHAPTER 2. STATE BOARD OF EDUCATION**

[R15-129]

**PREAMBLE**

- 1. **Article, Part, or Section Affected (as applicable)**                      **Rulemaking Action**  
     R7-2-617    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. §§ 15-203(A)(1) and 15-203(A)(14)  
     Implementing statute: Not applicable
- 3. **The effective date of the rules and the agency's reason it selected the effective date:**  
     October 28, 2013



- 4. A list of all notices published in the Register as specified in R1-1-409(A) that pertains to the record of the exempt rulemaking:**  
Not applicable
- 5. The agency's contact person who can answer questions about the rulemaking:**  
Name: Christine M. Thompson, Executive Director, State Board of Education  
Address: 1700 W. Washington, Suite 300  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: inbox@azsbe.az.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:**  
At its October 2, 2013 meeting the Certification Advisory Committee recommended that the board consider the following changes to R7-2-617(A), (D), (F).
- R7-2-617(A) Corrects improper rule citation to state that all certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in R7-2-619.
  - R7-2-617(D) Repeal the School Psychologist Interim certificate. This certificate was created to address the shortage of school psychologists by providing a pathway to allow clinical psychologists to practice in the schools while completing the requirements for the School Psychologist certificate. However, the number of applicants who have applied for this certificate since it was adopted in 2007 is very low. There is currently only one certificate holder and this person should have the School Psychologist certificate by the end of the year. The proposed rule would go into effect January 1, 2014.
  - R7-2-617(F) Place a moratorium on the Speech Language Technician certificate (SLT). This certificate was created to address the shortage of speech and language pathologists in the field. SLTs are allowed to evaluate and diagnose students with speech and/ or language needs and practice without the supervision of a Master's-level speech language pathologist. Representatives from all of the Arizona universities stated that Bachelor's-level speech-pathology programs do not prepare students to practice independently, and allowing SLTs to practice without supervision and to assess students is unethical. Furthermore, the state universities do not allow Bachelor's-level students to complete 50 hours of speech pathology observation, which is a requirement for the SLT certificate. The shortage of speech-language professionals has been addressed by the creation of a Speech-Language Pathology Assistant license which is issued through the Arizona Department of Health Services. The moratorium would not allow any new applications for the SLT certificate to be received after June 30, 2014.
- Pursuant to the Board's rulemaking procedures, a public hearing on this proposed rule change was held on August 7, 2013. No comments were made.
- 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 rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. The summary of the economic, small business and consumer impact, if applicable:**  
The rules are not expected to have significant, if any, economic impact on small businesses.
- 10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):**  
Not applicable
- 11. A summary of the comments made regarding the rule and the agency response to them:**  
A public hearing was held regarding these proposed rules on June 27, 2012. No comment was received.
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable
- 13. Incorporations by reference and their location in the rules:**  
Not applicable
- 14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**  
Not applicable



15. The full text of the rule follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section R7-2-617. Other Professional Certificates

ARTICLE 6. CERTIFICATION

R7-2-617. Other Professional Certificates

- A. All certificates are subject to the general certification provisions in R7-2-607 and the renewal requirements in ~~R7-2-617 R7-2619~~.
- B. Guidance Counselor Certificate - grades PreK-12
  - 1. The guidance counselor certificate is valid for six years.
  - 2. The requirements are:
    - a. A master's or more advanced degree,
    - b. Completion of a graduate program in guidance and counseling. A valid guidance counselor certificate from another state may substitute for this requirement,
    - c. A valid fingerprint clearance card issued by the Arizona Department of Public Safety, and
    - d. One of the following:
      - i. Completion of a supervised counseling practicum in school counseling;
      - ii. Two years of verified, full-time experience as a school guidance counselor; or
      - iii. Three years of verified teaching experience.
- C. School Psychologist Certificate - grades PreK-12
  - 1. A school psychologist certificate is required for all personnel whose primary responsibility is in the role of a school psychologist providing services that include but are not limited to the duties of student psychoeducational assessment, therapeutic consultation and intervention, and involvement in the process of determination of student disabilities or disorders.
  - 2. The school psychologist certificate is valid for six years.
  - 3. The requirements are:
    - a. A master's or more advanced degree;
    - b. Completion of a graduate program in school psychology consisting of at least 60 graduate semester hours, or completion of a doctoral program in psychology and completion of a re-training program in school psychology from an accredited institution or Board approved program with a letter of institutional endorsement from the head of the school psychology program;
    - c. A supervised internship of at least 1200 clock hours with a minimum of 600 of those hours in a school setting. Three years experience as a certified school psychologist within the last 10 years may be substituted for the internship requirement; and
    - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 4. Any of the following may be substituted for the requirement described in subsection (C)(3)(b):
    - a. Five years experience within the last 10 years working full time in the capacity of a school psychologist in a school setting serving any portion of grades kindergarten through 12; or
    - b. A Nationally Certified School Psychologist Credential; or
    - c. A diploma in school psychology from the American Board of School Psychology.
- ~~D. Arizona School Psychologist Interim Certificate - grades PreK-12
 
  - 1. The certificate is valid for two years and is not renewable.
  - 2. The interim certificate entitles the holder to perform school psychologist duties in whatever capacity or grade levels assigned by personnel in subsection (4) of this Section.
  - 3. The requirements are:
    - a. A master's or more advanced degree in psychology;
    - b. Verification of current enrollment in an accredited school psychology program or a Board approved school psychology program signed by the dean of a college of education or the administrator of a Board approved school psychology preparation program, and
    - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.
  - 4. The holder of the interim certificate shall be under the direct supervision of college and certified school personnel, including a school or school district based certified school psychologist who holds a valid Arizona School Psychologist Certificate.~~
- ED. Speech-Language Pathologist Certificate - grades PreK-12
  - 1. The speech-language pathologist certificate is required for school-based speech-language pathologists.



2. The certificate is valid for six years and may be renewed with the completion of a minimum of 60 clock hours of relevant professional development in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language, low incidence disabilities, curriculum and instruction, professional issues and ethics, or service delivery models.
3. The requirements are:
  - a. A master's or more advanced degree, from an accredited institution, in speech pathology or communication disorders;
  - b. A minimum of 250 clinical clock hours supervised by a university or a speech-language pathologist with a certificate of clinical competence;
  - c. A certificate of clinical competence, or a passing score on the national exam, or a passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
  - d. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.

**FE.** Speech-Language Technician - grades PreK-12

1. The speech-language technician certificate is required for school-based speech-language professionals.
2. No new applications for a speech-language technician certificate will be accepted after June 30, 2014.
23. The certificate is valid for six years and may be renewed with the completion of a minimum of 180 clock hours of graduate level coursework in the field of speech pathology, or professional development in the areas of articulation, voice, fluency, language disorders, low incidence disabilities, professional issues and ethics, or service delivery models.
34. The requirements are:
  - a. A bachelor's degree from an accredited program in Speech-Language Pathology, Speech-Hearing Sciences, or Communication Disorders;
  - b. A minimum of 50 hours of university supervised observation;
  - c. A minimum of 150 university clinical clock hours, or 150 clock hours supervised by a master's level licensed speech-language pathologist, or two years' experience as a school speech-language therapist or technician;
  - d. A passing score on the speech and language impaired special education portion of the Arizona Teacher Proficiency Assessment; and
  - e. A valid fingerprint clearance card issued by the Arizona Department of Public Safety.



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**



**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**

**PINAL COUNTY AIR QUALITY CONTROL DISTRICT**

*PURSUANT TO § 49-471.01 et seq.*

[M15-234]

**1. Preamble**

- A. The Pinal County Board of Supervisors adopted amendments to local rules during their August 26, 2015 meeting. This rulemaking took place to address a State Implementation Plan (SIP) backlog.

Historically the Environmental Protection Agency (EPA) has had significant numbers of SIP submittals nationally which were found to be complete (or deemed complete) but not acted upon by EPA. This is known as the SIP backlog. EPA in coordination with the Environmental Council of the States (ECOS) and National Association of Clean Air Agencies (NACAA) formed a workgroup to streamline the SIP process and address the SIP backlog. EPA has developed four year SIP backlog plans for each region. Since then each EPA Region has met with their respective state and local air quality agencies to coordinate efforts to either act on SIP submittals or have the state or local air quality agencies remove the SIP submittals from EPA consideration.

PCAQCD has a number of rules in the SIP backlog of which six of them were addressed in this rulemaking. The other PCAQCD rules in the SIP backlog are mainly involved with New Source Review (NSR) rules and will be addressed in a PCAQCD NSR rulemaking proposal in the future.

Andrew Steckel, Chief, Rules Office EPA Region 9 in a March 18, 2015 letter to PCAQCD Director Michael Sundblom described the reasons why the PCAQCD rules (2-2-090. Air quality monitoring procedures, 3-1-150. Monitoring, 3-1-160. Test Methods and procedures, 3-1-170. Performance Tests and 3-1-173. Quality assurance) interfere with federal Clean Air Act requirements and subsequent approval into the SIP. The primary reason hinged on “Director’s discretion” language in each of these rules.

EPA has disapproved a number of SIP submitted rules that included “Director’s discretion” language. The basis for the disapprovals, “SIP’s must clearly state whether EPA approval of such variances is required on a case-by-case basis before such a variance, exemption, or alternative means becomes federally effective.....Provisions....not requiring case-by-case EPA approval for the alternative means to be federally-effective...must meet the general principle of replicability described in EPA’s Emissions Trading Policy Statement [51 FR 43814, December 4, 1986] and also in the EPA document “Guidance Document for Correcting Common VOC & Other Rule Deficiencies (A.K.A. The Little Bluebook)”, April 1991, revised August 21, 2001. EPA expects a SIP rule that has Director Discretion should have explicit and replicable procedures within the rule that tightly define how the discretion will be exercised. In this context, the PCAQCD 1995 and 1997 SIP submitted rules lack explicit and replicable procedures which tightly define how the discretion will be exercised. Thus this proposed expedited rulemaking.

The specific affected rules are identified below in section E and include an amendment to §1-1-105.



The rule amendment adopted by the Pinal County Board of Supervisors during their August 26, 2015 meeting will be submitted to the Environmental Protection Agency (EPA) Region 9 through the Arizona Department of Environmental Quality (ADEQ) along with a formal request that the affected rules be removed from consideration for inclusion into the Arizona State Implementation Plan (SIP)

- B. All of the corresponding changes are discussed in subsection E. of this preamble, and include the following sections:

**Section Affected Rulemaking Action**

§1-1-105..... Amend

- C. Those wishing further information regarding any aspect of this rulemaking may contact Scott DiBiase, Planning Manager, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, [scott.dibiase@pinalcountyaz.gov](mailto:scott.dibiase@pinalcountyaz.gov). To the extent possible, the District posted rulemaking information on the County's website, [pinalcountyaz.gov](http://pinalcountyaz.gov), under the "air quality" link.
- D. Given the obligatory nature of the proposed action, this rule-adoption followed the expedited rule-making process defined in A.R.S. §49-471.08. Following publication of a notice of expedited rulemaking and a 30-day public comment period (comment period ended at close of business on Monday, July 13, 2015), the proposal along with a summary of any comments received (no comments were received) were submitted to the Board of Supervisors for consideration and possible adoption. The date of the hearing-of-adoption before the Board of Supervisors was Wednesday, August 26, 2015. The Board of Supervisors adopted the proposed amendments during the August 26, 2015 meeting.
- E. The adopted revisions include the following:
  1. Added exclusion from EPA consideration into to the Arizona SIP the following PCAQCD rules listed in the PCAQCD "rule" §1-1-105. SIP List. §1-1-105 is not a rule per se but rather a simple listing of PCAQCD rules in which the BOS expressly designates to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA along with a request that they be included as elements in the Arizona SIP.
    - §1-1-105.A.2.b §2-2-090 (as amended 5/14/97)
    - §1-1-105.A.3.a §3-1-150 (as amended 5/14/97)
    - §1-1-105.A.3.a §3-1-160 (as amended 5/14/97)
    - §1-1-105.A.3.a §3-1-170 (as amended 5/14/97)
    - §1-1-105.A.3.a §3-1-173 (as amended 5/14/97)
  2. §1-1-105.D.14 – ~~strikeout~~ §5-21-920 (2/22/95) Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability, in order for this particular rule not to be transmitted to EPA and included as an Arizona SIP element
  3. §1-1-105.D.15 – ~~strikeout~~ §5-21-930 (2/22/95 and 7/12/00) Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard, in order for this particular rule not to be transmitted to EPA and included as an Arizona SIP element.
- F. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule. The public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material at 31 North Pinal St., Building F, Florence, Arizona, 85132.

EPA Region 9, March 18, 2015 letter from Andrew Steckel, Chief, Rules Office, Air Division to Michael Sundblom, Director, Pinal County Air Quality.



EPA Region 9, April 13, 2015 email (subject: SIP Backlog) from Andrew Steckel, Chief, Rules Office, Air Division to Michael Sundblom, Director, Pinal County Air Quality.

52 FR 45044, November 24, 1987. Proposed Policy, State Implementation Plans; Approval of Post-1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards.

Guidance Document for Correcting Common VOC & Other Rule Deficiencies (A.K.A. The Little Bluebook), EPA Region IX, Originally issued, April 1991, Revised August 21, 2001.

G. Economic, small business and consumer impact statement

Given the “at least as stringent” mandate of A.R.S. §49-479, the District has not attempted to assess any added costs associated with the conforming changes discussed in subsection D above.

H. In accord with A.R.S. §49-471.07(F), the adopted changes took effect upon approval by the Board of Supervisors.

I. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these proposed changes do not impose any additional fees on those sources.

J. Pursuant to A.R.S. 49-471.08(A)(2), Michael Sundblom, the Control Officer for the District, finds that the proposed rule is substantially identical to the sense, meaning and effect of the underlying federal and state mandates (40 CFR §52.21(b)(1)(i)(c)) and Arizona Revised Statutes § 49-480.B.

2. The full text of the adopted changes follows:

1-1-105. SIP list 1-1-105. SIP list

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

- 1. Chapter 1
  - a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
  - b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
  - c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of “maximum achievable control technology.”)
- 2. Chapter 2
  - a. Article 1. (As amended 10/12/95).
  - b. Article 2. (As amended 5/14/97)-, excluding:
    - i. §2-2-090 (as amended 5/14/97)
  - c. Article 3. (As amended 10/12/95).



- d. Article 4. (As amended 10/12/95).
  - e. Article 5. (As amended 10/12/95).
  - f. Article 6. (As amended 10/12/95).
  - g. Article 7. (As amended 10/12/95).
  - h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
- a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
    - i. §3-1-020
    - ii. §3-1-045
    - iii. §3-1-080
    - iv. §3-1-100
    - v. §3-1-150 (as amended 5/14/97)
    - vi. §3-1-160 (as amended 5/14/97)
    - vii. §3-1-170 (as amended 5/14/97)
    - viii. §3-1-173 (as amended 5/14/97)
  - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
  - c. Article 3. (As amended 10/12/95).
  - d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
- a. Article 1. (As amended 2/22/95).
  - b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
  - c. Reserved.
  - d. Article 4 (As amended 6/3/09).
  - e. Article 5 (As amended 6/3/09).
  - f. Reserved.
  - g. Article 7 (As amended 6/3/09)
  - h. Reserved.
  - i. Article 9, limited to:
    - i. §4-9-320 (As amended 6/3/09)
    - ii. §4-9-340 (As amended 6/3/09)
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
- 1. “construction,” as defined in Nov. '93 Code §1-3-140.28; or
  - 2. “modification,” as defined in Nov. '93 Code §1-3-140.85; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
- 1. Operate as elements of the SIP insofar as they pertain to other than “conventional pollutants,” as defined in §1-3-140.33;
  - 2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
    - a. §111 of the Clean Air Act; or
    - b. Title IV of the 1990 amendments to the Clean Air Act; or
    - c. Title VI of the 1990 amendments to the Clean Air Act; or
    - d. Any section of this Code that is not a part of the SIP;
  - 3. Operate as an element of the SIP, at least insofar as they impose a “fee”;
  - 4. Operate as an element of the SIP, at least insofar as they require a “certification”;
  - 5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to “renewals”;
  - 6. Operate as an element of the SIP, at least insofar as they impose requirements regarding “excess emissions”; or



- 7. Operate as an element of the SIP, at least insofar as they impose requirements regarding “compliance plans.”
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
  - 1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
  - 2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
  - 3. Chapter 3, Article 8 (2/22/95) *Open Burning*
  - 4. [Reserved]
  - 5. [Reserved]
  - 6. [Reserved]
  - 7. [Reserved]
  - 8. [Reserved]
  - 9. [Reserved]
  - 10. [Reserved]
  - 11. [Reserved]
  - 12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
  - 13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
  - 14. ~~§5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*~~
  - 15. ~~§5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*~~
  - 16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
  - 17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
  - 18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
  - 19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
  - 20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
  - 21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
  - 22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
  - 23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
  - 24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

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**REGISTER INDEXES**

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

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

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

**SUPPLEMENTAL PROPOSED RULEMAKING**

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

**FINAL RULEMAKING**

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

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

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

**FINAL SUMMARY**

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

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

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

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

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULMAKING**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules

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- Insurance, Department of;** p. 591-593, 1500
- Nursing, Board of;** p. 136
- Psychologist Examiners, Board of;** p. 24
- Revenue, Department of;** p. 932-939
- State Real Estate, Department of;** p. 551, 1501
- Technical Registration, Board of;** pp. 414-415
- Water Infrastructure Finance Authority;** pp. 393-395
- Water Resources, Department of;** p. 183



## RULE EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

Table with 3 columns: Deadline Date (paper only) Friday, 5:00 p.m., Register Publication Date, and Oral Proceeding may be scheduled on or after. Rows list dates from April 17, 2015 to October 30, 2015.



## GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

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

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

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



GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
SEPTEMBER 1, 2015 MEETING

[M15-242]

CONSIDERATION OF FIVE -YEAR-REVIEW REPORTS:

ARIZONA MEDICAL BOARD (F-15-0901)

Title 4, Chapter 16, Article 3, Dispensing of Drugs; Article 6, Disciplinary Actions

INDUSTRIAL COMMISSION OF ARIZONA (F-15-0902)

Title 20, Chapter 5, Article 11, Self-Insurance for Individual Employers

ARIZONA STATE BOARD OF PHARMACY (F-15-0904)

Title 4, Chapter 23, Article 7, Non-Pharmacy Licensed Outlets – General Provisions; Article 9, Penalties and Miscellaneous; Article 10, Uniform Controlled Substances and Drug Offenses

RULES:

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (R-15-0903)

Title 9, Chapter 22, Article 13, Children's Rehabilitative Services (CRS)

- Amend: R9-22-1301
Amend: R9-22-1303
Amend: R9-22-1304

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

NATUROPATHIC PHYSICIANS MEDICAL BOARD (R-15-0801)

Title 4, Chapter 18, Article 1, General Provisions; Article 2, Licenses; Specialist Certificates; Continuing Medical Education; Renewal; Article 5, Naturopathic Clinical Training and Preceptorship Training Program Requirements; Article 9, Certificate to Dispense

- Amend: R4-18-101
Amend: R4-18-107
Amend: R4-18-202
Amend: R4-18-203
Amend: R4-18-204
Amend: R4-18-206
Amend: R4-18-501
Amend: R4-18-502
Amend: R4-18-904

- New Section: R4-18-207
New Section: R4-18-208
New Section: R4-18-209

COUNCIL ACTION: APPROVED

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (R-15-0902)

Title 18, Chapter 14, Article 3, Permit and Compliance Fees

- New Article: Article 3
New Section: R18-14-301
New Section: R18-14-302



New Section: R18-14-303

**COUNCIL ACTION: COUNCIL MEMBER DANIELS MOVED TO TABLE CONSIDERATION OF THE ITEM FOR ONE MONTH, AND PLACE THE ITEM ON THE OCTOBER AGENDA. COUNCIL MEMBER LOFTON SECONDED THE MOTION. THE MOTION PASSED 5-1. COUNCIL MEMBERS BURNS, DANIELS, ISAAK, LOFTON, AND WILHELM VOTED AYE. CHAIRMAN PARKE VOTED NAY.**