

# Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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Information .....	3438
Rulemaking Guide .....	3439
<b><u>RULES AND RULEMAKING</u></b>	
<b>Final Rulemaking, Notices of</b>	
4 A.A.C. 10 Board of Cosmetology .....	3441
4 A.A.C. 26 Board of Psychologist Examiners .....	3444
9 A.A.C. 22 Arizona Health Care Cost Containment System - Administration .....	3469
9 A.A.C. 22 Arizona Health Care Cost Containment System - Administration .....	3476
<b>Final Exempt Rulemaking, Notices of</b>	
21 A.A.C. 6 Department of Child Safety - Foster Home Licensing .....	3479
21 A.A.C. 8 Department of Child Safety - Foster Home and Child Welfare Agency Facility Safety .....	3517
21 A.A.C. 9 Department of Child Safety - Adoption Agency Licensing .....	3524
<b><u>OTHER AGENCY NOTICES</u></b>	
<b>Ombudsman, Notices of Agency</b>	
Department of Water Resources .....	3542
<b><u>GOVERNOR'S OFFICE</u></b>	
<b>Governor's Executive Orders</b>	
E.O. 2015-01: Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies .....	3543
<b><u>INDEXES</u></b>	
Register Index Ledger .....	3545
Rulemaking Action, Cumulative Index for 2015 .....	3546
Other Notices and Public Records, Cumulative Index for 2015 .....	3554
<b><u>CALENDAR/DEADLINES</u></b>	
Rules Effective Dates Calendar .....	3556
Register Publishing Deadlines .....	3558
<b><u>GOVERNOR'S REGULATORY REVIEW COUNCIL</u></b>	
Governor's Regulatory Review Council Deadlines .....	3559

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

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

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# Participate in the Process

## Look for the Agency Notice

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

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

## Attend a public hearing/meeting

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

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

## Write the agency

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

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

# Arizona Regular Rulemaking Process



## Definitions

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





amending its rules to achieve biennial license renewal and licensing fees.

Exemptions from Executive Order 2015-01 were provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in e-mails dated April 20 and May 7, 2015.

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

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

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

Not applicable

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

The economic impact of this rulemaking on licensed cosmetologists, nail technicians, and aestheticians will be minimal. The change from annual to biennial license renewal does not change the cost of licensure. The cost for delinquent renewal of licensure actually decreases. As authorized by A.R.S. § 32-504(A)(3), the Board contracts with a national professional organization, which currently is Professional Credential Services, Inc. (PCS), to administer and grade the licensing examinations, which are prepared by the National-interstate Council of State Boards of Cosmetology. PCS charges to administer and grade the licensing examinations. An applicant pays the examination charge directly to PCS.

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

Three minor changes were made between the proposed and final rules.

- R4-10-102(A)(1) and (2) were deleted and subsection (B) was added to clarify that the charge for the licensing examinations is paid directly to the national professional organization with which the Board contracts rather than the Board. Under the standard at A.R.S. § 41-1025(B), this change is not substantial. Persons affected by the rule, applicants, understood there is a charge for the licensing examinations. The subject matter of the rule, the charge for the licensing examinations, remains the same. The only change is the entity to which the charge for the licensing examinations is paid. This is a change does not impact public health and safety.
- In R4-10-102(A)(5), language was added to clarify that the fee for delinquent personal license renewal is composed of two parts—the fee for personal license renewal and the fee for delinquent renewal.
- R4-10-107(B)(2)(c) was deleted because the language duplicated that already in subsection (B).

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

Two individuals attended the oral proceeding on October 14, 2015. They expressed support for the rulemaking.

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

None

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

A renewed cosmetologist, aesthetician, nail technician, or instructor license is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals to conduct activities that are substantially similar in nature.

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

There are no federal laws uniquely applicable to the subject of this rulemaking.

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

No analysis was submitted.

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

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:**

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

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



TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 10. BOARD OF COSMETOLOGY

ARTICLE 1. GENERAL PROVISIONS

Section

R4-10-102. Fees and Charges

R4-10-107. License Renewal

R4-10-110. Reactivating an Inactive License

ARTICLE 1. GENERAL PROVISIONS

R4-10-102. Fees and Charges

A. Subject Under the specific authority provided by A.R.S. § 32-507(A) and subject to R4-10-103(E), the Board establishes and shall collect the following fees:

1. Written examination: \$50.00

2. Practical examination: \$50.00

3-1. Initial personal license: \$40.00 \$70.00

4-2. Personal licensing renewal fees: \$30.00 \$60.00

5-3. Delinquent personal license renewal: \$90.00 (\$60 for personal license renewal as specified under subsection (A)(4) plus \$30 for delinquent renewal) for each year every two years or portion of a year two years for which that the license is inactive to a maximum of four years delinquent fees: \$50.00

6. Duplicate license: \$20.00

7-4. Personal reciprocity license: \$110.00 \$140.00

8-5. Salon initial license: \$110.00

9-6. Salon renewal: \$50.00

10-7. Salon delinquent renewal: \$80.00

11-8. School license: \$600.00

12-9. School renewal: \$500.00

13-10. Delinquent school renewal: \$600.00

B. An applicant for licensure by examination shall pay directly to the national professional organization with which the Board contracts the amount charged to administer and grade the written and practical examinations.

C. Under the specific authority provided by A.R.S. § 32-507(B) and subject to R4-10-103(E), the Board establishes and shall collect the following charges for the services provided:

14-1. Board administered educational classes: \$25.00

15-2. Review of examination: \$50.00

16-3. Re-grading Re-grading of examination: \$25.00

17-4. Certification of licensure or hours: \$30.00

18-5. Service charge for For use of an alternative payment method of payment: \$3.00 per transaction: 2.5% of applicable fee

19-6. The fee for For copying public documents: is 50¢ per page. The fee for

7. For audiotapes, videotapes, computer discs, or other media used for recording sounds, images, or information, is: \$15 per tape, disc, page, or other medium:

20-8. The fee for providing For a list of licensees' names and addresses: is 25¢ per name-

9. Duplicate license: \$20.00

21-D. The As authorized by A.R.S. § 44-6852, the Board shall charge a service fee of \$20.00 for the return of a dishonored check or the failure of any other means of payment to be honored plus the actual charges assessed by the financial institution dishonoring the check or other means of payment.

R4-10-107. License Renewal

A. An aesthetician, cosmetologist, nail technician, or instructor licensee shall postmark or electronically submit an application for renewal to the Board on or before the licensee's birthday every two years.

1. If an applicant's a licensee's birthday falls on a Saturday, Sunday, or legal holiday, the applicant licensee may file the renewal application on the next business day following the applicant's licensee's birthday.

2. A A renewal application consists of:

a. A form provided by the Board that contains: the applicant's licensee's name, address, Social Security number, and signature or Personal Identification Number (PIN) supplied by the Board if filed electronically;

b. A statement of whether the applicant licensee has changed the applicant's licensee's name since the previous application and, if name has changed, a copy of a legal document, such as a marriage license or divorce decree, showing the name change; and

c. The fee required in R4-10-102.

B. An establishment licensee shall annually postmark or electronically submit to the Board an application for renewal and



the fee required in R4-10-102 on or before the license renewal date.

1. If the license renewal date falls on a Saturday, Sunday, or legal holiday, the ~~applicant~~ licensee may file the application on the next business day following the license renewal date.
2. ~~A~~ A renewal application consists of a form provided by the Board that contains:
  - a. The establishment's name and license number; ~~and~~
  - b. If the owner is an individual or partnership, the signature and tax identification number of the owner; if the owner is a corporation, the signature of the authorized signer and the tax identification number of the corporation; if filed electronically, the Personal Identification Number (PIN) supplied by the Board may be used in place of the signature; ~~and~~
  - e. ~~The fee required in R4-10-102.~~

**R4-10-110. Reactivating an Inactive License**

- A. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for less than ~~one year~~ two years may be reactivated by paying the delinquent renewal fee.
- B. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than ~~one year~~ two years, but less than five years, may be reactivated by the licensee paying the delinquent renewal fee and paying for and completing the infection protection class and law review class, offered by the Board, ~~but paid for by the licensee.~~
- C. A cosmetology, nail technology, aesthetics, or instructor license that has been inactive for more than five years, but less than 10 years, may be reactivated by the licensee if the licensee does all of the following:
  1. Provides a certification of licensure;
  2. Completes the infection protection class and law review class given by the Board;
  3. Takes and passes the Board examination pertaining to the type of license formerly held; and
  4. Pays for the classes required under subsection (C)(2) and the delinquent renewal fee.
- D. If a cosmetology, nail technology, aesthetics, or instructor license has been inactive for more than 10 years, the licensee shall comply with all application requirements in R4-10-104 before practicing or teaching cosmetology in Arizona.

**NOTICE OF FINAL RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

[R15-193]

**PREAMBLE**

<b><u>1. Articles, Parts, and Sections Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R4-26-101	Amend
R4-26-102	Amend
R4-26-103	Repeal
R4-26-104	Amend
R4-26-105	Amend
R4-26-106	Amend
R4-26-107	Amend
R4-26-108	Amend
R4-26-201	Amend
R4-26-202	Amend
R4-26-203	Amend
R4-26-203.01	Amend
R4-26-203.02	New Section
R4-26-203.03	New Section
R4-26-204	Amend
R4-26-205	Amend
R4-26-206	Amend
R4-26-207	Amend
R4-26-208	Amend
Table 1	Amend
R4-26-209	Amend
R4-26-210	Amend
R4-26-211	Amend
R4-26-301	Amend



R4-26-302	Amend
R4-26-303	Amend
R4-26-304	Amend
R4-26-305	Amend
R4-26-308	Amend
R4-26-309	New Section
R4-26-310	New Section

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

Authorizing statute: A.R.S. § 32-2063(A)(9)  
Implementing statute: A.R.S. Title 32, Chapter 19.1, Articles 1 through 3

**3. The effective date for the rules:**

January 30, 2016

**a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(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):**

Not applicable

**b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(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. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**

Notice of Rulemaking Docket Opening: 20 A.A.R. 2933, November 7, 2014  
Notice of Proposed Rulemaking: 20 A.A.R. 3411, December 12, 2014  
Notice of Oral Proceeding on Proposed Rulemaking: 21 A.A.R. 1199, July 24, 2015

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

Name: Dr. Cindy Olvey, Executive Director  
Address: Board of Psychologist Examiners  
1400 W. Washington, Suite 240  
Phoenix, AZ 85007  
Telephone: (602) 542-8162  
Fax: (602) 542-8279  
E-mail: Cindy.Olvey@psychboard.az.gov  
Web site: www.psychboard.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 Board is amending the rules in Articles 1 through 3 in response to a five-year-review report approved by Council on November 4, 2014, statutory changes (See Laws 2009, Chapter 160 and Laws 2015, Law 168), and Board practice. The Board is also making the rules more clear, concise, and understandable.

The Board's statutes were also amended by Laws 2014, Chapter 258. These amendments deal with telepractice and provide that the Board make rules regarding telepractice by June 30, 2016. The Board has required an exemption from Executive Order 2015-01 to do the rulemaking and will complete it as directed. However, telepractice is not part of this rulemaking.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 1, 2015.

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

The Board reviewed and relied on the following study when making the decision to reduce the number of hours of continuing education required. A copy of the study may be obtained at <http://www.asppb.net>.

*ASPPB Guidelines for Continuing Professional Development*, published by the Association of State and Provincial Psychology Boards, revised August 2014.

**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 Board believes the rulemaking will have minimal economic impact. The following changes will produce the economic impact:

- Specifying a procedure for applying to take the national licensing examination before completing the required supervised professional experience
- Reducing required hours of CE
- Reducing number of copies of motion for rehearing required for submission
- Increasing the time before a meeting for submitting materials from 14 to 18 days
- Deleting requirement that application be notarized
- Clarifying the difference between reapplying for a license and applying anew for a license

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

A non-substantive change was made to R4-26-106(B). It is described in item 11.

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

The Board posted a draft of the Notice of Proposed Rulemaking on its web site in August 2014 and requested informal comments. Comments were received and incorporated into the proposed rules published in the *Arizona Administrative Register* on December 12, 2014. An oral proceeding scheduled for January 14, 2015, was postponed in response to Executive Order 2015-01.

No one attended the oral proceeding held on September 10, 2015. However, written comments were submitted by twelve individuals: John T. Beck, Andy Bernstein, Beat Bisenz, Heather Caples, Sean Flynn, John B. Fulton, Michael S. Lavoie, M. Elicia Nademin, Christopher Nicholls, Jamee N. Nicoletti, Kathy Thomas, and John J. Toma.

COMMENT	ANAYLSIS	RESPONSE
R4-26-101(B)(14): Indicates that “diploma or specialist” is a status bestowed by the American Board of Professional Psychology. There are two other board certifying organizations recognized at a national level and by many states. These are the American Board of Professional Neuropsychology and the American Board of Pediatric Neuropsychology. The Board should include these two organizations in the rule.	The American Board of Professional Psychology is the only specialty board referenced in statute (A.R.S. § 32-2071.01(D)(3)). To include the American Board of Professional Neuropsychology and the American Board of Pediatric Neuropsychology in rule would require a statutory change.	No change
R4-26-106(A): The rule appears to forbid the use in an administrative or forensic evaluation of a fee agreement that indicates the psychologist will not release the report until the account is paid in full.	The Board licenses psychologists. Neither statues nor rules include special regulations for specialty areas such as forensic psychology. A.R.S. § 12-2293(B) (release of medical records) identifies specific instances in which a health care provider may deny a request for access to or copies of medical or payment records. Lack of payment is not included. Additionally, the Code (Standard 6.03) addresses withholding records for nonpayment when emergency treatment is needed. The Board does not regulate or prescribe business models of management payment for services.	No change



<p>R4-26-106(B): Requires inclusion of raw test data when a client or patient’s record is provided to the client or patient who has given written consent. The provision has been in rule since 2009. All commenters oppose this provision for the following reasons: it makes the data available to those who are not licensed to practice psychology; it is contrary to public safety; it is at odds with practice standards and ethical requirements for test security; it jeopardizes the validity of tests; it potentially violates U.S. copyright laws; it places a licensee in position to have to choose between violating the law or violating professional ethical guidelines; and it could alter the performance of another client or patient who obtains access to the released raw test data.</p>	<p>Since September 29, 2009, A.R.S. § 32-2061(15)(cc) has stated that it is unprofessional conduct for a licensee to fail to provide a client or patient (or representative) “...on written request, a copy of the client’s or patient’s record, including raw test data, psychometric testing materials or other information as provided by law.” A review of minutes from previous Board meetings that led to the current statute indicates the Board believed this statutory change was in compliance with A.R.S. § 12-2293 regarding release of medical and payment records to patients and health care decision makers.</p>	<p>The Board understands the concerns and agrees that release of raw test data and psychometric test materials is problematic if the materials released are copyrighted. The Board will make a non-substantive change to the rule that clarifies a licensee is not required to release materials if the release would violate copyright or other laws or the ethical code adopted by reference in R4-26-301 (with which all psychologists are required to abide). At a future date the Board will consider seeking to have A.R.S. § 32-2061(15)(cc) amended.</p>
<p>R4-26-301: Incorporates by reference Ethical Principles of Psychologists and Code of Conduct (Code) adopted by the APA effective June 1, 2003. The rule says the incorporated materials do not include later amendments or editions. The Code was updated in 2015. By saying the materials do not include later amendments or editions, the Board is saying a psychologist in Arizona can practice unethically according to the APA Code but still abide by the state law. It would be better if the rule said the incorporated materials <u>include</u> later amendments or editions.</p>	<p>Standards 1.01 through 10.10 of the Code became effective June 1, 2003. Effective July 7, 2007, the Board adopted the Code by reference. In 2010, the APA adopted two amendments to the Code. The Board discussed the amendments on two occasions and determined the Board would not adopt the amendments. The commenter stated the Code was updated by the APA in 2015 but later determined there is no 2015 update. A.R.S. § 41-1028(B) provides that when an agency incorporates materials by reference, the agency “...shall state that the rule does not include any later amendments or editions of the incorporated matter.”</p>	<p>No change</p>

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

None

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

The licenses and approvals listed in Table 1 are general permits because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

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

Federal law does not apply to the subject of the rulemaking.

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

No analysis was submitted.

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

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:**

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

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



## TITLE 4. PROFESSIONS AND OCCUPATIONS

## CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

## ARTICLE 1. GENERAL PROVISIONS

Section	
R4-26-101.	Definitions
R4-26-102.	Board Officers
R4-26-103.	<del>Official Signatures Repealed</del>
R4-26-104.	<del>Advisory Committees</del>
R4-26-105.	Board Records
R4-26-106.	Client or Patient Records
R4-26-107.	<del>Current Change of Name, Mailing, Residential, or E-mail Address, or Telephone Number</del>
R4-26-108.	Fees and Charges

## ARTICLE 2. LICENSURE

Section	
R4-26-201.	Application Deadline
R4-26-202.	Doctorate
R4-26-203.	Application for <del>Licensure</del> Initial License
R4-26-203.01	Application for Licensure by Credential Under A.R.S. § 32-2071.01(B)
R4-26-203.02.	<u>Application to Take National Examination before Completing Supervised Professional Experience Required for Licensure</u>
R4-26-203.03.	<u>Reapplication for License; Applying Anew</u>
R4-26-204.	Examinations
R4-26-205.	Renewal of License
R4-26-206.	Reinstatement of License from Inactive to Active Status; <u>Cancellation of License</u>
R4-26-207.	Continuing Education
R4-26-208.	<del>Time frames</del> <u>Time Frames</u> for Processing Applications
Table 1.	<del>Time frames</del> <u>Time Frames</u> (in Days) for Processing Applications
R4-26-209.	General Supervision
R4-26-210.	<del>Internship or Training</del> <u>Supervised Professional Experience</u>
R4-26-211.	Foreign Graduates

## ARTICLE 3. REGULATION

Section	
R4-26-301.	Rules of Professional Conduct
R4-26-302.	Informal Interviews
R4-26-303.	Titles
R4-26-304.	Representation <del>Before</del> <u>before</u> the Board by Attorney Not Admitted to State Bar of Arizona
R4-26-305.	Confidentiality of Investigative Materials
R4-26-308.	Rehearing or Review of Decision
R4-26-309.	<u>Complaints against Judicially Appointed Psychologists</u>
R4-26-310.	<u>Disciplinary Supervision</u>

## ARTICLE 1. GENERAL PROVISIONS

**R4-26-101. Definitions**

**A.** The definitions in A.R.S. § 32-2061 apply to this Chapter.

**B.** ~~In~~ Additionally, in this Chapter:

1. “Additional examination” means an examination administered by the Board to determine the competency of an applicant and may include questions about the applicant’s knowledge and application of Arizona law, the practice of psychology, ethical conduct, and psychological assessment and treatment practices.
2. “Administrative completeness review” means the Board’s process for determining that an applicant has provided all of the information and documents required by the Board to determine whether to grant a license to the applicant.
3. “Advertising” means ~~the use of any communications media used~~ to disseminate information regarding the qualifications of a psychologist or to solicit clients or patients for psychological services, regardless of whether or not the psychologist pays for the dissemination of the information advertising. Methods of advertising include a published statement or announcement, directory listing, business card, personal resume, brochure, or any electronic communication conveying the psychologist’s professional qualifications or promoting the use of the psychologist’s professional services.
4. “Applicant” means an individual requesting licensure, renewal, or approval from the Board.
5. “Application packet” means the forms and documents the Board requires an applicant to submit to the Board.



- 6. “Applied psychology,” as used in A.R.S. § 32-2071(A), means the practice of psychology in the area of health service delivery. The Board shall consider education and training in applied psychology as qualification for licensure only if the education and training meet the standards specified in A.R.S. § 32-2071.
- ~~6-7.~~ “Case,” in the context of R4-26-106(D) (G), means a legal cause of action instituted before an administrative tribunal or in a judicial forum that relates to a psychologist’s practice of psychology.
- ~~7-8.~~ “Case conference” means a meeting that includes the discussion of a particular client or patient or case that is related to the practice of psychology.
- 8. ~~“Clarifying information” means information that a complainant or licensee wishes to convey to the Board and is intended to clarify what the complainant or licensee believes to be inaccurate assumptions or information stated by a Board member during case discussions before the Complaint Screening Committee or the full Board or during an informal interview.~~
- 9. “Client or patient record” means “adequate records” as defined in A.R.S. § 32-2061(A)(2), “medical records” as defined in A.R.S. § 12-2291(S) (6), and all records pertaining to assessment, evaluation, consultation, intervention, treatment, or the provision of psychological services in any form or by any medium.
- 10. “Complaint Screening Committee” means the committee of the Board established by under A.R.S. § 32-2081(D) (H) to initially conduct an initial review of all complaints against licensees.
- 11. “Confidential record” means:
  - a. Minutes of an executive session of the Board;
  - b. A record that is classified as confidential by a statute or rule applicable to the Board;
  - e. ~~An applicant’s or licensee’s college or university transcript if requested by a person other than the applicant or licensee;~~
  - ~~c.~~ All materials relating to an investigation by the Board, including a complaint, response, client or patient record, witness statement, investigative report, and any other information relating to a client’s or patient’s diagnosis, treatment, or personal or family life; and
  - d. The following regarding an applicant or licensee:
    - i. College or university transcripts;
    - e-ii. Home address, home telephone number, and e-mail address of an applicant or a licensee;
    - f-iii. Test Examination scores of an applicant or a licensee;
    - g-iv. Date of birth of an applicant or a licensee; and
    - v. Place of birth;
    - h-vi. Social Security number of an applicant or a licensee; and
    - vii. Candidate identification number for the national examination required under A.R.S. § 32-2072(A).
- 12. “Credentialing agency” means the Association of State and Provincial Psychology Boards, the National Register of Health Service Providers in Psychology, and or the American Board of Professional Psychology.
- 13. ~~“Days”~~ “Day” means a calendar days day except in A.R.S. § 32-2075(A)(4). “day” means a total of eight hours in providing psychological services regardless of the number of calendar days over which the hours are accumulated.
- 14. “Diplomate or specialist” means a status bestowed on a person by the American Board of Professional Psychology after successful completion of the work and examinations required.
- 15. “Directly available,” as used in the context of A.R.S. § 32-2071(D)(2) (F)(2), means immediately available in person; or by telephone; or by electronic transmission.
- 16. “Disaster,” as used in A.R.S. § 32-2075(A)(4), means a contingency or situation for which the governor declares a state of emergency under the authority provided at A.R.S. § 35-192. The Board acknowledges any state of emergency declared by the governor or determined by the Board.
- ~~16-17.~~ “Dissertation” means a document prepared as part of a graduate doctoral program that includes, at a minimum, separate sections that:
  - a. Review the literature on the psychology topic being investigated; and state each research question and hypothesis under investigation; and state each hypothesis investigated;
  - b. Describe the method or procedure used to investigate each research question or each hypothesis;
  - c. Describe and summarize the findings and results of the investigation;
  - d. Discuss the findings and compare them to the relevant literature presented in the literature review section; and
  - e. List the references used in the various sections of the dissertation, a majority of which are either journals of the American Psychological Association, Psychological Abstracts, or classified as a psychology subject by the Library of Congress.
- ~~17-18.~~ “Fellow” means a status bestowed on a person by a psychology association or society.
- ~~18-19.~~ “Gross negligence” means an extreme departure from the ordinary standard of care.
- ~~19-20.~~ “Internship training program” means the supervised professional experience required in A.R.S. § 32-2071(D) (F).
- 21. “Last client or patient activity,” as used in R4-26-106, means the last date a particular client or patient received direct clinical contact from the psychologist retaining the client’s or patient’s record.
- 22. “License period” means the two years between May 1 of one odd-numbered year and April 30 of the next odd-numbered year.



- ~~20-23.~~ “National examination” means the Examination for Professional Practice in Psychology provided by the Association of State and Provincial Psychology Boards.
- ~~21-24.~~ “Party” means the Board, an applicant, a licensee, or the state.
- ~~22-25.~~ “Primarily psychological,” in the context of A.R.S. § 32-2071(A)(6), means subject matter that covers the practice of psychology as defined in A.R.S. § 32-2061(A)(8) (9).
- ~~26.~~ “Psychologist on staff,” as used in A.R.S. § 32-2071(F)(2), means a psychologist who is designated by the staff psychologist specified in A.R.S. § 32-2071(F)(1) to fulfill the responsibilities of a supervising psychologist in the training program.
- ~~23-27.~~ “Psychometric testing” means measuring cognitive and emotional processes and learning through the administration of psychological tests.
- ~~24-28.~~ “Raw test data” means ~~information collected~~ test scores, client or patient responses to test questions or stimuli, and notes and recordings concerning client or patient statements and behavior during a psychologist’s assessment and evaluation.
- ~~29.~~ “Regulatory jurisdiction” means a state or territory of the U.S., the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.
- ~~25.~~ “Residency” means the same as in A.R.S. § 32-2071(I), but does not include a domicile or hospital residency.
- ~~26-30.~~ “Retired,” as used in A.R.S. § 32-2073(E) (G), means a psychologist has ~~permanently~~ stopped practicing psychology, as defined in A.R.S. § 32-2061(A)(8) (9).
- ~~31.~~ “Stipend” means a fee paid to a supervisee that is not based on productivity or revenue generated.
- ~~27-32.~~ “Substantive review” means the Board’s process for determining whether an applicant meets the requirements of A.R.S. § 32-2071 through § 32-2076 and this Chapter.
- ~~28-33.~~ “Successfully completing,” as used in A.R.S. § 32-2071(A)(4), means receiving a passing grade in a course from ~~a school or an~~ institution of higher education.
- ~~29-34.~~ “Supervise” means to control, oversee, and review the activities of an employee, intern, trainee, or resident who provides psychological services.
- ~~30-35.~~ “Supervisor:” “Supervisor,” as referenced in A.R.S. § 32-2071(F)(2), means ~~a psychologist an individual who is:~~
- ~~licensed~~ Licensed or registered as a psychologist at the independent level in the state regulatory jurisdiction in which the supervision occurs,
  - On staff as a supervisor with the training program for which supervision is provided, and
  - Directly available to the supervisee in case of an emergency or ensures another supervisor is directly available to the supervisee.
- ~~36.~~ “Year,” as used in A.R.S. § 32-2075(A)(4) means a calendar year.

#### **R4-26-102. Board Officers**

- ~~A.~~ Under A.R.S. § 32-2063(A)(8), the Board shall ~~meet before December 31 of each year to~~ annually elect a chairperson, a vice chairperson, and a secretary.
- ~~B.~~ ~~who~~ Officers elected under subsection (A) shall take office on January 1 ~~of the next year~~ following election and serve until December 31 ~~of that year.~~
- ~~C.~~ ~~When~~ If a vacancy occurs in the office of chairperson, vice chairperson, or secretary, the Board shall elect a replacement officer at the next scheduled Board meeting.

#### **R4-26-103. Official Signatures Repealed**

~~The chairperson, vice chairperson, or secretary, elected under A.R.S. § 32-2063(A)(8), shall sign correspondence, forms, legal documents, or other official papers of the Board. The chairperson, vice chairperson, or secretary may delegate this duty to another Board member, or the executive director.~~

#### **R4-26-104. Advisory Committees**

- ~~A.~~ As permitted under A.R.S. § 32-2064(B), the Board chairperson may appoint Board committees to assist the Board to fulfill the Board’s responsibilities.
- ~~B.~~ The Board may appoint advisory consulting committees ~~for the purpose of conducting to conduct~~ investigations and ~~making make~~ recommendations to the Board concerning official actions ~~to be taken or considered by the Board regarding the licensing process or disciplinary matters.~~

#### **R4-26-105. Board Records**

- ~~A.~~ A person may view public records in the Board office only during business hours, which are Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding holidays.
- ~~B.~~ All Board records are open to public inspection and copying except confidential records as defined in R4-26-101 or as otherwise provided by law.

#### **R4-26-106. Client or Patient Records**

- ~~A.~~ A psychologist shall not condition ~~record~~ release of a client or patient record on a client’s payment for services by the client, patient, or a third party’s payment for services party.
- ~~B.~~ ~~A~~ Except as provided in subsection (C), a psychologist shall release, with a client’s or patient’s written consent, provide access to or a copy of the client’s or patient’s record, including raw test data or psychometric testing materials and other information as provided by law to another licensed psychologist the client or patient or the client’s or patient’s health



care decision maker unless the release violates copyright or other laws or violates one of the standards incorporated by reference at R4-26-301. Without a client's consent, a psychologist shall release a client's raw test data or psychometric testing materials only to the extent required by federal or Arizona law or court order compelling production.

- C. A psychologist may deny a request to provide access to or a copy of a client's or patient's record if the psychologist determines:
  1. Access by the client or patient is reasonably likely to endanger the life or physical safety of the client or patient or another person;
  2. The record makes reference to a person other than a health professional and access by the client or patient or the client's or patient's health care decision maker is reasonably likely to cause substantial harm to that other person;
  3. Access by the client's or patient's health care decision maker is reasonably likely to cause substantial harm to the client or patient or another person;
  4. Access by the client or patient or the client's or patient's health care decision maker will reveal information obtained under a promise of confidentiality with someone other than a health professional and access is reasonably likely to reveal the source of the information; or
  5. Access by the client or patient or the client's or patient's health care decision maker may result in misuse or misrepresentation of the information and potentially harm the client or patient.
- D. Without a client's or patient's consent, a psychologist shall release the client's or patient's raw test data only to the extent required by law or under court order compelling production.

~~C.E.~~ A psychologist shall retain all client or patient records under the psychologist's control, including records of a client or patient who died, for a minimum of at least six years from the date of the last client or patient activity, except copies of audio or video tapes created primarily for training or supervisory purposes. If a client or patient is a minor, the psychologist shall retain all client or patient records for a minimum of at least three years past the client's or patient's 18th birthday or six years from the date of the last client or patient activity, whichever is longer.

E. Audio or video tapes created primarily for training or supervisory purposes are exempt from the requirement of subsection (E).

~~D.G.~~ A psychologist who has been is notified by the Board or municipal, state, or federal officials of an investigation or pending case shall retain all records relating to that investigation or case until the psychologist has received receives written notification notice that the investigation is completed, or that the case is closed, or the matter has been fully adjudicated.

~~E.H.~~ A The provisions of this Section apply to all psychologists including a psychologist who is on inactive status under A.R.S. § 32-2073(E) (G) is not exempt from this Section.

~~F.I.~~ A psychologist may retain legible copies of scanned or electronic client or patient records rather than the original hard copies of the records in electronic form. The psychologist shall ensure that scanned and electronic client or patient records in electronic form are securely legible, stored securely, and an electronic backup copies are copy is maintained.

**R4-26-107. Current Change of Name, Mailing, Residential, or E-mail Address, or Telephone Number**

- A. The Board shall communicate with a psychologist using the contact information provided to the Board. To ensure timely communication from the Board, a psychologist shall notify the Board, in writing, within 30 days of any change of name, mailing, residential, or e-mail address (giving both the old and new addresses), or residential, business, or mobile telephone number.
- B. A psychologist who reports a name change shall submit to the Board legal documentation that substantiates the name change.
- C. A psychologist's failure to receive a renewal notice or other mail that the Board sends to the most recent address on file with the Board office is does not justification for excuse an untimely license renewal or the omission of any other action required by the psychologist.

**R4-26-108. Fees and Charges**

A. As specifically authorized by A.R.S. § 32-2067(A), the Board establishes and shall collect the following fees:

1. Application for an active license to practice psychology: \$350;
2. Reapplication for an active license denied by the Board: \$200;
3. Initial license (prorated): \$400 500;
4. Duplicate license: \$25;
5. Biennial renewal of an active license: \$400 500;
6. Biennial renewal of an inactive license: \$50 85;
7. Reinstatement of an active or inactive license: \$200; and
8. Delinquent compliance with continuing education requirements: \$200.

B. As specifically authorized by A.R.S. § 32-2067(A), the Board establishes and shall collect the following charges for the services provided:

- ~~9-1.~~ Duplicate renewal receipt: \$5;
- ~~10-2.~~ Statutes Copy of statutes and rules: \$5;
- ~~11-3.~~ Verification of a license: \$2;
- ~~12-4.~~ Each audiotape Audio recording of a Board or Committee meetings meeting: \$10;
- ~~13-5.~~ Computerized discs Electronic medium containing the name and address of each licensee: \$.05 per name;
- ~~14-6.~~ Customized computerized discs electronic medium containing the name and address of each current licensee: \$.25 per name;



~~15-7. Customized computerized discs electronic medium containing additional, non-confidential, licensee information: \$.35 per name; and~~

~~16-8. Copies of Board records, documents, letters, minutes, applications, files, and policy statements: \$.25 per page.~~

**C.** Except as provided by law, including A.R.S. § 41-1077, the fees listed in subsection (A) are not refundable.

## ARTICLE 2. LICENSURE

### R4-26-201. Application Deadline

**A.** The Board shall consider a license application To be considered at the Board's next scheduled Board meeting, a if an administratively complete license application packet and all related supporting materials and documentation, including reference forms mailed or e-mailed from the Board office, and any additional information requested by the Board, shall be completed and filed at is received by the Board office at least 14 18 days before the date of the meeting.

**B.** An applicant who does not meet this deadline shall have the application reviewed at a subsequent Board meeting The Board shall consider a license application that is received fewer than 18 days before a scheduled meeting at a subsequent meeting.

### R4-26-202. Doctorate

**A.** The Board shall apply the following criteria to determine if whether a doctoral program ~~complies with~~ provided by an institution of higher education met the standards in A.R.S. § 32-2071(A)(2) at the time an applicant began the degree program:

1. A The program is "identified and labeled as a psychology program" under A.R.S. § 32-2071(A)(2) if the university, college, department, school, or institute had there were institutional catalogues and brochures that specified its the intent of the institution of higher education to educate and train psychologists, at the commencement of the applicant's degree program;
2. A The program "stands as a recognized, coherent organizational entity" under A.R.S. § 32-2071(A)(2) if the university, college, department, school, or institute had a psychology curriculum that there was an organized sequence of courses at the commencement of the applicant's degree program comprising a psychology curriculum; and
3. A The program has "clearly identified entry and exit criteria" within its psychology curriculum under A.R.S. § 32-2071(A)(2) if the university, college, department, school, or institute has requirements that outline the there were specific prerequisites for entrance into the program and the sequence of study and has delineated requirements for graduation delineated.

**B.** The Board shall verify that an applicant has completed the hours in the subject areas described in A.R.S. § 32-2071(A)(4). For this purpose, the applicant shall have the institution of higher education that the applicant attended provide directly to the Board an official transcript of all courses taken and verification of the dissertation or similar project.

1. The Board shall verify that an applicant's transcripts have been prepared solely by the institution under A.R.S. § 32-2071(A)(7) by determining whether the applicant had any input into the transcript drafting process.

2-1. The Board may require additional documentation from the applicant or from the institution to determine whether the applicant has satisfied the requirements of A.R.S. § 32-2071(A)(4).

3-2. The Board shall count five quarter hours or six trimester hours as the equivalent of three semester hours, as required under A.R.S. § 32-2071(A)(4). When an academic term is other than a semester, or quarter, or trimester, 15 classroom contact hours equals one semester hour.

**C.** To determine whether a comprehensive examination taken by an applicant as part of a doctoral program in psychology satisfies the requirements of A.R.S. § 32-2071(A)(4), the Board shall review documentation provided directly to the Board by the educational institution of higher education that granted the doctoral degree, that demonstrates how the applicant's comprehensive examination was constructed, lists criteria for passing, and provides the information used to determine that the applicant passed.

**D.** The Board shall not accept credit hours for as core program hours required under A.R.S. § 32-2071(A)(4) credit:

1. workshops For workshops, practica, undergraduate courses, life experiences, continuing education courses, or experiential or correspondence courses; or for credits transferred

2. Transferred from institutions that are not accredited under A.R.S. § 32-2071(A)(1), to satisfy a requirement of A.R.S. § 32-2071(A)(4); or

3. For seminars, readings courses, or independent study unless the applicant proves that the course was an in-depth study devoted to a particular core program content area by submitting one or more of the following:

a. Course description in the official catalogue of the institution of higher education,

b. Course syllabus, or

c. Signed statement from a dean or psychology department head affirming that the course was an in-depth study devoted to a particular core program content area.

**E.** The Board shall count a course or comprehensive examination only once to satisfy a requirement of A.R.S. § 32-2071(A)(4).

**F.** An honorary doctorate degree does not qualify an applicant for licensure as a psychologist.

**G.** The Board shall not accept as core program credits practica, workshops, continuing education courses, experiential or correspondence courses, or life experiences. The Board shall not accept core program credits for seminar or readings courses or independent study unless the applicant provides evidence that the course was an in-depth study devoted to a particular core area. The applicant shall submit evidence of one or more of the following:



- 1. Course description in official college catalogue;
- 2. Course syllabus, or
- 3. Signed statement from a dean or psychology department head detailing that the course was an in-depth study devoted to a particular core area.

**R4-26-203. Application for ~~Licensure~~ Initial License**

A. An ~~applicant for individual who wishes to be licensed as a psychologist license~~ shall submit an application packet to the Board that includes an application form, ~~which is available from provided by the Board office and on its website, with an attestation that is signed and dated by the applicant and notarized, and contains provide the following information:~~

- 1. Personal information about the applicant:
  - a. ~~Applicant's name, business and home addresses, Social Security number, business and home telephone numbers, and date and place of birth;~~ Full name;
  - b. Other names by which the applicant is or ever has been known;
  - c. Residential address and telephone number;
  - d. Business name and address;
  - e. Work telephone and fax numbers;
  - f. E-mail address;
  - g. Gender;
  - h. Date of birth;
  - i. Place of birth; and
  - j. Social Security number;
- 2. An indication of the address and telephone number to be listed in the Board's public directory and used in correspondence;
- 3. An indication whether the applicant is active military;
- 4. A statement of whether the applicant:
  - 2-a. ~~Whether the applicant holds~~ Holds a Certificate of Professional Qualification in Psychology, a National Register of Health Service Providers in Psychology credential, or is a diplomate or specialist of the American Board of Professional Psychology;
  - 3-b. ~~Name of each jurisdiction in which the applicant is currently~~ Is or ever has been licensed as a psychologist in another regulatory jurisdiction and if so, the name of the regulatory jurisdiction and license number;
  - 4-c. ~~Whether the applicant has~~ Has applied for and been rejected or denied licensure as a psychologist in ~~any other a regulatory jurisdiction in which the applicant is not currently licensed,~~ and if so, the name of each regulatory jurisdiction, date of each application, and reason given for the rejection or denial;
  - 5-d. ~~Whether the applicant is~~ Is or ever has been licensed or certified in a profession or occupation other than psychology and if so, the names of the professions or occupations, regulatory jurisdictions, and license numbers;
  - 6-e. ~~Whether the applicant has~~ Has ever taken the national examination; and if so, the name of each regulatory jurisdiction in which the examination was taken, and each date of examination;
  - 7-f. ~~Whether the applicant has~~ Has ever had an application for a professional license, certification, or registration other than psychology denied or rejected by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction, type of license, certification, or registration denied or rejected, and date of denial or rejection;
  - g. Has ever withdrawn an application for a professional license, certification, or registration in lieu of administrative proceedings and if so, the reason for the withdrawal;
  - 8-h. ~~Whether the applicant has~~ Has ever had disciplinary action initiated against the applicant's professional license, certification, or registration, or had a professional license, certification, or registration suspended or revoked by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction, date of the disciplinary action, and license number;
  - 9-i. ~~Whether the applicant has~~ Has ever entered into a consent agreement or stipulation arising from a complaint against any professional license, certification, or registration and if so, the name of the regulatory jurisdiction, date, and license number;
  - 10-j. ~~Whether the applicant is~~ Is a member of any professional association in the field of psychology and if so, name of the association;
  - 11-k. ~~Whether the applicant has~~ Has ever had membership in a professional association in the field of psychology denied or revoked and if so, the name of the professional association and date of denial or revocation;
  - 12-l. ~~Whether the applicant is~~ Is currently under investigation for or has been found guilty of violating a code of professional ethics of any professional organization and if so, the name of the professional organization and date of investigation;
  - 13-m. ~~Whether the applicant is~~ Is currently under investigation for or has been found to have violated a professional code of conduct by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction and date of investigation;
  - 14-n. ~~Whether the applicant has~~ Has ever been sanctioned or placed on probation by any a regulatory jurisdiction and if so, the name of the regulatory jurisdiction and date of action;



- 15-~~o~~. Whether the applicant ~~is currently awaiting trial, has been convicted of, or pled no contest or guilty to a any felony or a misdemeanor other than a minor traffic offense (a DUI is not a minor traffic offense), or has ever entered into a diversion program instead of prosecution, including any convictions that have been expunged, or deleted, or set aside and if so, the name of the jurisdiction, offense involved, date of offense, status of resolution, expected resolution date, and a narrative explanation;~~
- 16-~~p~~. Whether the applicant ~~has~~ Has been sued or prosecuted for an act or omission relating to the applicant's practice as a psychologist, the applicant's work under a certificate or license in another profession, or the applicant's work as a member of a profession in which the applicant was not certified or licensed and if so, the name of the jurisdiction, allegation involved, and date;
- 17-~~q~~. Whether the applicant ~~has~~ Has ever been involuntarily terminated or resigned instead of termination from any psychological or behavioral health position or related employment and if so, the name of the employer involved and date;
- 18-~~r~~. Whether the applicant ~~currently has an addiction to~~ Currently uses alcohol or ~~any another~~ drug that in any way impairs or limits the applicant's ability to practice psychology safely and competently; and
- 19-~~s~~. Whether the applicant ~~currently has any~~ Has a medical, physical, or psychological condition that may ~~in any way~~ impair or limit the applicant's ability to practice psychology safely and ~~effectively~~ competently;
5. Information about the applicant's education and training:
- 20-~~a~~. Name and address of each university or college from which the applicant graduated, ~~date of attendance dates~~ attended, date of graduation, degree received, name of department, and major subject area of study;
- 21-~~b~~. ~~Major advisor's name and department~~ Name and department of the applicant's major advisor; and the
- ~~c~~. ~~title~~ Title of the applicant's dissertation or Psy.D. project for the doctoral degree;
- 22-~~d~~. Official title of the ~~applicant's~~ applicant's doctoral degree program or predoctoral specialty area;
- ~~e~~. Whether the doctoral degree program that the applicant attended was accredited by the American Psychological Association at the time of graduation;
- 23-~~f~~. Whether the applicant's internship training program was an American Psychological Association-~~approved~~ accredited program or a member of the Association of Psychology and Postdoctoral Internship Centers;
- 24-~~g~~. ~~Each location at~~ Location of each internship training program in which the applicant participated ~~in an internship training program~~ and each supervisor's name and contact information; and
- ~~h~~. Documentation demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;
- 25-~~6~~. Areas of professional competence;
- 26-~~7~~. Intended area of professional practice in psychology;
- 27-~~8~~. Name, position, and address of at least two ~~references~~ individuals to serve as references who:
- Are psychologists licensed or certified to practice psychology in a United States or Canadian regulatory jurisdiction and who are not members of the Arizona Board of Psychologist Examiners;
  - Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within the three years immediately before the date of application. If more than three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may pertain to the most recent three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and
  - Recommend the applicant for licensure;
- 28-~~9~~. History of employment for the past 10 years in the field of psychology including, for each position held, the:
- beginning Beginning and ending dates of employment,
  - number Number of hours worked per week,
  - name Name and address of employer,
  - name Name and address of supervisor, and
  - type Type of employment; and
- 29-~~10~~. Information demonstrating that the applicant satisfied the core program requirements in A.R.S. § 32-2071(A)(4) and R4-26-202;
30. Whether the applicant agrees to allow the Board to submit supplemental requests for additional information under R4-26-208(C);
- 31-~~11~~. ~~A notarized statement, verified under oath~~ An attestation by the applicant, that the information on the application ~~pertains to~~ is about the applicant, is true and correct, and ~~has not been~~ is not being submitted ~~through fraud or misrepresentation~~ fraudulently;
- B.** Additionally, an applicant shall submit:
- 32-~~1~~. ~~One~~ An original, un-retouched, passport-quality photograph of the applicant that is no larger than ~~one and a half by two~~ 1.5 X 2 inches and taken ~~not no~~ more than 60 days before the date of application;
- 33-~~2~~. The results of a self-query from the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank;



- 3. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law;
- 4. The Board's Mandatory Confidential Information form;
- ~~34-5. Fee~~ The fee required by under R4-26-108; and
- ~~35-6.~~ Any other information authorized by statute.

~~B.C.~~ In addition to the requirements of subsection in subsections (A) and (B), an applicant for a psychologist's license shall arrange to have the following directly submitted to the Board:

- 1. An official transcript from each university or college from which the applicant has attended a graduate program or received a graduate degree that contains the date the degree was received conferred;
- 2. An official document from the degree-granting institution indicating that the applicant has completed a residency that satisfies the requirements of A.R.S. § 32-2071(F) (K);
- 3. For an applicant applying supervised preinternship hours toward licensure, an attestation submitted by the doctoral program training director, faculty supervisor, or other official of the doctoral-granting institution who is knowledgeable of the applicant's preinternship experience verifying that the applicant's preinternship experience meets the requirements of A.R.S. § 32-2071(D).
- ~~3-4.~~ An affidavit attestation from the applicant's supervisor, if available, or a psychologist knowledgeable of the applicant's internship training program, verifying that the applicant's internship training program meets the requirements in A.R.S. § 32-2071(D) (F). If the supervisor or knowledgeable psychologist is not available, the Board shall accept primary source verification received from the Association of State and Provincial Psychology Boards. In this subsection, "not available" means the supervisor or knowledgeable psychologist is deceased or all reasonable efforts to locate the supervisor or knowledgeable psychologist were unsuccessful;
- ~~4-5.~~ An affidavit For an applicant applying supervised postdoctoral experience toward licensure, an attestation from the applicant's postdoctoral supervisor, if available, or a psychologist knowledgeable of the applicant's postdoctoral experience verifying that the applicant's postdoctoral experience meets the requirements in A.R.S. § 32-2071(E) (G). If the supervisor or knowledgeable psychologist is not available, the Board shall accept primary source verification received from the Association of State and Provincial Psychology Boards. In this subsection, "not available" means the supervisor or knowledgeable psychologist is deceased or all reasonable efforts to locate the supervisor or knowledgeable psychologist were unsuccessful; and

~~5-6.~~ Verification of all other psychology licenses or certificates ever held in any regulatory jurisdiction; and

~~C.7.~~ In addition to the requirements in subsections (A) and (B), an applicant shall ensure that an An official notification of the applicant's score on the national examination is provided to the Board. An applicant who has passed the national examination and is seeking an examination waiver under in accordance with the standard established at A.R.S. § 32-2072(A), shall have the examination score sent directly to the Board by the Association of State and Provincial Psychology Boards or by the regulatory jurisdiction for in which the applicant originally passed the examination.

**R4-26-203.01. Application for Licensure by Credential Under A.R.S. § 32-2071.01(B)**

- A. An applicant for a psychologist license by credential under A.R.S. § 32-2071.01(B) (D) shall submit an application packet to the Board that includes:
  - 1. An application form, ~~provided by~~ provided by which is available from the Board office and on its website, signed and dated by the applicant, that contains the information required by R4-26-203(A)(1) through (26) (4), (A)(5)(a) through (f), (A)(6), (A)(7), (A)(10), and R4-26-203(A)(30) through (35) (B)(2) through (6);
  - 2. Verification sent directly to the Board by the credentialing agency that the applicant:
    - a. Holds a current Certificate of Professional Qualification in Psychology (CPQ) issued by the Association of State and Provincial Psychology Boards;
    - b. Holds a current National Register of Health Service Provider Providers in Psychology (NRHSPP) credential and has practiced psychology independently at the doctoral level under A.R.S. § 32-2071- for at least five years;  
or
    - c. Is a diplomate or specialist of the American Board of Professional Psychology (ABPP); and
  - 3. Verification of all other psychology licenses or certificates ever held in any jurisdiction.
- B. An applicant for a psychologist license by credential based on a National Register of Health Service Provider Providers in Psychology credential ~~also shall have passed the national examination and shall have notification of that the applicant obtain a passing score on the national examination score~~ sent directly to the Board by the Association of State and Provincial Psychology Boards or by the regulatory jurisdiction for in which the applicant originally tested passed the examination.
- C. If the Board determines that an application for licensure by credential requires clarification, the Board may require that an applicant submit or cause the applicant's credentialing agency to submit directly to the Board any documentation including transcripts, course descriptions, catalogues, brochures, supervised experience verifications, examination scores, application for credential, or any other information that is deemed necessary by the Board.

**R4-26-203.02. Application to Take National Examination before Completing Supervised Professional Experience Required for Licensure**

A. As provided under A.R.S. § 32-2072(C), an individual who has completed the education requirements specified in A.R.S. § 32-2071(A) but has not completed the supervised professional experience requirements specified in A.R.S. §



32-2071(D) may apply to the Board for approval to take the national examination.

- B.** To apply for approval under subsection (A), an individual shall submit to the Board the application form and applicable documents required under R4-26-203(A) through (C).
- C.** When the Board approves an individual who makes application under subsections (A) and (B), the Board shall administratively close the applicant's application packet.
- D.** An individual who is granted approval under subsection (C) to take the national examination may apply for an initial license under R4-26-203 after completing the supervised professional experience requirements specified in A.R.S. § 32-2071(D) as follows:
  - 1. Within 36 months after the application was administratively closed under subsection (C), request that the Board re-open the application packet; and
  - 2. Submit the portions of the application packet required under R4-26-203 that were not submitted under subsection (B).

#### **R4-26-203.03. Reapplication for License: Applying Anew**

- A.** The following may reapply for a license:
  - 1. An individual who failed the national examination required under A.R.S. § 32-2072 and R4-26-204 no more than three times, and
  - 2. An individual whose application submitted under R4-26-203 or R4-26-203.01 was administratively closed by the Board under R4-26-208(H) less than one year before reapplication.
- B.** An individual identified in subsection (A) may ask the Board to base a licensing decision, in part, on applicable forms and documents previously submitted.
- C.** An individual eligible under subsection (B) to reapply for licensure shall:
  - 1. Submit a reapplication form, which is available from the Board office, to the Board;
  - 2. If previously submitted references were submitted more than 12 months before the date of reapplication, provide the names, positions, and addresses of at least two individual to serve as references who:
    - a. Are psychologists licensed or certified to practice psychology in a United States or Canadian regulatory jurisdiction and are not members of the Arizona Board of Psychologist Examiners;
    - b. Are familiar with the applicant's work experience in the field of psychology or in a postdoctoral program within the three years immediately before the date of reapplication. If more than three years have elapsed since the applicant last engaged in professional activities in the field of psychology or in a postdoctoral program, the references may pertain to the most recent three-year period in which the applicant engaged in professional activities in the field of psychology or in a postdoctoral program; and
    - c. Recommend the applicant for licensure;
  - 3. List all professional employment since the date of the most recent application or reapplication including:
    - a. Beginning and ending dates of employment,
    - b. Number of hours worked per week,
    - c. Name and address of employer,
    - d. Position title,
    - e. Nature of work, and
    - f. Nature of supervision;
  - 4. Submit the results of a self-query from the National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank; and
  - 5. Pay the fee required under R4-26-108(2).
- D.** The following shall apply anew for a license rather than reapplying:
  - 1. An individual whose application submitted under R4-26-203 or R4-26-203.01 was denied by the Board,
  - 2. An individual who was permitted by the Board to withdraw an application submitted under R4-26-203 or R4-26-203.01 before the Board acted on the application, and
  - 3. An individual whose application submitted under R4-26-203 or R4-26-203.01 was administratively closed by the Board under R4-26-208(H) more than one year before another application is submitted.

#### **R4-26-204. Examinations**

- A.** General rules.
  - 1. Under A.R.S. § 32-2072(C), an applicant who fails the national examination at least three times in Arizona or any other regulatory jurisdiction; shall, ~~comply with the following requirements before taking another the national examination again;~~
    - a. The applicant shall review the applicant's areas of deficiency and implement a program of study or practical experience designed to remedy the applicant's deficiencies. This remedial program may consist of any combination of course work, self-study, internship experience, and supervision, or any combination of these.
    - b. The An applicant required under subsection (A)(1) to implement a program of study or practical experience may apply anew for licensure. The applicant shall submit a new application packet, as described in R4-26-203, that includes documentation of the applicant's professional activities since the date of the original application, including and include information about any actions taken proposed under subsection (A)(1)(a), in addition to the information required on the original application.



~~2-3.~~ Examination deadline. Unless the Board grants an extension, the Board shall administratively close the file of an applicant ~~approved authorized by to sit for a~~ the Board to take an examination specified in subsection (B) or (C) who fails to ~~sit for take~~ the examination within one year from the date of the Board's ~~approval authorization~~. Upon written request to the Board's Executive Director received by the Board on or before the applicant's examination deadline, the Board shall grant the applicant one extension of up to six months to ~~sit take for~~ the examination. The applicant may request additional extensions for good cause, which includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period. The Board shall ensure that an extension is for no more than six months. This Section does not apply to an applicant approved to take the national examination ~~before completion of 3,000 hours of supervised training experience as permitted under A.R.S. § 32-2072(C) under R4-26-203.02.~~

- ~~3-4.~~ The Board shall deny a license if an applicant commits any of the following acts with respect to the examination:
- a. Violates the confidentiality of examination materials;
  - b. Removes any examination materials from the examination room;
  - c. Reproduces any portion of a licensing examination;
  - d. Aids in the reproduction or reconstruction of any portion of a licensing examination;
  - e. Pays or uses another person to take a licensing examination for the applicant or to reconstruct any portion of the licensing examination;
  - f. Obtains examination material, either before, during, or after an examination, for the purpose of instructing or preparing applicants for examinations;
  - g. Sells, distributes, buys, receives, or has possession of any portion of a future, current, or previously administered licensing examination that is not authorized by the Board or its authorized agent for release to the public;
  - h. Communicates with any other examiner during the administration of a licensing examination;
  - i. Copies answers from another examinee or permits the copying of answers by another examinee;
  - j. Possesses during the administration of a licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than material distributed during the examination; or
  - k. Impersonates another examinee.

**B.** National examination. Under A.R.S. § 32-2072, the Board shall require that an applicant take and pass the national examination. An applicant ~~approved authorized~~ by the Board to take the national examination passes the examination if the applicant's score equals or exceeds the passing score specified in A.R.S. § 32-2072(A). ~~When~~ After the Board receives the examination results, the Board shall notify the applicant in writing of the results.

**C.** Additional examination.

1. ~~A~~ The Board shall require an applicant shall to pass the national examination before ~~being permitted by the Board allowing the applicant~~ to take an additional examination.
2. Under A.R.S. § 32-2072(B), the Board may administer an additional examination to ~~all applicants~~ an applicant to determine the adequacy of the applicant's knowledge and application of Arizona law. The additional examination may also cover the practice of psychology, ethical conduct, and psychological assessment and treatment practices.
  - a. The Board shall review and approve the additional examination before administration.
  - b. The additional examination may be developed and administered by the Board, a committee of the Board, consultants to the Board, or independent contractors.
  - ~~b.~~ ~~The additional examination may be administered by the Board, a committee of the Board, consultants to the Board, or independent contractors.~~
  - c. Applicants, examiners, and consultants to the Board shall execute a security acknowledgment form stating that they shall and agree to maintain examination security.

**R4-26-205. Renewal of License**

**A.** A license issued by the Board, whether active or inactive, expires on April 30 of every odd-numbered year unless renewed.

~~A.B.~~ The Board considers a license renewal application packet timely ~~filed~~ submitted if delivered or mailed to the Board's office and date stamped or postmarked on or before May 1 April 30 of the odd-numbered year that in which the license expires.

~~B.C.~~ An applicant To renew a license, a licensee shall file with submit to the Board a renewal application form, which is available from provided by the Board office and on its website, signed and dated by the licensee, ~~that contains and provide the following:~~

- I. Personal information about the applicant:
  - ~~1-a.~~ The applicant's name, business and home addresses, Social Security number, license number, business and home telephone numbers, e-mail address, gender, date of birth, and a designated preference for directory and mailing addresses Full name;
  - b. Other names by which the applicant is or ever has been known;
  - c. License number;
  - d. Home address and telephone number;
  - e. Business name and address;



- f. Work telephone and fax numbers;
  - g. E-mail address;
  - h. Gender;
  - i. Date of birth;
  - j. Place of birth; and
  - k. Social Security number;
2. An indication of the address and telephone number to be listed in the Board's public directory and used in correspondence;
3. An indication whether the applicant is active military;
4. A statement of whether the applicant:
- a. Is in compliance with or exempt from the requirements of A.R.S. § 32-3211 regarding secure storage, transfer, and access to client or patient records and if not, explain;
  - 2-b. Whether the applicant is Is currently licensed or certified as a psychologist in another a regulatory jurisdiction other than Arizona; and if so, identification the name of the regulatory jurisdiction and license number;
  - 3-c. Whether the applicant is currently Is a licensed or certified member of another profession; and if so, identification of the name of the profession, and the regulatory jurisdiction, and license number;
  - 4-d. Whether the applicant is Is a member of any a hospital staff or provider panel and if so, identification the name of the hospital or panel;
  - 5-e. Whether the applicant has Has completed the required 60 40 hours of continuing education; and if not, an explanation of the reasons why the required hours have not been completed;
  - 6-f. Whether the applicant has Has, during the last license period, been denied a license or certificate to practice any profession by any state or Canadian province regulatory jurisdiction and if so, the name of the profession and regulatory jurisdiction and the reason for denial or a copy of the notice of denial;
  - 7-g. Whether the applicant has ever Has, during the last license period, relinquished responsibilities, resigned a position, or been terminated while a complaint against the applicant was being investigated or adjudicated and if so, the dates and entity conducting the investigation or adjudication;
  - 8-h. Whether the applicant has ever Has, during the last license period, resigned or been terminated from a professional organization, hospital staff, the military, or provider panel or surrendered a license while a complaint against the applicant was being investigated or adjudicated and if so, the dates and entity conducting the investigation or adjudication;
  - 9-i. Whether the applicant has Has, during the last license period, been disciplined by any an agency or regulatory board of in any regulatory jurisdiction including the Arizona Board of Psychologist Examiners, the military, or a health care institution, provider panel, or ethics panel for acts pertaining to the applicant's conduct as a psychologist or as a professional in any other field; and if so, a report of those actions including the name and address of the disciplinary agency, the nature and date of the disciplinary action, and a statement of the charges and findings;
  - 10-j. Whether the applicant Is currently awaiting trial, has, during the last license period, been convicted of or pled no contest or guilty to a any felony or a misdemeanor, other than a minor traffic offense (a DUI is not a minor traffic offense), or ever entered into a diversion program instead of prosecution, including any conviction that was expunged, deleted, or set aside in any state or country and if so, the convicting jurisdiction, offense, date of offense, status of resolution, expected resolution, a narrative explanation, and copies of relevant documents;
  - 11-k. Whether the applicant is Is currently under investigation by any professional organization, the military, health care institution, or provider panel of which the applicant is a member or on staff, or regulatory board or agency concerning the ethical propriety or legality of the applicant's conduct and if so, name of the entity involved and conduct at issue;
  - 12-l. Whether the applicant has Has, during the last license period, been sued or prosecuted for an act or omission relating to the applicant's practice as a psychologist, the applicant's work under a license or certificate in another profession, or the applicant's work as a member of a profession in which the applicant was not licensed or certified and if so, the name of the jurisdiction, allegation involved, date, and copies of relevant documents;
  - 13-m. Whether the applicant is Is delinquent in payment of a judgment for child support and if so, the court that issued and date of the support order;
  - 14-n. Whether the applicant has Has, during the last license period, had an application for membership in any professional organization rejected, or has had any professional organization suspend or revoke the applicant's membership, place the applicant on probation, or otherwise censure the applicant for unethical or unprofessional conduct or other violation of eligibility or membership requirements and if so, name of the professional organization and date of the action;
  - o. Currently uses alcohol or another drug that in any way impairs or limits the applicant's ability to practice psychology safely and competently;



- 15-p. ~~Whether the applicant has~~ Has a medical, physical, or psychological condition that in any way may impair or limits limit the applicant's ability to safely and effectively practice psychology safely and competently; and
- q. Is submitting the renewal application timely and if not, whether the applicant has practiced psychology in Arizona since the license expired and if so, a complete explanation;
- 16. ~~Whether the applicant is requesting any of the following inactive status options:~~
- 5. The license status for which application is made:
  - a. Active;
  - b. Inactive due to mental or physical disability;
  - c. Voluntary inactive;
  - a. ~~Mental or physical disability;~~
  - b. ~~Voluntary inactive status; or~~
  - e-d. Medical or inactive continuation; or
  - e. Retired. If retired status is requested, the applicant shall designate whether retired status is to be achieved by allowing the license to expire or requesting voluntary inactive status;
- 17. ~~Whether the applicant is requesting retired status;~~
- 18. ~~Whether the applicant has prepared a written protocol for the secure storage, transfer, and access of the medical records of the psychologist's patients, in accordance with the provisions of A.R.S. § 32-3211;~~
- 6. The following information about the continuing education completed during the previous license period:
  - a. Title of the continuing education;
  - b. Date completed;
  - c. Sponsoring organization, publication, or educational institution;
  - d. Number of hours in the continuing education; and
  - e. Brief description of the continuing education;
- 19-7. A signed attestation of the veracity of the information provided; and
- 20-8. Any other information authorized by statute.
- D.** Additionally, to renew a license, a licensee shall submit to the Board:
  - 1. The license renewal fee required under R4-26-108;
  - 2. If the documentation previously submitted under R4-26-203(B)(3) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and
  - 3. The Board's Mandatory Confidential Information form.
- C.E.** If a licensee applies for renewal in a timely manner, but fails to complete the required 60 hours of continuing education completed application, including the information about continuing education completed, is timely submitted under subsections (C) and (D), the licensee may continue to practice psychology under the active license until notified by the Board that the application for renewal has been approved or denied. If the Board denies license renewal, the licensee may continue to practice psychology until the last day for seeking review of the Board's decision or a later date fixed by a reviewing court, the license shall expire. A licensee may reinstate the expired license and continue practicing between May 1 and July 1 by:
  - 1. Paying by July 1 the reinstatement fee in R4-26-108, in addition to the regular renewal fee under A.R.S. § 32-2074(B); and
  - 2. Completing the continuing education requirements by July 1 of the same year.
- F.** Under A.R.S. § 32-2074(B), the license of a licensee who fails to submit a renewal application, including the information about continuing education completed, on or before April 30 of an odd-numbered year expires and the licensee shall immediately stop practicing psychology.
- G.** A psychologist whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board on or before June 30 of the year in which the license expired:
  - 1. The license renewal application required under subsection (C), including the information about continuing education completed, and the documents required under subsections (D)(2) and (3); and
  - 2. The license renewal and reinstatement fees required under R4-26-108.
- D.H.** A person who fails to complete the required 60 hours of continuing education by July 1 and reinstate a license under subsection (C): A psychologist whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) may have the license reinstated by:
  - a-1. Shall not practice psychology until the license is reinstated; Complying with subsections (G)(1) through (2) on or before the following April 30th, and
  - b. Has from July 1 of the renewal year to May 1 of the next year to complete the continuing education requirements; and
  - e-2. Shall pay the reinstatement fee and Paying the delinquent compliance fee in R4-26-108.
- I.** A psychologist whose license expires under subsection (F) and who fails to have the license reinstated under subsection (G) or (H) may be licensed again only by complying with R4-26-203.
- E.J.** If as a result of an audit of the Board audits the continuing education records of a licensee and determines that some of the hours do not, the Board disallows some or all of a licensee's credit hours for failure to conform to the standards listed in R4-26-207, the Board shall disallow the non-conforming hours. And If the remaining hours are less than the



number required, the Board shall deem the licensee as failing to satisfy the continuing education requirements and provide notice of the disallowance to the licensee. The licensee has 90 days from the mailing date of the Board's notification of disallowance to complete the continuing education requirements for the past reporting period and shall provide the Board with an affidavit documenting completion. If the Board does not receive an affidavit within 90 days of the mailing date of notification of disallowance or the Board deems the affidavit insufficient, the Board may take disciplinary action under A.R.S. § 32-2081.

**R4-26-206. Reinstatement of License from Inactive to Active Status; Cancellation of License**

- A. Except as provided in subsection (C), when considering reinstatement of a psychologist from inactive status to active status, the Board shall presume that the psychologist has maintained and updated the psychologist's professional knowledge and capability to practice as a psychologist if the psychologist presents to the Board documentation of completion of a prorated amount of continuing education, calculated under subsection (B).
- B. ~~Except as provided in subsection (C), to calculate the minimum number of continuing education hours required for reinstatement to active status, the Board shall divide the 60 hours of continuing education required by 24 and multiply by the number of months that have elapsed since the licensee began inactive status.~~
- ~~C.B. A psychologist who began is on inactive status before July 2, 2005 may reinstate a the license to active status by demonstrating presenting to the Board documentation of completion of a minimum of 60 at least 40 hours of continuing education that consistent with meets the requirements of standards in R4-26-207 and completed during the previous two-year license renewal period.~~
- C. A psychologist may request that the Board cancel the psychologist's license if the psychologist is not under investigation by any regulatory jurisdiction. Fees paid to obtain a license are not refundable when the license is cancelled. If an individual whose request for license cancellation is approved by the Board subsequently decides to practice psychology, the individual shall submit a new application under R4-26-203 and meet the requirements in A.R.S. § 32-2071.

**R4-26-207. Continuing Education**

- A. ~~A licensee shall complete a minimum of 60 at least 40 hours of continuing education during each two-year license renewal period. One Unless specified otherwise, one clock hour of instruction, training, preparation of a published book or journal article, or making a presentation equals one hour of continuing education credit.~~
- ~~A. B.1. Continuing~~ During the license period in which an individual is initially licensed, the Board shall pro-rate the number of continuing education hours are prorated from the date of the Board correspondence notifying an applicant of approval for licensure, including a pro-rated number of hours addressing ethics, domestic violence, intimate partner abuse, abuse of vulnerable adults, child abuse, and bullying that the new licensee must complete during the initial license period. To calculate the minimum number of continuing education hours that a new licensee must obtain, the Board shall divide the ~~60~~ 40 hours of continuing education required in a license period by 24 and multiply that amount the quotient by the number of whole months that remain from the date of initial licensure until the next biennial renewal date end of the license period. To determine the number of ethics hours required during the first license period, the license shall complete one hour of ethics for every six months from the month of license issuance to the end of the license period.
2. ~~The Board uses the same method specified in subsection (A)(1) to calculate the minimum number of continuing education hours required in each of the categories listed in subsection (C).~~
- ~~B.C.~~ A licensee shall obtain a minimum of eight of the 40 hours required under Category I in subsection (C) as follows ensure that the continuing education hours obtained include at least four hours in each of the following:
1. At least four hours in professional Professional ethics; and
  2. Beginning May 1, 2005, at least four hours in domestic Domestic violence, intimate partner abuse, or child abuse, or abuse of vulnerable adults; The topic of bullying satisfies the requirement for child abuse.
- ~~C.D.~~ During the two-year license period, a licensee shall obtain a minimum of 40 hours from Category I. The remaining 20 required continuing education hours may be from Category I or Category H. If the standards in subsection (F) are met, the Board shall accept the following for continuing education hours. In completing the continuing education requirement, a licensee shall ensure that hours are obtained from participating in at least two of the following:
1. Category I consists of:
    - a. Post-doctoral study sponsored by a regionally accredited university or college that is regionally accredited as listed in under A.R.S. § 32-2071(A)(1); that and provides a graduate-level degree program, or;
    2. a A course, seminar, workshop, or home study with for which a certificate of completion is provided; or a
    3. continuing A continuing education program offered by a national, international, regional, or state association, society, board, or continuing education provider; if:
      - i. At least 75 percent of the program is related to the "practice of psychology" as defined in A.R.S. § 32-2061(A)(8); and
      - ii. The program's instructor meets the qualifications in subsection (D);
    4. Teaching a graduate-level course in applied psychology at a university or college that is regionally accredited under A.R.S. § 32-2071(A)(1). A licensee who teaches a graduate-level course in applied psychology receives the same number of continuing education hours as number of classroom hours for those who take the graduate-level course;
    5. Organizing and presenting a continuing education activity. A licensee who organizes and presents a continuing education activity receives the same number of continuing education hours as those who attend the continuing education activity;
  - ~~b-6.~~ Attending a Board meeting or serving as a member of the Board. A licensee receives four up to six continuing education hours in professional ethics as required under subsection (B)(1) for attending eight hours or more both morn-



ing and afternoon sessions of a Board meeting and two three continuing education hours for attending between four and eight hours either the morning or afternoon session or at least four hours of a Board meeting. A licensee shall complete documentation provided by the Board at the time the licensee attends a Board meeting. The During a license period, the Board shall not accept from a licensee more than 10 continuing education hours obtained by attending a Board meeting from a licensee for each renewal period; and

- e-7. Serving as a complaint consultant. A During a license period, a licensee who serves as a Board complaint consultant to review Board complaints and provide a written report to the Board, receives may receive continuing education hours equal to the actual number of hours served as a complaint consultant up to a maximum of 20 hours per renewal period;
- 8. Having an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published. A licensee who has an authored or co-authored psychology book, psychology book chapter, or article in a peer-reviewed psychology journal published receives 10 continuing education hours in the year of publication;
- 9. Participating in a study group for professional growth and development as a psychologist. A licensee receives one hour of continuing education for each hour of participation to a maximum of 10 continuing education hours for participating in a study group. The Board shall allow continuing education hours for participating in a study group only if the licensee maintains the documentation required under subsection (G)(5);
- 10. Presenting a symposium or paper at a state, regional, national, or international psychology meeting. A licensee who presents a symposium or paper receives the same number of continuing education hours as hours of the session, as published in the agenda of the meeting, at which the symposium or paper is presented to a maximum of 10 continuing education hours in a license period;
- 11. Presenting a poster during a poster session at a state, regional, national, or international psychology meeting. A licensee who presents a poster receives an hour of continuing education for each hour the licensee is physically present with the poster during the poster session, as published in the agenda of the meeting, to a maximum of 10 continuing education hours in a license period; and
- 12. Serving as an elected officer of an international, national, regional, or state psychological association or society. A licensee who serves as an elected officer may receive continuing education hours equal to the actual number of hours served to a maximum of 10 continuing education hours in a license period.
- 2. Category II consists of:
  - a. Self-study or study groups for professional growth and development as a psychologist;
  - b. Preparation that results in publication of an authored or co-authored psychology book, psychology book chapter, or article in a peer reviewed psychology journal;
  - e. Presentation of a symposium or paper at a state, regional, national, or international psychology meeting;
  - d. Attendance at or participation in a case conference; or
  - e. A course, workshop, seminar, or symposium for professional growth and development as a psychologist or enhancement of psychological practice, education, or administration.

E. The Board shall not allow continuing education credit more than once in a license period for:

- 1. Teaching the same graduate-level course,
- 2. Organizing and presenting a continuing education activity on the same topic or content area, or
- 3. Presenting the same symposium or paper at a state, regional, national, or international psychology meeting.

D.F. The Board shall not approve Standards for continuing education. To be acceptable for continuing education credit, an activity identified in subsections (D)(1) through (4) shall: unless the continuing education instructor:

- 1. Focus on the practice of psychology, as defined at A.R.S. § 32-2061(8), for at least 75 percent of the program hours; and
- 2. Be taught by an instructor who is:
  - 1-a. Is currently Currently licensed or certified in the instructor’s profession or works at least 20 hours each week as a faculty member at a regionally accredited college or university, as listed in A.R.S. § 32-2071(A);
  - 2-b. Is a A fellow as defined in R4-26-101 or a diplomate, or specialist as defined in R4-26-101; or
  - 3-c. Demonstrates competence and expertise Readily identifiable as competent in the subject or material the instructor teaches of the continuing education by having an advanced degree, teaching experience, work history, authored published professional publication articles, or having previously presented seminars in that continuing education on the same subject or material.

E. A licensee who organizes and presents a continuing education activity receives the same number and category of continuing education hours described in subsection (C) as those persons attending the continuing education activity. The Board shall not allow credit more than once in a two-year license renewal period for organizing and presenting a continuing education function on the same topic or content area.

F. A licensee elected to an officer position in an international, national, regional, or state psychological association or society, or appointed to a government psychology board or committee, receives Category I continuing education hours equal to the actual number of hours served in the position up to a maximum of 10 hours per renewal period.

G. Each The Board shall accept licensee shall keep the following documents that substantiate as evidence of completion of continuing education hours for the previous license renewal period:



1. A certificate of attendance;
2. Statement signed by the provider verifying participation in the activity;
3. Official transcript;
4. Documents indicating a licensee's participation as an elected officer or appointed member as specified in subsection ~~(F)~~ (D)(12); or
5. ~~A signed affidavit to document self-study activity~~ An attestation signed by all participants of a study group under subsection (D)(9) that includes a description of the activity, the subject covered, the dates, and the number of hours involved.

**H.** A licensee shall maintain the documents listed in subsection (G) through the license period following the license period in which the documents were obtained.

**H.I.** The Board may audit a licensee's compliance with continuing education requirements. The Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document required continuing education hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding continuing education hours.

**I.I.** A licensee who cannot meet the continuing education requirement for good cause may seek an extension of time to complete the continuing education requirement by submitting a written request to the Board, ~~including the renewal fee with the timely submission of the renewal application required under R4-26-205.~~

1. Good cause includes but is not limited to licensee illness; or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license renewal period.
2. ~~A licensee shall submit a request for extension on or before the expiration of a license. The Board shall not grant a time an extension longer than one year.~~
3. A licensee who cannot complete the continuing education requirement within the ~~time~~ extension may apply to the Board for inactive license status under A.R.S. § 32-2073~~(E)~~ (G).

**J.K.** ~~The Board shall not allow continuing education hours in excess of the 60 required hours to be carried beyond the two-year renewal period in which the hours were accrued~~ No continuing education hours may be carried over to the next licensing period.

**K.L.** ~~A~~ The Board shall not accept for continuing education hours a course, workshop, seminar, or symposium designed to increase income or office efficiency is not eligible for continuing education hours.

#### **R4-26-208. Time frames Time Frames for Processing Applications**

**A.** ~~The overall time frame described in A.R.S. § 41-1072(2) for each type of approval granted by~~ For the purpose of A.R.S. § 41-1073, the Board is establishes the time frames listed in Table 1. An applicant or a person requesting an approval from the Board and the Board's Executive Director may agree in writing to extend the substantive review time frame and the overall time frame time frames. An extension shall not exceed by no more than 25 percent of the overall time frame time frame.

**B.** ~~The administrative completeness review time frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is listed in Table 1~~ time frame begins when the Board receives an application packet or request for approval. During the administrative completeness review time frame, the Board shall notify the applicant or person requesting approval that the application packet or request for approval is either complete or incomplete. If the application packet or request for approval is incomplete, the Board shall specify in the notice what information is missing.

- 1.** ~~The administrative completeness review time frame begins, for approval or denial of:~~
  - a. ~~An application to take the national examination, on the date the Board receives an application packet and ends on the date the Board sends an applicant a written notice of administrative completeness;~~
  - b. ~~An application for licensure from an applicant licensed in another jurisdiction who is applying for an examination waiver under A.R.S. § 32-2072(A), on the date the Board receives an application packet and ends on the date the Board sends an applicant a written notice of administrative completeness;~~
  - e. ~~An application for licensure by credential, on the date the Board receives an application packet and ends on the date the Board sends a notice of administrative completeness and if the application does not require substantive review, a request for payment of licensing fee;~~
  - d. ~~An application to take an additional examination, on the date the Board receives an application packet for the additional examination, and ends on the date the Board sends an applicant a written notice of administrative completeness;~~
  - e. ~~A license renewal application, on the date the Board receives a renewal application packet and ends on the date the Board sends an applicant a written renewal receipt;~~
  - f. ~~A request for reinstatement of an expired license, on the date the Board receives the request for reinstatement and ends on the date the Board sends an applicant a written renewal receipt; and~~
  - g. ~~A request for an extension in which to complete continuing education requirements, on the date the Board receives a request for extension, and ends on the date the Board sends an applicant written notice of completeness of the request.~~

**2.C.** ~~If an application packet is incomplete, the Board shall send an applicant a written notice specifying the deficiencies~~ applicant or person requesting approval receives a notice of incompleteness under subsection (B), the applicant or person requesting approval shall submit the missing information to the Board within the time to complete listed in Table 1.



The ~~Both the administrative completeness review time-frame and the overall time-frame~~ time frames are suspended from the date of mailing this notice until the date the Board receives a complete application packet from the applicant. An applicant shall supply the missing information within the time specified in Table 1 from the date of the Board's notice under subsection (B) until the Board receives all of the missing information. If the applicant fails to do so, the Board may close the file unless the applicant requests a denial of the application within 30 days from the date of the notice.

3. If a renewal application is incomplete, the Board shall send an applicant a written notice specifying deficiencies. The administrative completeness time frame and the overall time frame are suspended from the date of mailing this notice until the date that the Board receives a complete application packet from the applicant.

~~4.D.~~ When an application packet is complete Upon receipt of all missing information, the Board shall send a written notice of administrative completeness to ~~an~~ the applicant or person requesting approval. ~~The Board shall not send a separate notice of completeness if the Board grants or denies a license or approval within the administrative completeness time frame listed in Table 1.~~

~~C.E.~~ The substantive review time-frame described in A.R.S. § 41-1072(3) is time frame listed in Table 1 begins on the date of the Board's notice of administrative completeness sent under subsection (D).

- ~~1.~~ The substantive review time-frame begins for approval or denial of:
  - ~~a.~~ An application to take the national examination, on the date the Board sends an applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the national examination;
  - ~~b.~~ An application for licensure from an applicant licensed in another jurisdiction, who is applying for an examination waiver under A.R.S. § 32-2072(A), on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application;
  - ~~c.~~ An application for licensure by credential that requires substantive review, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application;
  - ~~d.~~ An application to take an additional examination, on the date the Board sends the applicant written notice of administrative completeness and ends on the date the Board approves or denies the application to take the additional examination;
  - ~~e.~~ An application for license renewal that is deficient under subsection (B)(3), on the date an applicant submits the missing information, and ends on the date the Board approves or denies the renewal application;
  - ~~f.~~ A request for reinstatement of an expired license, on the date the Board sends written notice of administrative completeness and ends on the date the Board approves or denies the request; and
  - ~~g.~~ A request for an extension in which to complete continuing education requirements, on the date the Board office sends an applicant written notice of completeness and ends on the date the Board approves or denies the request.

~~2.E.~~ During If the Board determines during the substantive review time-frame, the Board may make one comprehensive written request for ~~that~~ additional information or documentation is needed, the Board shall send the applicant or person requesting approval. ~~The Board and an applicant may mutually agree in writing to allow the Board to submit supplemental requests for additional information. If the Board issues a comprehensive written request or a supplemental request for additional information by mutual written agreement, the time frame for the Board to complete the substantive review is suspended from the date of mailing the request until the Board receives the additional information or documentation.~~

~~G.~~ An applicant or person requesting approval who receives a request under subsection (F) shall submit the additional information to the Board within the time for response listed in Table 1. Both the substantive review and overall time frames are suspended from the date of the Board's request until the Board receives the additional information.

~~H.~~ An applicant or person requesting approval may receive a 30-day extension of the time provided under subsection (C) or (G) by providing written notice to the Board before the time expires. If an applicant or person requesting approval fails to submit to the Board the missing or additional information within the time provided under Table 1 or the time as extended, the Board shall administratively close the applicant's or person's file.

~~D.~~ The Board shall close the file of an applicant who is approved to sit for the national examination before completion of 3,000 hours of supervised training experience and who fails to document:

- ~~1.~~ Completion of the national examination, or
- ~~2.~~ The minimum required amount of training within the time from the date of the Board's approval to the date of the expiration of the time frame specified under R4-26-210(B).

~~E.I.~~ An applicant whose file has been closed and who later wishes to pursue licensure shall reapply and pay the applicable fee. At any time before the overall time frame provided in Table 1 expires, an applicant or person requesting approval may, with approval by the Board, withdraw the application or request.

~~F.J.~~ The Board shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. §§ 32-2071 through 32-2076, as applicable. Within the overall time frame listed in Table 1, the Board shall:

- ~~1.~~ Grant a license or approval if the Board determines that the applicant or person requesting approval meets all criteria required by statute and this Chapter; or



- 2. Deny a license or approval if the Board determines that the applicant or person requesting approval does not meet all criteria required by statute and this Chapter.
- ~~G.H.~~ The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-2071 through 32-2076, as applicable. If the Board denies a license or approval, the Board shall send the applicant or person requesting approval a written notice explaining:
  - 1. The reason for denial, with citations to supporting statutes or rules;
  - 2. The right to appeal the denial by filing an appeal under A.R.S. Title 41, Chapter 6, Article 10;
  - 3. The time for appealing the denial; and
  - 4. The right to request an informal settlement conference.
- ~~H.~~ The Board shall send a renewal receipt to an applicant who meets the requirements of A.R.S. § 32-2074 and R4-26-205.
- ~~I.~~ The Board shall send a written notice of expiration of license to an applicant who fails to meet the requirements of A.R.S. § 32-2074 and R4-26-207. The notice of expiration is fully effective upon mailing to the applicant's last address of record in the Board's file.
- ~~J.L.~~ If a time frame's the last day of a time frame falls on a Saturday, Sunday, or an official state holiday, the time frame time frame ends on the next business day.

**Table 1. ~~Time frames~~ Time Frames (in days) for Processing Applications**

<b>Type of <del>Time frame</del> Application or Request</b>	<b>Statutory or Rule Authority</b>	<b>Administrative Completeness <del>Time frame</del> Time Frame</b>	<b>Time to Respond to Notice of Deficiency</b>	<b>Substantive Review <del>Time frame</del> Time Frame</b>	<b>Time to Respond to Request for Additional Information</b>	<b>Overall <del>Time frame</del> Time Frame</b>
<del>Approval or denial to take the national examination</del>	<del>A.R.S. §§ 32-2071, 32-2071.01, 32-2072; and A.A.C. R4-26-204</del>	<del>30</del>	<del>240</del>	<del>90</del>	<del>240</del>	<del>120</del>
<del>Approval or denial of application Application for initial licensure by examination-waiver license</del>	<del>A.R.S. §§ 32-2071, 32-2071.01, 32-2072(A), and R4-26-203</del>	<del>30</del>	<del>240</del>	<del>90</del>	<del>240</del>	<del>120</del>
<del>Approval or denial of application Application for licensure by credential</del>	<del>A.R.S. §§ 32-2071.01, 32-2072; and A.A.C. R4-26-203.01</del>	<del>30</del>	<del>240</del>	<del>90</del>	<del>240</del>	<del>120</del>
<del>Application to Take National Examination before Completing Experience Required for Licensure</del>	<del>A.R.S. §§ 32-2072(C) and A.A.C. R4-26-203.02</del>	<del>30</del>	<del>240</del>	<del>90</del>	<del>240</del>	<del>120</del>
<del>Reapplication for Licensure</del>	<del>A.R.S. §§ 32-2067 and A.A.C. R4-26-203.03</del>	<del>30</del>	<del>240</del>	<del>90</del>	<del>240</del>	<del>120</del>
<del>Approval or denial to take additional examination</del>	<del>A.R.S. §§ 32-2071, 32-2071.01, 32-2072; and A.A.C. R4-26-204</del>	<del>30</del>	<del>240</del>	<del>90</del>	<del>240</del>	<del>120</del>
<del>Approval or denial of application Application for renewal of license renewal</del>	<del>A.R.S. § 32-2074; A.A.C. R4-26-205</del>	<del>60</del>	<del>N/A</del>	<del>90</del>	<del>N/A</del>	<del>150</del>



Approval or denial of application for reinstatement of expired license	A.R.S. § 32-2074; A.A.C. R4-26-206	60	N/A	90	N/A	150
Approval or denial of Request for extension of time to complete for continuing education requirement	A.R.S. § 32-2074 A.A.C. R4-26-207	60	N/A	90	N/A	150

**R4-26-209. General Supervision**

- A. Under A.R.S. § 32-2071(D), an applicant is required to obtain 3,000 hours of supervised professional experience.
- B. ~~a~~ A supervising psychologist shall not supervise a member of the psychologist’s immediate family, ~~an individual with whom the psychologist has any substantial financial interest as defined by A.R.S. § 38-502(11), or the psychologist’s employer or business partner.~~
- C. Payment between a supervisor and supervisee.
  - 1. A supervising psychologist may pay a monetary stipend or fee to a supervisee if the amount paid by the supervisor is not based on the supervisee’s productivity or revenue generated by the supervisee;
  - 2. A supervising psychologist who accepts a fee for providing the supervisory service in Arizona may be subject to disciplinary action by the Board; and
  - 3. The Board shall look to the law of the jurisdiction in which the supervision occurred to determine whether to include as part of the 3,000 hours of supervised professional experience required under A.R.S. § 32-2071(D) hours for which an applicant paid the supervisor.
- D. A psychologist who supervises the professional experience of an unlicensed individual is professionally responsible for all work done by the individual during the supervised experience.
- E. The Board shall include in the 3,000 hours of supervised professional experience required under A.R.S. § 32-2071(D), hours obtained through a training program only if the training program provides the supervision required under A.R.S. § 32-2071(F)(2).

**R4-26-210. Internship or Training Supervised Professional Experience**

- A. The Board shall use the following criteria to determine ~~if internship or training~~ whether an applicant’s supervised preinternship professional experience complies with A.R.S. § 32-2071(D) (E):
  - 1. The supervised preinternship professional experience was part of the applicant’s doctoral program from an institution of higher education that meets the standards in A.R.S. § 32-2071(A);
  - 2. The applicant completed appropriate academic preparation before beginning the supervised preinternship professional experience. The Board shall not include any assessment or treatment conducted as part of the required academic preparation in the hours of supervised preinternship professional experience; and
  - 3. For each supervised preinternship professional experience training site, the applicant has a written training plan with both the training site and the institution of higher education at which the applicant is pursuing a doctoral degree that includes at least the following:
    - a. Training activities included and the amount of time allotted to each activity.
    - b. Goals and objectives of each training activity.
    - c. Methods of evaluating the supervisee and the supervised preinternship professional experiences provided.
    - d. Approval of all individuals providing supervision at sites external to the training site.
    - e. Total number of hours to be accrued during the supervised preinternship professional experience.
    - f. Total number of hours of face-to-face contact hours with clients or patients during the supervised preinternship professional experience.
    - g. Total number of hours of supervision during the supervised preinternship professional experience.
    - h. Qualifications of all individuals who provide supervision during the supervised preinternship professional experience, and
    - i. Acknowledgement that ethics training will be included in all activities.
- B. The Board shall use the following criteria to determine whether an applicant’s internship or training program qualifies as supervised professional experience under A.R.S. § 32-2071 (F):
  - 1. ~~That the~~ The written statement required ~~in~~ under A.R.S. § 32-2071(D)(9) (F)(9):
    - a. Was established no later than the time the applicant entered the internship or training program; and
    - b. ~~corresponds~~ Corresponds to the internship or training program that the applicant completed;



2. ~~That a~~ A supervisor was directly available to the ~~person being supervised~~ applicant when decisions were made regarding emergency psychological services provided to a client or patient as required ~~in~~ under A.R.S. § 32-2071~~(D)(2)~~ (F)(2);
  3. ~~That course~~ Course work used to satisfy the requirements of A.R.S. § 32-2071(A) or dissertation time is not credited toward the face-to-face, individual supervision time required by A.R.S. § 32-2071~~(D)(6)~~ (F)(6);
  4. ~~That the~~ The two hours a week of other learning activities required ~~in~~ under A.R.S. § 32-2071~~(D)(6)~~ (F)(6) includes include one or more of the following
    - a. Case conferences involving a case in which the ~~trainee~~ applicant was actively involved,
    - b. Seminars involving clinical issues,
    - c. Co-therapy with a professional staff person including discussion,
    - d. Group supervision, or
    - e. Additional individual supervision;
  5. ~~That a~~ The training program had the ~~trainee~~ applicant work with other doctoral level psychology trainees and included in the written statement required ~~in~~ under A.R.S. § 32-2071~~(D)(9)~~ (F)(9) a description of the program policy specifying the opportunities and resources provided to the ~~trainee~~ applicant for working or interacting with other doctoral level psychology trainees in the same or other sites; and
  6. ~~That time~~ Time spent fulfilling academic degree requirements, such as course work applied to the doctoral degree, practicum, field laboratory, dissertation, or thesis credit, is not credited toward the 1,500 hours of supervised professional experience hours required by A.R.S. § 32-2071~~(D)~~ (F). This ~~rule subsection~~ subsection does not restrict a student from participating in activities designed to fulfill other doctoral degree requirements; ~~however,~~ However, the Board shall not credit ~~such time spent participating in activities to fulfill academic degree requirements~~ toward the hours required by under A.R.S. § 32-2071~~(D)~~ (F); and,
  7. ~~That to satisfy the first 1,500 hours required by A.R.S. § 32-2071(D), the written statement required under A.R.S. § 32-2071(D)(9) was established by the time the student began training. The Board shall not accept experience or credit for the past activities as a training program or a pre-doctoral internship.~~
- B.** ~~Training deadlines. Under A.R.S. § 32-2072(C), an applicant approved to take the national examination before completion of the applicant's entire 3,000 hours of supervised training experience shall complete the remaining training required within the following time frames:~~
1. ~~36 consecutive months for an applicant who has only completed the first 1,500 hours of supervised internship training; or~~
  2. ~~60 consecutive months for an applicant who has completed neither the first 1,500 hours of supervised internship training nor the second 1,500 hours of supervised postdoctoral training.~~
- C.** Under A.R.S. § 32-2071(G)(5), at least 40 percent of an applicant's supervised postdoctoral experience shall involve direct client or patient contact. If an applicant's supervised postdoctoral hours applied toward licensure include less than 40 percent direct contract hours, the applicant shall work additional time to achieve the required percentage of direct contact hours.

#### **R4-26-211. Foreign Graduates**

- A.** Under A.R.S. § 32-2071(B), an applicant for licensure whose application is based on graduation from ~~a foreign~~ an institution of higher education located outside the U.S. and its territories shall provide the Board with documents and evidence to establish demonstrate that the applicant's formal education is equivalent to a doctoral degree in psychology from a regionally accredited educational institution as described in A.R.S. § 32-2071(A).
- B.** The Board shall find that the institution of higher education from which an applicant under subsection (A) graduated is equivalent to a regionally accredited education institution only if the institution of higher education is included in one of the following:
1. International Handbook of Universities, published for the International Association of Universities by Stockton Press, 345 Park Avenue South, 10th floor, New York, NY 10010-1708;
  2. Commonwealth Universities Yearbook, published for the Association of Commonwealth Universities by John Foster House, 36 Gordon Square, London, England, WC1H 0PF; or
  3. Another source the Board determines provides reliable information.
- B.C.A.** ~~An~~ The academic transcript of an applicant shall provide the following information to the Board: under subsection (A) who graduated from an institution included under subsection (B) shall be translated into English and evaluated by a member organization of the National Association of Credential Evaluation Services (NACES). The applicant is responsible for paying all expenses incurred to obtain a translation and review of the academic transcript. An applicant can find information about obtaining a professional credential review at [www.naces.org](http://www.naces.org).
1. ~~An original and a copy of the doctoral diploma or certificate of graduation. The original shall be returned, and the copy shall be retained by the Board;~~
  2. ~~An official transcript or comparable document recording all course work completed, containing an original university seal;~~
  3. ~~A certified English translation of all documents submitted;~~
  4. ~~Evidence of completion of the requirements of A.R.S. § 32-2071(C), (D), and (E); and~~
  5. ~~Evidence that the doctoral dissertation or project was primarily psychological. The Board may require the applicant to submit the doctoral dissertation or project.~~



- D. When the credential review required under subsection (C) is completed, the NACES member organization shall submit the review report to the Board. The Board shall review the report and determine whether the applicant’s education meets the standard in subsection (A).
- E. Upon written request, the Board may waive the credential review required under subsection (C) for an applicant who graduated from a doctoral program that is accredited by the accreditation panel of the Canadian Psychological Association.
- F. After the Board determines that the formal education of an applicant under subsection (A) is equivalent to a doctoral degree in psychology from a regionally accredited educational institution, the applicant shall provide evidence to the Board that the applicant has met all other requirements for licensure.

**ARTICLE 3. REGULATION**

**R4-26-301. Rules of Professional Conduct**

- A. The Board incorporates by reference A psychologist shall practice psychology in accordance with the ethical standards contained in standards 1.01 through 10.10 of the “Ethical Principles of Psychologists and Code of Conduct” adopted by the American Psychological Association, effective June 1, 2003, the provisions of which are incorporated by reference. This incorporation does not include any later amendments or editions of the incorporated matter. Copies of these standards are available from the American Psychological Association Order Department, 750 First Street, NE, Washington, DC 20002-4242, [www.apa.org/ethics/code](http://www.apa.org/ethics/code), or the Board office of the Board of Psychologist Examiners.
- B. A licensee shall practice psychology in accordance with the standards incorporated under subsection (A).

**R4-26-302. Informal Interviews**

- A. The Board shall, when investigating When a complaint is scheduled for informal interview, the Board shall send written notice of an informal interview to a the licensee who is the subject of the complaint, by personal service or certified mail, return receipt requested, at least 20 days before the an informal interview.
- B. The Board shall include the following in the written notice shall contain of an informal interview:
  1. The time, date, and place of the interview;
  2. An explanation of the informal nature of the proceedings;
  3. The licensee’s right to appear at the informal interview with legal counsel licensed in Arizona or without legal counsel;
  4. A statement of the allegations and issues involved;
  5. The licensee’s right to a formal hearing instead of the informal interview; and
  6. Notice that the Board may take disciplinary action as a result of the deliberations at the conclusion of the informal interview;
- C. An informal The procedure used during an informal interview shall proceed as follows may include the following:
  1. Introduction of the licensee and, if applicable, legal counsel for Swearing in and taking testimony from the licensee, complainant, and witnesses, if any;
  2. Introduction of the Board members, staff, and Assistant Attorney General present Optional opening and closing remarks by the licensee;
  3. An opportunity for the complainant to address the Board, if requested;
  - 3-4. Swearing in of the licensee Board questions to the licensee, complainant, and witnesses, if any; and
  - 4-5. Brief summary of the allegations and purpose of the informal interview Deliberation and discussion by the Board;
  5. Optional opening comments by licensee;
  6. Interviewing of the licensee;
  7. Swearing in of the complainant, if complainant is present and wishes to speak;
  8. Optional additional comments by licensee;
  9. If desired by the licensee, questioning of the complainant by the licensee through the Board Chairperson; and
  10. Deliberation and deciding the case by the Board:
    - a. The Board Chairperson shall decide whether to allow clarifying information as defined in R4 26 101 during deliberations;
    - b. The Board Chairperson may reopen and repeat the steps in subsections (C)(6) through (8) if the clarifying information suggests a need for further questioning of the licensee.

**R4-26-303. Titles**

A person shall not use a designation title that claims a potential or future degree or qualification such as “Ph.D. (Cand),” “Ph.D. (ABD),” “License Eligible,” “Candidate for Licensure,” or “Board Eligible.” The use of a title that claims a potential or future degree or qualification is a violation of A.R.S. § 32-2061 et seq.

**R4-26-304. Representation Before before the Board by Attorney Not Admitted to State Bar of Arizona**

An attorney who is not a member of the State Bar of Arizona shall not represent a party before the Board unless the attorney is admitted to practice pro hac vice before the Board under Rule 38(a) of the Arizona Rules of the Supreme Court of Arizona.

**R4-26-305. Confidentiality of Investigative Materials**

- A. A psychologist shall not disclose a confidential records record, as defined by R4-26-101, that are related relates to a Board investigation to any person or entity; other than the psychologist’s attorney, except:



1. ~~For A~~ redacted ~~summaries~~ summary that ~~ensure~~ ensures the anonymity of the client or patient;
  2. Information regarding the nature of a complaint, the processes utilized by the Board, and the outcomes of a case;
  3. As required by ~~federal or Arizona~~ law;
  4. As required by a court order compelling production; or
  5. If disclosure is protected under the United States or Arizona Constitutions.
- B. A psychologist who violates this Section commits an act of unprofessional conduct.

**R4-26-308. Rehearing or Review of Decision**

- A. Except as provided in subsection (G), any party in a contested case or appealable agency action before the Board who is aggrieved by a Board order or decision ~~rendered in the case~~ may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds for rehearing or review. For purposes of this subsection, service is complete on personal service or five days after the date that a Board order or decision is mailed to the party's last known address.
- B. A motion for rehearing or review may be amended at any time before it is ruled upon by the Board. A party may file a response within 15 days after service of the motion or amended motion by any other party. The Board may require written briefs ~~upon~~ regarding the issues raised in the motion and may provide for oral argument. ~~A party who files pleadings or other documents with the Board shall file an original and 11 three-hole punched copies.~~
- C. The Board may grant rehearing or review of a Board order or decision for any of the following causes materially affecting the moving party's rights:
1. An irregularity in the administrative proceedings of the agency, its hearing officer, or the prevailing party, or any order or abuse of discretion, ~~whereby that caused~~ the moving party ~~was to be~~ deprived of a fair hearing;
  2. Misconduct of the Board, its hearing officer, or the prevailing party;
  3. An accident or surprise that could not be prevented by ordinary prudence;
  4. Newly discovered material evidence that could not with reasonable diligence be discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. An error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the case; or
  7. ~~A Board~~ The order or decision that is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify a Board order or decision or grant a rehearing or review to all or any of the parties, ~~and~~ on all or part of the issues, for any of the reasons ~~set forth~~ specified in subsection (C). An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted, and the rehearing or review shall cover only ~~those~~ the matters specified.
- E. Not later than 30 days after a Board order or decision is rendered, the Board may on its own initiative order a rehearing or review of its order or decision for any reason specified in subsection (C). After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion.
- F. When a motion for rehearing or review is based ~~upon~~ on affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board for good cause or by written agreement of all parties may extend ~~for not more than 20 days~~ the period for service of opposing affidavits to a total of 20 days. Reply affidavits are permitted.
- G. If the Board finds that the immediate effectiveness of a Board order or decision is necessary ~~for the immediate preservation of the~~ to preserve public peace, health, ~~and or~~ safety and that a rehearing or review of the Board order or decision is impracticable, unnecessary, or contrary to the public interest, the Board order or decision may be issued as a final order or decision without an opportunity for a rehearing or review. If a Board order or decision is issued as a final order or decision without an opportunity for rehearing or review, any application for judicial review of the order or decision shall be made within the time permitted for final orders or decisions.
- H. For purposes of this Section, "contested case" is defined in A.R.S. § 41-1001 and "appealable agency action" is defined in A.R.S. § 41-1092.
- I. A person who files a complaint with the Board against a licensee:
1. Is not a party to:
    - a. A Board administrative action, decision, or proceeding; or
    - b. A court proceeding for judicial review of a Board decision under A.R.S. §§ 12-901 through 12-914; and
  2. Is not entitled to seek rehearing or review of a Board action or decision under this Section.

**R4-26-309. Complaints against Judicially Appointed Psychologists**

- A. A.R.S. § 32-2081(B) applies when a complaint is filed against a psychologist who conducts an evaluation, treatment, or psycho-education under a court order even if the psychologist is not specifically named in the court order.
- B. If a complaint is filed against a psychologist who conducts an evaluation, treatment, or psycho-education under a court order, the Board shall return the complaint to the complainant with instructions that the court issuing the order must find there is a substantial basis to refer the complaint for consideration by the Board.





**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 these regulations.

**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 a moderate economic impact on the implementing agency, small businesses and consumers. The proposed rulemaking intends to calculate the maximum payment for the indirect cost of graduate medical education. The rulemaking will benefit hospitals operating GME programs because the proposed rule amendment, which will not require additional State funding, will expand payments in support of graduate medical education. Payments to Arizona training hospitals are expected to increase or enhance payments by approximately \$81,000,000 annually without use of additional State funds.

Minimal impact = \$0 - \$1M

Moderate impact = \$1M - \$100M

Maximum impact = \$100M on up

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

No changes were made between the proposed rulemaking and the final rulemaking.

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

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

#	Commenter	Subsection	Comment	Response
1.	Linda Hunt Dignity Health	R9-22-712.05	On behalf of Dignity Health I would like to express our support for the Proposed Amendment to R9-22-712.05 pursuant to A.R.S. 36-2903.01 amending the Graduate Medical Education fund Allocation. I sincerely appreciate Governor Ducey's foresight and commitment to ensuring the needs of our healthcare workforce is met and your leadership on this desperately needed Rule change.	<b>The AHCCCS Administration appreciates the support provided.</b>
2.	Linda Hunt Dignity Health	R9-22-712.05	Our Creighton University School of Medicine Regional Campus at St Joseph's Medical Center is an accredited Graduate Medical Education (GME) program which provides 3 <sup>rd</sup> and 4 <sup>th</sup> year medical students the training they need to become successful physicians. Dignity Health is committed to training and recruiting the best physician's. We are able to do this through many of our own resources but would not be able to accomplish it without the assistance of the GME program. The proposed Rule change to GME allocation will have a distinct positive impact on our program as well as attracting and keeping physicians in our great state.	<b>The AHCCCS Administration appreciates the support provided.</b>
3.	Linda Hunt Dignity Health	R9-22-712.05 (D)(1)(b)	It is not clear how the CHGME payment program or other future specialty specific funding is factored in the calculation methodology paragraph (D) section (4) subsection (b). This could be a factor for specialty hospitals considering opening a residency in Psychiatry or Physical Medicine and Rehabilitation.	<b>It is not factored into the calculation methodology; it is an element of eligibility to receive the payment.</b>



4.	Linda Hunt Dignity Health	R9-22-712.05 (D)(1)(b)	Institutions that either sponsor a free-standing residency that is not fully under Medicare reimbursement (e.g., Pediatrics, Psychiatry, Physical Medicine and Rehabilitation, Medical genetics, etc.) or by their demography have a low Medicare population may be disadvantaged in the methodology.	<b>Under this provision if there are any indirect costs at all reported on the Medicare Cost Report or that are reimbursable by CHGME, then the hospital will be eligible to receive reimbursement of indirect costs.</b>
5.	Linda Hunt Dignity Health	R9-22-712.05 (D)(1)(b)	While the federal GME funding program for Pediatrics (CHGME) addresses this inequity, and will be used as a replacement in the AHCCCS GME methodology, new hospitals considering sponsoring one of the residencies as described above may be at a disadvantage.	<b>The proposed changes clarify that children's hospitals that incur indirect costs are qualified for reimbursement even though the costs may not appear on the Medicare Cost Report but are otherwise reflected in the CHGME program. The proposed changes in (D)(1)(b) do not replace or alter elements for the IME calculation; this section merely describes the hospitals which are eligible to receive IME payments.</b>
6.	Barbara Fanning Director, Government Affairs AzHHA	R9-22-712.05	The Arizona Hospital and Healthcare Association would like to thank Governor Ducey, Director Betlach and their staffs for the proposed changes to the indirect Graduate Medical Education (GME) formula. We are very supportive of this change that will make additional funding available to hospitals with residency programs. As I am sure you know, the GME program is vital to ensuring the state has adequately trained physicians who are ready to meet the increasingly critical needs of Arizona's patients. This change will not only allow hospitals to continue to do this, but will help strengthen existing residency programs.	<b>The AHCCCS Administration appreciates the support provided.</b>

**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. There are no federal laws that specify how to structure GME payments; also there are no federal laws that prohibit it. There is limited language in 42 CFR 438.6 stating we must take into account GME payments when making capitation payments. Our State Plan authorizes us to make GME payments.

**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 7. STANDARDS FOR PAYMENTS

Section

R9-22-712.05. Graduate Medical Education Fund Allocation

## ARTICLE 7. STANDARDS FOR PAYMENTS

**R9-22-712.05. Graduate Medical Education Fund Allocation**

- A. Graduate medical education (GME) reimbursement as of September 30, 1997. Subject to legislative appropriation, the Administration shall make a distribution based on direct graduate medical education costs as described in A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a).
- B. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § ~~36-2903.01(H)(9)(b)~~ 36-2903.01(G)(9)(b). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (B)(3).
1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (B) if all of the following apply:
    - a. It is a hospital in Arizona that is the sponsoring institution of, or a participating institution in, one or more of the GME programs in Arizona;
    - b. It incurs direct costs for the training of residents in the GME programs, which costs are or will be reported on the hospital's Medicare Cost Report;
    - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
  2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (B)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
    - a. Filled resident positions in approved programs established as of October 1, 1999 at hospitals that receive funding as described in A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) that are additional to the number of resident positions that were filled as of October 1, 1999; and
    - b. All filled resident positions in approved programs other than GME programs described in A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) that were established before July 1, 2006.
  3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (B) shall provide the applicable information listed in this subsection to the Administration:
    - a. A GME program shall provide all of the following:
      - i. The program name and number assigned by the accrediting organization;
      - ii. The original date of accreditation;
      - iii. The names of the sponsoring institution and all participating institutions current as of the date of reporting;
      - iv. The number of approved resident positions and the number of filled resident positions current as of the date of reporting;
      - v. For programs established as of October 1, 1999, the number of resident positions that were filled as of October 1, 1999, if the program has not already provided this information to the Administration;
    - b. A hospital seeking a distribution under subsection (B) shall provide all of the following that apply:
      - i. If the hospital uses the Intern and Resident Information System (IRIS) for tracking and reporting its resident activity to the fiscal intermediary, copies of the IRIS master and assignment files for the hospital's two most recently completed Medicare cost reporting years as filed with the fiscal intermediary;
      - ii. If the hospital does not use the IRIS or has less than two cost reporting years available in the form of the IRIS master and assignment files, the information normally contained in the IRIS master and assignment files in an alternative format for the hospital's two most recently completed Medicare cost reporting years;
      - iii. At the request of the Administration, a copy of the hospital's Medicare Cost Report or any part of the report for the most recently completed cost reporting year.
  4. Allocation of expansion funds. Annually the Administration shall allocate available funds to each approved GME program in the following manner:
    - a. Information provided by hospitals under subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided under subsections (B)(3)(b)(i) and (ii).
    - b. The number of eligible residents allocated to each participating institution within each approved GME program shall be determined as follows:
      - i. Total the number of days determined for each participating institution under subsection (B)(4)(a) and divide each total by 365.
      - ii. Proportionally adjust the result of subsection (B)(4)(b)(i) for each participating institution within each program according to the number of residents determined to be eligible under subsection (B)(2).



- c. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) shall be adjusted for Arizona Medicaid utilization using the most recent Medicare Cost Report information on file with the Administration as of the date of reporting under subsection (B)(3) and the Administration’s inpatient hospital claims and encounter data for the time period corresponding to the Medicare Cost Report information for each hospital. The Administration shall use only those inpatient hospital claims paid by the Administration and encounters that were adjudicated by the Administration as of the date of reporting under subsection (B)(3). The Medicaid-adjusted eligible residents shall be determined as follows:
  - i. For each hospital, the total AHCCCS inpatient hospital days of care shall be divided by the total Medicare Cost Report inpatient hospital days, multiplied by 100 and rounded up to the nearest multiple of 5 percent.
  - ii. The number of allocated eligible residents determined for each participating hospital under subsection (B)(4)(b)(ii) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for that hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is not a hospital and not a health care facility made ineligible under subsection (B)(1)(c) shall be multiplied by the percentage derived under subsection (B)(4)(c)(i) for the program’s sponsoring institution or, if the sponsoring institution is not a hospital, the sponsoring institution’s affiliated hospital. The number of allocated eligible residents determined under subsection (B)(4)(b)(ii) for a participating institution that is made ineligible under subsection (B)(1)(c) shall be multiplied by zero percent.
- d. The total allocation for each approved program shall be determined by multiplying the Medicaid-adjusted eligible residents determined under subsection (B)(4)(c)(ii) by the per resident conversion factor determined below and totaling the resulting dollar amounts for all participating institutions in the program. The per resident conversion factor shall be determined as follows:
  - i. Calculate the total direct GME costs from the most recent Medicare Cost Reports on file with the Administration for all hospitals that have reported such costs.
  - ii. Calculate the total allocated residents determined under subsection (B)(4)(b)(i) for those hospitals described under subsection (B)(4)(d)(i).
  - iii. Divide the total GME costs calculated under subsection (B)(4)(d)(i) by the total allocated residents calculated under subsection (B)(4)(d)(ii).
- 5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (B)(4) in the following manner:
  - a. The allocated amounts shall be distributed in the following order of priority:
    - i. To eligible hospitals that do not receive funding in accordance with A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
    - ii. To eligible hospitals that receive funding in accordance with A.R.S. § ~~36-2903.01(H)(9)(a)~~ 36-2903.01(G)(9)(a) for the direct costs of programs established before July 1, 2006;
  - b. The allocated amounts shall be distributed to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each hospital within that program under subsection (B)(4)(c)(ii).
  - c. If funds are insufficient to cover all distributions within any priority group described under subsection (B)(5)(a), the Administration shall adjust the distributions proportionally within that priority group.
- C. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for the expansions of GME programs approved by the Administration to hospitals for direct program costs eligible for funding under A.R.S. § ~~36-2903.01(H)(9)(c)(i)~~ 36-2903.01(G)(9)(c)(i). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (C)(3).
  - 1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (C) if it meets all the conditions of subsections (B)(1)(a) through (c).
  - 2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (C)(4), the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (B)(1)(c):
    - a. All filled resident positions in approved programs established on or after July 1, 2006; and
    - b. For approved programs established on or after July 1, 2006 that have been established for less than one year as of the date of reporting under subsection (C)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match.
  - 3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (C) shall provide to the Administration:
    - a. A GME program shall provide all of the following:
      - i. The requirements of subsections (B)(3)(a)(i) through (iv);
      - ii. The academic year rotation schedule on file with the program current as of the date of reporting; and



- iii. For programs described under subsection (C)(2)(b), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
      - b. A hospital seeking a distribution under subsection (C) shall provide the requirements of subsection (B)(3)(b).
    4. Allocation of expansion funds. Annually the Administration shall allocate available funds to approved GME programs in the following manner:
      - a. Information provided by hospitals in accordance with subsection (B)(3)(b) shall be used to determine the program in which each eligible resident is enrolled and the number of days that each eligible resident worked in any area of the hospital complex or in a non-hospital setting under agreement with the reporting hospital during the period of assignment to that hospital. For this purpose, the Administration shall use data relating to the most recent 12-month period that is common to all information provided in accordance with subsections (B)(3)(b)(i) and (ii).
      - b. For approved programs whose resident activity is not represented in the information provided in accordance with subsection (B)(3)(b), information provided by GME programs under subsection (C)(3)(a) shall be used to determine the number of days that each eligible resident is expected to work at each participating institution.
      - c. The number of eligible residents allocated to each participating institution for each approved GME program shall be determined by totaling the number of days determined under subsections (C)(4)(a) and (b) and dividing the totals by 365.
      - d. The number of allocated residents determined under subsection (C)(4)(c) shall be adjusted for Arizona Medicaid utilization in accordance with subsection (B)(4)(c).
      - e. The total allocation for each approved program shall be determined in accordance with subsection (B)(4)(d).
    5. Distribution of expansion funds. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (C)(4) to the eligible hospitals in each approved program in proportion to the number of Medicaid-adjusted eligible residents allocated to each within that program under subsection (C)(4)(d).
  - D. Subject to available funds and approval by CMS, the Administration shall annually distribute monies appropriated for GME programs approved by the Administration to hospitals for indirect program costs eligible for funding under A.R.S. § ~~36-2903.01(H)(9)(c)(ii)~~ 36-2903.01(G)(9)(c)(ii). A GME program is deemed to be established as of the date of its original accreditation. All determinations that are necessary to make distributions described by this subsection shall be made using information possessed by the Administration as of the date of reporting under subsection (D)(3).
    1. Eligible health care facilities. A health care facility is eligible for distributions under subsection (D) if all of the following apply:
      - a. It is a hospital in Arizona that is the sponsoring institution of or a participating institution in, one or more of the GME programs in Arizona or is the base hospital for one or more of the GME programs in Arizona whose sponsoring institutions are not hospitals;
      - b. It incurs indirect program costs for the training of residents in the GME programs, which are or will be calculated on the hospital's Medicare Cost Report or are reimbursable under the Children's Hospitals Graduate Medical Education Payment Program administered by HRSA;
      - c. It is not administered by or does not receive its primary funding from an agency of the federal government.
    2. Eligible resident positions. For purposes of determining program allocation amounts under subsection (D)(4) the following resident positions are eligible for consideration to the extent that the resident training takes place in Arizona and not at a health care facility made ineligible under subsection (D)(1)(c):
      - a. Any filled resident position in an approved program that includes a rotation of at least one month per year in a county other than Maricopa or Pima whose population was less than 500,000 persons at the time the residency rotation was added to the academic year rotation schedule;
      - b. For approved programs that have been established for less than one year as of the date of reporting under subsection (D)(3) and have not yet filled their first-year resident positions, all prospective residents reasonably expected by the program to be enrolled as a result of the most recently completed annual resident match who will perform rotations of at least one month per year in a county other than Maricopa or Pima whose population was less than 500,000 persons at the time the residency rotation was added to the academic year rotation schedule.
    3. Annual reporting. By April 1st of each year, each GME program and each hospital seeking a distribution under subsection (D) shall provide to the Administration:
      - a. A GME program shall provide all of the following:
        - i. The requirements of subsections (B)(3)(a)(i) through (iv);
        - ii. The academic year rotation schedule on file with the program current as of the date of reporting;
        - iii. For programs described under subsection (D)(2)(c), the number of residents expected to be enrolled as a result of the most recently completed annual resident match.
      - b. A hospital seeking a distribution under subsection (D) shall provide the requirements of subsection (B)(3)(b)(iii).
    4. Allocation of funds for indirect program costs. Annually the Administration shall allocate available funds to approved GME programs in the following manner:



- a. Using the information provided by programs under subsection (D)(3), the Administration shall determine for each program the number of residents in the program who are eligible under subsection (D)(2) and the number of months per year that each eligible resident will perform rotations in counties described by subsection (D)(2), multiply the number of eligible residents by the number of months and multiply the result by the per resident per month conversion factor determined under subsection (D)(4)(b).
- b. Using the most recent Medicare Cost Reports on file with the Administration for all hospitals that have calculated a Medicare indirect medical education payment, the Administration shall determine a per resident per month conversion factor as follows:
  - i. Calculate each hospital’s Medicaid share by dividing the AHCCCS inpatient hospital days of care by the total inpatient hospital days from the Medicare Cost Report. For this purpose, the Administration shall use the information described by subsection (B)(4)(c) for adjusting allocated residents for Arizona Medicaid utilization.
  - ii. Calculate each hospital’s Medicare share by dividing the Medicare inpatient days on the Medicare Cost Report by the total inpatient hospital days on the Medicare Cost Report.
  - iii. Divide the Medicaid share by the Medicare share and multiply the resulting ratio by the indirect medical education payment calculated on the Medicare Cost Report.
  - iv. Total the results for all hospitals, divide the result by the total allocated residents determined under subsection (B)(4)(b)(ii) for these hospitals, and divide that result by 12.
- 5. ~~Distribution of funds for indirect program costs. On an annual basis subject to available funds, the Administration shall distribute the allocated amounts determined under subsection (D)(4) to the program’s sponsoring hospital or the program’s base hospital if the sponsoring institution is not a hospital, up to but not exceeding:~~
  - ~~a. The amount calculated for the hospital at subsection (D)(4)(b)(iii), or~~
  - ~~b. The median of all amounts calculated at subsection (D)(4)(b)(iii) if no amount was calculated for the hospital.~~
- E. Reallocation of funds. If funds appropriated for subsection (B) are not allocated by the Administration and funds appropriated for subsections (C) and (D) are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the funds not allocated under subsection (B) shall be allocated under subsections (C) and (D) to the extent of the calculated distributions. If funds are insufficient to cover all distributions under subsections (C)(5) and (D)(5), the Administration shall adjust the distributions proportionally. If funds appropriated for subsections (C) and (D) are not allocated by the Administration and funds appropriated for subsection (B) are insufficient to cover all distributions under subsection (B)(5), the funds not allocated under subsections (C) and (D) shall be allocated under subsection (B) to the extent of the calculated distributions.
- F. The Administration may enter into intergovernmental agreements with local, county, and tribal governments wherein local, county and tribal governments may transfer funds or certify public expenditures to the Administration. Such funds or certification, subject to approval by CMS, will be used to qualify for additional federal funds. Those funds will be used for the purposes of reimbursing hospitals that are eligible under subsection (D)(1) and specified by the local, county, or tribal government for indirect program costs other than those reimbursed under subsection (D). ~~The Administration shall allocate available funds. Funds transferred and available under this subsection shall be distributed in accordance with subsection (D) except that reimbursement with such funds is not limited to resident positions or rotations in counties with populations of less than 500,000 persons. On an annual basis subject to available funds, the Administration shall distribute to each eligible hospital the greatest among the following amounts, less any amounts distributed under subsection (D)(5):~~
  - 1. The amount that results from multiplying the total number of eligible residents allocated to the hospital under subsection (B)(4)(b)(ii) by 12 by the per resident per month conversion factor determined under subsection (D)(4)(b);
  - 2. The amount calculated for the hospital at subsection (D)(4)(b)(iii); or
  - 3. The median of all amounts calculated at subsection (D)(4)(b)(iii) if the hospital does not have an indirect medical education payment calculated on the Medicare Cost Report.



## NOTICE OF FINAL RULEMAKING

## TITLE 9. HEALTH SERVICES

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

[R15-195]

**PREAMBLE**

1. **Article, Part, or Section Affected (as applicable)**      **Rulemaking Action**  
R9-22-712.07      Amend
2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 36-2903.01  
Implementing statute: A.R.S. §§ 36-2905.02
3. **The effective date of the rule:**  
January 30, 2016
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**  
Notice of Rulemaking Docket Opening: 21 A.A.R. 1791, September 4, 2015  
Notice of Proposed Rulemaking: 21 A.A.R. 1768, September 4, 2015
5. **The agency's contact person who can answer questions about the rulemaking:**  
Name:      Mariaelena Ugarte  
Address:    701 E. Jefferson St.  
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 A.A.C. R9-22-712.07 to fix an unintended effect of recent budget bills, eliminate Disproportionate Share Hospital (DSH) payments from the Rural Hospital Inpatient Fund (RHIF) calculation, and to make RHIF clarifications consistent with the current protocol.

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

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

Finally, the Agency proposes amending the rule to clarify that RHIF payments are only made to acute care hospitals which are neither an Indian Health Services nor a tribal owned and operated facility and that "PPS beds" do not include subprovider beds. These changes are consistent with the current protocol.

These changes have been presented to all hospitals currently receiving a RHIF payment, and hospitals (including both CAHs and non-CAHs) have expressed widespread support for this change.



- 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.
- 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 does not anticipate an overall economic impact since the aggregate payments made from the Rural Hospital Inpatient Fund remains the same. However, there may be an economic impact to individual providers as the money will be distributed in a more equitable manner than if there were no rule change.
- 10. **A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**  
No changes were made between the proposed rulemaking and the final rulemaking.
- 11. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**  
No comments were received as of the close of the comment period of October 5, 2015.
- 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:**  
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 7. STANDARDS FOR PAYMENTS

Section  
R9-22-712.07. Rural Hospital Inpatient Fund Allocation

ARTICLE 7. STANDARDS FOR PAYMENTS

**R9-22-712.07. Rural Hospital Inpatient Fund Allocation**

- A. For purposes of this Section, the following words and phrases have the following meanings unless the context specifically requires another meaning:
  - 1. “Calculated inpatient costs” means the sum of inpatient covered charges multiplied by the Milliman study’s implied cost-to-charge ratio of .8959.
  - 2. “Claims paid amount” means the sum of all claims paid by the Administration and contractors, as reported by the contractor to the Administration, to a rural hospital for covered inpatient services rendered for dates of service during the previous state fiscal year.
  - 3. “Fund” means any state funds appropriated by the Legislature for the purposes set forth in A.R.S. § 36-2905.02 and any federal funds that are available for matching the state funds.



4. "Inpatient covered charges" means the sum of all covered charges billed by a hospital to the Administration or contractors, as reported by the contractors to the Administration, for inpatient services rendered during the previous state fiscal year.
  5. "Milliman study" means the report issued by Milliman USA on March 11, 2004, to the Arizona Hospital and Healthcare Association that updated a portion of a cost study entitled "Evaluation of the AHCCCS Inpatient Hospital Reimbursement System" prepared by Milliman USA for AHCCCS on November 15, 2002. A copy of each report is on file with the Administration.
  6. "Rural hospital" means a health care institution that is licensed as a an acute care hospital by the Arizona Department of Health Services for the previous state fiscal year and is not an IHS hospital or a tribally owned or operated facility ~~a hospital operated by IHS or a special hospital that limits the care provided to rehabilitation service~~ and:
    - a. Has 100 or fewer PPS beds, not including beds reported as sub provider beds on the hospital's Medicare Cost Report, and is located in a county with a population of less than 500,000 persons, or
    - b. Is designated as a critical access hospital for the majority of the previous state fiscal year.
  7. "~~Total inpatient payments~~" means the sum of:
    - a. ~~The claims paid amount~~
    - b. ~~Any disproportionate share hospital payments for the previous fiscal year, and~~
    - c. ~~The inpatient component of any Critical Access Hospital payments made to the hospital for the previous state fiscal year.~~
- B.** Each February, the Administration shall allocate the Fund to the following three pools for the fiscal year:
1. Rural hospitals with ~~fewer than 26~~ 25 or fewer PPS beds not including sub provider beds and all Critical Access Hospitals, regardless of the number of beds in the Critical Access Hospital;
  2. Rural hospitals other than Critical Access Hospitals with 26 to 75 PPS beds not including sub provider beds; and
  3. Rural hospitals other than Critical Access Hospitals with 76 to 100 PPS beds not including sub provider beds.
- C.** The Administration shall allocate the Fund to each pool according to the ratio of ~~total inpatient payments to claims paid amount for~~ all hospitals assigned to the pool to total inpatient payments to claims paid amount for all rural hospitals.
- D.** The Administration shall determine each hospital's claims paid amount and allocate the funds in each pool to each hospital in the pool based on the ratio of each hospital's claims paid amount to the sum of the claims paid amount for all hospitals assigned to the pool.
- E.** The Administration shall not make a Fund payment to a hospital that will result in the hospital's ~~total inpatient payments claims paid amount~~ plus that hospital's Fund payment being greater than that hospital's calculated inpatient costs.
1. If a hospital's ~~total inpatient payments claims paid amount~~ plus the hospital's Fund payment would be greater than the hospital's calculated inpatient costs, the Administration shall make a Fund payment to the hospital equal to the difference between the hospital's calculated inpatient costs and the hospital's ~~total inpatient payments~~ claims paid amount.
  2. The Administration shall reallocate any portion of a hospital's Fund allocation that is not paid to the hospital due to the reason in subsection (E)(1) to the other eligible hospitals in the pool based upon the ratio of the claims paid amount for each hospital remaining in the pool to the sum of the claims paid amount for each hospital remaining in the pool.
- F.** If funds remain in a pool after allocations to each hospital in the pool under subsections (D) and (E), the Administration shall reallocate the remaining funds to the other pools based upon the ratio of each pool's original allocation of the Fund as determined under subsection (C) to the sum of the remaining pools' original Fund allocations under subsection (C). The Administration shall allocate remaining funds to the hospitals in the remaining pools under subsection (D) and (E). See Exhibit 1 for an example.
- G.** Subject to CMS approval of the method and distribution of the Fund, the administration or its contractors will distribute the Fund as a lump sum allocation to the rural hospitals in either one or two installments by the end of each state fiscal year.

#### Exhibit 1. Pool Example

Pool A receives \$2,000,000. Pool B receives \$7,000,000. Pool C receives \$3,000,000.

If all of the funds in Pool B are paid to eligible hospitals and there is \$1,000,000 remaining, the remaining funds would be allocated to Pool A and Pool C based on the ratio of each pool's original allocation (original allocations of \$2,000,000 and \$3,000,000) to the total of their original allocation (\$2,000,000 + \$3,000,000 = \$5,000,000).

Pool A would receive 2/5 of the remaining funds (\$400,000) and Pool C would receive 3/5 of the remaining funds (\$600,000).



**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 21. CHILD SAFETY**

**CHAPTER 6. DEPARTMENT OF CHILD SAFETY – FOSTER HOME LICENSING**

[R15-187]

**PREAMBLE**

<b><u>I. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
Article 1	New Article
R21-6-101	New Section
Article 2	New Article
R21-6-201	New Section
R21-6-202	New Section
R21-6-203	New Section
R21-6-204	New Section
R21-6-205	New Section
R21-6-206	New Section
R21-6-207	New Section
R21-6-208	New Section
R21-6-209	New Section
R21-6-210	New Section
R21-6-211	New Section
R21-6-212	New Section
R21-6-213	New Section
R21-6-214	New Section
R21-6-215	New Section
R21-6-216	New Section
R21-6-217	New Section
R21-6-218	New Section
R21-6-219	New Section
R21-6-220	New Section
R21-6-221	New Section
R21-6-222	New Section
Article 3	New Article
R21-6-301	New Section
R21-6-302	New Section
R21-6-303	New Section
R21-6-304	New Section
R21-6-305	New Section
R21-6-306	New Section
R21-6-307	New Section
R21-6-308	New Section
R21-6-309	New Section
R21-6-310	New Section
R21-6-311	New Section
R21-6-312	New Section
R21-6-313	New Section



R21-6-314	New Section
R21-6-315	New Section
R21-6-316	New Section
R21-6-317	New Section
R21-6-318	New Section
R21-6-319	New Section
R21-6-320	New Section
R21-6-321	New Section
R21-6-322	New Section
R21-6-323	New Section
R21-6-324	New Section
R21-6-325	New Section
R21-6-326	New Section
R21-6-327	New Section
R21-6-328	New Section
R21-6-329	New Section
R21-6-330	New Section
R21-6-331	New Section
R21-6-332	New Section
Article 4	New Article
R21-6-401	New Section
R21-6-402	New Section
R21-6-403	New Section
R21-6-404	New Section
R21-6-405	New Section
R21-6-406	New Section
R21-6-407	New Section
R21-6-408	New Section
R21-6-409	New Section
R21-6-410	New Section
R21-6-411	New Section
R21-6-412	New Section
R21-6-413	New Section
R21-6-414	New Section
R21-6-415	New Section
R21-6-416	New Section
R21-6-417	New Section
R21-6-418	New Section
R21-6-419	New Section

**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. § 8-453(A)(5)

Implementing statutes: A.R.S. §§ 8-502, 8-503, 8-506, 8-507, 8-509, 8-511, 8-514, 8-453(A)(11), 8-453(B)(2), 8-529 and 8-530.

Statute or session law authorizing the exemption: Laws 2014, Second Special Session, Ch. 1, § 158

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

January 24, 2016

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

Notice of Public Information: 21 A.A.R. 1646, August 21, 2015

Notice of Oral Proceeding: 21 A.A.R. 1650, August 21, 2015

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

Name: Carrie Senseman, Lead Rules Analyst

Address: Arizona Department of Child Safety  
 Policy Office  
 3003 N. Central Ave., 23rd Floor  
 Phoenix, AZ 85012  
 P.O. Box 6030, Site Code: C010-23



Phoenix, AZ 85005-6030

Telephone: (602) 255-2534

Fax: (602) 255-3264

E-mail: csenseman@azdes.gov

Web site: https://dcs.az.gov/about/dcs-rules-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:**

A.R.S. § 8-503 gives the Arizona Department of Child Safety, (the “Department”) authority to establish rules and regulations for the licensing of foster homes, including group homes. A.R.S. § 8-453(A)(11) gives the Department the authority to enter into contracts and incur obligations and A.R.S. § 8-453(B)(2) enables the Department to contract with a private entity to provide services. A.R.S. § 8-507 gives the Department the authority to take an adverse action against a foster home operating without a license. A.R.S. § 8-509 requires the Department to have proof that an applicant for a foster home license has received six hours of initial foster parent training and prior to renewal of a foster home license, six additional hours of training per year has been completed. A.R.S. § 8-514 gives the Department the authority to have flexibility for the placement for children in sibling groups, or kinship care, placement preferences for a Native American child and requirements for information to be provided to the foster parent and records to be kept by the foster parent. A.R.S. § 8-502 specifies that a foster parent’s personal information may not be released. A.R.S. § 8-506 gives the Department the authority to deny, suspend, or revoke a foster home license. A.R.S. § 8-511 provides the actions a foster parent shall take when leaving a foster child in the care of another person. A.R.S. § 8-529 and A.R.S. § 8-530 list a foster child and a foster parent’s right respectively.

Laws 2014, Second Special Session, Ch. 1, § 158 exempts the Department from the rulemaking requirements of in A.R.S. Title 14, Chapter 6 until November 28, 2015, in order to “Adopt rules to implement the purposes of the Department and the duties and powers of the director.” The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2015-01, for this rulemaking and has added Articles 1 through 4. The rules conform to the current rulemaking format and style requirements of the Office of the Secretary of State.

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

None

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

Not applicable

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

Not applicable

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

Not applicable

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

The Department’s exemption from rulemaking required the Department to provide public notice and an opportunity for public comment in writing and at two or more public comment hearings. The exemption did not require the Department to post its responses to the public comments. However, the Department provides the following information on the public comment hearings and public comment.

Public hearings on these rules were held on September 8, 2015 in Tucson and September 10, 2015 in Phoenix. Attendees were provided the opportunity to provide oral or written comments. A copy of each Article was posted to the Department’s website from August 3, 2015 to September 11, 2015 along with an on-line survey to obtain public comments.

Comments were received in a number of areas of the rules. The public meetings and written comments had concerns with rules such as out-of-state travel, number of children a home could be licensed for, bedroom arrangements, licensing, training update, amendment, investigation timeframes, and requirements for the certification of specialized services.

Additional meetings were held on September 29, 2015 and October 8, 2015 to obtain greater clarification from stakeholders before finalizing the rules. The Department reviewed all written comments received on-line and in the U.S. Mail and incorporated comments where applicable in the final rule package. Stakeholders were also given an opportunity to review the rule package before it was finalized.



- 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:**  
An individual license is required to have a foster home. Foster Home licenses are exempt under A.R.S. § 41-1037 and do not require a general permit.
- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**  
42 U.S.C. 622, 45 U.S.C. 623, 45 U.S.C. 671, 45 U.S.C. 672, 45 U.S.C. 675, U.S.C. 5113, and 45 CFR 1356.30. The rules are not more stringent than federal law.
- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**  
Not applicable
- 13. A list of any incorporated by reference material and its location in the rule:**  
None
- 14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**  
The rule was not previously made, amended, repealed, or renumbered as an emergency rule.
- 15. The full text of the rules follows:**

## TITLE 21. CHILD SAFETY

### CHAPTER 4. DEPARTMENT OF CHILD SAFETY – FOSTER HOME LICENSING

#### ARTICLE 1. DEFINITIONS

Section  
R21-6-101. Definitions

#### ARTICLE 2. LICENSING AGENCY REQUIREMENTS FOR FOSTER HOME LICENSING AGENCIES

Section  
R21-6-201. Minimum Qualifications for an Applicant  
R21-6-202. Professional Judgment  
R21-6-203. Conflicts of Interest  
R21-6-204. Rights of the Applicant and Foster Parent  
R21-6-205. Licensing Agency Responsibility: Application for an Initial Foster Home License  
R21-6-206. Licensing Agency Foster Home Study and Assessment  
R21-6-207. Request for Additional Information During Licensing Review  
R21-6-208. Statement of Understanding  
R21-6-209. Verification of Equipment at Time of Placement  
R21-6-210. Approval of Additional Placements from Another Child Placing Agency  
R21-6-211. Life Safety Inspection  
R21-6-212. Training Reporting Update  
R21-6-213. Application for a Renewal License  
R21-6-214. Application for License Reinstatement  
R21-6-215. The Licensing Record  
R21-6-216. Amending the License  
R21-6-217. Evaluating Changes in Household Composition  
R21-6-218. Routine Monitoring and Verification of Ongoing Compliance  
R21-6-219. Corrective Action Plan  
R21-6-220. Notification Requirements: Unusual Incident  
R21-6-221. Allegations of Child Abuse or Neglect; Licensing Complaints  
R21-6-222. Waiver of Non Safety Licensing Requirements for Kinship Care

#### ARTICLE 3. LICENSING REQUIREMENTS FOR FOSTER PARENTS

Section  
R21-6-301. General Requirements for Foster Parents  
R21-6-302. Requirements for Household Members



- R21-6-303. Training Requirements
- R21-6-304. Life Safety Inspection
- R21-6-305. Nurturing Responsibilities
- R21-6-306. Supervisory Responsibilities;
- R21-6-307. Reasonable and Prudent Parenting Standard
- R21-6-308. Positive Discipline
- R21-6-309. Capacity Requirements
- R21-6-310. Sleeping Arrangements
- R21-6-311. Bedrooms, Beds and Bedding
- R21-6-312. Meals and Nutritional Needs
- R21-6-313. Hygiene and Daily Needs
- R21-6-314. Health and Medical Care
- R21-6-315. Smoking Restrictions
- R21-6-316. Transportation Responsibilities
- R21-6-317. Education and Development
- R21-6-318. Religion and Cultural Practices
- R21-6-319. Recreation
- R21-6-320. Out-of-State Travel
- R21-6-321. Rights of a Foster Child
- R21-6-322. Confidential Information
- R21-6-323. Information and Records to be Provided to the Foster Parent
- R21-6-324. Records Maintained by the Foster Parent
- R21-6-325. Participation in the Service Team
- R21-6-326. Notification Requirements; Unusual Incident
- R21-6-327. Notification Requirements; Home or Household Change
- R21-6-328. Emergency and Disaster Plan
- R21-6-329. Special Provisions for Respite Care
- R21-6-330. Special Provisions for an In-Home Respite Foster Parent
- R21-6-331. Requirements for Certification to Provide for Specialized Services
- R21-6-332. Placement of a Child with a Developmental Disability in a Foster Home

**ARTICLE 4. THE LICENSING PROCESS FOR FOSTER PARENTS**

Section

- R21-6-401. Minimum Qualifications to Apply for a License
- R21-6-402. Rights of the Applicant and Foster Parent
- R21-6-403. Application for an Initial License
- R21-6-404. Types of Licenses
- R21-6-405. Home Study and Assessment
- R21-6-406. The Licensing Decision
- R21-6-407. Licensing Timeframes
- R21-6-408. Licensing Limitations
- R21-6-409. Training Reporting Update
- R21-6-410. Amending the License
- R21-6-411. Addition of Household Members
- R21-6-412. Application for a Renewal License
- R21-6-413. Application for License Reinstatement
- R21-6-414. Licensing Actions
- R21-6-415. Routine Monitoring and Verification of Ongoing Compliance
- R21-6-416. Corrective Action Plan
- R21-6-417. The Appeal Process
- R21-6-418. Allegations of Abuse or Neglect; Licensing Complaints
- R21-6-419. Waiver of Non-Safety Licensing Requirements for Kinship Care

**ARTICLE 1. DEFINITIONS**

**R21-6-101. Definitions**

The definitions contained in A.R.S. § 8-501 and the following definitions apply when used in this Chapter.

1. "Adult" means any person 18 years of age or older.
2. "Adverse licensing action" means a decision by OLR to deny, suspend, or revoke a license.
3. "Appeal" means the legal right of an applicant to contest an adverse licensing action.
4. "Applicant" means an individual or married couple, unless excepted under R21-6-408, who submit an application for a license as a foster home.
5. "Application" means the documentation and information required by the OLR to evaluate an applicant for a license and includes the application form completed via the Department's electronic database to initiate the licensing pro-



- cess. The application authorizes the licensing agency and the OLR to conduct assessments and investigations to verify qualifications and compliance with licensing requirements.
6. “Careful and sensible judgment” means the use of decisions and actions that maintain the health, safety, and well-being of a foster child.
  7. “Central Registry” means the information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.
  8. “Child” means any person less than 18 years of age.
  9. “Child developmental home” means the same as A.R.S. § 36-551(11). The DES Division of Developmental Disabilities (DDD) licenses these types of residences to care for a child with a developmental disability in a family setting.
  10. “Child Placing Agency” means the same as A.R.S. § 8-501(A)(1)(iii):
    - (iii) Any agency maintained by this state, a political subdivision of this state or a person, firm, corporation, association or organization to place children or unmarried mothers in a foster home.*
  11. “Child Safety Worker” means the same as A.R.S. § 8-801.
  12. “Corrective action” means a plan specified by the OLR for a foster parent to remedy the violation of a licensing requirement within a specified time-frame.
  13. “Criminal record self-disclosure” means a person’s statement made under penalty of perjury, using the form approved by the OLR, attesting to whether the person:
    - a. Has a record of any arrests, convictions, or pending indictments;
    - b. Has committed a crime specified in the Arizona Revised Statutes as a precluding crime for the issuance of a fingerprint clearance card meeting Level One requirements; or
    - c. Is a registered sex offender.
  14. “DCS Report” means the same as “report for investigation” in A.R.S. § 8-201(30).
  15. “Department” or “DCS” means the Arizona Department of Child Safety
  16. “DES” means the Arizona Department of Economic Security.
  17. “Developmentally appropriate” means:
    - a. The activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
    - b. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.
  18. “Developmental Disability” means the same as in A.R.S. § 36-551.
  19. “Fingerprint clearance card” means the card issued by the Arizona Department of Public Safety (A.R.S. §§ 41-1758 et. seq.) certifying that the person named on the card does not have a state or federal criminal history record containing an offense specified as a precluding crime in A.R.S. Title 41, Chapter 12.
  20. “Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will expel, is designed to expel, or may be readily converted to expel a projectile by the action of an explosive.
  21. “Fitness” means the ability of an applicant or foster parent to:
    - a. Provide a safe and nurturing environment for a foster child; and
    - b. Comply with the foster home licensing requirements.
  22. “Foster care” means care and supervision provided to a child who is in the custody of the state.
  23. “Foster child” means a person less than 18 years of age who is receiving foster care. “Foster child” is further defined under A.R.S. § 8-501(4). For the purpose of this Chapter, “foster child”:
    - a. Includes a young adult less than 21 years of age who continues to reside in a foster home under a written individual case plan agreement for out-of-home care, or under the Independent Living Program defined in A.R.S. § 8-521;
    - b. Includes a child with a Developmental Disability placed by the Department in a child developmental home;
    - c. Does not include a young adult who has returned to a foster home under the Transitional Independent Living Program defined in A.R.S. § 8-521.01; and
    - d. Does not include the birth or adopted child, of an applicant, foster parent, or other household member.
  24. “Foster home” means a residence where a foster parent lives and includes a detached home, all structures, and the entire premises belonging to the home, including apartments, guest homes, garages, sheds, and motorhomes. “Foster home” is further defined under A.R.S. § 8-501.
  25. “Foster parent” means an individual, or married couple, who provides foster care with a license from the OLR. “Foster parent” is further defined under A.R.S. § 8-501.
  26. “Group foster home” means a class of foster home in which the licensed foster parent is certified to provide care to more than five but not more than 10 foster children at a time. “Group foster home” is further defined under A.R.S. § 8-501.
  27. “Guardian” means a person who is authorized by law to have the care and custody of a child.



- 28. “Hazard” means a condition or situation that may cause or result in physical injury or illness to a child.
- 29. “Health self-disclosure” means an adult household member’s declaration, using the form approved by OLR attesting to the person’s physical, medical, and emotional health. The health-self disclosure:
  - a. Identifies any past or present:
    - i. Major illness;
    - ii. Communicable disease;
    - iii. Surgery;
    - iv. Drug or substance abuse problem or treatment; and
    - v. Other medical, physical, or mental health condition or treatment; and
  - b. Identifies all medications, treatments, adaptive equipment, or other accommodations used to reduce or eliminate any medical, physical, or mental health conditions.
- 30. “Home” means the residence where a foster parent lives. “Home” may be used interchangeably with “foster home.”
- 31. “Home and Community Based Services” or “HCBS” means the same as in R6-6-1501. The DES Division of Developmental Disabilities (DDD), Office of Licensing, Certification, and Regulation (OLCR) rules on HCBS are in 6 A.A.C., Chapter 6, Article 15.
- 32. “Household” means all children and adults living in a foster parent’s home.
- 33. “Household member” means any individual who lives or intends to live in the foster home or on the premises, for 30 consecutive days or more, or periodically throughout the year for a total of 30 non-consecutive days or more. “Household member”:
  - a. Includes the applicant, licensee, housemates, tenants; children of the applicant, licensee, housemates, or tenants; and adults participating in the Transitional Independent Living Program defined in A.R.S. § 8-521.01; and
  - b. Does not include a foster child, an adult with a Developmental Disability, or young adult who resides in a foster home under a written agreement with the Department for continued care or under the Independent Living Program defined in A.R.S. § 8-521.
- 34. “Individual Family Service Plan” or “IFSP” means a written statement of services and supports to be provided to a child and the child’s family for children less than the age of three years who are eligible for the Arizona Early Intervention Program (AZEIP) to enhance the capacity of families and care givers to support the child’s development and engagement and participation in everyday routines and activities.
- 35. “In-home respite foster parent” means an individual licensed to provide respite care in a licensed foster home, which is not that individual’s own home.
- 36. “Kinship care” means that the care and supervision of a foster child in a foster home is provided by a relative or an individual who has a significant relationship with the child.
- 37. “Lawfully present” means that an individual is a United States citizen or national or an alien authorized by an appropriate federal entity or court to be present in the United States.
- 38. “License” means the permission granted by OLR, to legally operate a foster home and includes an initial, renewal, and amended license.
- 39. “Licensee” means the individual or married couple who is approved by OLR to be licensed as a foster parent.
- 40. “Licensing agency” means an entity, which may include a licensed Placing Agency the Department contracts with to recruit and train foster parents and monitor a licensed foster home.
- 41. “Licensing decision” means the issuance, denial, suspension, revocation of, or amendment to a license by OLR in response to the receipt and review of:
  - a. An application for initial or renewal licensure,
  - b. An application to amend a license, or
  - c. A complaint or investigation conducted according to R21-6-418.
- 42. “Licensing record” means the information maintained by a licensing agency or by the OLR, for the purpose of documenting the fitness of and compliance with licensing requirements, laws, and rules of an applicant or foster parent.
- 43. “Licensing requirements” means the rules specified in this Chapter and Chapter 8 of this Title.
- 44. “Life Safety Inspection” means an examination of a family foster home by OLR to verify compliance with standards intended to safeguard a foster child from fire and other hazardous conditions.
- 45. “Lock” means a device operated by a key, combination, magnet, keycard, or other tool to safeguard medications, swimming pools, weapons, and highly toxic substances.
- 46. “Medically complex foster home” means a class of foster home in which the licensed foster parent is certified to provide care to a foster child identified by the Department as requiring special care for medically complex needs.
- 47. “Medical professional” means a doctor of medicine or osteopathy, physician’s assistant, or registered nurse practitioner licensed in A.R.S. Title 32, or a doctor of medicine licensed and authorized to practice in another state or foreign country. A medical professional from another state or foreign country must provide verification of valid and current licensure in that state or country.
- 48. “Medication” means both prescription and over-the-counter remedies.



49. “Mobile home” means a trailer that is mounted on wheels or a platform with utility connections exposed under the trailer.
50. “Need to know” means the legitimate requirement of a person or organization to know, access, or possess confidential or personally identifiable information that is critical to carry out official duties or to provide services to the child.
51. “OCWI Investigator” means a DCS Investigator who is assigned to the Office of Child Welfare Investigations, and whose primary duties and responsibilities are prescribed in A.R.S. § 8-471.
52. “Office of Licensing and Regulation” or “OLR”, means the administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.
53. “Physical punishment” means the deliberate infliction of pain or discomfort to a person.
54. “Physical restraint” means the same as A.R.S. § 8-501(A)(14)(b)(iii).
55. “Physician’s Statement” means information on the physical, emotional, and mental health of any adult household member, providing care for a foster child, using a form approved by OLR. The statement shall:
  - a. Be based on an examination by a medical professional.
  - b. State whether the household member has a condition that could interfere with the provision of safe care and supervision to a foster child, and
  - c. Include a completed health self-disclosure by the household member.
56. “Placement” means the act of finding an appropriate foster home for a foster child and putting the foster child in that foster home.
57. “Placement agreement” means a written arrangement between a licensee and a Child Placing Agency as specified under R21-6-323.
58. “Placement packet” means documents containing key information needed for a foster parent to understand the needs of the foster child, including medical records and school records.
59. “Pool” means any natural or man-made body of water located at a foster home or on its premises that:
  - a. Could be used for swimming, recreational, therapeutic, or decorative purposes;
  - b. Is greater than 18 inches in depth; and
  - c. Includes swimming pools, spas, hot tubs, fountains, and fishponds.
60. “Positive discipline” means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to generally accepted levels of social behavior.
61. “Premises” means:
  - a. The home; and
  - b. The property surrounding the home that is owned, leased, or controlled by the applicant or licensee.
62. “Protective services registries” means the Central Registry and the Adult Protective Services Registry.
63. “Public school” means a school, including a charter school, that is maintained at public expense for the education of the children of a community or district and that constitutes a part of a system of free public education commonly including primary and secondary education.
64. “Reasonable and prudent parenting standard” means the practice of making careful and sensible parental decisions that maintain the health, safety, and best interests of a foster child while at the same time encouraging the emotional and developmental growth of the child when determining whether to allow the child to participate in extracurricular, enrichment, cultural, and social activities.
65. “Receiving foster home” means a class of foster home in which the licensed foster parent is certified to receive a foster child with limited notice and for a limited period of time.
66. “Relative” means an individual who is related by blood, marriage, or adoption to the foster child. For American Indian and Alaska Native children, “relative” could also include a tribally defined extended family relationship.
67. “Respite care” means the provision of temporary care and supervision of a foster child to relieve a foster parent from the duty to care for the foster child for a limited period of time.
68. “Safeguard” means to take reasonable measures to eliminate the risk of harm to a foster child. Where a specific method is not otherwise prescribed in this Chapter, safeguarding may include:
  - a. Locking up a particular substance or item;
  - b. Putting a substance or item out of reach of a foster child;
  - c. Erecting a barrier that prevents a foster child from reaching a particular place, item, or substance;
  - d. Using protective safety devices; or
  - e. Providing supervision.
69. “Service Team” means a group of persons brought together to ensure the best care for a foster child and at a minimum, includes a child age 14 years and older, staff from the Department, and the licensing agency.
70. “Sibling” means brothers and sisters by birth or adoption, stepbrothers, stepsisters, half-brothers, and half-sisters.
71. “Skirting” means the barrier around the base of a mobile home that is intended to protect utility connections from damage or unauthorized contact.



- 72. “Slip-resistant surface” means flooring that provides friction to help prevent falls when the surface is wet. A slip-resistant surface may be achieved by rippling or corrugating the surface, applying textured strips, installing a secured carpet, using rubber mats, and other similar measures.
- 73. “Smoking” means burning or vaporizing tobacco products or other substances in a cigarette, cigar, pipe, electronic cigarette, or by means of equipment to inhale and exhale the smoke or vapor.
- 74. “Specialized service” means a higher level of skill, training, and experience required for certification as a Group, Medically Complex, Therapeutic, or Receiving foster home.
- 75. “Stability” means having the necessary resources, surroundings, temperament, and demeanor to maintain a safe, steady, and consistent home environment for a foster child.
- 76. “Statement of Understanding” means a signed document completed by an applicant or foster parent confirming the person has read, understands, and agrees to comply with all applicable laws, rules, and regulations relating to the operation of a foster home.
- 77. “Substantial compliance with licensing requirements” means that the nature and number of violations of licensing requirements are not significant and:
  - a. Do not pose a risk to the life, health, safety, or welfare of a child receiving care;
  - b. Do not constitute a pattern of noncompliance or a failure to implement required corrective action; and
  - c. Are not the result of misrepresentation, falsification, or fraud by the applicant or foster parent.
- 78. “Therapeutic foster home” means a class of foster home in which the care is provided by a foster parent who has received specialized training to provide care and services within a support system of clinical and consultative services to children with behavioral health needs.
- 79. “Trigger locked” means a method to render a firearm temporarily or permanently inoperable by blocking the firing or discharge mechanism for the firearm with a locked device.
- 80. “Weapon” means a firearm, bow and arrows, or other device or instrument, which in the manner it is used or intended to be used is capable of inflicting serious bodily injury, or causing death.
- 81. “UL approved” means a safety certification mark of a Nationally Recognized Testing Laboratory (NRTL), such as UL (Underwriters Laboratories) or ETL (Electro Technical Laboratory) on an electronic device.

**ARTICLE 2. LICENSING AGENCY REQUIREMENTS FOR FOSTER HOME LICENSING AGENCIES**

**R21-6-201. Minimum Qualifications for an Applicant**

The licensing agency shall ensure the right of any individual or married couple to apply for a foster home license, regardless of gender, race, religion, political affiliation, national origin, disability, or sexual orientation, if the applicant meets the minimum qualifications specified under Chapter 6 of this Title.

**R21-6-202. Professional Judgment**

The licensing agency shall use professional judgment in all recommendations made and inquiries conducted in the course of licensure. “Professional judgment” means an objective and thorough analysis based on:

- 1. Commonly accepted industry standards and practices for the regulation of care for children;
- 2. Knowledge and experience in accordance with contractual requirements;
- 3. Interviews, assessments, observations, references, and documented sources of verifiable information; and
- 4. Knowledge of laws, rules, and guidelines for providing foster care.

**R21-6-203. Conflicts of Interest**

- A. The licensing agency shall adopt a written code of ethics regarding conflicts of interest.
- B. The licensing agency shall assign the following duties for any conflicts of interest other than those listed in subsection (C) to an impartial party, such as a neutral employee or another licensing agency.
  - 1. The home study and assessment responsibilities as described under R21-6-206; and
  - 2. Licensing complaints as described under R21-6-221.
- C. The licensing agency shall not accept as an applicant a person who is:
  - 1. An employee of the licensing agency, a service provider, a contractor, or a major donor; or
  - 2. Related by blood or marriage to an employee of the licensing agency. For the purpose of this subsection, relatives include the biological, adoptive, or step:
    - a. Child,
    - b. Grandchild,
    - c. Parent,
    - d. Parent of spouse,
    - e. Grandparent,
    - f. Grandparent of spouse,
    - g. Sibling,
    - h. Sibling of spouse,
    - i. Aunt, or
    - j. Uncle.

**D.** A licensing agency that has a conflict of interest at the time this Article is published in the Arizona Administrative Register shall have 90 days to transfer cases to an alternative licensing agency that does not have a conflict of interest under



subsection (C).

**R21-6-204. Rights of the Applicant and Foster Parent**

- A.** In addition to the inspection and due process rights specified under A.R.S. § 41-1009, the licensing agency shall ensure that each applicant and foster parent is informed of and afforded the rights specified under this Section. OLR may request that the licensing agency submit the notice used by the licensing agency to OLR.
- B.** The licensing agency shall ensure that a foster parent or applicant is permitted to access their licensing record as follows:
1. Upon written request, a foster parent or applicant shall have the right to access their complete licensing record, except as provided in subsection (C); and
  2. A foster parent or applicant shall have the right to provide a written response to findings and comments in the home study, investigative reports, and any correspondence, with the exception of the items listed in subsection (C).
- C.** The licensing agency shall not release the following information to a foster parent or applicant:
1. Information supplied by confidential references during the licensing process;
  2. Information protected from secondary dissemination under state or federal law, including investigations and DCS Reports of alleged child abuse or neglect; and
  3. The names of persons and organizations identified as sources in a licensing complaint or DCS investigation or DCS Report of alleged child abuse or neglect.
- D.** A licensing agency shall make a diligent effort to work with an applicant or foster parent. If however, the parties determine they cannot continue to work together, the licensing agency shall assist the foster parent or applicant to find another licensing agency and transfer their licensing record to the new agency under R21-6-215(C).
1. If it is the licensing agency that determines that it cannot work with a foster parent or applicant, the licensing agency shall notify the foster parent or applicant in writing specifically listing the reasons the licensing agency cannot work with the foster parent or applicant and assist the foster parent or applicant to find another licensing agency and transfer their licensing record to the new agency under this subsection (D); or
  2. If the foster parent or applicant does not meet the minimum qualifications for licensure under R21-6-401, the licensing agency shall notify the foster parent or applicant in writing specifically listing the reasons, the applicant or foster parent fail to meet the minimum qualifications.

**R21-6-205. Licensing Agency Responsibility; Application for an Initial Foster Home License**

- A.** When an applicant meets the minimum qualifications specified under R21-6-401, the licensing agency shall provide the assistance needed to submit the application for initial licensure via the Department's electronic database.
- B.** The licensing agency shall ensure that the application for an initial license contains, at minimum, information specified under R21-6-403.
- C.** The licensing agency shall provide OLR with signed verification that the applicant has provided proof of income and resources and:
1. Criminal record self-disclosure for each adult household member;
  2. Valid Level One fingerprint clearance cards for each adult household member, as necessary; specified in A.R.S. § 8-509;
  3. Health self-disclosure completed by each adult household member;
  4. Physician's statement for the foster parent, applicant, and any other adult household member who will provide care or supervision to the foster child;
  5. Proof or current training in cardiopulmonary resuscitation (CPR) and first aid;
  6. Current immunization record available for each child household member. In accordance with A.R.S. § 8-509(I), the lack of updated or available immunization records will not prohibit licensure, but may be grounds for restricting the license to prevent the placement of infants, young children, and medically complex children;
  7. Valid Arizona driver's license for each household member who transports a foster child, or a transportation plan in place in the absence of a valid Arizona driver's license.
  8. Current registration and insurance card for each vehicle that belongs to a household member and may be used to transport a foster child; and
  9. The Statement of Understanding, as defined under R21-6-101(76).
- D.** The licensing agency shall ensure that the application for an initial license includes the home study and assessment specified under R21-6-206 and the agency signature page.
- E.** The licensing agency shall submit the information required in this Section to the licensing authority no later than 30 days from receipt of all information required by this Section.

**R21-6-206. Licensing Agency Foster Home Study and Assessment**

- A.** The licensing agency shall enter the home study via the Department's electronic database.
- B.** To assess the applicant and write the initial home study, the licensing agency shall:
1. Conduct interviews with each household member, including each child household member, if appropriate to the child's age and developmental level, on at least:
    - a. Two occasions in the applicant's home;
    - b. One occasion with each applicant, individually; and
    - c. One occasion with applicants, jointly, if:



- i. Applicants are married; or
    - ii. Another adult household member is applying for a license or is currently licensed;
  - 2. Complete reference checks as follows:
    - a. Obtain written statements via postal mail, electronic mail, or on the form supplied by OLR, from at least five reference sources identified by the applicant;
    - b. Ensure that no more than two references are from relatives; and
    - c. Make personal contact, either in a face-to-face meeting or via telephone, with at least one of the reference sources identified by the applicant;
  - 3. Provide the applicant with the required forms and information to apply for a Level One fingerprint clearance card;
  - 4. Request Central Registry record checks for each adult household member for Arizona and from each state these individuals resided in during the previous five years;
  - 5. Ensure completion of all required training by the applicant;
  - 6. Ensure the applicant has the proper equipment required by this Chapter, such as age-appropriate beds, for each foster child at the time of placement;
  - 7. Visit the applicant’s home and provide information to help the applicant prepare for the Life Safety Inspection to be conducted by OLR throughout the home and premises;
  - 8. Request a Life Safety Inspection for the applicant’s home and verify any corrections made, if applicable; and
  - 9. Work with each household member to assemble information for self-assessments, using the forms approved by OLR.
- C. The home study shall include a summary of self-assessments, interviews, and observations evaluating the applicant’s fitness for licensure, including:
  - 1. Motivation and expectations for becoming a foster parent;
  - 2. Commitment to the care and supervision of a foster child;
  - 3. Parenting skills and ability to use a reasonable and prudent parenting standard characterized by a careful and sensible parental decisions that maintain the health, safety, and best interests of a foster child while at the same time encouraging the emotional and developmental growth of the child;
  - 4. Daily routine and time available to devote to the care of a foster child;
  - 5. Support network, including friends, neighbors, relatives, and the community;
  - 6. Personal or family problems and the applicant’s success in undergoing rehabilitation and overcoming or coping with these problems, including abuse, neglect, or violence that was:
    - a. Committed by the applicant;
    - b. Committed against the applicant; or
    - c. Witnessed by the applicant;
  - 7. History of substance use or abuse and the applicant’s success in overcoming or coping with these challenges;
  - 8. Medical, physical, and mental health problems and the applicant’s success in overcoming or coping with these problems;
  - 9. Ability to deal with anger, stress, and separation;
  - 10. Personal stability, marital stability, and the stability of the household, as applicable;
  - 11. Stability of residency in Arizona;
  - 12. Significant life events, including but not limited to job separation, divorce, child custody, bankruptcy, or the death of a family member;
  - 13. History of complying with court-ordered child support, if applicable;
  - 14. Attitude toward discipline, discipline of the applicant’s children, and willingness to commit to the Department's discipline policy; and
  - 15. Willingness to share parenting for a foster child with that child’s birth family.
- D. In addition, the home study shall address:
  - 1. Household members’ ability to meet requirements, as described under R21-6-302;
  - 2. The ability of household members to provide a safe and positive home environment for a foster child;
  - 3. The strengths and needs of the applicant; and
  - 4. The applicant’s compliance with licensing requirements as defined in Chapter 6 of this Title.
- E. The home study shall contain a recommendation to issue or deny a license, based on the information available to the licensing agency. A licensing agency shall provide justification for a recommendation to deny a license using specific examples that demonstrate that, in the licensing agency’s professional judgment, the applicant does not meet licensing requirements.
- F. The licensing agency may, at its discretion, provide additional recommendations in the home study to:
  - 1. Limit the terms or conditions of a license; and
  - 2. Certify the applicant to provide specialized services, as described under R21-6-331.

**R21-6-207. Request for Additional Information During Licensing Review**

Prior to making a licensing decision, OLR may, as necessary and appropriate, require the licensing agency to assist to:

- 1. Provide additional documentation to verify compliance with licensing requirements, such as marriage licenses, divorce decrees, child support orders/payments, pay stubs, and bankruptcy documents;



2. Provide additional information if:
  - a. The medical, physical, or mental health needs of a household member could interfere with the care and supervision of a foster child;
  - b. Adults residing outside the household will have frequent or close contact with a foster child; or
  - c. A household member has been charged with or convicted of a crime, even if the specific crime does not preclude the issuance of a Level One fingerprint clearance card;
3. Gather additional information needed to determine the applicant's fitness. This may include:
  - a. Interviewing the applicant.
  - b. Contacting references.
  - c. Verifying information provided in the application or by the licensing agency, and
  - d. Inspecting the applicant's home.

**R21-6-208. Statement of Understanding**

The licensing agency shall review the Statement of Understanding with the foster parent at initial licensing, when a child is placed in the foster parent's care, and at each license renewal thereafter.

**R21-6-209. Verification of Equipment at Time of Placement**

The licensing agency shall verify that all equipment including age appropriate beds, car seats and restraints required by this Chapter are appropriately installed and in place at the time of placement of a foster child.

**R21-6-210. Approval for Additional Placements from Another Child Placing Agency**

The licensing agency shall notify and obtain approval from DCS before a foster parent accepts a child from a Child Placing Agency other than DCS.

**R21-6-211. Life Safety Inspection**

- A. The licensing agency shall inform the applicant or foster parent of the Life Safety Inspection rules specified in Chapter 8 of this Title before requesting an inspection by OLR.
- B. At least 30 days before an inspection is due, the licensing agency shall request a Life Safety Inspection by OLR. The request shall provide correct information on:
  1. The name, address, telephone number, and e-mail of the applicant or foster parent;
  2. The major cross streets or directions for locating the home; and
  3. Contact information for the licensing agency.
- C. The licensing agency shall:
  1. Conduct a preliminary inspection of the applicant's or foster parent's home to assess compliance with Life Safety Inspection rules;
  2. Conduct an annual inspection, using the format approved by OLR, to reinforce the importance of the Life Safety Inspection requirements and to verify ongoing compliance; and
  3. Verify corrections made by the applicant or foster parent in response to violations, as applicable.

**R21-6-212. Training Reporting Update**

- A. The licensing agency shall update the Department's electronic database within seven days of the licensee completing the training required by A.R.S. § 8-509.
- B. OLR may take an adverse licensing action against the licensee, or the Department may take a contract action against the licensing agency, or both, if the licensing agency does not submit the information as required by this Section.

**R21-6-213. Application for Renewal License**

- A. The licensing agency shall assist a foster parent, as needed, in applying for a renewal license via the Department's electronic database.
- B. At least 30 days before the expiration of the license, the licensing agency shall submit the completed application for a renewal license via the Department's electronic database.
- C. The application for a renewal license shall update the information in the Department's electronic database and the previous home study, including:
  1. Training completed by the licensee;
  2. Monitoring visits and safety inspections conducted by the licensing agency;
  3. Corrective action plans implemented since the previous home study and the status of violations that resulted in the need for corrective action, if applicable;
  4. Corrections made by the foster parent in response to violations cited in the Life Safety Inspection conducted by the OLR if applicable;
  5. Complaints and investigations, as described under R21-6-221 and R21-6-418, completed since the previous home study or that are pending completion, if applicable;
  6. Central Registry record checks requested by the licensing agency for each adult household member;
  7. Confirmation of a current, valid Level One fingerprint clearance card for each adult household member;
  8. A summary of significant events and changes occurring since the previous home study, including:
    - a. The foster parent's income, resources, expenses, and debts;
    - b. The health of a household member;
    - c. Household composition; and



- d. The dynamics of the foster parent's family and support network, including changes in roles, interactions, attitudes, and relationships;
- 9. The foster parent's compliance with licensing requirements, as defined in Article 3.
- D. The updated home study shall contain a recommendation to issue, amend, or deny a license, based on the information available to the licensing agency. A licensing agency shall justify a recommendation to deny a license using specific examples that demonstrate that, in the licensing agency's professional judgment, the applicant does not meet the licensing requirements.
- E. The licensing agency may, at its discretion, provide additional recommendations in the home study to limit the terms or conditions of a license, based on the licensing agency's professional judgment.
- F. The licensing agency shall provide OLR with:
  - 1. Criminal record self-disclosure for each adult household member;
  - 2. Physician's statement for the foster parent, completed every two years; and
  - 3. The Statement of Understanding, as defined under R21-6-101(76).

**R21-6-214. Application for License Reinstatement**

- A. "Reinstatement" refers to an action by OLR to reactivate a license that has been expired or closed for less than one year.
- B. The licensing agency shall submit an application for reinstatement using the same process as an application for renewal licensure. As required for a renewal, the application for reinstatement shall include a new home study.

**R21-6-215. The Licensing Record**

- A. The licensing agency shall compile and maintain a licensing record for each applicant or foster parent in accordance with the requirements of OLR.
- B. The licensing record shall contain:
  - 1. All documentation or evidence gathered during the licensing process and throughout the term of the license, including:
    - a. Documentation gathered to complete the application for licensure and the home study;
    - b. Evidence of compliance with licensing requirements specified in this Chapter;
    - c. Dates and details for home visits, contacts, and communication with the applicant or foster parent regarding licensing requirements or the licensing process; and
    - d. Evidence that inspection and due process rights were explained to the applicant or foster parent in accordance with A.R.S. § 41-1009;
  - 2. The home study completed by the licensing agency, as described under R21-6-206, and submitted to the licensing authority via the Department's electronic database; and
  - 3. Requests for or reports demonstrating the completion of Life Safety Inspections for the applicant's home and premises.
- C. Upon written request by the applicant or foster parent, the licensing agency shall forward the complete and original licensing record to another licensing agency for the purpose of facilitating transfer to the receiving licensing agency:
  - 1. Within 30 days of receiving the request, and
  - 2. At no cost to the applicant or licensee.
- D. Upon written request and payment of reasonable duplication and postage fees by the applicant or foster parent, the licensing agency shall forward a copy of the licensing record to an agency or organization for the purpose of assisting a foster parent who is being considered for a private or out-of-state adoptive placement, or a similar purpose.

**R21-6-216. Amending the License**

- A. The licensing agency shall inquire at each contact with the foster parent if there are any circumstances requiring an amendment to the license.
- B. The licensing agency shall request an amendment to modify a license via the Department's electronic database, as specified under R21-6-410.
- C. The licensing agency shall provide the following information to the licensing authority to amend a license:
  - 1. A description of the requested change or changes;
  - 2. Justification for the change or changes, as appropriate;
  - 3. A recommendation by the licensing agency based on the licensing record to issue or deny an amendment to the license; and
  - 4. A recommendation by the licensing agency based on the licensing record to limit the terms or conditions of the license, if applicable.
- D. To change the physical address due to the relocation of the licensee, the licensing agency shall:
  - 1. Conduct a preliminary Life Safety Inspection using the form provided by OLR within seven days of the relocation of the licensee; and
  - 2. Within seven days of the preliminary inspection, submit a request to OLR for a Life Safety Inspection.
- E. To add the name of a spouse due to marriage, the licensing agency shall conduct interviews and assessments to evaluate the spouse's fitness in accordance with licensing requirements. A new spouse shall meet all foster parent licensing requirements in this Chapter, including obtaining a Level One fingerprint clearance card, passing a protective service registries check, and all required pre-service training as prescribed in R21-6-303.

**R21-6-217. Evaluating Changes in Household Composition**

- A.** If there is a change in the household composition, the licensing agency shall evaluate the impact of the change on the dynamics within the home and on the provision of care or supervision to a foster child.
- B.** When a household member is added during the term of the license, the licensing agency shall:
1. Obtain from each new adult household member:
    - a. Information and consents needed to conduct background checks with the Central Registry in Arizona and, if applicable, with the registries in other states the household member has lived in during the previous five years;
    - b. A criminal record self-disclosure;
    - c. Verification that the household member possesses a valid fingerprint clearance card that meets Level One requirements;
    - d. A completed health self-disclosure; and
    - e. A Physician's Statement if providing care for a foster child;
  2. Request a current immunization record for a new child household member;
  3. Conduct interviews, gather required documents, and make observations to evaluate the new household member, including:
    - a. The length of time the foster parent has known the new household member;
    - b. The background of the new household member, including any criminal history and allegations of child abuse or neglect;
    - c. Financial arrangements, if any, between the foster parent and the new household member;
    - d. The role of the new household member in the care and supervision of a foster child;
    - e. Changes in sleeping arrangements;
    - f. Whether the new household member presents a risk to the health, safety, or well-being of a foster child; and
    - g. Whether licensing requirements continue to be met with the addition of the new household member;
  4. Enter information required by this rule via the Department's electronic database within 15 calendar days of receiving notification from a foster parent regarding a new household member;
  5. Use professional judgment in making a recommendation to OLR on the need for an adverse licensing action in response to the new household member;
  6. The licensing agency shall inform the foster parent that a household member's failure to meet requirements specified in Chapter 6, may constitute grounds for an adverse licensing action.

**R21-6-218. Routine Monitoring and Verification of Ongoing Compliance**

- A.** At least once every three months, the licensing agency shall conduct assessments, monitoring, on-site visits, and make copies of required documents, as needed, to verify information and maintain a record of ongoing compliance by the foster parent. Inspection and monitoring activities of the licensing agency shall include, as applicable:
1. A review of records and reports maintained by the foster parent on the care, services, and treatment provided to the foster child;
  2. Interviews with household members;
  3. Interviews with foster children; and
  4. An inspection of the home, premises, and vehicles used to transport foster children.
- B.** At least one monitoring visit per year shall be unannounced.
- C.** At the time of each monitoring or inspection, the licensing agency shall provide the applicant or foster parent with:
1. A written summary of the monitoring or inspection;
  2. Planned follow-up and required corrective actions, as applicable; and
  3. A written summary of the applicant's or foster parent's rights, in accordance with A.R.S. § 41-1009.
- D.** The licensing agency shall keep a copy of the written summaries specified in subsection (C) and make the summaries available to OLR upon request.

**R21-6-219. Corrective Action Plans**

- A.** The licensing agency shall cooperate with OLR and monitor compliance with a corrective action plan to remedy the violation of a licensing requirement.
- B.** The corrective action plan shall:
1. Be written by OLR in consultation with the licensing agency.
  2. Specify the rule violated by the licensee.
  3. Specify the steps a foster parent must take to remedy a violation, and
  4. Specify a date for completion of the required corrective action.
- C.** The licensing agency or OLR may, based on their professional judgment, conduct unannounced monitoring visits to verify the implementation or completion of corrective action.

**R21-6-220. Notification Requirements; Unusual Incident**

- A.** The licensing agency shall notify OLR and the Child Placing Agency of any issues arising under R21-6-326.
- B.** Within 48 hours of the occurrence of an incident specified in R21-6-326, the licensing agency shall provide in writing to OLR and the Child Placing Agency:
1. A description of the incident, including the place, date, and time of occurrence;
  2. The names and contact information for any persons involved in the incident;



- 3. The measures taken by the foster parent to address, correct, or resolve the incident; and
- 4. The action taken by the licensing agency in response to the incident, if applicable.

**R21-6-221. Allegations of Child Abuse or Neglect; Licensing Complaints**

- A.** The licensing agency shall notify OLR in writing of each licensing complaint and each investigation initiated by the Department or law enforcement within 24 hours of the licensing agency becoming aware of the complaint or investigation, unless original notification came from OLR. This notification shall include the:
  - 1. Date and place of the incident;
  - 2. Nature of the complaint or allegation; and
  - 3. Names of all persons involved in the allegation.
- B.** The licensing agency shall conduct an inquiry into each licensing complaint or concern. Within 45 days of being notified of a licensing complaint or concern, the licensing agency shall submit a written report of the licensing inquiry to OLR and to the licensee, in accordance with due process rights and subject to R21-6-418, unless OLR grants an extension in writing. The report of the licensing inquiry shall include:
  - 1. The scope of the inquiry, including a list of persons interviewed and a list of the documentation reviewed;
  - 2. The validity of allegations and other findings related to licensing violations; and
  - 3. Recommendations by the licensing agency regarding follow-up action.
- C.** The licensing agency shall not interfere with, and shall assist, as requested, law enforcement or the Department's Child Safety Workers, and OCWI Investigators in conducting investigations of child abuse or neglect.
- D.** OLR may, if necessary and appropriate, conduct an inquiry or investigation independent of or in conjunction with the licensing agency, law enforcement, or the Department's Child Safety Workers or OCWI Investigators.

**R21-6-222. Waiver of Non-Safety Licensing Requirements for Kinship Care**

- A.** When submitting an application for an initial, renewal, or amended license, the licensing agency may recommend the waiver of a non-safety licensing requirement for an applicant or foster parent who will be providing only kinship care, as defined under R21-6-101(36) if compliance with the non-safety requirement would be a hardship on the applicant or foster parent. The recommendation for a waiver shall include:
  - 1. The specific rule to be considered for waiver by the OLR;
  - 2. The reason compliance would be a hardship;
  - 3. Any proposed alternative compliance with the rule requirement, including pictures or diagrams that depict any physical requirement to be waived; and
  - 4. Justification that waiving the licensing requirement will not compromise the safety of a foster child.
- B.** The licensing agency shall submit the waiver request only on forms supplied by OLR.
- C.** OLR shall consider the waiver of a non-safety licensing requirement on a case-by-case basis.
- D.** An applicant or foster parent shall base a waiver request on a licensing requirement and the needs of the foster child. OLR shall not grant a waiver request because it would be inconvenient for the foster parent or applicant to comply with a licensing requirement.

**ARTICLE 3. LICENSING REQUIREMENTS FOR FOSTER PARENTS**

**R21-6-301. General Requirements for Foster Parents**

- A.** A foster parent shall:
  - 1. Be 21 years of age or older;
  - 2. Reside in Arizona and be lawfully present in the United States;
    - a. Each applicant shall present one of the documents specified under A.R.S. § 41-1080(A) and, as applicable, (E), to the licensing agency to demonstrate that the applicant is lawfully present in the United States; and
    - b. If an alien applicant has only temporary authorization to be present in the United States, the applicant shall provide documentation indicating that the authorization is valid for a minimum of one year or that the applicant has already taken steps to obtain authorization to remain for at least one year.
  - 3. Live in a home in which all adult household members pass a background check based on:
    - a. A Central Registry check in Arizona and in the registries in other states the applicant has lived in during the previous five years.
    - b. A completed and notarized criminal record self-disclosure, and
    - c. A valid Level One fingerprint clearance card from the Arizona Department of Public Safety (DPS).
  - 4. Be of reputable and honest character. A licensing agency shall verify compliance by evaluating information provided by the applicant and information obtained through background checks, references, interviews, and records of the Department;
  - 5. Live in a home in which all household members are free of medical, physical, or mental health conditions that would interfere with the safe care and supervision for a foster child.
    - a. The applicant shall demonstrate compliance by providing his or her licensing agency with:
      - i. A health self-disclosure completed by all adult household members before initial licensure, and at each renewal thereafter;
      - ii. A physician's statement for the applicant completed no more than 12 months before the license application is submitted via the Department's electronic database and at least every two years thereafter; and





plete or inaccurate information.

- F.** Failure by a household member to pass a protective services registries background check, to obtain a fingerprint clearance card, or to cooperate with the licensing process may result in an adverse licensing action.

**R21-6-303. Training Requirements**

- A.** Before OLR issues an initial license, the applicant shall complete and submit evidence of completion of:
  - 1. The minimum number of hours of training required by A.R.S. § 8-509;
  - 2. The training curriculum approved by the Department, which includes training in how to exercise the reasonable and prudent parenting standard;
  - 3. CPR training, which requires the demonstration of CPR skills, and is taught by an instructor certified by a nationally recognized association such as the American Red Cross, the American Heart Association, or the National Safety Council; and
  - 4. First aid training, taught by:
    - a. An instructor certified to teach first aid that conforms to the requirements of a nationally recognized association such as the American Red Cross or the National Safety Council; or
    - b. A doctor of medicine, physician assistant, registered nurse, paramedic, or emergency medical technician who has a current license or certification to practice.
- B.** After, initial licensure as required by A.R.S. § 8-509 the foster parent shall:
  - 1. In addition to CPR certification and first aid training complete a minimum of six hours of training on topics relevant to the health, growth, development, or welfare of a child, or as recommended by OLR, the licensing agency, or the Child Placing Agency;
  - 2. Present evidence of current CPR certification that meets the standards specified in subsection (A)(3); and
  - 3. Present evidence of current first aid training that meets the standards specified in subsection (A)(4).
- C.** The applicant or foster parent shall complete additional training required by the Department, licensing agency, or Child Placing Agency based on the specific needs of the foster parent or of a foster child.
- D.** OLR may waive the requirements for CPR and first aid training if the foster parent has current certification or licensure as a doctor of medicine, physician assistant, registered nurse, paramedic, or emergency medical technician.
- E.** OLR may waive the requirement for CPR training if an applicant or foster parent has a physical limitation preventing them from performing CPR, unless the applicant or foster parent demonstrates that he or she can perform CPR with tools or devices designed for that purpose. A signed physician’s statement shall document the limitation. OLR may, at its discretion, restrict the license of such a foster parent to a specific foster child or population.

**R21-6-304. Life Safety Inspection**

- A.** A foster parent is responsible for ensuring compliance with the Life Safety Inspection rules specified in Chapter 8 of this Title.
- B.** An applicant and foster parent shall cooperate with OLR and the licensing agency when performing the Life Safety Inspection.
- C.** OLR shall:
  - 1. Conduct a full inspection to verify compliance with Life Safety Inspection rules:
    - a. Before an initial license is issued,
    - b. Before an amended license is issued for a new location, and
    - c. At least every two years;
  - 2. Conduct an inspection to verify compliance with specific Life Safety Inspection rules following notification of significant structural modifications to a home or the addition of a pool, as defined by R21-6-101(59); and
  - 3. Permit and encourage the applicant or licensee to make necessary corrections at the time of an inspection. For corrections that cannot be made immediately, the inspector shall explain how OLR or the licensing agency will verify corrections at a later date.

**R21-6-305. Nurturing Responsibilities**

- A** foster parent shall nurture a foster child by:
  - 1. Providing the child with opportunities to develop emotionally, socially, culturally, physically, and educationally, as appropriate to the child’s skill and developmental level;
  - 2. Helping the child develop a positive identity by respecting the child’s race, ethnicity, religion, gender, culture, and sexual orientation;
  - 3. Providing the child with opportunities to make choices and to express preferences appropriate to the child’s age and developmental level;
  - 4. Providing the child with a variety of safe and developmentally appropriate play equipment, toys, and recreational supplies;
  - 5. Practicing positive discipline;
  - 6. Assisting the child with day-to-day concerns;
  - 7. Providing the child with assistance, comfort, and emotional support to ease the distress associated with coming into care and with related transitions;
  - 8. Assisting in maintaining the child’s connection to their family, friends, community, and culture; and



9. Providing opportunities for the child to contact family members by means of face-to-face contact, mail, telephone, or other modes of communication, unless otherwise directed by the Child Placing Agency.

**R21-6-306. Supervisory Responsibilities**

- A.** A foster parent shall commit the time necessary to provide each foster child with care and supervision in accordance with licensing requirements and based on the child's age, developmental level, and maturity.
- B.** A foster parent shall implement the alternative supervision plan, as prescribed by R21-6-331, or R21-6-332 as applicable, if the foster parent must leave any of the following foster children in the care of another person:
  1. Medically complex child,
  2. Child receiving therapeutic foster care, or
  3. Child diagnosed with a developmental disability.
- C.** For routine child care of a foster child or unless prescribed in subsection (B), a foster parent shall have arrangements approved by the Child Placing Agency and the licensing agency. For the purpose of this subsection, "routine care" refers to care that is recurrent and predictable, including preschool, after school care, or care that allows the foster parent to attend recurring activities.
- D.** Except as prescribed in subsections (B) and (C), a foster parent may independently select an adult to provide short-term care or supervision that is not routine. For the purpose of this Section, "short-term" means a time period that does not exceed 24 hours in a nonemergency and does not exceed 72 hours in an emergency.
  1. A foster parent shall use careful and sensible judgment in selecting an adult to provide short-term care or supervision for a foster child and shall ensure that the adult has the ability to meet the specific needs of a foster child.
  2. Before leaving a foster child with an adult to provide short-term care or supervision, a foster parent shall provide the adult with:
    - a. Information about the child's behavioral health, medical, or physical condition that is necessary for the adult to provide care;
    - b. Medication prescribed to be administered to the child, and any relevant instructions for the administration of the medication; and
    - c. Emergency information for contacting the child's physician, the Child Placing Agency, the licensing agency, and the foster parent.
  3. The foster parent shall notify the licensing agency and obtain approval from the Child Placing Agency before the short-term care exceeds:
    - a. Twenty-four hours in a nonemergency situation. Examples of a nonemergency situation include going out to dinner, running errands, grocery shopping, and participation in a special training activity.
    - b. Seventy-two hours in an emergency situation. Examples of an emergency situation include a death in the family, serious illness of a family member, and foster parent illness.
- E.** A foster parent shall use careful and sensible judgment:
  1. To protect each foster child from harm and teach the foster child to manage risks as permitted by the child's age, developmental level, and maturity; and
  2. In determining when additional help or support is needed to ensure the health, well-being, and educational needs of a foster child.

**R21-6-307. Reasonable and Prudent Parenting Standard**

- A.** A foster parent shall use a reasonable and prudent parenting standard to promote normalcy for children in his or her care by encouraging participation in age or developmentally appropriate activities to the greatest extent possible.
- B.** Such activities may include giving permission for a foster child to:
  1. Spend time alone or with friends;
  2. Participate in clubs or extracurricular activities, or on teams; and
  3. Attend birthday parties with friends or sleep-overs.
- C.** A foster parent's exercise of the reasonable and prudent parenting standard, shall not conflict with any appropriate court order or case plan.

**R21-6-308. Positive Discipline**

- A.** A foster parent shall:
  1. Provide positive discipline that is appropriate to the age, life experience, and developmental level of a foster child;
  2. Establish well-defined and clearly communicated rules that set the limits of behavior;
  3. Develop and implement reasonable, developmentally appropriate, and consistent rewards and consequences;
  4. Use disciplinary methods that help a foster child build self-control, self-reliance, and self-esteem;
  5. Inform the Child Placing Agency and the licensing agency of behaviors displayed by the foster child that endanger the health, safety, or well-being of the child or others; and
  6. Abide by Department policy and rule related to positive discipline and prohibited practices under subsection (B).
- B.** A foster parent shall not use or threaten to use, or engage in and shall not permit any other person to use or engage in, the following or similar punishment or maltreatment of a foster child:
  1. Any form of physical punishment, including hitting, spanking, biting, pinching, shaking, slapping, smacking, punching, or kicking;
  2. Deprivation of essential nutrition, clothing, bedding, shelter, medical care, or sleep;



- 3. Force-feeding, except as prescribed by a licensed medical professional;
  - 4. Locked confinement in a room or small area;
  - 5. A consequence that requires a foster child to remain silent or motionless or to be isolated for a time period that is not developmentally appropriate;
  - 6. Mechanical restraint. A mechanical restraint is an article, device, or garment that:
    - a. Restricts a foster child’s mobility, freedom of movement, or the movement of a portion of a child's body;
    - b. Cannot be removed by the foster child; but
    - c. Does not include an orthopedic, surgical, or medical device that allows a foster child to heal from a medical condition or to participate in a treatment program.
  - 7. Humiliation, verbal abuse, or profane language targeting a foster child;
  - 8. Derogatory remarks about the foster child, the child’s identity, or about a person who is significant to the child;
  - 9. Threats to remove the foster child from the home;
  - 10. Cruel, severe, deprived, humiliating, or frightening actions or statements;
  - 11. Noxious stimuli as a consequence, including putting soap, vinegar, or hot sauce into a foster child’s mouth;
  - 12. Denial of a foster child visitation or communication with the child’s birth family members or with a significant person when such denial is not approved by the Child Safety Worker, the Child Safety Worker’s supervisor, or ordered by the Court; or
  - 13. Over-the-counter or prescription medication for the purpose of restraining or sedating a foster child without a physician’s order.
- C.** A foster parent shall notify the Child Placing Agency and the licensing agency within 24 hours of a physician ordering a medication for the purpose of behavior management.
- D.** The use of physical restraint of a foster child is prohibited except to protect a foster child, foster parent, or another person from imminent physical harm resulting from a foster child’s sudden, out-of-control behavior.
- 1. Only a foster parent specifically trained in crisis intervention may use physical restraint on a foster child.
  - 2. No person shall use physical restraint for the purposes of discipline or convenience.
  - 3. A trained foster parent shall administer physical restraint in the least restrictive manner possible to protect the child or others and cease when the child becomes calm.
  - 4. A foster parent shall notify the Child Placing Agency and the licensing agency within 24 hours of the use of physical restraint as required by R21-6-326.

**R21-6-309. Capacity Requirements**

- A.** The maximum capacity of a license shall not exceed five foster children, and may be restricted to fewer than five, if the foster home provides special services under R21-6-331 or an increase is not justified under subsection (F).
- B.** The total number of children in a foster home at one time, including the children of the foster parent and the children of a household member, shall not exceed eight.
- C.** Subject to subsection (F), OLR may permit an applicant or licensee to exceed the maximum number of children in the home:
- 1. To keep a sibling group together, if approved in writing by the DCS Director’s office or designee;
  - 2. If the total number of foster children exceed five and the additional requirements specified in R21-6-331 are met for a Group Foster Home; or
  - 3. If the children living in the applicant or licensee’s home would exceed eight, including any foster children, and the applicant or licensee meets the requirements of subsection (F);
  - 4. To keep a foster child in the home as of the effective date of this Section.
- D.** The total number of children in the foster home at one time, including the children of the foster parent and any household member, any child placed for respite care, child care services, or babysitting shall not exceed:
- 1. Four who are five years of age or younger in the care of one adult; and
  - 2. Two who are less than one year of age in the care of one adult.
- E.** OLR may permit the licensee to exceed the age limits of children in the foster home, as specified in subsection (D), to accommodate multiple birth siblings.
- F.** Recommendations of the licensing agency and decisions of OLR to establish or increase the capacity of a foster home or to exceed the limits as indicated in subsections (B) and (C), shall be justified by:
- 1. Adequate sleeping arrangements (as specified by R21-6-310 and R21-6-311),
  - 2. The support network available to the foster parent, and
  - 3. The licensee’s willingness and ability to provide care for each additional foster child.
- G.** A foster parent is limited to the capacity, age, gender, and other conditions or restrictions specified on the license when providing care, including respite care.

**R21-6-310. Sleeping Arrangements**

- A.** The sleeping arrangement for each foster child shall be safe and appropriate, based on the child’s age, gender, special needs, behavior, and history of abuse or neglect.
- B.** A foster parent shall ensure compliance with the following sleeping arrangements:
- 1. A foster child shall not share a bedroom with an adult, with the following exceptions:
    - a. A foster child less than the age of three years may share a bedroom with a foster parent.



- b. A foster child age three years and older may share a bedroom with a foster parent when:
  - i. The child temporarily needs the attention of the foster parent during sleeping hours, or
  - ii. The sleeping arrangement and the reason for it are approved by the Child Placing Agency.
- c. A foster child who has regularly shared a bedroom with another child who has turned 18 years of age may continue to share the bedroom unless the Child Placing Agency determines that the arrangement is contrary to the best interests of the foster child.
- 2. Any child in the home, aged six years and older, shall not share a bedroom with a foster child of the opposite gender, except as permitted by subsection (C).
- C. A foster child, aged six years and older, may share a bedroom with a sibling of the opposite gender:
  - 1. When the Child Placing Agency grants written approval for the purpose of facilitating a smooth transition for a child into the foster home:
    - a. The Child Placing Agency shall limit such approval to the first 60 days of placement; unless
    - b. The Child Placing Agency makes a written finding after 60 days and annually thereafter that is consistent with the case plan of all siblings sharing the bedroom and it is in the best interest of all of the siblings to continue to share the bedroom;
  - 2. When there are no safety issues, such as that listed in subsection (C)(3)(a) and
  - 3. The Child Placing Agency shall not grant approval:
    - a. If either child has a history of sexual abuse, or
    - b. Solely for the convenience of the foster parent.
- D. A foster child who is a minor parent may share a bedroom with his or her child.

**R21-6-311. Bedrooms, Beds, and Bedding**

- A. The placement of a foster child shall not displace another foster child or a household member from a bedroom to a space unrelated to sleeping.
- B. A foster parent shall provide a foster child with a bedroom that accommodates the privacy and safety needs of the child and that is a finished room demonstrated by:
  - 1. Floor-to-ceiling walls.
  - 2. A door with a working doorknob or latch.
  - 3. Lighting.
  - 4. Ventilation.
  - 5. Appropriate heating and cooling, and
  - 6. A window or door that opens directly to the outdoors and is accessible for emergency evacuation.
- C. A foster parent shall not use a space used as a closet, passageway, or primarily for purposes unrelated to sleeping as a bedroom for a foster child.
- D. The bedroom for a foster child shall be large enough to accommodate a bed, furniture to store and display personal belongings, and space for the child to dress and move about.
- E. A foster parent shall provide each foster child with a bed that is safe and appropriate based on the child's age and special needs. For the purpose of this Section, "bed" does not include sleeper sofas, rollaway beds, couches, cots, portable crib such as Pack 'n Play, sleeping bags, or mats, unless approved by OLR on a temporary basis not to exceed six days.
  - 1. A foster parent shall ensure that:
    - a. Each foster child is provided with a separate bed or crib, as appropriate;
    - b. A foster child less than the age of three years does not sleep on a waterbed; and
    - c. A foster child does not sleep on the top tier of a bunk bed or similar style bed in which the top of the mattress is elevated four or more feet above the floor, if the child:
      - i. Is less than the age of six years.
      - ii. Has a disability that limits mobility, or
      - iii. Has a seizure disorder.
  - 2. A foster parent may:
    - a. Provide a foster child with a used mattress if the mattress is sanitary; and
    - b. Allow a foster child not identified by subsection (E)(1)(c) to sleep in a bunk bed or similar style bed in which the top of the mattress is elevated four or more feet above the floor, if:
      - i. The top bunk is securely fastened to the side frames;
      - ii. The top bunk has guard-rails that extend at least five inches above the mattress surface to prevent a child from rolling off;
      - iii. The top bunk has cross ties or other secure structures under the mattress foundation to prevent the mattress from falling through the frame;
      - iv. The distance between the two beds or between the top bunk and the ceiling is sufficient to allow the child to sit upright while in bed; and
      - v. The bunk bed does not exceed two tiers.
- F. A foster parent providing respite care for a foster child may use a sleeper sofa, rollaway bed, couch, cot, portable crib such as a Pack 'n Play, sleeping bag, or mat as an acceptable sleeping accommodation provided that:
  - 1. The respite care does not exceed 14 consecutive days, and



2. The accommodation does not compromise the health or safety of the child.

**G.** Except as provided in subsection (H), bedding for a foster child shall be clean and shall include:

1. A pillow;
2. Bottom or fitted sheet;
3. A top sheet, blanket, or cover, as appropriate; and
4. A waterproof mattress cover, as needed.

**H.** Bedding for infants shall be clean and shall not include pillows, blankets, bumper pads, or other soft items or surfaces.

**R21-6-312. Meals and Nutritional Needs**

A foster parent shall:

1. Encourage a foster child to participate in meals as a member of the family;
2. Provide a foster child with a well-balanced and nutritionally adequate diet; and
3. Provide for the special dietary needs of a foster child, as determined by a medical or nutritional authority or as is customary in the child’s religion or culture.

**R21-6-313. Hygiene and Daily Needs**

The foster parent shall provide a foster child with:

1. Clean clothing and shoes that are in good repair and appropriate to the child’s age, size, developmental level, gender, gender identity, the weather conditions, and the occasion;
2. The supplies, instruction, and assistance needed to care for the child’s hygiene, including tooth brushing, bathing, hair care, using the toilet, hand washing, diapering, menstrual care, and shaving, as appropriate; and
3. Privacy while dressing, bathing, and during the care of other personal needs, as developmentally appropriate.

**R21-6-314. Health and Medical Care**

The foster parent shall protect and care for the health and well-being of a foster child and:

1. Provide necessary first aid and care to treat common childhood ailments and injuries;
2. Obtain 10 well-child visits for each child aged from birth to two years as described in subsections (a)-(h) below. A well child visit includes both a medical and vision examination as appropriate to the child’s age. A foster parent shall obtain a well-child visit when a foster child is the following ages:
  - a. Three to five days;
  - b. One month;
  - c. Two months;
  - d. Four months;
  - e. Six months;
  - f. Nine months;
  - g. Twelve months; and
  - h. Fifteen Months;
3. Obtain an annual well-child visit for each child older than two years of age.
4. Obtain routine dental examinations for each foster child older than one year of age at least once every six months and more frequently as needed for other services, such as filling cavities and orthodontics;
5. Review the child’s medical, vision, and dental records if available; and if the foster child has not had a medical, vision, or dental exam within the past year, the foster parent shall schedule the child for an exam within two weeks after the foster child is placed with the foster parent;
6. Obtain necessary care and treatment for medical, vision, dental, behavioral health, and other services identified in the placement agreement specified under R21-6-314;
7. Obtain immunizations based on the current recommended immunization schedule published by the Centers for Disease Control and Prevention, unless specified otherwise in the care plan for the foster child;
8. Administer prescription medication only as prescribed and ensure no lapse occurs in the administration of the prescription medication to the foster child;
9. Carry out the written and verbal instructions from qualified professionals regarding the medical, vision, dental, and therapeutic needs of the foster child and notify the Child Placing Agency when written and verbal instructions from multiple medical professionals conflict; and
10. Ensure that a foster child, 12 months of age and younger, is placed to sleep on the foster child’s back to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless otherwise authorized in writing by the child’s physician.

**R21-6-315. Smoking Restrictions**

To reduce the risk of secondhand smoke, the foster parent shall ensure that smoking any substance, including tobacco, e-cigarettes, and prescribed marijuana through any delivery system, is prohibited and does not occur at any time in the foster home, or at any time when a foster child is present in a vehicle used to transport a foster child.

**R21-6-316. Transportation Responsibilities**

- A.** A foster parent shall provide or arrange appropriate local transportation to meet the routine educational, medical, recreational, social, religious, and therapeutic needs of a foster child.
- B.** When a foster child is transported by or at the direction of a foster parent, the foster parent shall ensure that the vehicle,



at a minimum:

1. Is maintained in safe operating condition;
2. Is properly licensed, registered, and has liability insurance; and
3. Has passenger safety restraints available and:
  - a. Each foster child less than the age of five years or weighing less than 40 pounds is properly secured in a child car seat and child restraint system that is appropriate to the height, weight, and physical condition of the child;
  - b. Each foster child five to eight years of age who weighs more than 40 pounds, but is less than four feet nine inches in height is properly secured in a child restraint system that is appropriate to the height, weight, and physical condition of the child;
  - c. Each foster child not covered by subsections (a) and (b) is properly secured with a seat belt;
  - d. Each foster child with a disability that prevents the child from maintaining head and torso control while sitting is secured in a car bed, harness, or other device designed to protect the child during transportation; and
  - e. If a foster child is transported in a wheelchair, the child is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lock-down devices.
- C. A foster parent shall not leave a foster child unattended during transportation if the child:
  - a. Is less than seven years of age;
  - b. Has a developmental disability; and
  - c. Is more than seven years of age and that the child is physically and emotionally incapable of traveling alone;
- D. The Child Placing Agency shall ensure that the foster parent has all of the equipment in place and properly installed to meet the requirements of subsection (B) prior to placement.
- E. A foster parent shall ensure the following safety requirements for drivers selected by the foster parent to transport a foster child:
  1. The driver has a valid driver license; and
  2. The driver practices safe, defensive driving and obeys all traffic laws.
- F. A child shall not be transported in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.

#### **R21-6-317. Education and Development**

The foster parent shall:

1. Communicate developmental and educational progress and challenges to the Child Safety Worker or Child Placing Agency, including any noted developmental delays;
2. Send a school-age foster child to public school unless alternative educational arrangements, such as private or home schooling, have been approved in the child's case plan, by the Child Safety Worker's supervisor, or the Child Placing Agency supervisor;
3. Work with the Child Safety Worker or Child Placing Agency to determine educational needs beyond those provided in the school setting and make reasonable efforts to obtain these educational services that are available from the school, district, or other providers for education services;
4. Encourage the foster child's academic progress by making reasonable efforts to ensure the completion of homework and participating in parent-teacher conferences, the Individualized Education Program (IEP), and Individualized Family Service Plan (IFSP) Meetings, as appropriate; and
5. Make reasonable effort to:
  - a. Ensure school attendance; and
  - b. Schedule appointments, visitations, and other activities during hours that do not interfere with school.

#### **R21-6-318. Religious and Cultural Practices**

A. The foster parent shall:

1. Protect and support a foster child's right to participate in the child's religious and cultural practices.
2. Coordinate with the licensing agency or Child Placing Agency, to provide opportunities for a foster child's participation in the child's religious and cultural activities, and
3. Not compel a foster child to participate in the foster parent's religious or cultural activities if it is contrary to the child's cultural or religious practices or the wishes of the child's birth parent.

B. If there is a conflict between the religious or cultural practices of a foster parent and a foster child, the foster parent shall notify the licensing agency, which shall notify the Child Placing Agency, so that alternative arrangements may be made.

#### **R21-6-319. Recreation**

The foster parent shall:

1. Encourage a foster child to participate in appropriate indoor and outdoor recreation;
2. Provide adequate supervision, protection, and guidance during the use of recreational equipment, including swimming pools;
3. Ensure that the use of recreational equipment is in accordance with manufacturers' guidelines; and
4. Promote the foster child's use of appropriate safety gear for recreational activities.

#### **R21-6-320. Out-of-State Travel**

Before taking a foster child out of Arizona for more than seven consecutive days, a foster parent shall notify the licensing agency and Child Safety Worker of the destination and dates of travel.



**R21-6-321. Rights of a Foster Child**

- A.** A foster parent shall ensure that the rights of a foster child as listed in A.R.S. § 8-529 are protected and upheld. In addition, a foster child has the right to:
  - 1. Live in a safe, clean, and humane environment;
  - 2. Be free to express their gender identity and sexual orientation;
  - 3. Be free from physical, sexual, emotional, or other abuse;
  - 4. Be treated with dignity and respect by foster parents and household members;
  - 5. Protection from exploitation and to learn the skills needed to protect him or herself from exploitation;
  - 6. Protection for and access to his or her adaptive aids, if applicable;
  - 7. Retain personal belongings when moving from the foster home, including usable clothing, furniture, electronic equipment, bicycles, toys, and other items purchased specifically for or given to the child;
  - 8. Access his or her personal spending money, unless access is limited by the Child Placing Agency as part of a documented plan approved by the Child Placing Agency such as a plan to protect the child from exploitation or a pattern of misuse;
  - 9. Be taught how to manage personal spending money;
  - 10. Assume responsibility for some household duties in accordance with the child’s age, health, and ability; assigned responsibilities and tasks shall not deprive the child of school, sleep, reasonable play time, or study periods;
  - 11. Participate in activities as a member of the family, including meals, outings, and celebrations;
  - 12. Participate in extracurricular, enrichment, social, and community activities, including sports, school activities, cultural programs, and religious groups based on a reasonable and prudent parenting standard. This participation may be restricted by reasonable curfew, cost considerations, a court order, or as agreed upon by the foster parent and the Child Placing Agency;
  - 13. Be encouraged to have contact with and visit family members, consistent with the case plan, unless prohibited by court order;
  - 14. Have visitors, within reasonable boundaries established by the foster parent, and unless prohibited by court order;
  - 15. Confidential communication with his or her Child Safety Worker or Child Placing Agency, advocates, attorney, guardian ad litem, and guardian; and
  - 16. Express dissatisfaction with or file a complaint against a foster parent or the Child Placing Agency without retaliation.
- B.** A foster child over the age of puberty, or as early as can be reasonably expressed by the child, shall have the right to specify the gender of the person to assist the child with personal care, if needed and appropriate.
- C.** A foster child with a disability has the right to participate in typical daily activities with the least amount of physical assistance necessary to accomplish the task and to live in a home adapted to protect the child and to assist the child in experiencing developmentally appropriate independence.
- D.** If a foster parent is not able to protect or uphold one or more of the above rights, the foster parent shall immediately notify the Child Placing Agency and the licensing agency so that alternative arrangements or assistance may be made to protect the rights of the child.

**R21-6-322. Confidential Information**

- A.** A foster parent shall protect and maintain the confidentiality of a foster child, by protecting and safeguarding all personally identifiable information about a foster child and his or her family.
- B.** Information related to the reason for a foster child’s placement or related to a foster child’s family is considered confidential information, under A.R.S. § 8-807 and A.R.S. § 8-502.
- C.** A foster parent may only share a child’s confidential information strictly on a need-to-know basis:
  - 1. With health care providers, schools, child care providers, and legal representatives, as appropriate; or
  - 2. As authorized by the Child Placing Agency or guardian.
- D.** A foster parent shall not share information or photos that identify a child as a foster child on the internet, including social media.
- E.** A foster parent shall not share a foster child’s information or photos that identify the child as a foster child, unless there is a need to know, with other individuals or organizations, including friends, co-workers, relatives, and neighbors.
- F.** A foster parent shall safeguard and maintain a foster child’s records in a manner that prevents loss, tampering, or unauthorized access or use.
- G.** Failure to keep confidential a foster child’s records or information may result in an adverse licensing action.

**R21-6-323. Information and Records to Be Provided to the Foster Parent**

- A.** The Child Placing Agency shall provide a foster parent with the following documents and information, to the extent that this information is available for each foster child within 30 days:
  - 1. The insurance card or insurance identification number and written consent authorizing the foster parent to access medical records and obtain routine, nonsurgical, and emergency medical care for the child;
  - 2. A summary of the child’s medical history and the name of the child’s last known physician;
  - 3. A summary of the child’s education history and the name of the school most recently attended by the child;
  - 4. A summary of the child’s social history;
  - 5. Restrictions or limitations to the sharing of confidential and personally identifiable information about the child;



6. Information about the child's behavioral health, medical, or physical condition that is necessary or beneficial to provide quality care;
  7. Medication that is prescribed to be administered to the child, and any relevant instructions for the administration of the medication;
  8. The religious and cultural beliefs and preferences of the child and of the child's birth family;
  9. Emergency contact information for the child, including a means to contact the Child Placing Agency;
  10. Placement packets from prior placements, if applicable;
  11. A copy of the child's case plan; and
  12. A placement agreement that specifies the following:
    - a. Requirements and restrictions related to the child's diet, personal care, and activities;
    - b. Requirements and restrictions related to the supervision of the child;
    - c. Requirements and restrictions for interaction with the child's family and other persons;
    - d. The person responsible for obtaining and transporting the child to needed services. These services include medical care, vision care, dental care, counseling, and other services or treatment;
    - e. A plan for the purchase, installation, and maintenance of environmental modifications to accommodate the disabilities of a child, if applicable; and
    - f. A plan for the completion of training needed by the foster parent to care for the special needs of the child, if applicable.
- B.** A foster parent shall sign and abide by the placement agreement, described in subsection (A)(12).
- C.** A foster parent shall maintain and store the foster child's records from DCS in a secure place.
- D.** The foster parent shall not use the information obtained to initiate discussions of the child's history or experience of abuse or neglect with the child.

**R21-6-324. Records Maintained by the Foster Parent**

- A.** A foster parent shall maintain a record throughout the care of the foster child of:
1. Each foster child's contact with family members and other significant persons; and
  2. Educational, medical, vision, dental, or therapeutic care provided to the foster child while living in the home.
- B.** At the discretion of the Department or the licensing agency, a foster parent shall, when requested, provide proof of how the funds designated for a foster child were expended.
- C.** A foster parent shall safeguard a foster child's records to prevent loss, tampering, and unauthorized access.
- D.** A foster parent shall collect and maintain information and materials significant to a foster child's personal history. The collection is sometimes referred to as a "life book":
1. Typically includes photos, letters, report cards, school projects, artwork, and souvenirs; and
  2. Is the property of the child and will go with the child if he or she moves from the foster home.
- E.** Within seven days of the end of a foster child's placement in a home, the foster parent shall provide the Child Placing Agency with:
1. The records described in subsection (A); and
  2. A written description of the child's daily routine, personal preferences, and habits.

**R21-6-325. Participation in the Service Team**

- A.** The purpose of the service team is to ensure collaboration on the development and review of a foster child's case plan. A foster parent is a member of the service team for each foster child in his or her care. The service team also includes:
1. The foster child, as appropriate to the child's age and developmental level;
  2. The foster child's family, including persons who have a significant relationship with the family or the child;
  3. A representative of the Child Placing Agency;
  4. A representative of the licensing agency;
  5. Court-appointed advocates; and
  6. Persons providing services to the foster child, including attorneys, physicians, therapists, teachers, tribal representatives, and law enforcement personnel.
- B.** A foster parent shall participate as a member of the service team by:
1. Attending team meetings when:
    - a. The foster parent receives reasonable advance notice of the date, time, and location of the meeting; and
    - b. The meetings are held at a time and place that is accessible to the foster parent and compatible with the foster parent's work and child care schedules.
  2. Participating in team meetings through alternative means, which may include:
    - a. Conference calls, and
    - b. Providing advance comments to the Child Placing Agency or to other team members who will attend the meeting.
  3. Reporting to the team on the child's progress and concerns.
  4. Assisting in the review and development of the case plan.
  5. Assisting the child in attending and participating in meetings, as appropriate to the child's schedule, age, and developmental level.
- C.** A foster parent shall implement the case plan by:



1. Performing the tasks assigned to the foster parent in the case plan;
2. Helping a foster child to attain the goals identified in the case plan; and
3. Helping a foster child to obtain services specified in the case plan.

**R21-6-326. Notification Requirements; Unusual Incident**

**A.** A foster parent shall immediately notify the Child Placing Agency and licensing agency of the following incidents. For the purpose of this section, “immediately” means as soon as possible, following the notification of emergency services (911).

1. Death of a foster child;
2. Unexplained absence of a foster child;
3. Unauthorized removal or attempted removal of a foster child from the care and supervision of the foster parent;
4. A serious illness, injury, or mental health crisis of a foster child requiring hospitalization or emergency room treatment;
5. An allegation or the discovery of a sign of abuse or neglect of a foster child;
6. Arrest of a foster child or the involvement of a foster child with law enforcement that does not lead to arrest;
7. Fire or other situation requiring overnight evacuation of the home;
8. Incidents that involve or are likely to involve the media; or
9. Any other unusual incident that seriously jeopardizes the health, safety, or well-being of a foster child.

**B.** A foster parent or the licensing agency shall document the incident on a form provided by the Department.

**C.** A foster parent shall notify the Child Placing Agency and the licensing agency within 24 hours of the following incidents:

1. Injury, illness, change of medication, or medication error that requires a foster child to be seen by a doctor of medicine, physician assistant, or registered nurse practitioner;
2. Theft of money or property belonging to a foster child;
3. Significant damage to the property of a foster child;
4. Injury to others or significant damage to the property of others caused by a foster child;
5. The use of physical restraint to control a foster child’s sudden, out-of-control behavior;
6. Arrest of a household member or involvement of a household member with law enforcement that does not lead to an arrest;
7. Changes in the household that affect the foster parent’s ability to meet the needs of the foster child;
8. Life-threatening illness, injury, or the death of a household member; or
9. Incidents involving a DCS Report or investigation.

**D.** Within 24 hours of the occurrence of an incident specified in subsection (A) or (C), a foster parent shall provide the licensing agency in writing with:

1. A description of the incident, including the date and time of occurrence;
2. The names and contact information for any persons involved in the incident;
3. The names and contact information for any person who witnessed the incident; and
4. The measures taken by the foster parent to address, correct, or resolve the incident.

**R21-6-327. Notification Requirements; Home or Household Changes**

**A.** A foster parent shall notify the licensing agency of any changes in the family or household composition, as soon as the foster parent is aware of the change including:

1. Marriage of a foster parent;
2. Divorce or separation of a foster parent;
3. Death of a foster parent or of a household member;
4. Addition or departure of a household member from the home, including the birth or adoption of a child;
5. Any changes in the living arrangements or circumstances of the unlicensed spouse when a foster parent is married but licensed individually under R21-6-408(B); or
6. The addition of a visitor or household member to the foster home for:
  - a. 30 or more consecutive days, or
  - b. 30 or more cumulative days in a year.

**B.** A foster parent shall notify the licensing agency of substantial changes to the home, foster home, or premises, including:

1. Moving or relocation to another home;
2. The addition of a pool, as defined in Article 1 of this Chapter; or
3. Significant structural modifications to the home. For the purpose of this section, “structural modification” includes:
  - a. Adding or removing walls, windows, or doors; or
  - b. Converting a garage, attic, basement, or other similar space into a bedroom.

**C.** If a foster parent has advance knowledge of an event or change listed in subsection (A) or (B), the foster parent shall give the licensing agency reasonable advance notice of the anticipated event or change. “Reasonable advance notice” means notice that permits sufficient time for:

1. The licensing agency to request a Life Safety Inspection, in accordance with R21-6-211;
2. OLR to issue an amended license, as prescribed in R21-6-410; and



3. The foster parent to continue providing care and supervision in the licensed foster home without disruption of the placement.
- D. The foster parent shall notify and obtain approval from DCS and the licensing agency before receiving a child from a Child Placing Agency, other than DCS.
- E. Failure to notify the licensing agency of an event or change may result in an adverse licensing action.

**R21-6-328. Emergency and Disaster Plan**

- A. A foster parent shall develop and maintain in the home a written emergency and disaster plan that includes:
  1. Contact information for each foster child, including the name and telephone number of the primary care physician and the Child Placing Agency;
  2. An evacuation plan for the home, as required by Chapter 8 of this Title; and
  3. A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.
- B. A foster parent shall provide a copy of the relocation plan to the Child Placing Agency for each foster child and to the licensing agency.
- C. As appropriate to the foster child's age and developmental level, a foster parent shall review and practice the evacuation plan with the child:
  1. Within 72 hours of the child's placement in the home,
  2. Within 72 hours of the foster parent's relocation to another home, and
  3. At least once each year following the child's placement in a foster home.

**R21-6-329. Special Provisions for Respite Care**

- A. A foster parent who provides respite care shall comply with all foster home requirements.
- B. A foster parent who provides respite care may simultaneously provide respite care, family foster care, and receiving care so long as the total number of children in the foster home at any one time does not exceed the ratios prescribed in R21-6-309 and the terms of the foster home license.
- C. A foster parent who provides respite care shall request and receive information and instruction from the regular foster home licensee on at least the following:
  1. Information and instruction about the specific personal care of a child in respite care;
  2. Information and instruction about the provision of medications required by a child in respite care;
  3. Behavior management policies and practices and specific instructions for a child in respite care; and
  4. Emergency contacts and telephone numbers for a child in respite care.
- D. A foster parent who provides respite shall comply with the requirements of R21-6-316. The respite provider shall have properly installed and adequate safety restraints and child car seats appropriate to the foster child's age for each child in respite care being transported. A foster parent may provide the equipment required by this subsection to the respite provider.

**R21-6-330. Special Provisions for an In-home Respite Foster Parent**

- A. A person applying for licensure solely as an in-home respite foster parent shall comply with all requirements in this Chapter except as otherwise provided in this Section.
- B. An applicant for an in-home respite foster parent is not required to provide the following:
  1. Immunization records for each child in the applicant's household as required by R21-6-403;
  2. Documentation of sufficient income as required by R21-6-403;
  3. A statement explaining the child care arrangements the applicant would make for a foster child, or the applicant's own children, during the applicant's working hours;
  4. A statement explaining how activities related to a business activity will not interfere with the care of a foster child;
  5. A description of the applicant's home and neighborhood;
  6. Fingerprinting or a criminal history check for household members, other than the applicant for in-home respite care, as required by R21-6-302; and
  7. Contact information for the foster child's Child Safety Worker.
- C. The following rules do not apply to a person seeking licensure solely as an in-home respite foster parent:
  1. R21-6-304. Life Safety Inspections;
  2. R21-6-311. Bedrooms, Beds and Bedding;
  3. Life Safety Inspection requirements in Chapter 8 of this Title;
  4. R21-6-314. Health and Medical Care; subsections (2)-(5);
  5. R21-6-323. Information and Records to be Provided to the Foster Parent, specifically the Placement Agreement requirements;
  6. R21-6-324. Records Maintained by the Foster Parent, except to document any behavioral health incidents, medical care, provision of medication, and any other event or service required by the case plan or which may be requested by the regular foster parent while the in-home respite foster parent has responsibility for the foster child in care;
  7. R21-6-325. Participation in the Service Team, unless requested to do so;
  8. R21-6-326. Notification Requirements; Unusual Incident, subsection (C)(7), unless the change or event directly affects the licensee's ability to provide respite care and comply with these rules; and



- 9. R21-6-327. Notification Requirements: Home or Household Changes, unless the change or event directly affects the licensee’s ability to provide respite care and comply with these rules.
- D. An in-home respite foster parent shall request and receive information and instruction from the foster parent on at least the following:
  - 1. Information and instruction about the specific personal care of a foster child in respite care;
  - 2. Information and instruction about the provision of medications required by a foster child in respite care;
  - 3. Behavior management policies and practices and specific instructions for a foster child in respite care; and
  - 4. Emergency contacts and telephone numbers for a foster child in respite care;
  - 5. Household policies and practices for emergency situations; and
  - 6. Routine household management practices that will provide for continuity in operation of the foster home for the comfort and support of a foster child in care.
- E. An in-home respite foster parent shall not permit any unlicensed person to accompany or assist the in-home respite foster parent while providing respite care.

**R21-6-331. Requirements for Certification to Provide Specialized Services**

- A. A license for a foster parent is a regular license.
- B. If the foster parent has met the additional requirements for certification to provide specialized services, OLR shall document the area of certification on the regular license. If more than one person is identified on the license, both shall meet the additional requirements for certification to provide a specialized service; except the foster parent who is not the primary care giver is exempt from compliance with subsections (E)(1)(a), (E)(2)(a) and (b), (E)(3)(b) and (c), and (E)(4).
- C. The foster parent shall comply with the requirements specified in this Section to renew the certification.
- D. The certification to provide a specialized service:
  - 1. Does not change the renewal date of the regular license; and
  - 2. Shall expire at the next renewal date of the regular license.
- E. The classes of foster homes that provide specialized services and the certification requirements are:
  - 1. Receiving Foster Home. This is a home in which the licensed foster parent receives a foster child with limited notice and provides care for a limited period of time. The foster parent for a receiving foster home shall:
    - a. Have three months' successful experience in child welfare, foster care, health care, education, or a related profession as approved by OLR. "Successful experience" means that the foster parent has been responsible for the health, safety, and well-being of a child for a minimum of 20 hours per week without any negative actions, such as termination for cause;
    - b. Assist the Child-Placing Agency in assessing the needs of each foster child placed on an emergency basis;
    - c. Assist the Child-Placing Agency in transitioning the foster child to another care setting.
    - d. Shall be prepared to accept a foster child, according to the capacity and terms of the foster home license, 24 hours per day, seven days per week; and
    - e. May be approved to simultaneously provide receiving care, family foster care, and respite care so long as the total number of children in the foster home at any time does not exceed the number approved in the regular foster home license, or any of the other limitations of the regular foster home license.
  - 2. Medically Complex Foster Home. This is a foster home that is licensed with a maximum capacity of three foster children, and each foster parent has completed specialized training to provide care to foster children identified by the Department as having medically complex needs. Children with medically complex needs include those who have or are at risk for chronic physical or developmental conditions and who require health-related services beyond that required by children in general. The foster parent for a Medically Complex Foster Home shall:
    - a. Have one of the following minimum experience or education:
      - i. One year’s experience as a licensed foster parent; or
      - ii. Licensed or certified as a healthcare professional, such as a doctor, nurse, or certified nursing assistant; or
      - iii. Three months’ successful experience in child welfare, foster care, health care, education, or a related profession as approved by OLR. "Successful experience" means that the foster parent has been responsible for the health, safety, and well-being of a child or adult with medically complex needs for a minimum of 20 hours per week without any negative actions, such as termination for cause; or
      - iv. A bachelor’s or graduate degree in healthcare, such as medicine or nursing.
    - b. Not have employment or commitments that interfere with the foster parent’s ability to meet the foster child’s medical needs and schedule;
    - c. Use adaptive equipment and encourage the foster child to use adaptive equipment to facilitate the child’s participation in daily living activities;
    - d. Provide the foster child with opportunities to participate in community activities on a regular basis unless there is a compelling medical reason not to do so;
    - e. Develop and follow an alternate supervision plan, approved by the Department, Child Placing Agency, and the licensing agency, if the foster parent is not available to provide primary care and supervision to foster children with medically complex needs. The alternate supervision plan shall include:
      - i. The name of each adult, age 18 years and older, who can provide supervision if the foster parent is not present;





- iii. Overview of medication interactions and potential medication reactions.
- g. Complete training to care for the special needs of a foster child, as indicated in the placement agreement;
- h. In addition to the training specified under R21-6-303, complete a minimum of 24 hours of training prior to license renewal. The Department shall approve the training curriculum and coordinate the training curriculum through a licensing agency. The training shall include:
  - i. Positive behavior development and de-escalation techniques,
  - ii. The purpose and safe use of medications, and
  - iii. Overview of medication interactions and potential medication reactions.
- 4. Group Foster Home. This is a home in which all licensed foster parents are certified to provide care for six to 10 foster children for the purpose of accommodating a specific sibling group, or as otherwise provided in A.R.S. § 8-514, for over capacity placements. In addition to meeting the requirements for a regular license, the foster parent for a Group Foster Home shall:
  - a. Have the following minimum experience or education:
    - i. History of care or contact with the specific children to be placed in the Group Foster Home; or
    - ii. One year’s experience as a licensed foster parent; or
    - iii. Three months’ successful experience in child welfare, foster care, education, or a related profession as approved by OLR. “Successful experience” means that the foster parent has been responsible for the health, safety, and well-being of a child for a minimum of 20 hours per week without any negative actions, such as termination for cause.
  - b. Uphold the age limitations of children prescribed by R21-6-309;
  - c. Conduct a fire drill at least once every three months;
  - d. Have at least two full bathrooms in the home; and
  - e. If recommended by OLR, or the Child Placing Agency, complete advanced training on positive behavior development, de-escalation techniques, or other topics related to the specific care needs of the foster children.

**R21-6-332. Placement of a Child With a Developmental Disability in a Foster Home**

- A. OLR shall refer the foster parent to the DES Division of Developmental Disabilities (DDD), Office of Licensing, Certification and Regulation (OLCR) for licensing as a child developmental home, if the Department has placed a child with a Developmental Disability in a foster home and the foster home has:
  - 1. No more than three placements, including the child with a Developmental Disability, or
  - 2. More than three placements but the placements are only the child with the Developmental Disability and that child’s siblings.
- B. If the foster home is licensed by DES OLCR as a child developmental home, OLR shall place the regular foster home license on inactive status. The foster parent may reactivate the regular foster home license by complying with R21-6-413.
- C. If the foster home is not licensed by the DES OLCR as a child developmental home, or the foster home has more than three, but no more than five placements, including the child with a Developmental Disability, the home may remain a regular foster home with the following requirements:
  - 1. If the child with a Developmental Disability is eligible under A.R.S. § 36-559, OLR shall refer the foster parent to DES OLCR as an option to become HCBS certified; and
  - 2. The foster parent shall follow written and verbal instructions and orders from qualified professionals regarding the medical, dental, habilitative, and therapeutic needs of the child with a Developmental Disability.
- D. If the foster parent is not available to provide primary care and supervision for a foster child with a Developmental Disability, the foster parent shall develop and follow an alternate supervision plan, approved by the licensing agency and the Child Placing Agency in consultation with DES if the child with the Developmental Disability is eligible under A.R.S. § 36-559. The alternate supervision plan shall include:
  - 1. The name of each adult, age 18 years and older, who can provide supervision if the foster parent is not present;
  - 2. Information about the foster child’s medical, physical, behavioral health condition, or other factors that put the child’s health, safety, or well-being at risk that is necessary to provide care;
  - 3. Medication that is prescribed to be administered to the foster child while the foster parent is not present and any relevant instructions for the administration of that medication;
  - 4. Specialized training taken by individuals in subsection (1) necessary to provide care and supervision to the foster child; and
  - 5. Emergency contact information for the foster child, including a means to contact the foster parent, the licensing agency, and the Child Placing Agency.

**ARTICLE 4. THE LICENSING PROCESS FOR FOSTER PARENTS**

**R21-6-401. Minimum Qualifications to Apply for a License**

- A. Any individual or married couple meeting the following minimum qualifications shall be eligible to apply for licensure as a foster parent regardless of gender, race, religion, political affiliation, national origin, disability, or sexual orientation.
- B. All applicants shall submit a complete application and accompanying documentation for a foster home license.
- C. To apply for a family foster home license, the applicant shall:



1. Be at least 21 years of age, except as provided in R21-6-419.
2. Reside in Arizona and be lawfully present in the United States.
3. Not have a record of withdrawing from the licensing application process or closing a license before the completion of an investigation or licensing inquiry, except as permitted under R21-6-414(I); and
4. Declare under oath that he or she:
  - a. Has not committed a crime specified in Arizona Revised Statutes as a precluding crime for the issuance of a Level One fingerprint clearance card; and
  - b. Is not a registered sex offender.

**R21-6-402. Rights of the Applicant and the Foster Parent**

**A.** In addition to the inspection and due process rights specified under A.R.S. § 41-1009, and A.R.S. § 8-530, the foster parent shall have the right to:

1. Participate in an orientation offered by OLR or a licensing agency, which provides the following information:
  - a. An overview of the licensing process.
  - b. A copy of, or instructions for, accessing the licensing rules.
  - c. Requirements and information specific to the available licensing agencies, and
  - d. The mission and philosophy of the Department.
2. Choose or transfer to a licensing agency approved by the Department, at no cost to the applicant or foster parent;
3. Be treated with courtesy, dignity, and fairness by the licensing agency and the Department;
4. Be free from discrimination in the licensing process on the basis of political affiliation, marital status, or sexual orientation;
5. Receive information and training pertinent to the responsibilities of a foster parent;
6. Receive advice and technical assistance provided by the licensing agency or OLR to assist the applicant or foster parent in understanding the licensing requirements;
7. Direct the licensing agency to enter the applicant's complete and accurate information for licensure via the Department's electronic database;
8. Appeal an adverse licensing action as described under R21-6-417;
9. Elevate concerns about the licensing process in writing to the program administrator for OLR.
10. Be free from retaliation by a licensing agency and the Department in the event of a disagreement, an appeal, or an elevation of concerns by the foster parent or applicant;
11. Be informed of and provided the opportunity to be heard in any adverse licensing action conducted by OLR that impacts the foster parent's or applicant's license;
12. Reasonably refuse placement or request removal of a child without reprisal from the licensing or Child Placing Agency; and
13. The confidential treatment of private information revealed in the licensing process in accordance with A.R.S. § 8-502 and A.R.S. § 8-530.

**B.** Upon written request and payment of reasonable duplication and postage fees by a foster parent, the licensing agency shall forward a copy of the contents of the licensing records to an agency or organization for the purpose of assisting a foster parent who is being considered for a private or out-of-state adoptive placement, or any similar purpose.

**C.** Upon written request, OLR and a licensing agency shall permit a foster parent or applicant to access their licensing record, except as provided in subsection (E).

**D.** A foster parent shall be permitted to provide a written response to the Child Placing Agency and OLR on findings and comments in the home study, investigative reports, and any correspondence, with the exception of the items listed in subsection (E).

**E.** A foster parent or applicant shall not have access to the following:

1. Information supplied by confidential references during the licensing process;
2. Information protected from secondary dissemination under state or federal law, including DCS Reports and investigations and related records; or
3. The names of or identifying information for persons and organizations listed as sources in a licensing investigation or DCS Report or inquiry.

**R21-6-403. Application for an Initial License**

**A.** An individual or married couple shall complete the application for an initial license accurately and in full via the Department's electronic database. The applicant may direct the licensing agency to enter the application.

**B.** The application for an initial license shall include:

1. The full legal name of each household member;
2. All other names and aliases, including birth names and names used in previous marriages, of each household member;
3. The current marital status of the applicant;
4. The date of birth of each household member, except other foster children, including evidence that the applicant is at least 21 years of age;
5. The Social Security Number of each adult household member, for the purpose of conducting a background check;



6. The relationship between the applicant and all other household members, including a parent, sibling, housemate, or tenant;
7. The telephone number and e-mail address of the applicant;
8. The mailing address of the applicant and the physical address of the applicant's home;
9. A statement that the applicant resides in Arizona;
10. The document specified under A.R.S. § 41-1080(A) and, as applicable (E), to demonstrate that the applicant is lawfully present in the United States;
11. The name of the school district in which the applicant's home is located;
12. Each address held by each adult household member during the previous 10 years;
13. The name, date of birth, current address, and telephone number of each child of the applicant who lives outside the applicant's home, if known, and a statement as to whether the child is reasonably expected to have contact with a child in foster placement;
14. The applicant's employment history, including the names of employers, dates of employment, and positions held during the previous 10 years;
15. A summary of the applicant's education;
16. A description of the applicant's experience in caring for children or adults;
17. The applicant's household budget, showing income, resources, assets, debts, and obligations;
18. Plans for the sleeping arrangements for each household member and for each potential foster child;
19. Plans for transportation of each potential foster child including:
  - a. Evidence of a valid driver license for each household member who will provide transportation;
  - b. Evidence that each vehicle to be used for transportation is registered and insured to operate in Arizona; and
  - c. Evidence that the applicant has or shall obtain prior to placement, the correct number and type of child car seats for the conditions of the license.
20. A description of any pool on the foster home premises;
21. A description of the applicant's prior efforts to be certified or licensed for adoption, foster care, assisted living, child-care, and any other service for children or vulnerable adults, including:
  - a. Applications that were withdrawn or denied; and
  - b. Applications that resulted in a license or certification that was suspended or revoked.
22. A list of the names, mailing and e-mail addresses, and telephone numbers of five references, to attest that the applicant is of good character and has the qualifications to care for a foster child:
  - a. At least one of the references, but not more than two, shall be related to the applicant;
  - b. At least three of the references shall be unrelated to the applicant;
  - c. If the applicant is married, then at least two of the references shall be familiar with the applicant as a couple; and
  - d. If another adult household member is applying for a license or is currently licensed, then at least two of the references shall be familiar with both the applicant or foster parent and other household member.
23. A disclosure of civil and court proceedings in which the applicant has been a party, including:
  - a. Criminal proceedings;
  - b. Lawsuits;
  - c. Dependency actions, including:
    - i. Removal of a dependent,
    - ii. Voluntary relinquishment,
    - iii. Suspension of custody, or
    - iv. Termination of parental rights;
  - d. Charges of child abuse or neglect;
  - e. Child support enforcement proceedings within the last five years;
  - f. Bankruptcy within the last five years;
  - g. Divorce, separation, or any other civil proceedings; and
  - h. Adoption;
24. A criminal record self-disclosure completed by each adult household member;
25. Evidence that each adult household member, has obtained a Level One fingerprint clearance card;
26. A disclosure by the applicant of any allegation against the applicant of abuse or neglect of any child or vulnerable adult;
27. Any history of abuse or neglect involving the applicant;
28. Authorization for a Central Registry record check:
  - a. For each adult household member, and
  - b. With each state in which any adult household member resided in during the previous five years.
29. A health self-disclosure completed by each adult household member;
30. A physician's statement as defined in R21-6-101(54), related to the physical and behavioral health completed for the applicant and for each adult household member who will be providing care and supervision;



31. An up-to-date immunization record, if available, for each child household member. The lack of available immunization records shall not prohibit licensure, but may be grounds for restricting the license to prevent the placement of infants, young children, and medically complex individuals; and
  32. A Statement of Understanding signed by the applicant and attesting to the truth of the information provided during the application process.
- C. The applicant in cooperation with a licensing agency shall submit the information required under R21-6-205 and this Section and the home study and assessment as directed under R21-6-206 and R21-6-405.

**R21-6-404. Types of Licenses**

**A.** OLR grants the following types of licenses:

1. An initial license.
2. A renewal license, and
3. An amended license to reflect changes made to information on the initial or renewal license.

**B.** The license for a foster parent shall specify the following:

1. The type of license (initial, renewal, or amended);
2. The name of the foster parent;
3. The physical address of the home;
4. The date the license is issued;
5. The maximum number of foster children that may be placed in the home;
6. The age range of foster children that may be placed in the home;
7. The gender of foster children that may be placed in the home;
8. Specialized services the foster parent is certified to provide, as applicable, under Article 3 of this Chapter include the following:
  - a. Receiving Foster Care.
  - b. Medically Complex Foster Care.
  - c. Therapeutic Foster Care, and
  - d. Group Foster Care.
9. All restrictions applicable to the license, including restriction to:
  - a. A specific foster child.
    - i. OLR shall not identify the name of a foster child on the license.
    - ii. OLR shall only specify the name of a foster child in confidential correspondence.
  - b. Respite care only.
  - c. Prevent the placement of infants, young children, and medically complex individuals, to protect their health due to a lack of a household member's immunization; and
10. The name of the licensing agency.

**C.** A license shall be valid for the period of time specified on the license and shall expire on the specified date unless the foster parent licensee files an application for renewal before the expiration date. In addition, a license shall terminate if:

1. The foster parent voluntarily closes the license, under R21-6-414(I);
2. OLR revokes the license as described under R21-6-414;
3. The foster parent moves to a different residence without first notifying the licensing agency or OLR; or
4. The foster parent moves out of Arizona.

**R21-6-405. Home Study and Assessment**

- A.** The applicant and adult household members shall complete self-assessments, using the forms approved by OLR, and share the results of the self-assessments with the licensing agency. The licensing agency shall, in the home study, summarize and consider information provided in the self-assessments.
- B.** All household members, including each child household member, if appropriate to the child's age and developmental level, shall participate in interviews conducted by the licensing agency, as directed by R21-6-206.
- C.** The applicant shall participate in and successfully complete pre-service training as specified in R21-6-303.
- D.** The applicant shall provide additional information as needed for the licensing agency to evaluate the fitness of the applicant and to conduct the home study.

**R21-6-406. The Licensing Decision**

**A.** OLR shall evaluate the applicant's compliance with licensing requirements before making a licensing decision.

**B.** Prior to making a licensing decision, OLR may, as necessary and appropriate:

1. Require the applicant or licensing agency to provide additional documentation to verify compliance with licensing requirements, such as marriage licenses, divorce decrees, legal separation agreements, child support orders or payments, pay stubs, and bankruptcy documents;
2. Require the applicant or licensing agency to provide additional information if:
  - a. The medical, physical, or mental health needs of a household member could interfere with the care and supervision of a foster child;
  - b. Adults residing outside the household will have frequent or close contact with a foster child; or
  - c. A household member has been charged with or convicted of a crime, even if the specific crime does not preclude the issuance of a Level One fingerprint clearance card;



- 3. Gather additional information needed to determine the applicant’s fitness. This may include:
    - a. Interviewing the applicant.
    - b. Contacting references.
    - c. Verifying information provided in the application or by the licensing agency, and
    - d. Inspecting the applicant’s home.
  - C. When making a licensing decision, OLR shall consider factors that have a bearing on the applicant’s or foster parent’s fitness. These factors include:
    - 1. The applicant’s current and historical compliance with licensing requirements. In assessing complaints and violations with statutes and licensing requirements, OLR shall consider:
      - a. The type of complaint or violation.
      - b. The severity of each violation.
      - c. The number of complaints or violations.
      - d. A pattern of complaints or violations, and
      - e. The applicant or foster parent’s response to a corrective action plan.
    - 2. The applicant’s history of parenting or caring for children or vulnerable adults;
    - 3. Allegations of abuse or neglect of a child or vulnerable adult made to DCS or the DES adult protective services against any of the following individuals residing in the home: the applicant, a household member, a foster child, an adult with a Developmental Disability, or a young adult residing in the foster home under a written individual case plan agreement for out-of-home care. To determine whether the allegation of abuse or neglect affects the applicant’s fitness, OLR shall consider all relevant factors, including:
      - a. Whether the allegation was substantiated.
      - b. The number and nature of all allegations.
      - c. The length of time that has elapsed since each allegation.
      - d. The circumstances surrounding each allegation.
      - e. The extent of the person’s rehabilitation, and
      - f. The nature and extent of each household member’s involvement in the allegation.
    - 4. The stability of residency in Arizona;
    - 5. The stability of marital and household relationships;
    - 6. The applicant’s or foster parent’s financial stability and ability to meet obligations;
    - 7. Medical, physical, or mental health concerns that impact the applicant’s or foster parent’s ability to provide safe care and supervision to a child. OLR shall consider accommodations presented by the applicant, as permitted under R21-6-301 to reduce or eliminate any medical, physical, or mental health conditions;
    - 8. Significant life disturbances, including the death of a family member, divorce, bankruptcy, and job separation;
    - 9. Patterns of criminal charges or allegations; and
    - 10. Other significant factors in the applicant’s life.
  - D. OLR may waive non-safety licensing requirements on a case-by-case basis for an applicant who will only provide kinship care.
  - E. The licensing decision shall occur within the time-frames specified under R21-6-407.
- R21-6-407. Licensing Time-frames**
- A. OLR shall review an application and render a licensing decision within required time-frames.
  - B. Within 30 days of receiving an application, OLR shall conduct an administrative completeness review to determine whether all required documentation and information has been submitted. Within the 30-day administrative review time-frame:
    - 1. If the application is complete, OLR shall immediately move the application forward for a substantive review; or
    - 2. If the application is incomplete, OLR shall issue a Notice of Incomplete Application to the applicant and the licensing agency containing a list of items and information needed to complete the application.
      - a. The applicant shall have 30 days to supply the missing items or information to OLR via the licensing agency.
      - b. The time-frame for the administrative completeness review shall be suspended from the date OLR issues the Notice of Incomplete Application to the date that OLR receives the missing item or information.
      - c. If the applicant does not supply the requested items or information within 30 days of receiving the Notice of Incomplete Application, OLR may close the file. Once closed, the applicant may reapply for licensure, except as prohibited by R21-6-414.
      - d. If the applicant supplies the required items and information via the licensing agency to OLR within 30 days, OLR shall conduct a substantive review of the application.
  - C. Within the 30 days following the administrative completeness review of an application, and if the application is complete, OLR shall complete a substantive review to evaluate the applicant’s fitness for licensure. Within the 30- day substantive review time-frame, OLR:
    - 1. May request that the applicant or licensing agency provide additional information if needed to evaluate the suitability of the applicant for licensure.
      - a. The applicant and the licensing agency shall have an additional 21 days to provide the information to OLR.



- b. The time-frame for the substantive review shall be suspended from the date OLR requests additional information to the date OLR receives the information.
- 2. Shall make the licensing decision, as described under R21-6-406, and take a licensing action, as described under R21-6-414.
- D.** Within an overall time-frame of 60 days upon receipt of a complete application, OLR shall:
  - 1. Complete an administrative review of an application.
  - 2. Complete a substantive review of an applicant’s fitness, and
  - 3. Notify the applicant and the licensing agency of the decision to grant or deny a license.
- E.** The same time-frames used for initial licensure shall also apply to renewing and amending a license:
  - 1. OLR shall complete the administrative completeness review within a maximum of 30 days from receipt of the application.
  - 2. OLR shall complete the substantive review of a complete application within a maximum of 30 days following the administrative completeness review.
  - 3. OLR shall review the application and notify the applicant and licensing agency of the licensing decision within a maximum of 60 days, not including suspended timeframes, from receipt of the application.

<u>Process</u>	<u>Responsible Party</u>	<u>Time-frame for Completion</u>
<u>Completion of training and assembly of the application</u>	<u>Applicant and licensing agency</u>	<u>Not regulated: typically two–four months</u>
<u>Administrative completeness review</u>	<u>OLR</u>	<u>Maximum of 30 days</u>
<u>Respond to the notification of incompleteness</u>	<u>Applicant and licensing agency</u>	<u>Maximum of 30 days (time-frame is suspended)</u>
<u>Substantive review</u>	<u>OLR</u>	<u>Maximum of 30 days</u>
<u>Respond to request for additional information to evaluate fitness</u>	<u>Applicant and licensing agency</u>	<u>Maximum of 21 days (time-frame is suspended)</u>
<u>Overall time-frame for a licensing decision</u>	<u>OLR</u>	<u>Maximum of 60 days</u>

**R21-6-408. Licensing Limitations**

- A.** OLR may license unmarried applicants who reside together individually and shall link the unmarried applicants in the Department’s electronic database.
- B.** OLR shall license married applicants jointly, unless a married applicant applies to be licensed individually because:
  - 1. The applicant’s spouse is permanently, physically disabled to such an extent that the spouse is unable to provide care for a child, as verified by a physician’s statement;
  - 2. The applicant’s spouse is absent from the household and expected to be absent from the household for nine or more of the following 12 months due to military service; or
  - 3. The applicant and his or her spouse have been separated for at least one year, and the spouses have not lived together. If the spouses have not lived together for:
    - a. Five or more years the applicant shall:
      - i. Sign a statement that the marriage is over and the applicant has no intent to live or reconcile with their spouse;
      - ii. If the applicant knows the location of the spouse, obtain a statement from the spouse that the marriage is over, and the spouse has no intent to live or reconcile with the applicant;
      - iii. Submit evidence that the spouse is living elsewhere, if available; and
      - iv. Submit any other evidence that the spouse is not going to return to the household; or
    - b. One to five years, the applicant’s spouse shall:
      - i. Obtain a Level One fingerprint clearance card, and
      - ii. Pass a protective services registries check.
- C.** If OLR licenses a married applicant individually under subsections (B)(2) or (3) and the applicant's spouse returns, the applicant shall:
  - 1. Notify OLR immediately under R21-6-411; and
  - 2. Submit a new application as a married couple under R21-6-403 and meet all licensing requirements.
- D.** A license is only valid for the licensee specified on the license.
- E.** A license is only valid for the address specified on the license.
- F.** A foster parent shall not simultaneously hold more than one license or a license and certification to provide human care services in the foster home, including foster care, child care, assisted living, or an adult developmental home without the written approval of OLR. This restriction does not apply to the certification of a licensed foster home to provide specialized services under the classification of licenses described under R21-6-331.
- G.** An applicant shall not be an employee or relative of an employee for the licensing agency that is assisting the applicant with licensure.
- H.** OLR’s issuance of a license to a qualified applicant does not guarantee the placement of a child.



- I. A foster parent is limited to the capacity, age, gender, and other conditions or restrictions specified on the license when providing care, including respite care.
- J. The foster parent shall notify and obtain approval from DCS and the licensing agency before receiving a child from a Child Placing Agency, other than DCS.

**R21-6-409. Training Reporting Update**

- A. The foster parent shall cooperate with the licensing agency to provide proof of completion of the training required by A.R.S. § 8-509.
- B. OLR may take an adverse licensing action against the foster parent if he or she fails to complete the required training and to submit the information in subsection (A) as required by A.R.S. § 8-509.

**R21-6-410. Amending the License**

- A. The foster parent shall notify the licensing agency if there are any circumstances requiring an amendment to the license.
- B. The foster parent shall work with the licensing agency to request an amendment to modify the following information on the license:
  - 1. License type;
  - 2. Increase or decrease in capacity, age range, and gender of the foster children who may be placed in the home;
  - 3. Physical address of the home;
  - 4. Remodel of the home;
  - 5. Legal name of the foster parent;
  - 6. Change in marital status;
  - 7. Addition of a household member, including the birth of an adopted child;
  - 8. Name of a spouse, due to the death of a spouse or due to a change in marital status;
  - 9. Death of a licensed foster parent;
  - 10. Name of the licensing agency specified on the license;
  - 11. Modification of the license expiration date; or
  - 12. Any condition or certification specified on the license.
- C. The foster parent shall work with the licensing agency to request an amendment to the license via the Department's electronic database. The following information shall be included in the request to amend a license:
  - 1. A description of the change or changes being requested;
  - 2. Justification for the change or changes, as appropriate;
  - 3. Other relevant information to assist in the issuance of a license amendment;
  - 4. Results of a new Life Safety Inspection, if required;
  - 5. A recommendation by the licensing agency to issue or deny an amended license; and
  - 6. A recommendation by the licensing agency to limit the terms or conditions of a license, if applicable.
- D. To request an amendment to the license to change the physical address due to the relocation of the foster parent, the foster parent shall:
  - 1. Provide new contact information including:
    - a. Phone number;
    - b. Address, and
    - c. E-mail;
  - 2. Provide evidence that the change in residence does not negatively impact their ability to meet financial obligations;
  - 3. Provide plans for the sleeping arrangements for each household member and foster child; and
  - 4. Ensure that the home meets the standards for a Life Safety Inspection, in accordance with Chapter 8 of this Title.
- E. To request an amendment to the license to add the name of a spouse due to marriage, the foster parent and spouse shall jointly:
  - 1. Complete an application for licensure;
  - 2. Submit proof of legal marriage;
  - 3. Participate in the home study and assessment; and
  - 4. Cooperate with the licensing agency's evaluation of the spouse's fitness as defined in R21-6-101(20).
- F. OLR may initiate the action to amend a license to protect the health, safety, or well-being of a foster child.
- G. An amendment shall not change the expiration or issuance dates on a license, unless the amendment is approved to modify the license expiration date.
- H. Information provided for a renewal does not replace the process required to amend the license.

**R21-6-411. Addition of Household Members**

- If there is a change in household members during the term of the license, the foster parent shall:
- 1. Notify the licensing agency of the change to the household in accordance with R21-6-327 and R21-6-411;
  - 2. Ensure that each new household member complies with the applicable requirements of this Chapter; and
  - 3. Notify the licensing agency and obtain OLR and Child Placing Agency approval of proposed changes in the sleeping arrangements for each household member and for each foster child.

**R21-6-412. Application for a Renewal License**

- A. A license shall:
  - 1. Be valid for the period of time specified on the license, and



2. Expire at midnight of the expiration date if the applicant does not apply for a renewal license in accordance with this Article.
- B.** To initiate the renewal of the license, the foster parent shall confirm:
  1. With the licensing agency that he or she wishes to renew the license, and
  2. The accuracy of or update the information via the Department's electronic database.
- C.** The foster parent shall cooperate with the licensing agency by:
  1. Participating in and facilitating interviews necessary for the licensing agency to update the home study;
  2. Assembling the documents needed to demonstrate ongoing compliance with licensing requirements;
  3. Completing training, as described in R21-6-303 and R21-6-331 if applicable.
  4. Cooperating with the completion of a Life Safety Inspection of the home as described under R21-6-304:
    - a. By the licensing agency every year, and
    - b. By OLR at least once every two years.
  5. Providing a current health self-disclosure for each adult household member every year;
  6. Obtaining a physician's statement for the foster parent at least once every two years and providing a physician's statement for other adult household members if determined to be necessary by OLR in accordance with R21-6-302;
  7. Maintaining a current and valid fingerprint clearance card meeting Level One requirements for each adult household member; and
  8. Signing the Statement of Understanding.

**R21-6-413. Application for License Reinstatement**

- A.** OLR shall evaluate an applicant for reinstatement the same as an applicant for a renewal license under R21-6-412.
- B.** Reinstatement is available to applicants previously licensed by OLR, including those foster parents whose license is on inactive status because the foster home has been licensed by DES as a child developmental foster home if:
  1. The previous application for licensure was submitted via the Department's electronic database;
  2. The previous license has been expired for less than one year, or if a child developmental home, there has been a gap in licensure between the foster home license and the child developmental foster home license of less than one year; and
  3. OLR completes a new Life Safety Inspection.

**R21-6-414. Licensing Actions**

- A.** Within the time-frame specified in R21-6-407, OLR shall notify the applicant and the licensing agency of the licensing decision.
- B.** OLR shall issue a license if OLR determines that an applicant or foster parent is in:
  1. Full compliance with all licensing requirements;
  2. Substantial compliance with licensing requirements and an approved corrective action plan is in place for violations, as specified under R21-6-416; or
  3. Substantial compliance based on information currently available if an investigation is pending.
- C.** OLR may deny, suspend, or revoke a license if an applicant or foster parent:
  1. Refuses or fails to provide the licensing agency or OLR with information needed to evaluate compliance with licensing requirements;
  2. Misrepresents or falsifies information needed by the licensing agency or OLR to evaluate compliance with licensing requirements;
  3. Misrepresents or falsifies information presented by a household member during the licensing process;
  4. Is aware of a misrepresentation or falsification of the information presented by the household member during the licensing process;
  5. Refuses or fails to substantially comply with licensing requirements, Arizona or federal laws, or local codes or ordinances;
  6. Refuses or fails to carry out a required corrective action plan to correct a violation;
  7. Has been denied a certificate or license to provide care to a foster child or vulnerable adult, unless the denial was based on failure to complete the process according to a required time-frame;
  8. Has had a certificate or license to provide care to a foster child or vulnerable adult denied, suspended, or revoked;
  9. Has a household member that refuses to cooperate with the licensing process;
  10. Lives in a home in which a fingerprint clearance card meeting Level One requirements for a foster parent and an adult household member has been suspended, denied, or revoked;
  11. Lives in a home in which an allegation of child abuse or neglect has been substantiated against a household member; or
  12. The foster parent moves to a different residence without first notifying the licensing agency.
- D.** OLR may initiate an adverse licensing action if OLR concludes that:
  1. A violation of licensing requirements is not correctable;
  2. A violation of licensing requirements poses a risk to the health, safety, or well-being of a child;
  3. A foster parent has a history or pattern of similar violations with licensing requirements; or
  4. A violation is ongoing and continuing.



- E.** If OLR takes an adverse licensing action, OLR shall send a dated notice of the action to:
  1. The applicant or foster parent by certified mail;
  2. The licensing agency; and
  3. The Child Placing Agency for each child placed with the foster parent or applicant at the time of the action.
- F.** The notification for an adverse licensing action shall specify:
  1. The effective date of the adverse action;
  2. The facts upon which the adverse action is based;
  3. The law or rule violation that is the basis of the adverse action; and
  4. The time-frame and process for the applicant or foster parent to appeal the adverse action, including:
    - a. The form approved by DCS to appeal the adverse action; and
    - b. The procedure for the applicant or foster parent to request an appeal of the adverse action.
- G.** In the event of an adverse licensing action, and until there is final resolution of the matter:
  1. The foster parent shall not:
    - a. Receive new placements;
    - b. Accept additional foster children;
    - c. Provide short-term care as described under R21-6-306 or respite care;
  2. A Child Placing Agency shall not place additional foster children with the foster parents; and
  3. The Child Placing Agency may remove a current foster child from the home if, in the judgment of the Child Placing Agency, there is reasonable belief of a risk to the health, safety, or well-being of the child.
- H.** In the event of a license revocation, the adverse action shall be effective:
  1. On the 26th day after the foster parent’s receipt of the revocation notice; or
  2. On the date that an administrative hearing officer or appeals board issues a written decision affirming the revocation, if the foster parent appeals the revocation.
- I.** An applicant or foster parent may voluntarily withdraw the application for licensure or close the license at any time by submitting written notice to the licensing agency and OLR, using the form approved by OLR.
  1. If the foster parent voluntarily withdraws an application or closes a license while in good standing, the applicant or foster parent may re-apply for a license.
  2. A license is not in good standing, and the licensing authority shall deny a re-application, if the foster parent withdrew or closed a license:
    - a. Before the completion of a corrective action, or with the knowledge that a corrective action plan was pending if the closure was to avoid compliance with the corrective action plan;
    - b. Before the completion of an investigation or inquiry; or
    - c. When a DCS investigation of child abuse or neglect is pending.

**R21-6-415. Routine Monitoring and Verification of Ongoing Compliance**

- A.** Throughout the term of a license, the foster parent shall ensure ongoing compliance with licensing requirements.
- B.** The foster parent shall cooperate with monitoring requirements by making the home available for inspections and by participating in interviews. Inspection and monitoring activities by the licensing agency or OLR may include, as necessary and appropriate:
  1. A review of records and reports maintained by the foster parent on the care, services, and treatment provided;
  2. Interviews with the foster parent and household members including children in the home age five years and older;
  3. Interviews with foster children; and
  4. An inspection of the home, foster home, and vehicles used to transport foster children.
- C.** At the time of each monitoring or inspection, the licensing agency shall provide the applicant or foster parent with:
  1. A written summary of the monitoring or inspection activities conducted;
  2. Planned follow-up and required corrective actions, as applicable; and
  3. A written summary of the applicant’s or foster parent’s rights, in accordance with A.R.S. § 41-1009.
- D.** The licensing agency shall keep a copy of the written summaries specified in subsection (C) and make the summaries available to OLR upon request.

**R21-6-416. Corrective Action Plan**

- A.** OLR may initiate and place a foster parent on a corrective action plan to remedy the violation of a licensing requirement. A foster parent shall comply with the corrective action plan.
- B.** In determining whether to require corrective action, OLR shall consider the following criteria:
  1. The nature of the violation;
  2. Whether the violation can be corrected;
  3. Whether the foster parent understands the violation and shows a willingness and ability to participate in corrective action;
  4. The length of time required to implement corrective action;
  5. Whether the same or similar violations have occurred on prior occasions;
  6. Whether the foster parent has had prior corrective action plans, and, if so, the foster parent’s success in achieving the goals of the plan;
  7. The foster parent’s history as a foster parent or care giver; and



8. Other similar or comparable factors demonstrating the foster parent's ability and willingness to follow through with a corrective action plan and avoid future violations.
- C. The corrective action plan shall:
  1. Be written by OLR and may be in cooperation with the licensing agency.
  2. Specify the facts that constitute the violation.
  3. Specify the law or rule violated by the foster parent.
  4. Specify the steps a foster parent must take to remedy the violation, and
  5. Specify a date for completion of the required corrective action.
- D. The licensing agency or OLR may, as necessary and appropriate, conduct an unannounced monitoring visit to verify the implementation or completion of a corrective action.

**R21-6-417. The Appeal Process**

- A. An applicant or foster parent shall have the right to appeal an adverse licensing action following the process specified under 21 A.A.C. Chapter 1, Article 3.
- B. To appeal, per A.R.S. § 8-506, an applicant or foster parent shall submit a written notice of appeal to OLR within 25 days from the mailing date on the adverse licensing action notice.
- C. The notice of appeal shall specify the action being appealed, and a statement of why the adverse licensing action is wrong.
- D. If a child has been removed from the home because of a health, welfare, or safety issue, the child shall remain out of the home while the appeal is pending.
- E. The following are not appealable:
  1. Restrictions or limits specified by OLR on the license, including the capacity, age group, or gender of children that may be placed in the home;
  2. The assignment of a required corrective action, as specified under R21-6-416, to bring the applicant or foster parent into compliance with licensing requirements.

**R21-6-418. Allegations of Abuse or Neglect; Licensing Complaints**

- A. The applicant or foster parent shall immediately report allegations of abuse or neglect of a child, or a licensing complaint to the Department's Centralized Intake Hotline and to the licensing agency.
- B. The applicant or foster parent shall cooperate with:
  1. An investigation conducted by DCS, and
  2. A licensing investigation conducted by a licensing agency or OLR.
- C. The Child Placing Agency shall not place additional children in the foster home throughout the DCS or licensing investigation until the matter is resolved.
- D. OLR shall determine the action, if any, that it will take against the foster parent.
  1. OLR shall implement an adverse licensing action as described under R21-6-414 if the DCS or licensing investigation:
    - a. Substantiates an allegation of abuse or neglect; or
    - b. Confirms the violation of a licensing requirement and there is reasonable cause to believe the violation:
      - i. Is continuing;
      - ii. May recur; or
      - iii. Poses a risk to the health, safety, or well-being of a child.
  2. If the licensing investigation validates that there was a violation of a licensing requirement but that the foster parent has corrected the violation, OLR:
    - a. Shall record the incident and resolution in the licensing record.
    - b. May specify additional required corrective action, and
    - c. Shall notify the licensing and Child Placing Agency of the violation and corrective action.
- E. A complainant's identity is confidential unless OLR takes a licensing action based on the testimony of the complainant.

**R21-6-419. Waiver of Non-Safety Licensing Requirements for Kinship Care**

- A. OLR may waive specific non-safety rule requirements for an applicant or foster parent providing only kinship care, as defined under R21-6-101(36), on a case by case basis, if the applicant or foster parent demonstrates that compliance would be a hardship. The applicant or foster parent may work with his or her licensing agency to comply with this Section.
- B. The request for a waiver shall include:
  1. The specific rule to be considered for waiver by OLR;
  2. The reason compliance would be a hardship;
  3. Any proposed alternative compliance with the rule requirement, including pictures or diagrams that depict any physical requirement to be waived; and
  4. Justification that waiving the licensing requirement will not compromise the safety of a foster child.
- C. The applicant or foster parent or licensing agency shall submit a waiver request only on forms supplied by OLR.
- D. OLR shall consider the waiver of a non-safety licensing requirement on a case-by-case basis.
- E. An applicant or foster parent shall base a waiver request on a licensing requirement and the needs of the foster child. OLR shall not grant a waiver request because it would be inconvenient for the foster parent or applicant to comply with a licensing requirement.





and A.R.S. § 8-509 gives the Department the authority to license foster homes and investigate a foster home pursuant to the licensing rules of the Department.

Laws 2014, Second Special Session, Ch. 1, § 158 exempts the Department from the rulemaking requirements of in A.R.S. Title 14, Chapter 6 until November 28, 2015, in order to “Adopt rules to implement the purposes of the Department and the duties and powers of the director.” The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2015-01, for this rulemaking and has added Article 1. The rules conform to the current rulemaking format and style requirements of the Office of the Secretary of State.

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

None

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

Not applicable

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

The Department was exempted from Title 41, Chapter 6 and therefore no Economic Impact Statement is required.

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

Not applicable

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

The Department’s exemption from rulemaking required the Department to provide public notice and an opportunity for public comment in writing and at two or more public comment hearings. The exemption did not require the Department to post its responses to the public comments. However, the Department provides the following information on the public comment hearings and public comment.

Public hearings on these rules were held on September 8, 2015 in Tucson and September 10, 2015 in Phoenix. Attendees were provided the opportunity to provide oral or written comments. A copy of these rules were posted to the Department’s website from August 3, 2015 to September 11, 2015 along with an on-line survey to obtain public comments.

Three oral comments at the meeting in Tucson requested a more clear definition of “exotic, venomous or constricting animals.” There were several oral and written comments at the meeting in Phoenix that requested the Department to retain the current requirements in rule for pool safety. Written comments received on-line and in the U.S. mail, made recommendations for the wording for the rules covering fire safety and evacuation plan requirements, and the rules covering the storage of weapons.

Additional meetings with stakeholders took place on September 29 and October 8, 2015 to obtain clarification and support of the comments that were incorporated where applicable into the final rule package.

**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 federal law:**

42 U.S.C. 671. The rules are not more stringent than federal law.

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

Not applicable

**13. A list of any incorporated by reference material and its location in the rule:**

None

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

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

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



**TITLE 21. CHILD SAFETY**

**CHAPTER 8. DEPARTMENT OF CHILD SAFETY**  
**FOSTER HOME AND CHILD WELFARE AGENCY FACILITY SAFETY**

**ARTICLE 1. LIFE SAFETY INSPECTIONS**

Section	
<u>R21-8-101.</u>	<u>Definitions</u>
<u>R21-8-102.</u>	<u>Application</u>
<u>R21-8-103.</u>	<u>Frequency of Inspection and Inspection Area</u>
<u>R21-8-104.</u>	<u>General Condition and Cleanliness of the Premises</u>
<u>R21-8-105.</u>	<u>Safeguarding of Hazards</u>
<u>R21-8-106.</u>	<u>Weapons and Firearms</u>
<u>R21-8-107.</u>	<u>Animals</u>
<u>R21-8-108.</u>	<u>Storage of Medication</u>
<u>R21-8-109.</u>	<u>Safe Appliances</u>
<u>R21-8-110.</u>	<u>Electrical Safety</u>
<u>R21-8-111.</u>	<u>Water and Plumbing Requirements</u>
<u>R21-8-112.</u>	<u>Fire Safety and Evacuation Plan Requirements</u>
<u>R21-8-113.</u>	<u>Pool Safety</u>

**ARTICLE 1. LIFE SAFETY INSPECTIONS**

**R21-8-101. Definitions**

The definitions in R21-6-101 apply to this Article, except the following terms are defined as:

1. “Home” means a foster home or Child Welfare Agency residential group care facility where the provider is licensed to provide care to a foster or privately placed child in a residential group care facility.
2. “Pool” means any natural or man-made body of water located at a home or on its premises that:
  - a. Could be used for swimming, recreational, therapeutic, or decorative purposes;
  - b. Is greater than 18 inches in depth; and
  - c. Includes swimming pools, spas, hot tubs, fountains, and fishponds.
3. “Premises” means:
  - a. The home; and
  - b. The property surrounding the home that is owned, leased, or controlled by the provider.
4. “Provider” means a licensed foster parent or Child Welfare Agency residential group care facility, and applicants for these licenses.

**R21-8-102. Application**

This Article applies to:

1. All foster homes regulated under A.A.C. Title 21, Chapter 6; and
2. A Child Welfare Agency operating a residential group care facility or shelter care facility regulated under A.A.C. Title 6, Chapter 5, Article 74, but not a Child Welfare Agency operating an outdoor experience program.

**R21-8-103. Frequency of Inspection and Inspection Area**

**A.** Each provider shall have a Life Safety Inspection of the premises.

**B.** OLR shall inspect the premises:

1. At initial licensure;
2. Every two years; and
3. Within three months prior to the renewal date of a license.

**C.** The Life Safety Inspection shall include all rooms and dwellings on the premises in which a foster or child in a Child Welfare Agency residential group care facility resides or may have access to, including sheds, mobile homes, trailers, and cottages.

**R21-8-104. General Condition and Cleanliness of the Premises**

The provider shall ensure:

1. The interior is clean, sanitary, and disinfected to prevent, minimize, and control illness, infection, or injury.
2. The premises is maintained in good repair and does not constitute a hazard. Damage that constitutes a hazard includes:
  - a. Broken glass;
  - b. Surfaces that are rusted, have sharp or jagged edges, or have nails protruding;
  - c. Holes in walls, ceilings, or floors; or
  - d. Broken furniture, fixtures, appliances, or equipment.
3. Play areas and therapy equipment are stable, in good repair, and do not constitute a hazard.



4. Swing sets are securely anchored to the ground.
5. The premises are clean to the degree that the condition does not constitute a hazard. Conditions that constitute a hazard include:
  - a. Rotting food.
  - b. Stale or accumulated urine or feces, or
  - c. An accumulation of mold.
6. Garbage is removed from the premises at least once each week.
7. The premises and outside play areas are free of insect and rodent infestation, or the premises have an effective ongoing system to eliminate insects or rodents.
8. Water in a pool on the premises is maintained, is not stagnant, and is clear enough to see through the water to the bottom surface of the pool.
9. Excessive weeds and brush that pose a fire hazard are trimmed or removed.

**R21-8-105. Safeguarding of Hazards****A. The provider shall ensure:**

1. Highly toxic substances and materials are safeguarded in locked storage. Highly toxic substances include gasoline, lighter fluid, pesticides, radiator fluid, drain cleaner, ammonia, bleach, spray paint, turpentine, and other substances that can cause serious bodily harm or death if improperly used.
2. Household cleaning supplies are safeguarded to prevent unsafe or improper use. Household cleaning supplies are substances that are not intended for ingestion, but generally will not cause serious bodily harm or death if improperly used. Examples of household cleaning supplies include spray cleaners, laundry detergent, furniture polish, and dishwasher detergent.
3. Access to personal grooming supplies is not restricted unless the case plan or service plan for a foster child or child in a residential group care facility specifically restricts such access. Personal grooming supplies include toothpaste, hand-soap, shampoo, menstrual products, and deodorant.
4. Ramps, bathtubs, and showers have slip-resistant surfaces.
5. Handrails and grab-bars are securely attached and stationary.
6. Skirting is intact around the base of the setting, if the setting is a mobile home.
7. The child's access is prevented as appropriate, for his or her age and development, from all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
8. That the home maintains first aid supplies.

**B. OLR may require removal, repair, or safeguarding of physical and other hazards that are determined to be unsafe for a foster child or child in a residential group care facility, including a drained swimming pool and trampoline.****R21-8-106. Weapons and Firearms****A. The provider shall meet the following standards concerning weapons:**

1. The provider shall store the following weapons in an inoperable condition in a locked area inaccessible to children:
  - a. Firearms;
  - b. Air guns, including BB guns;
  - c. Bows and cross-bows;
  - d. Stun guns;
  - e. Hunting slingshots;
  - f. Any other projectile weapon; and
  - g. Hunting knives.
2. Firearms, ammunition, and other weapons, including cross-bows, stun guns, air guns, and hunting knives are safeguarded to prevent unsafe or improper use. In addition:
  - a. Firearms are unloaded, trigger locked, and kept in a tamper-proof, locked storage container made of unbreakable material; and
  - b. Ammunition is maintained in locked storage that is separate from firearms.

**B. OLR may approve a provider who is a foster parent applicant or foster parent who is also a law enforcement official, to carry a firearm when the provider:**

1. Obtains documentation that the jurisdiction requires him or her to have ready and immediate access to the weapons at all times;
2. Supplies official documentation that he or she has been trained in the law enforcement protocols for the safe use and carrying of a firearm;
3. Adopts and follows a safety plan approved by OLR and the licensing agency; and
4. Stores the weapon according to the provisions of this Section when the weapon is not on their person.

**C. Notwithstanding subsections (A) and (B), weapons are not permitted in a Child Welfare Agency residential group care facility or group foster home.****R21-8-107. Animals****The home shall meet the following standards concerning animals:**

1. Animals kept on the premises do not pose a hazard due to behavior, venom, or disease.



2. OLR may require an assessment by a veterinarian to determine whether a pet poses a hazard if the animal displays signs of aggressive or abnormal behavior or of disease.
3. The provider shall vaccinate any pets required to be vaccinated by state or tribal law against diseases that can transmit to humans, including rabies.
4. All dogs older than six months have current rabies vaccination. Vaccination records are maintained in the home.

**R21-8-108. Storage of Medication**

**A.** The provider shall ensure:

1. Medication is maintained in a securely fastened and locked storage, with the exception of the following:
  - a. Medication that may be accessed by a foster child, as specified in that individual's case plan or service plan; and
  - b. Medication that must be readily and immediately accessible, such as an asthma inhaler or an autoinjector such as an epinephrine autoinjector, known as an Epi-pen.
2. Medication that may be unlocked under subsection (1)(a) or (1)(b) is safeguarded to prevent improper use.
3. Medication that must be refrigerated is safeguarded in locked storage, without preventing access to refrigerated food. This may be accomplished by storing refrigerated medication in a locked box within the refrigerator.

**B.** A Child Welfare Agency provider shall safeguard medications using a double-lock system. A locked box stored inside a locked cabinet is an example of a double-lock system.

**R21-8-109. Safe Appliances**

The provider shall ensure:

1. Safe and functioning appliances are available for food refrigeration and cooking, if applicable.
  - a. Safe and functioning refrigerators shall maintain food at or below a temperature of 41° F.
  - b. An outdoor cooking appliance that uses charcoal or gas shall not be used indoors.
2. Electrical lighting is available in bedrooms, living areas, and rooms used to provide services.
  - a. Lighting is sufficient to perform normal activities, and
  - b. Light sockets are equipped with light bulbs or safely covered to prevent electrical shock.
3. Adequate heating, cooling, and ventilation are available in bedrooms, living areas, and rooms used to provide services. Temperatures outside the range of 65° - 85° F are indicators of inadequate heating or cooling.
4. At least one operable telephone is available on the premises unless OLR has approved an alternative system for communication. Telephone includes cellular phones, digital phones, and phones with traditional land lines.
5. If the premises have a clothes dryer, the dryer is safely vented with a non-flammable vent hose.
6. If a portable heater is on the premises, it has a protective covering to keep hands and objects away from the heating element and, it is:
  - a. Electric;
  - b. UL approved;
  - c. Equipped with a tip-over shut-off switch;
  - d. Placed at least three feet from curtains, paper, furniture, and any flammable object when in use;
  - e. Not used as the primary source for heat in the setting; and
  - f. Not used in bedrooms.
7. A carbon monoxide detector-alarm is properly located according to manufacturer's instructions and functioning on each level of the premises that has an appliance or heating device using combustible fuel, including gas, oil, or wood. Such appliances or devices include fireplaces, wood stoves, gas stoves, and gas hot water heaters.

**R21-8-110. Electrical Safety**

The provider shall ensure:

1. Electrical cords are in good condition; no broken or frayed cords are in use.
2. Electrical panels and outlets are in good condition; no wiring is exposed, and covers are in place.
3. Extension cords are not used on a permanent basis.
4. Electrical outlets are not overloaded.
5. Major appliances are plugged directly into grounded outlets. Major appliances include refrigerators, freezers, dishwashers, stoves, ovens, washers, and dryers.
6. Mid-sized appliances, which include computers, televisions, and stereo equipment, are plugged into:
  - a. Grounded outlets, or
  - b. Power strips or surge protectors that are plugged into grounded outlets.

**R21-8-111. Water and Plumbing Requirements**

**A.** The provider shall ensure that a continuous source of safe drinking water is available to a foster child or child in a residential group care facility receiving care.

**B.** The home must meet the following standards concerning water:

1. If a home uses a non-municipal water source including private well water or another source of drinking water, the provider shall have the water tested for safety under subsection (B)(2).



2. If the home's water is from any source other than an approved public water supply, the foster parent shall obtain a written water analysis report, showing that the water is within acceptable state and federal standards for drinking water for the age of the children in care. The provider shall obtain the analysis and report from a laboratory certified by the Arizona Department of Health Services as part of the initial licensing process and before each renewal.
- C. The provider shall ensure that the sewage disposal for the setting is functioning. If the setting has a septic tank, it shall be in good working order, with no visible signs of leakage on the ground.
- D. The provider shall ensure that at least one working toilet, wash basin, and shower or tub is available for every seven persons living or receiving care in the home at the same time.

**R21-8-112. Fire Safety and Evacuation Plan Requirements**

The provider shall ensure:

1. The premises is free of obvious fire hazards, such as defective heating equipment, or improperly stored flammable materials. Household heating equipment must be equipped with appropriate safeguards, maintained as recommended by the manufacturer.
2. Flammables and combustibles are stored more than three feet from water heaters, furnaces, portable heaters, fireplaces, and wood-burning stoves.
3. If the premises has a working fireplace or wood-burning stove, it is protected by a fire screen sufficient to shield the room from open flames and flying embers.
4. A functioning fire extinguisher with a rating of "2A 10BC" or greater is available near the kitchen area. If the home has multiple levels at least one functioning fire extinguisher with a rating of "2A 10BC" or greater is available on each level.
5. At least one UL approved and working smoke detector is installed:
  - a. In the main living or program area of the setting;
  - b. In each bedroom, if overnight care is provided; and
  - c. On each level of a multiple-level setting.
6. A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:
  - a. Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
  - b. Identify multiple exits from the home;
  - c. Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms leads directly to the outside of the home, but shall not lead into an area that serves as a pool enclosure;
  - d. Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;
  - e. Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;
  - f. Be maintained in the home to review with individuals residing in or receiving care in the home; and
  - g. Include the placement of equipment, such as a ladder, that can be safely used by the individuals residing in each upstairs bedroom that have been identified with fire exits.
7. All windows identified as fire exits, must have enough space for an adult to move through.
8. Each bedroom used by a foster or child in a residential group care facility receiving care or services has two exits to the outside.
  - a. One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.
  - b. Another exit shall be a window or door within the bedroom that opens directly to the outside.
9. Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.
  - a. Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.
  - b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
  - c. All persons in the home shall participate in the drill.
  - d. Records shall be maintained for each emergency drill and shall include:
    - i. Date and time of drill;
    - ii. Total evacuation time;
    - iii. Exits used;
    - iv. Problems noted; and
    - v. Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.
10. The exit routes for the home are clear of obstruction that could prevent safe and rapid evacuation.



- 11. The locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a quick release mechanism. A quick release mechanism is a lock that can be opened from inside the setting without special knowledge (such as a combination) or equipment (such as a key). The Department may grant an exception to this requirement for a double-key deadbolt on a door if:
  - a. There is breakable glass within 40 inches of the interior locking mechanism;
  - b. There is another exit with a quick release mechanism on the same level of the premises; and
  - c. The key for the deadbolt is permanently maintained in a location that is:
    - i. Within six feet of the locking mechanism;
    - ii. Accessible to all household members;
    - iii. Reviewed with persons residing in or receiving care in the home; and
    - iv. Identified on the emergency evacuation plan, specified in subsection (6).
- 12. The address for the home is posted and visible from the street, or the local emergency response team, such as the local fire department, is notified of the location of the home in writing, with a copy of this notification maintained in the home.
- 13. Providers must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home.

**R21-8-113. Pool Safety**

- A.** The provisions of this Section apply to each Child Welfare Agency residential group care facility and licensee.
- B.** For a home that has a pool, and provides care to a child six years of age or less, or an individual with a Developmental Disability, the provider shall ensure the following:
  - 1. That the pool complies with A.R.S. § 36-1681 and all local municipal codes to the extent not inconsistent with this Section.
  - 2. A fence or barrier meeting the following requirements is maintained between the pool and the home, or any building used to provide care and supervision:
    - a. The exterior side of the fence or barrier is at least five feet high;
    - b. If the barrier is a chain link fence or lattice, each opening in the mesh measures less than 1 3/4 inches horizontally. Chicken wire and other light gauge wire are prohibited as a primary fencing material for the pool;
    - c. If the barrier is a fence constructed of vertical bars or wooden slats, the openings between bars or slats measure less than four inches;
    - d. The exterior side of the barrier is free of hand holds or foot holds or other means that could be used to climb over it and if it has a horizontal component spaced at least 45 inches, measured vertically;
    - e. The gate to the enclosure is locked, except when in use and there is an adult within the enclosure to supervise the pool and spa area;
    - f. The connection between the panels of the fence cannot be separated without a key or a tool;
    - g. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground;
    - h. If the home or building to provide care or supervision constitutes part of the enclosure:
      - i. The enclosure does not interfere with safe egress from the home;
      - ii. A door from the home does not open within the pool enclosure. Such a door cannot be opened by a foster child or child in a residential group care facility because it is either permanently locked or barricaded. Any key shall not be accessible to a foster child or child in a residential group care facility;
      - iii. A window located in a room that is designated as a bedroom for a foster child or child in a residential group care facility shall not open into the pool enclosure; and
      - iv. Other windows that open into the pool enclosure are permanently secured to open no more than four inches;
  - 3. A pool shall have its methods of access through the barrier equipped with a safety device, such as a bolt lock:
    - a. Gates should be self-closing and self-latching, maintained in good repair, and open out or away from the pool.
    - b. The gate latch is at least 54" above the ground and is equipped with a key or combination lock.
  - 4. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.
  - 5. Hot tubs and spas must have safety covers that are locked when not in use.
  - 6. Hot tubs and spas that are drained must be disconnected from the power and water source and have safety covers that are always locked.
- C.** The Department shall not approve a locked cover in lieu of the fence required under subsection (B).
- D.** After a fence has been inspected and approved by OLR as meeting the standards required under subsection (B), the provider shall ensure the fence is not dismantled or moved for as long as the provider is licensed by OLR.
- E.** Regardless of the age of the foster child or child in a residential group care facility living in the home, if the pool is deeper than six feet, the care provider shall ensure the following rescue equipment is available in the pool area:
  - 1. A shepherd's crook attached to a pole; and
  - 2. A ring buoy attached to a rope that measures at least half of the distance across the pool plus 10 feet.
- F.** A drained pool is a safety hazard. The provider shall comply with this Section or R21-8-105, if applicable.



**NOTICE OF FINAL EXEMPT RULEMAKING**

**TITLE 21. CHILD SAFETY**

**CHAPTER 9. DEPARTMENT OF CHILD SAFETY – ADOPTION AGENCY LICENSING**

[R15-189]

**PREAMBLE**

<b><u>1. Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
Article 1	New Article
R21-9-101	New Section
Article 2	New Article
R21-9-201	New Section
R21-9-202	New Section
R21-9-203	New Section
R21-9-204	New Section
R21-9-205	New Section
R21-9-206	New Section
R21-9-207	New Section
R21-9-208	New Section
R21-9-209	New Section
R21-9-210	New Section
R21-9-211	New Section
R21-9-212	New Section
R21-9-213	New Section
R21-9-214	New Section
R21-9-215	New Section
R21-9-216	New Section
R21-9-217	New Section
R21-9-218	New Section
R21-9-219	New Section
R21-9-220	New Section
R21-9-221	New Section
R21-9-222	New Section
R21-9-223	New Section
R21-9-224	New Section
R21-9-225	New Section
R21-9-226	New Section
R21-9-227	New Section
R21-9-228	New Section
R21-9-229	New Section
R21-9-230	New Section
R21-9-231	New Section
R21-9-232	New Section
R21-9-233	New Section
R21-9-234	New Section
R21-9-235	New Section
R21-9-236	New Section
R21-9-237	New Section
R21-9-238	New Section
R21-9-239	New Section
R21-9-240	New Section

**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. § 8-453(A)(5)

Implementing statute: A.R.S. §§ 8-120, 8-121, 8-126, 8-127, 8-129, 8-130, 8-132, 8-134, and 46-141.

Statute or session law authorizing the exemption: Laws 2014, Second Special Session, Ch. 1, § 158



- 3. **The effective date of the rule and the agency’s reason it selected the effective date:**  
January 24, 2016
- 4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**  
Notice of Public Information: 21 A.A.R. 1838, September 30, 2015  
Notice of Oral Proceeding: 21 A.A.R. 1866, September 11, 2015
- 5. **The agency’s contact person who can answer questions about the rulemaking:**  
Name: Carrie Senseman, Lead Rules Analyst  
Address: Arizona Department of Child Safety  
Policy Office  
3003 N. Central Ave., 23rd Floor  
Phoenix, AZ 85012  
P.O. Box 6030, Site Code: C010-23  
Phoenix, AZ 85005-6030  
Telephone: (602) 255-2534  
Fax: (602) 255-3264  
E-mail: csenseman@azdes.gov  
Web site: <https://dcs.az.gov/about/dcs-rules-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:**  
A.R.S. § 8-120 lists the provisions of the responsibility of an adoption agency to keep files, records and reports confidential. A.R.S. § 8-121 further describes restrictions for accessing, receiving or making use of information derived directly or indirectly from records, reports or other papers compiled for adoption proceedings. A.R.S. § 8-126 gives the Department the authority to license adoption agencies and charge reasonable fees for licensure. A.R.S. § 8-127 gives authority to a licensed adoption agency to prepare a petition for adoption. A.R.S. § 8-129 requires health and genetic history information on each adoptive child to be provided to prospective adoptive parents and maintained for ninety-nine years. A.R.S. § 8-130 restricts the provision of a consent to adoption of a child to a licensed adoption agency and gives the Department and a licensed adoption agency the authority to conduct both agency placement adoptions and direct placement adoptions. A.R.S. § 8-132 covers the confidentiality of the personal information concerning a person who applies for or who receives an adoption agency license and describes under what circumstances this information may be released.  
A.R.S. § 8-134 describes who may use a confidential intermediary and the role and limitations of a confidential intermediary. If the Department is supplying the information to the confidential intermediary, then the actual and reasonable costs shall be paid to the Department. A.R.S. § 46-141 requires as a condition of employment that all personnel, who provide services directly to juveniles, whether paid or not, have a valid Level One fingerprint clearance card from the Arizona Department of Public Safety.  
Laws 2014, Second Special Session, Ch. 1, § 158 exempts the Department from the rulemaking requirements of in A.R.S. Title 14, Chapter 6 until November 28, 2015, in order to “Adopt rules to implement the purposes of the Department and the duties and powers of the director.” The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2015-01, for this rulemaking and has added Articles 1 and 2. The rules conform to the current rulemaking format and style requirements of the Office of the Secretary of State.
- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 9. **The summary of the economic, small business, and consumer impact, if applicable:**  
Not applicable
- 10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**  
Not applicable
- 11. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**  
The Department’s exemption from rulemaking required the Department to provide public notice and an opportunity for public comment in writing and at two or more public comment hearings. The exemption did not require the



Department to post its responses to the public comments. However, the Department provides the following information on the public comment hearings and public comment.

Public hearings on these rules were held on September 21, 2015 in Tucson and September 22, 2015 in Phoenix. Attendees were provided the opportunity to provide oral or written comments. A copy of each rule draft was posted to the Department's website from August 18, 2015 to September 23, 2015 along with an on-line survey to obtain public comments. Comments were received at the public hearings, on-line and in the U.S. Mail. Examples of comments included requests for greater flexibility and clarification of educational and certification requirements for staff, and suggestions for improved language concerning renewal of licenses and the conditions of written agreements with birth parents.

An additional meeting was held with stakeholders on October 13, 2015 to obtain clarification and support of the comments that were incorporated where applicable into the final rule package.

**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:**

An individual license is required to operate an adoption agency. Adoption agency licenses are exempt under A.R.S. § 41-1037 and do not require a general permit.

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

42 U.S.C. 671, 42 U.S.C. 671a, and 45 CFR 1356.30. The rules are not more stringent than federal law.

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

Not applicable

**13. A list of any incorporated by reference material and its location in the rule:**

None

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

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

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

**TITLE 21. CHILD SAFETY**

**CHAPTER 9. DEPARTMENT OF CHILD SAFETY – ADOPTION AGENCY LICENSING**

**ARTICLE 1. DEFINITIONS**

Section  
R21-9-101. Definitions

**ARTICLE 2. ADOPTION AGENCY LICENSING REQUIREMENTS**

Section  
R21-9-201. Who Shall Be Licensed  
R21-9-202. Adoption Agency License; Initial Application Package; Fee  
R21-9-203. Additional Requirements for Licensing; Out-of-state and Foreign Adoption Agencies  
R21-9-204. Department Procedures for Processing License Applications; Licensing Time Frames  
R21-9-205. License: Issuance; Denial  
R21-9-206. License: Term; Non-transferability  
R21-9-207. Application for License Renewal; Fee  
R21-9-208. Renewal License: Issuance  
R21-9-209. Amended License  
R21-9-210. Governing Body  
R21-9-211. Adoption Agency Administrator  
R21-9-212. Social Services Director  
R21-9-213. Social Workers  
R21-9-214. Adoption Agency Employees; Hiring; References; Fingerprinting  
R21-9-215. Adoption Agency Volunteers; Interns  
R21-9-216. Personnel Records  
R21-9-217. Training Requirements  
R21-9-218. Contracted Services  
R21-9-219. Staffing Ratios



- R21-9-220. Operations Manual
- R21-9-221. Adoption Agency Operations Budget; Financial Records
- R21-9-222. Annual Financial Audit
- R21-9-223. Insurance Coverage
- R21-9-224. Physical Space Requirements; Transportation of a Child
- R21-9-225. Protecting Confidentiality of Adoption Records
- R21-9-226. Recordkeeping Requirements: Adoptive Children
- R21-9-227. Recordkeeping Requirements: Adoptive Parents
- R21-9-228. Reporting Requirements: Abuse; Adoption Agency Change; Change of Circumstances of a Child or Family
- R21-9-229. Closure of Adoption Agency; Record Requirements
- R21-9-230. Birth Parent; Service Agreement; Prohibitions
- R21-9-231. Adoption Fees; Reasonableness
- R21-9-232. Adoption Fee Agreement
- R21-9-233. Monitoring; Inspections and Interviews; Compliance Audit
- R21-9-234. Complaints; Investigations
- R21-9-235. Noncompliance Status; Corrective Action Plan
- R21-9-236. Suspension
- R21-9-237. Revocation
- R21-9-238. Adverse Action: Procedures
- R21-9-239. Appeals
- R21-9-240. International Adoptions

**ARTICLE 1. DEFINITIONS**

**R21-9-101. Definitions**

The definitions contained in A.R.S. § 8-101 and R21-5-301 apply in this Chapter. In addition, and where inconsistent with the definitions in R21-5-301, the following definitions apply in this Chapter:

1. “Adoption agency applicant” means the individual completing an application for a license to operate an adoption agency in Arizona on behalf of the individual or on behalf of the adoption agency. “Adoption agency applicant” also includes the adoption agency for which the individual is applying.
2. “Child restraint system” means an add-on child restraint system, a built-in child restraint system, a factory-installed built-in child restraint system, a rear-facing child restraint system, or a booster seat.
3. “Child welfare field” means an area of endeavor that provides a set of services designed to protect children and encourage family stability. These typically include investigation of alleged child abuse and neglect, foster care, adoption services and services aimed at supporting at-risk families so they can remain intact.
4. “Client” means a prospective adoptive parent and the child who is or would be the subject of an adoption performed by the adoption agency.
5. “Human services field” means any area of study that moves the human experience forward; including, psychology, sociology, social work, medicine, and education.
6. “Office of Licensing and Regulation” or “OLR” means the administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.
7. “Person” means a corporation, company, partnership, firm, association, or society, as well as a natural person.

**ARTICLE 2. ADOPTION AGENCY LICENSING REQUIREMENTS**

**R21-9-201. Who Shall Be Licensed**

- A.** Only the following may perform the adoption services listed in subsection (B):
  1. A person licensed as an adoption agency;
  2. An employee of or an independent contractor for an adoption agency;
  3. A person acting under the direct supervision and control of an adoption agency; or
  4. The Department under A.R.S. § 8-131.
- B.** Only the persons or entities listed in subsection (A) may perform the following adoption services:
  1. Recruiting a birth parent to place a child through a particular adoption agency;
  2. Accepting a birth parent’s relinquishment and consent to adoption;
  3. Accepting physical custody of a child for placement into an adoption placement;
  4. Placing a child in an adoptive home;
  5. Monitoring, supervising, or finalizing an adoption placement; and
  6. Providing networking or matching services for a birth parent, an adoptive parent, or a child.
- C.** Notwithstanding subsections R21-9-201(A) and (B), attorneys licensed to practice law in the state of Arizona may participate in direct placement adoptions to the extent allowed by A.R.S. Title 8, Chapter 1, Article 1.

**R21-9-202. Adoption Agency License; Initial Application Package; Fee**

- A.** A person who wants to operate an adoption agency shall initiate the licensing process by completing an application package for an adoption agency license.
- B.** A complete application package for an initial adoption agency license shall contain the information and the supporting



documentation listed in this subsection:

1. Identification and background information, including the following information for the adoption agency, facility, and administrators:
  - a. Name, address, telephone, and fax numbers for the adoption agency and all offices operated by the adoption agency;
  - b. Name, title, business address, telephone and fax numbers, and email address of:
    - i. The person who serves as the adoption agency administrator as prescribed in R21-9-211;
    - ii. The person who serves as the Social Services Director as prescribed in R21-9-212;
    - iii. The person with delegated authority to act when the adoption agency administrator is absent;
    - iv. The person in charge of each separate office;
    - v. The registered agent, if applicable; and
    - vi. Persons holding at least a 10 percent ownership interest in the adoption agency applicant;
  - c. The educational qualifications and work history for each person identified in R21-9-214, with that person's attached resume or employment application;
  - d. A list of the members of the adoption agency's governing body required by R21-9-210, including name, address, position in the adoption agency, term of membership, and any relationship to the adoption agency applicant;
  - e. If applicable, a written description of any proceedings pending or filed, brought against the adoption agency applicant or a person listed in R21-9-210 through R21-9-214, adoption agency employees, partners, or independent contractors, including those held in this state or another state or country; for denial, suspension, or revocation of a license or certificate for provision of:
    - i. Adoption services; or
    - ii. Social services, including child welfare, child care, or any other programs or services to children, elderly, or vulnerable adults; and
  - f. If applicable, a written description of any litigation in which the adoption agency applicant or a person listed in R21-9-210 through R21-9-214 is or has been a party, including, collection matters and bankruptcy proceedings, during the 10 years preceding the date of application for the adoption agency license.
2. Business organization.
  - a. An organizational chart for the adoption agency and each separate office, showing administrative structure, lines of authority, and staff;
  - b. Business organization documents appropriate to the adoption agency applicant, including:
    - i. Articles of incorporation,
    - ii. By-laws,
    - iii. Articles of organization, or
    - iv. Partnership documents, such as the Partnership Agreement;
  - c. Annual reports for the preceding three years if the adoption agency has been in existence for three or more years;
  - d. For corporations, or limited liability companies, a certificate of good standing from the Arizona Corporation Commission;
  - e. A copy of any license or authorization to perform adoption services in a foreign country; and
  - f. A consent allowing any out-of-state or foreign licensing authority to release information on the adoption agency applicant to OLR.
3. Staff.
  - a. A list of the adoption agency applicant's paid or unpaid staff, including:
    - i. Name,
    - ii. Position or title,
    - iii. Degrees,
    - iv. Certificates,
    - v. Licenses held,
    - vi. Business address,
    - vii. Date of hire,
    - viii. Date of submission for fingerprinting and criminal background clearance, and
    - ix. If contracted with the Department, a Central Registry check;
  - b. Obtain and provide to the Department evidence that all staff, interns, and volunteers have submitted fingerprints and criminal background information as prescribed in A.R.S. § 46-141, R21-9-214, and R21-9-215.
4. Financial Stability.
  - a. A written, proposed operating budget for startup and a projected or annual budget for the first year of operation;
  - b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;



- c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
  - d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining nine months of the licensing year; the resources may include:
    - i. Cash.
    - ii. Contracts for placement.
    - iii. Donations.
    - iv. Letters of commitment from financial backers or investors.
    - v. Grants, and
    - vi. Authorization for a line of credit;
  - e. If the adoption agency applicant, the adoption agency administrator, a Board Member, or any adoption agency employee or partner has operated any adoption agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that adoption agency, unless the most recent statement or audit is more than 10 years old; and
  - f. A certificate of insurance, or letter of commitment from an insurer, showing that the adoption agency applicant has insurance coverage as prescribed in R21-9-223.
5. Program.
- a. Informational, marketing, or advertising material about the adoption agency;
  - b. Program description, including:
    - i. All adoption services the adoption agency applicant intends to provide;
    - ii. The fee the adoption agency applicant will charge for each service;
    - iii. The cost to the adoption agency applicant of providing each service;
    - iv. The time in the adoption process when the adoption agency applicant will require a client to pay the fee described in R21-9-231;
    - v. The anticipated number of clients the adoption agency applicant will serve; and
    - vi. The methods the adoption agency applicant will use to recruit birth parents and prospective adoptive parents; and
  - c. A written explanation of how the adoption agency applicant will provide adoption services, including:
    - i. The number and description of staff who will provide the service, and
    - ii. Staff training requirements.
6. Documentation, Forms, and Notices. Samples of all documents, forms, and notices, which the adoption agency applicant will use with or provide to a client, including:
- a. Adoption agency application for services;
  - b. Adoptive parent certification application;
  - c. Fee policy and schedule as prescribed by R21-9-231;
  - d. Sample birth parent relinquishment and consent form;
  - e. Informational or advertising brochures;
  - f. Sample fee agreement;
  - g. Sample birth parent agreement letter;
  - h. Intake form;
  - i. Sample case file;
  - j. Court report format; and
  - k. Statistical report.
7. Sample Files. A sample of the type of filing format the adoption agency applicant will utilize for personnel files as prescribed in R21-9-216, and client files as prescribed in R21-9-226 and R21-9-227.
8. Policies and Procedures. Copies of the adoption agency applicant’s internal policies and operations manual.
9. Physical site and environment.
- a. The floor plan for each office or location designated for conducting private discussions, interviews, and meetings;
  - b. A description of the adoption agency applicant’s computer security system and the adoption agency applicant’s confidentiality safeguards; and
  - c. Registration and inspection certificates for all vehicles used to transport a client or children.
10. Miscellaneous.
- a. A signed, written statement authorizing OLR to investigate the adoption agency applicant;
  - b. The signature, under penalty of perjury, of the adoption agency administrator or authorized person submitting the application, attesting to the truthfulness of the information contained in the application;
  - c. The date of application; and
  - d. Board or partnership meeting minutes for the past three years if the adoption agency has been in existence for three or more years.
11. Fee. Pay a non-refundable, initial application fee of \$400.



C. An adoption agency that does not have or maintain all or part of the supporting documentation listed in this Section shall so indicate in a written statement filed with the application.

**R21-9-203. Additional Requirements for Licensing: Out-of-state and Foreign Adoption Agencies**

A. An out-of-state adoption agency or an adoption agency that conducts foreign adoptions that wishes to become licensed in Arizona as an adoption agency shall comply with all requirements of R21-9-202.

B. In addition to the documentation required by R21-9-202, the out-of-state or foreign adoption agency applicant shall file the following documents with OLR:

1. A copy of each license or authorization to perform adoption services the adoption agency applicant holds in states other than Arizona or in a foreign country;
2. A signed, written consent allowing any out-of-state or foreign licensing authority to release information on the adoption agency applicant to OLR; and
3. A written description of any license suspension or revocation proceedings pending, filed, or brought against:
  - a. The adoption agency applicant;
  - b. The adoption agency applicant's owner, if the adoption agency applicant is acting as an individual or a sole proprietor;
  - c. The partners of the adoption agency applicant, if the adoption agency applicant is a partnership; and
  - d. The directors, officers, and shareholders holding more than a 10 percent ownership interest in the adoption agency applicant, if the adoption agency applicant is a corporation.

**R21-9-204. Department Procedures for Processing License Applications: Licensing Time Frames**

A. In this Section, a complete application package means:

1. For an initial license, the items listed in R21-9-202 for an in-state adoption agency and R21-9-203 for an out of state adoption agency or an adoption agency engaged in foreign adoptions; or
2. For a renewal license, the items listed in R21-9-207.

B. Within 15 days of receiving an initial or renewal license application package, OLR shall conduct an administrative review to determine whether all required documentation and information has been submitted. Within the 15-day administrative review time-frame:

1. If the application is complete, OLR shall immediately move the application forward for a substantive review; or
2. If the application is incomplete, OLR shall issue a Notice of Incomplete Application to the adoption agency applicant containing a list of items and information needed to complete the application.
  - a. The adoption agency applicant shall have 60 days to supply the missing items or information to OLR.
  - b. The time-frame for the administrative completeness review shall be suspended from the date OLR issues the Notice of Incomplete Application to the date that OLR receives the missing item or information.
  - c. If the adoption agency applicant does not supply the requested items or information within 60 days of the date of the Notice of Incomplete Application, OLR shall close the file. Once closed, the adoption agency applicant may reapply for licensure.
  - d. If the adoption agency applicant supplies the required items and information to OLR within 60 days, OLR shall conduct a substantive review of the application.

C. An adoption agency applicant whose file has been closed under subsection (B)(2)(c) and who reapplies no later than 90 days after the date of the notice closing the application, may reopen the application provided:

1. The Adoption agency applicant schedules a conference with OLR, and
2. The Adoption agency applicant provides to OLR the missing information or items identified in the Notice of Incomplete Application.

D. Within the 90 days following the administrative completeness review of an application, and if the application is complete, OLR shall complete a substantive review to evaluate the adoption agency applicant's fitness for licensure. Within the 90-day substantive review time-frame, OLR:

1. May request that the adoption agency applicant provide additional information if needed to evaluate the suitability of the adoption agency applicant for licensure.
  - a. The adoption agency applicant shall have an additional 15 days to provide the information to OLR.
  - b. The time-frame for the substantive review shall be suspended from the date OLR requests additional information to the date OLR receives the information.
2. Shall make the licensing decision under R21-9-205.

E. Within an overall time-frame of 105 days upon receipt of a complete application, OLR shall:

1. Complete an administrative review of an application.
2. Complete a substantive review of an adoption agency applicant's fitness, and
3. Notify the adoption agency applicant of the decision to issue or deny a license.

F. For the purpose of A.R.S. § 41-1073, OLR establishes the following licensing time-frames for both an initial and renewal license:

1. Administrative completeness review time-frame: 15 days;
2. Substantive review time-frame: 90 days; and
3. Overall time-frame: 105 days.



**R21-9-205. License: Issuance; Denial**

- A.** Prior to issuing a license to an adoption agency applicant, OLR shall:
  - 1. Review the application package;
  - 2. Inspect the adoption agency applicant's place of business, records, accounting records, and system for client files;
  - 3. Interview the adoption agency applicant's staff, as necessary to familiarize the OLR representative with the adoption agency applicant's operations; and
  - 4. For out-of-state adoption agency applicants, and foreign adoption agencies, verify that the adoption agency applicant is licensed out-of-state or authorized to conduct foreign adoptions, as applicable, and investigate any complaints asserted against the adoption agency applicant in other states or countries.
- B.** Prior to issuing a license, OLR may submit the adoption agency applicant's start-up, operating, or annual budget required in R21-9-202 for audit verification.
- C.** OLR may issue a license to an adoption agency applicant who:
  - 1. Has complied with all application and inspection requirements of this Chapter; and
  - 2. Demonstrates that it:
    - a. Has sufficient capital to pay all start-up costs;
    - b. Has sufficient capital, personnel, expertise, facilities, and equipment to provide the services it plans to offer;
    - c. Does not intend to charge unreasonable fees; and
    - d. Complies with the requirements of this Chapter and A.A.C. Title 21, Chapter 5, Article 4.
- D.** OLR may deny a license to:
  - 1. An adoption agency applicant that had a license revoked by any state or foreign country;
  - 2. An adoption agency applicant that employs personnel whose fingerprint background check shows that the employee has been convicted of or is awaiting trial on an offense listed in A.R.S. § 46-141;
  - 3. An adoption agency applicant that does not comply with one or more of the standards listed in subsection (C);
  - 4. An adoption agency applicant that has intentionally or recklessly jeopardized the well-being of its client;
  - 5. An adoption agency applicant that has a history or pattern of violations of applicable adoption statutes or rules; or
  - 6. An adoption agency applicant that violates the ICPC or ICWA during a licensing year.
- E.** When OLR denies a license, OLR shall send the adoption agency applicant written notice explaining the reason for denial, and the adoption agency applicant's right to seek a fair hearing.

**R21-9-206. License: Term; Non-transferability**

- A.** OLR shall issue a license only to the adoption agency for which application is made and for the location shown on the application.
- B.** A license expires one year from the date of issuance.
- C.** A license shall not be transferred or assigned and shall expire upon a change in adoption agency ownership.
- D.** For the purpose of this Section, a change in ownership shall include the following events:
  - 1. Sale or transfer of the adoption agency.
  - 2. Bulk sale or transfer of the adoption agency's assets or liabilities.
  - 3. Placement of the adoption agency in the control of a court appointed receiver or trustee.
  - 4. Bankruptcy of the adoption agency.
  - 5. Change in the composition of the partners of an adoption agency organized as a partnership.
  - 6. Sale or transfer of a controlling interest in the stock of a corporate adoption agency, or
  - 7. Loss of an adoption agency's nonprofit status.

**R21-9-207. Application for License Renewal; Fee**

- A.** No earlier than 90 days and no later than 45 days prior to the expiration date of a license, an adoption agency may apply to OLR for license renewal.
- B.** The renewal application shall be on a Department form containing the information listed in R21-9-202 and R21-9-203, as applicable.
- C.** The adoption agency shall submit evidence that each current agency employee has obtained a new fingerprint clearance card every six years following original clearance.
- D.** An adoption agency shall submit copies of the supporting documents listed in R21-9-202 if the adoption agency has changed, amended, or updated such documents since the adoption agency last renewed its license.
- E.** With a renewal application, the adoption agency shall also submit a renewal fee of \$225 and the following documentation:
  - 1. A current financial statement;
  - 2. A copy of the adoption agency's current operating budget and a recent audit report required by R21-9-222 or if applicable, the documentation required by R21-9-222 subsection (C);
  - 3. Copies of any written complaints the adoption agency has received about its performance during the expiring license year; and
  - 4. A written description of any changes in program services or locations, or the population served by the adoption agency.

**R21-9-208. Renewal License: Issuance**

- A.** OLR shall process a renewal application package pursuant to the procedures described in R21-9-204 and R21-9-205.



- B.** In addition to conducting an investigation as prescribed in R21-9-205, OLR may:
  1. Interview adoption agency clients and references.
  2. Observe adoption agency staffings, and
  3. Conduct field visits to the adoption agency offices.
- C.** In determining whether to renew a license, OLR may consider the licensee's past history from other licensing periods, and shall consider a repetitive pattern of violations of applicable adoption statutes or rules as evidence that the adoption agency is unable to meet the standards for obtaining a license.
- D.** OLR may renew an adoption agency's license when the adoption agency:
  1. Demonstrates that it meets the standards described in this Chapter.
  2. Has complied with the requirements of this Article and A.A.C. Title 21, Chapter 5, Article 4 during the expiring period of licensure, and
  3. Has corrected any prior circumstances that resulted in non-compliance status.

**R21-9-209. Amended License**

- A.** An adoption agency that seeks to change its name, address, or offices, without a change in ownership, shall apply to OLR for an amended license at least 14 days prior to the effective date of the change.
- B.** The application shall be in writing and shall specify the information to be changed.
- C.** So long as the change does not cause the adoption agency to fall out of compliance with the standards listed in this Article and A.A.C. Title 21, Chapter 5, Article 4, OLR shall issue an amended license.
- D.** The amended license shall expire at the end of the adoption agency's current licensing year.

**R21-9-210. Governing Body**

- A.** The adoption agency shall have a governing body to oversee the operations, policies, and practices of the adoption agency and its facilities.
- B.** The governing body shall be:
  1. The board of directors for any adoption agency formed as a corporation;
  2. The individual owner of any adoption agency that is a sole-proprietorship;
  3. The members of a limited liability company; or
  4. The partners in a partnership.
- C.** The governing body shall:
  1. Establish the adoption agency's policies and oversee the implementation of those policies;
  2. Ensure that the adoption agency has the capital, physical facilities, staff, and equipment to effectively implement the adoption agency's policies and adoption program;
  3. Ensure that the adoption agency complies with:
    - a. All legal agreements to which the adoption agency is a party; and
    - b. All relevant federal, state, and local laws;
  4. Review and approve the adoption agency's annual operating budget required by R21-9-221 and the annual audit required by R21-9-222, or, if applicable, the documentation required by R21-9-222 subsection (C); and
  5. Notify OLR before making any substantial changes to the adoptions program set out in the adoption agency's operations manual.
- D.** The adoption agency shall advise OLR in writing of any changes in composition of the governing body within 30 days of the change.

**R21-9-211. Adoption Agency Administrator**

- A.** The adoption agency shall have an administrator who is responsible for the adoption agency's business operations.
- B.** The Administrator shall have the education and experience described in this subsection.
  1. A bachelor's degree from an accredited college or university and two years of professional experience in a human services field, one year of which shall have been in a supervisory or administrative position;
  2. A master's or doctorate degree from an accredited graduate school in business, public administration, or a human services field, and one year of professional experience in the human services field; or
  3. Five years of experience as the administrator in a program in a human services field.
- C.** The Administrator shall:
  1. Oversee development and implementation of the adoption agency's policy and procedures for program and fiscal operations;
  2. Ensure that the adoption agency achieves and maintains compliance with the requirements of this Article;
  3. Oversee hiring, evaluation, and discharge of adoption agency personnel in accordance with the adoption agency's established personnel policies and this Article; and
  4. Establish and supervise working relationships with other social service agencies within the community.
- D.** An Administrator who directly supervises adoption activities shall also meet the requirements for a social services director prescribed in R21-9-212.

**R21-9-212. Social Services Director**

- A.** The adoption agency shall have a social services director who is responsible for the adoption agency's casework and family services.
- B.** The social services director shall have the following education and experience:



- 1. A bachelor’s degree in social work or a related human services field from an accredited college or university and three years of professional experience in services to children and families, two years of which shall be in adoption services;
- 2. A master’s degree in social work or a related human services field from an accredited college or university and a minimum of two years of professional experience in services to children and families; or
- 3. Five years of experience as the director in a program in a child welfare field.
- C. The social services director shall, either personally or through a designee:
  - 1. Supervise, manage, train, and evaluate all social work staff members and consultants;
  - 2. Approve decisions regarding family and child eligibility for service, maternity and child care, transportation and placement arrangements, finalization, and any other changes in a child’s legal status; and
  - 3. Implement the adoption agency’s adoption program and services.
- D. If the social services director delegates responsibility under subsection (C), the social services director shall personally supervise the designee and shall oversee the performance of the duties described in subsection (C).
- E. If the social services director performs the duties of an adoption agency administrator, the director shall also meet the requirements for an adoption agency administrator prescribed in R21-9-211.

**R21-9-213. Social Workers**

- A. The adoption agency shall have social workers sufficient to meet the ratio requirements prescribed in R21-9-219.
- B. A social worker shall have the following qualifications:
  - 1. A bachelor’s degree in social work or a related human services field from an accredited college or university and two years of professional experience in a human services field;
  - 2. A master’s degree in social work or in a related human services field from an accredited college or university;
  - 3. An associate’s or a two-year degree from an accredited educational institution in a human services or child welfare field and five years’ experience engaged in the activities listed in subsection (C); or
  - 4. Ten years experience in a human services or a child welfare field engaged in the activities listed in subsection (C).
- C. A social worker shall:
  - 1. Maintain or supervise the maintenance of up-to-date case records on cases assigned to the worker;
  - 2. Prepare certification and placement reports and home studies for adoptive applicants and parents, and such other reports as the court may require; and
  - 3. Provide pre-placement, placement, post-placement, or post-adoption services to a client.

**R21-9-214. Adoption Agency Employees: Hiring; References; Fingerprinting**

- A. An adoption agency shall obtain an application for employment or a resume from each employee, or contracted employee. The application or resume shall contain, at a minimum, the following information on the applicant:
  - 1. Name and current address and telephone number;
  - 2. Educational history;
  - 3. Degrees or certifications held;
  - 4. Work history for five years prior to the date of the application, and the reasons for leaving each prior job;
  - 5. A summary of all prior experience the applicant has had in the area for which the applicant is seeking employment;
  - 6. A minimum of three professional references, preferably of prior or current supervisors;
  - 7. A minimum of three personal references; and
  - 8. A list of any criminal convictions, excluding minor traffic violations.
- B. An adoption agency shall not hire an applicant for employment until:
  - 1. The adoption agency has personally contacted at least two of the applicant’s professional references and one of the applicant’s personal references;
  - 2. The adoption agency has verified that the applicant has the skills and training necessary to perform the task for which the adoption agency is hiring the applicant;
  - 3. The applicant has submitted to a fingerprint and criminal records check as required by A.R.S. § 46-141 and A.A.C. Title 21, Chapter 1, Article 4; and
  - 4. If contracted with the Department, the applicant has passed a Central Registry check.
- C. The adoption agency shall not knowingly hire or retain any staff, member, including a volunteer or intern, who is awaiting trial on, or has been charged with, been convicted of, pled guilty to, or entered into a plea agreement regarding an offense listed in A.R.S. § 46-141.
- D. The adoption agency shall ensure that any staff required to have a fingerprint clearance card shall obtain a new card every six years after initial issuance.
- E. The adoption agency shall have written job descriptions for all employee and volunteer positions in the adoption agency. The job descriptions shall include the essential functions of the job and any minimum qualifications or training required for the position.

**R21-9-215. Adoption Agency Volunteers; Interns**

- An adoption agency that uses volunteers or student interns shall follow the requirements of this Section.
  - 1. An appropriate employee shall directly supervise each volunteer or intern. As used in this subsection, the term “appropriate” shall mean adoption agency personnel with skills and training to guide the volunteer or intern in the performance of the designated tasks.



2. The adoption agency shall subject each volunteer or intern who renders direct services to a client, to the same fingerprint clearance card requirements and reference checks the adoption agency performs on adoption agency employees under R21-9-214.
3. For each volunteer or intern, the adoption agency shall maintain a record of fingerprint clearance, reference check information, and any training provided. The adoption agency shall retain the record for three years following the volunteer's or intern's termination with the adoption agency.

**R21-9-216. Personnel Records**

- A.** The adoption agency shall maintain a personnel file for each adoption agency employee. The file shall contain:
1. The employee's resume or written application for employment;
  2. Documentation of the reference checks required by R21-9-214 and R21-9-215;
  3. Evidence of a fingerprint clearance card and criminal records clearance;
  4. Results of a Central Registry check;
  5. A record of the expiration date and number of the employee's driver's or chauffeur's license, if the employee transports a client;
  6. Copies of the employee's professional credentials or certifications, if relevant to the employee's job functions;
  7. Documentation of initial and ongoing training the employee has received;
  8. Periodic job performance evaluations; and
  9. Dates of employment and separation, and reasons for separation.
- B.** The adoption agency shall maintain employee personnel records for at least three years following the employee's separation from the adoption agency.

**R21-9-217. Training Requirements**

- A.** An adoption agency shall provide initial and ongoing training for professional employees.
1. Initial training shall include orientation to the adoption agency and any of the adoption agency's and the Department's policies and procedures that are relevant to the employee's job.
  2. Ongoing training shall include a minimum of 14 hours of annual training in the following, or related, subject areas:
    - a. Adoption statutes and rules,
    - b. Adoption agency and Department policies and procedures,
    - c. Confidentiality, and
    - d. The specific subject matter of the employee's job.
- B.** The adoption agency shall document all training in the employee's personnel file.
- C.** As used in this Section, "professional employee" shall mean any person who renders services directly to a client.

**R21-9-218. Contracted Services**

- A.** When an adoption agency provides adoption services through persons who are not adoption agency employees, volunteers, or interns, the adoption agency shall retain only external professionals or consultants who are certified, licensed, or otherwise meet the qualifications described in A.A.C. Title 21, Chapter 5, Article 4, to provide such services.
- B.** The adoption agency shall not require a client to use medical, legal, psychological, psychiatric, or other professionals or consultants used or recommended by the adoption agency. The adoption agency may use consultants or persons selected by the adoption agency's client, so long as the consultant designated by the client has the education, experience, or certification required to render the service.

**R21-9-219. Staffing Ratios**

- A.** An adoption agency shall have sufficient staff to satisfy:
1. All statutory requirements for provision of adoption services;
  2. All applicable requirements of this Article and A.A.C. Title 21, Chapter 5, Article 4; and
  3. All requirements included in the adoption agency's own operating and procedural manuals, policies, or guidance documents.
- B.** To determine sufficiency under subsection (A), OLR shall consider:
1. Complaints made against the adoption agency;
  2. The complexity of the individual needs of the clients served by the adoption agency;
  3. The professional training and experience of the adoption agency's staff;
  4. The specific functions assigned to individual adoption agency staff;
  5. The geographic area served by the adoption agency and any travel time required for adoption agency staff;
  6. The respective amounts of time staff devote to various functions and responsibilities, including provision of services, court appearances, case documentation, professional training and development, and administrative tasks; and
  7. Other similar factors bearing on caseload distribution.
- C.** Notwithstanding any other provision of this Article, a social worker whose caseload is predominantly a caseload of children with special needs shall not have a caseload in excess of 20 children.

**R21-9-220. Operations Manual**

- A.** An adoption agency shall have a written operations manual, which shall include:
1. A statement of the adoption agency's purpose, philosophy, and program;
  2. A list of any eligibility requirements for a client;



- 3. A description of services provided to clients and the name of any person or entity providing the service, if different from the adoption agency and its employees;
- 4. An organizational chart explaining the adoption agency's lines of authority;
- 5. Intake policies and procedures;
- 6. The operational procedures the adoption agency follows for delivery of services;
- 7. Confidentiality policies and procedures;
- 8. Staff training policy;
- 9. Policy for use of volunteers;
- 10. Policy on student and intern placement;
- 11. Policy and procedures to be followed in the event of adoptive placement disruption;
- 12. Policy for recruitment and selection of adoptive families; and
- 13. Policy for transferring files if the adoption agency goes out of business, including designated personnel or positions to handle the transfer.

- B.** The adoption agency shall make the operations manual available to all adoption agency personnel and shall ensure that personnel are familiar with and trained in those policies and procedures relevant to their job functions.
- C.** The adoption agency shall make the operations manual available for review by a client, upon request.

**R21-9-221. Adoption Agency Operations Budget; Financial Records**

- A.** Before the start of the adoption agency's fiscal year, the Governing Body shall adopt a budget that shall reflect sufficient funds to pay the costs of the adoption agency's program and shall be based on the audit report prepared in compliance with R21-9-222, or, if applicable, the documentation required by R21-9-222 subsection (C).
- B.** The adoption agency shall operate within the budget adopted by the Governing Body.
- C.** The adoption agency shall maintain financial records of receipts, disbursements, assets, and liabilities. The adoption agency shall maintain its financial records in accordance with generally accepted accounting principles; the records shall accurately reflect the adoption agency's financial position.
- D.** The adoption agency shall maintain records showing the following information:
  - 1. Each adoptive parent's original contract date with the adoption agency;
  - 2. Fees that each adoptive parent has paid to the adoption agency and the date of such payments; and
  - 3. Fees that the adoption agency has charged to the adoptive parent.
- E.** The adoption agency shall make all records described in this Section available for inspection by OLR at periodic inspections, or at other reasonable times upon Department request.
- F.** The adoption agency shall retain financial records for ten years, including the records involved in an audit, following completion of the audit.

**R21-9-222. Annual Financial Audit**

- A.** An adoption agency shall obtain an annual, fiscal year-end, financial audit by an independent certified public accountant. The accountant shall conduct the audit in accordance with generally accepted auditing standards.
- B.** The adoption agency shall obtain from the auditor a written audit report that shall include the following financial information:
  - 1. Income statement,
  - 2. Balance sheet,
  - 3. Statement of cash flows,
  - 4. Statement of monies or other benefits the adoption agency has paid or transferred to other business entities or individuals affiliated with the adoption agency, and
  - 5. A record of any financial transactions between the adoption agency and any other adoption agency.
- C.** Notwithstanding subsections (A) and (B), for adoption agencies with an annual income of less than \$250,000, rather than submit the financial audit required in subsections (A) and (B), the adoption agency shall:
  - 1. Provide verifiable information that allows OLR to evaluate the adoption agency's financial stability.
  - 2. Maintain acceptable documentation that includes:
    - a. Annual fiscal audit;
    - b. Six month current bank statement;
    - c. Statements from lines of credit; and
    - d. The previous year's tax return.
- D.** OLR may request additional information that would allow OLR to evaluate the adoption agency's financial stability.

**R21-9-223. Insurance Coverage**

- A.** An adoption agency contracted with the State shall have insurance coverage as required by the State contract in addition to the requirements of this Section.
- B.** An adoption agency shall have insurance coverage that provides protection against financial loss as required by this Section, including insurance coverage with the minimum scope and limits of liability not less than those stated below.
  - 1. Commercial General Liability - Occurrence Form Coverage including bodily injury, property damage, personal injury, and broad form contractual liability:
    - a. General Aggregate \$2,000,000;
    - b. Products – Completed Operations Aggregate \$1,000,000;



- c. Personal and Advertising Injury \$1,000,000;
- d. Blanket Contractual Liability – Written and Oral \$1,000,000;
- e. Fire Legal Liability \$50,000;
- f. Each Occurrence \$1,000,000; and
- g. The policy shall include coverage for sexual abuse and molestation.
- 2. Automobile Liability. The policy shall cover bodily injury and property damage for any owned, hired, or non-owned vehicle used in the performance of licensee's operations and shall have a Combined Single Limit (CSL) coverage of \$1,000,000.
- 3. Worker's Compensation and Employers' Liability.
  - a. Workers' Compensation coverage shall comply with state statutory requirements.
  - b. Employers' Liability.
    - i. Each Accident \$500,000;
    - ii. Disease – Each Employee \$500,000; and
    - iii. Disease – Policy Limit \$1,000,000.

**R21-9-224. Physical Space Requirements: Transportation of a Child**

- A. An adoption agency shall not discuss confidential information with a client in a public setting.
- B. An adoption agency shall have available a physical space in Arizona that provides privacy and security.
- C. Meeting Space.
  - 1. Available space. The adoption agency shall maintain at its offices in Arizona or have available a local meeting space for interviewing children and families and for supervisory conferences.
  - 2. Confidentiality. The adoption agency meeting space shall provide privacy for interviews and discussion of confidential information.
  - 3. Safety. The adoption agency meeting space shall comply with any building, health, fire or other codes in effect in the jurisdiction where it is located.
  - 4. Telephone. The adoption agency meeting space shall have telephone service.
- D. Records Storage Space.
  - 1. The adoption agency shall maintain or have available a physical space for records storage that protects confidentiality and provides security.
  - 2. The records storage space may be a space for hard copy records or a secure server with encryption capabilities for digital records.
  - 3. The adoption agency storage space shall provide security against theft, unauthorized release, security breach, damage, and loss of records.
  - 4. The adoption agency storage space shall allow for immediate protection of confidential information.
  - 5. If the adoption agency contracts for storage space, the contract shall include:
    - a. A provision that all records are owned solely by the adoption agency and shall not be used or disseminated by the contractor in any way;
    - b. A provision that the contractor shall return all records immediately upon cessation of the contract; and
    - c. A provision requiring security against theft, unauthorized release, security breach, damage, and loss of records.
- E. Transportation. When an adoption agency transports a child or directs the transportation of a child, the adoption agency shall ensure that the vehicle, at a minimum:
  - 1. Is maintained in safe operating condition;
  - 2. Is properly licensed, registered, and has liability insurance; and
  - 3. Has passenger safety restraints available and:
    - a. Each child less than the age of five years or weighing less than 40 pounds is properly secured in a child car seat and child restraint system that is appropriate to the height, weight, and physical condition of the child;
    - b. Each child five to eight years of age who weighs more than 40 pounds, but is less than four feet nine inches in height is properly secured in a child restraint system that is appropriate to the height, weight, and physical condition of the child;
    - c. Each child not covered by subsections (a) and (b) is properly secured with a seat belt;
    - d. Each child with a disability that prevents the child from maintaining head and torso control while sitting is secured in a car bed, harness, or other device designed to protect the child during transportation; and
    - e. If a child is transported in a wheelchair, the child is properly secured with a floor-mounted seat belt, and the wheelchair is properly immobilized using lock-down devices.
- F. An adoption agency shall not leave a child unattended during transportation if the child:
  - a. Is less than seven years of age;
  - b. Has a developmental disability; and
  - c. Is more than seven years of age if the adoption agency has determined, and documented in the child's record, that the child is physically and emotionally incapable of traveling alone;
- G. The adoption agency shall ensure that the adoptive parent has all of the equipment in place and properly installed to meet the requirements of subsection (E) prior to placement.
- H. An adoption agency shall ensure the following safety requirements for drivers selected by the adoption agency to trans-



port a child:

- 1. The driver has a valid driver license; and
- 2. The driver practices safe, defensive driving and obeys all traffic laws.

**I.** A child shall not be transported in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.

**R21-9-225. Protecting Confidentiality of Adoption Records**

The adoption agency shall have and follow a written policy for the maintenance and security of adoption records. The policy shall be consistent with A.R.S. §§ 8-120, 8-121, and 36-2903.01(Q) and shall specify:

- 1. The personnel responsible for supervision and maintenance of records;
- 2. The persons who shall and may have access to the records;
- 3. The procedures for immediately securing confidential information;
- 4. The procedures for authorizing release of records;
- 5. The procedures for release of records;
- 6. The procedures for security breach or loss of adoption records; and
- 7. The procedures for transferring records.

**R21-9-226. Recordkeeping Requirements: Adoptive Children**

The adoption agency shall maintain a case record for each adoptive child. Except as otherwise provided in A.R.S. § 8-129, the record shall be divided into two sections as follows:

- 1. Non-identifying information as required by A.R.S. § 8-129; and
- 2. Identifying information which shall include:
  - a. Tapes, videos, or photos of the adoptive child or birth parent;
  - b. Legal documents and reports required for adoption;
  - c. Social, physical, mental, and educational history of the child’s birth family;
  - d. Social, physical, mental, and educational history of the adoptive child; and
  - e. A summary of all action taken to prepare the child for placement in the adoptive home.

**R21-9-227. Recordkeeping Requirements: Adoptive Parents**

The adoption agency shall maintain a case record for each adoptive parent. If the adoptive parent is a member of the same family as another adoptive parent, the adoption agency can maintain one file for the adoptive family. The file shall include:

- 1. Documentation showing that the adoptive parent received the orientation described in R21-5-403.
- 2. The adoptive parent’s application for certification.
- 3. The adoptive parent’s certification report and any recertification reports.
- 4. A copy or description of the non-identifying information the adoption agency has provided to the adoptive parent pursuant to A.R.S. § 8-129(A), and
- 5. A summary of the adoptive placement decision and the pre-placement and post-placement contacts with the adoptive family and the adoptive child.

**R21-9-228. Reporting Requirements: Abuse; Adoption Agency Change; Change of Circumstances of a Child or Family**

**A.** During the period of time that an adoption agency is providing services to an adoptive child or family, the adoption agency shall:

- 1. Immediately report any suspected or alleged incident of abuse or neglect of an adoptive child to the Department; and
- 2. Immediately notify an adoption agency licensing representative in OLR if an adoptive child dies or suffers a serious illness, bodily injury, or psychiatric episode.

**B.** An adoption agency shall notify OLR orally of any of the following changes or events within 24 hours after the adoption agency learns of their occurrence and shall submit written notification to OLR within seven days:

- 1. Permanent or temporary closure of the adoption agency or any part thereof;
- 2. A criminal conviction or plea agreement involving any adoption agency staff member, including a volunteer and intern, excluding minor traffic violations;
- 3. Filing of a lawsuit against the adoption agency;
- 4. Filing of a lawsuit against adoption agency personnel when the lawsuit relates to or is likely to adversely affect the provision of adoption services;
- 5. Damage to adoption agency facilities that substantially disrupts the program or the adoption agency’s accessibility to a client; and
- 6. Knowledge of any child placement that the adoption agency reasonably believes is not permitted by law.

**C.** The adoption agency shall notify OLR in writing at least 30 calendar days prior to any of the following proposed changes and events, if known:

- 1. Any plans to reorganize the adoption program that would involve changes in target population, geographic area, services, or eligibility, and the reasons for the changes;
- 2. Any change in the identity of the adoption agency administrator or social services director; or
- 3. Any change in ownership as described in R21-9-206(D).

**D.** Change of Circumstances of a Child or Family.



1. When there is a change in the adoptive circumstances of a child or family listed on the Adoption Registry, the adoption agency shall notify the Department of the change within five work days of receipt of information about the changed circumstances.
2. For the purpose of this subsection, a change in adoptive circumstances include the following events:
  - a. Placement of a child.
  - b. Loss or renewal of certification, and
  - c. Disruption or failure of a placement.

**R21-9-229. Closure of Adoption Agency: Record Requirements**

- A.** An adoption agency shall not destroy any files, records, reports, and other papers not filed in or in the possession of the court for 99 years;
- B.** If an adoption agency ceases operations, the adoption agency shall do all of the following:
  1. Transfer the documents described in subsection (A) of this section to the Department or to another adoption agency in this state if the documents concern a matter that is closed;
  2. Transfer the documents described in subsection (A) of this section to another adoption agency in this state if the documents concern a matter that is open;
  3. Notify the Department of the transfer of any documents to another adoption agency in this state; and
  4. Notify all adoptive parents whose files the adoption agency is transferring to the Department or another adoption agency in this state of the transfer.

**R21-9-230. Birth Parent: Service Agreement; Prohibitions**

- A.** Before providing services to a birth parent, an adoption agency shall enter into a signed written agreement with the birth parent. The agreement shall:
  1. Describe all services the adoption agency shall provide to the birth parent;
  2. Contain an explanation in plain language describing any monies that an adoptive parent may pay to a birth parent under A.R.S. § 8-114, including that a birth parent may only receive payments up to \$1,000 without court approval;
  3. Contain an itemized statement describing the nature, purpose, and amount of any payments the birth parent shall receive through the adoption agency or any entity affiliated with the adoption agency under A.R.S. § 8-114:
    - a. If the actual amount under subsection (3) is not known, the adoption agency shall describe how the amount shall be calculated, and
    - b. Include amounts only for reasonable and necessary expenses incurred in connection with the adoption under A.R.S. § 8-114.
- B.** Before or at the time of entering into a birth parent agreement with a birth mother, the adoption agency shall advise the birth mother of her obligations under A.R.S. § 8-106(F).
- C.** Before providing services to a birth parent, the adoption agency shall advise the birth parent of OLR's responsibility for licensing and monitoring an adoption agency, and the public's right to register a complaint about an adoption agency as prescribed in R21-9-235.

**R21-9-231. Adoption Fees: Reasonableness**

- A.** An adoption agency shall not charge a client more than a reasonable fee for services.
- B.** An adoption agency shall establish, maintain, and follow a written policy on the fees it charges a client for adoption services. The fee policy shall include all of the adoption agency's practices and procedures regarding fees, including the following:
  1. A schedule of fees the adoption agency charges for each specific service the adoption agency offers, and the time in the adoption process when the client is required to pay the fee, broken down, at a minimum, as follows:
    - a. Preregistration and registration fees.
    - b. Application and orientation fees.
    - c. Certification application fee.
    - d. Certification investigation.
    - e. Certification report.
    - f. Certification renewal fees.
    - g. Placement services.
    - h. Placement investigation and report.
    - i. Foreign adoption services.
    - j. Post-placement services.
    - k. Fees incurred when a child has special needs, and
    - l. Twins or sibling placements;
  2. An explanation of any practice the adoption agency may have for assessing fees based on pooled or averaged costs;
  3. An explanation of the circumstances or conditions that would cause the adoption agency to reduce, waive, suspend, or refund a fee, which circumstances may include:
    - a. Adjustment made for the well-being of an adoptive child, and
    - b. Adjustments made to accommodate an adoptive parent's limited ability to pay;
  4. An explanation of the circumstances that would cause the adoption agency to increase its fees; and



- 5. The procedures the adoption agency follows to collect its fees.
- C. An adoption agency shall advise prospective and existing clients of its fee policy and shall make a copy of the policy available to clients upon request.
- D. An adoption agency shall not:
  - 1. Condition a client's eligibility for, or receipt of, adoption services on the client's donation or agreement to donate money, goods, services, or other things of value, other than the regular scheduled adoption fees, to the adoption agency or to an adoption agency affiliate;
  - 2. Obstruct or withhold finalization of a placement or adoption solely for nonpayment of fees;
  - 3. Charge a client for any fee, which the adoption agency has not listed in the fee schedule, included in its fee policy, and disclosed to the client in the client's fee agreement letter;
  - 4. Charge a prospective adoptive parent advance fees contrary to R21-5-403(D); or
  - 5. Charge a prospective adoptive parent for a service not rendered.
- E. OLR may audit, or designate a certified public accountant to audit, an adoption agency's fee structure.
- F. The adoption agency shall provide OLR and the adoption agency's current adult clients with a copy of any changes made to the adoption agency's fee policy, no less than 14 days prior to the effective date of the change.
- G. An adoption agency shall refund to a client any fees the client paid for services the adoption agency failed to perform. Against any such refund, the adoption agency may offset any amount due from the client for services the adoption agency has performed and for which the client agreed to pay but has not paid.

**R21-9-232. Adoption Fee Agreement**

- A. Before providing services to an adoptive parent, the adoption agency shall enter into a written fee agreement with the adoptive parent. Both the adoptive parent and an authorized representative of the adoption agency shall sign and date the agreement. The adoption agency shall retain the original agreement in the adoptive parent's file and provide a copy to the adoptive parent.
- B. The fee agreement shall include the following terms:
  - 1. A description of all services the adoption agency will provide to the adoptive parent and the fee for each service; the agreement shall specify how much of the fee is being allocated to cover medical expenses, including the cost of pre-natal care and delivery;
  - 2. A general description of any adoption services the adoption agency is not providing but that are required to finalize the adoption, with an estimate of the costs of such services;
  - 3. The terms of payment, including payment due dates and amounts; and
  - 4. A statement advising the client of the client's right to receive a copy of the adoption agency's fee policy.
- C. An adoption agency shall not charge a fee, other than a certification application fee, or enter into an adoption fee agreement until after the potential client has received the orientation described in R21-5-403.
- D. When an adoption agency charges adoptive parents for birth parent counseling, the adoption agency will monitor birth parent attendance at scheduled counseling at least monthly. When a birth parent does not schedule counseling services or misses scheduled counseling services for a month, the adoption agency shall refund to the adoptive parents the portion of the fee covering the remainder of the counseling services.

**R21-9-233. Monitoring: Inspections and Interviews; Compliance Audit**

- A. OLR shall monitor the ongoing operations of each adoption agency.
- B. Monitoring activities may include the following:
  - 1. At least one announced and one unannounced onsite inspection of each adoption agency during the licensing year;
  - 2. Interviews of adoption agency personnel and clients;
  - 3. A review of the adoption agency's books, records, and sample client files; and
  - 4. A compliance audit of the adoption agency, as described in subsection (C).
- C. Upon receipt of a complaint against an adoption agency or in response to observed deficiencies, OLR may conduct a compliance audit of the adoption agency to assess the adoption agency's compliance with applicable adoption licensing and adoption services statutes and rules.
- D. An adoption agency shall facilitate OLR's monitoring functions or compliance audit by:
  - 1. Making the adoption agency's books, files, records, manuals, premises, and facilities available to OLR staff for inspection;
  - 2. Allowing OLR to interview adoption agency staff; and
  - 3. Enabling OLR to conduct interviews with adoption agency clients.

**R21-9-234. Complaints; Investigations**

- A. Any person may register a complaint about an adoption agency with OLR. OLR shall ask persons making oral complaints to put the complaint in writing.
- B. Upon receipt of a complaint, or in response to deficiencies observed by Department staff, OLR shall investigate the allegations of the complaint or the deficiencies.
- C. OLR's investigation may include:
  - 1. Interviews with the complaining party, adoption agency staff, including a volunteers and interns, and adoption agency clients;
  - 2. Inspections of adoption agency records, files, or other documents related to the issues raised in the complaint; and
  - 3. Any other activities necessary to determine the truth of the allegations.



- D. Upon completion of its investigation, OLR shall:
  - 1. Find that the complaint is not valid and close the investigation;
  - 2. Find that the complaint is valid and take appropriate disciplinary action against the adoption agency, as described in this Chapter; or
  - 3. Find that the complaint cannot be validated or refuted based on the available evidence.
- E. OLR shall maintain a file on all complaints against an adoption agency and shall make information on validated complaints available to the general public, upon request, and to the extent permitted by confidentiality laws.
- F. A complainant's identity is confidential unless OLR takes a licensing action based on the testimony of the complainant.

**R21-5-235. Noncompliance Status: Corrective Action Plan**

- A. OLR shall place an adoption agency in noncompliance status when an OLR representative observes or receives and validates a complaint in an area that does not endanger the health, safety, or well-being of a client.
- B. OLR shall mail the adoption agency written notice of the noncompliance status, the reason for that status, and recommendations for changes the adoption agency can make to cure the identified problem.
- C. No later than 14 days following the date of the noncompliance notice, the adoption agency shall provide OLR with a written plan showing how the adoption agency shall correct the problem that resulted in the noncompliance status, with an estimated time-frame in that the adoption agency shall implement the corrective action. OLR may extend the 14-day time-frame when the adoption agency has demonstrated a good faith effort to address and resolve the identified problem.
- D. Imposition of a corrective action plan is not appealable.
- E. Failure to comply with the requirements of a corrective action plan may result in an adverse licensing action.

**R21-9-236. Suspension**

- A. OLR may suspend an adoption agency's license for violations of the statutes or rules governing adoptions, or for any activity that may threaten the health, safety, or welfare of any adoption agency client, including the following:
  - 1. When the Department receives a report of abuse or neglect alleged to have been committed by adoption agency staff, including a volunteer or intern against a child, and the adoption agency fails to take protective measures pending an investigative finding;
  - 2. Conduct that causes disruption of a placement or adoption;
  - 3. When an adoption agency permits an employee who has failed to comply with fingerprinting requirements or who has been denied fingerprint clearance to continue providing services to children;
  - 4. When an adoption agency refuses to cooperate with OLR requests for information that OLR requires for determining compliance with the statutes and rules governing provision of adoption services;
  - 5. When an adoption agency refuses to provide OLR with information OLR has requested during the course of a complaint investigation; or
  - 6. When an adoption agency fails to correct a problem that resulted in imposition of noncompliance status, within the time provided in the adoption agency's corrective action plan.
- B. OLR shall mail the adoption agency written notice of the suspension, the reason for the suspension, and an explanation of the adoption agency's right to appeal the suspension.
- C. Except as otherwise provided in subsection (D), an adoption agency may continue to place adoptable children who become available for placement and to finalize adoptions of placed children and adoptees during a period of suspension, but the adoption agency shall not recruit, accept, or register any new birth or adoptive parent.
- D. When the Department finds that the physical or emotional health or safety of a client is in imminent danger, the Department may take immediate action to eliminate the danger. For the purpose of this subsection,
  - 1. A situation involving imminent danger are those situations identified in A.R.S. § 8-821(B) that would justify removal of a child;
  - 2. Immediate action may include:
    - a. Removal of a child,
    - b. Transfer of a client to another adoption agency, or
    - c. Other protective action designed to eliminate the danger or risk of harm.
- E. If the adoption agency does not correct the situation that led to suspension of its license, OLR shall initiate license revocation proceedings against the adoption agency.

**R21-9-237. Revocation**

- A. OLR may revoke a license for any of the following reasons:
  - 1. When the adoption agency refuses or fails to comply with licensing requirements, Arizona or federal laws, local codes or ordinances, or violates a statute or rule governing provision of adoption services;
  - 2. When the adoption agency commits any activity that may threaten the health, safety, or welfare of any adoption agency client, including, but not limited to the circumstances justifying license suspension, as prescribed in R21-9-236;
  - 3. When the adoption agency commits fraud or intentional misrepresentation in obtaining or renewing its license;
  - 4. When the adoption agency commits fraud or intentional misrepresentation in dealing with its clients;
  - 5. When the adoption agency has obtained a birth parent's relinquishment and consent to adoption through duress, coercion, extortion, or intimidation;



- 6. When the adoption agency knowingly fails to advise an adoptive parent that the adoptive child has been abused while in the adoption agency's care or control; or
- 7. When the adoption agency violates its agreement with a client for provision of services.
- B.** OLR shall mail the adoption agency written notice of the revocation, the reason for the revocation, and an explanation of the adoption agency's right to appeal the revocation.
- C.** A revocation is effective:
  - 1. Twenty-one days after receipt of the notice or letter advising the person of the revocation; or
  - 2. In cases where the adoption agency appeals the revocation the revocation is effective under R21-1-307.
- D.** An adoption agency that has had its license revoked shall not perform adoption services after the effective date of the revocation and shall surrender its license to OLR.
- E.** An adoption agency that has had its license revoked shall cooperate with OLR to transfer all its clients to another adoption agency.

**R21-9-238. Adverse Action: Procedures**

- A.** When OLR takes adverse action against adoption agency applicant or adoption agency, OLR shall give the affected party written notice of such adverse action by first-class or registered mail.
- B.** For the purpose of this Section, the following are adverse actions:
  - 1. Denial of an initial or renewal license, and
  - 2. Suspension or revocation of a license.
- C.** The adverse action notice shall specify:
  - 1. The action taken,
  - 2. All reasons supporting such action,
  - 3. The procedures by which the adoption agency may contest the action taken, and
  - 4. Where the adoption agency may file an appeal.

**R21-9-239. Appeals**

- A.** An adoption agency applicant or adoption agency may appeal an adverse action other than imposition of a corrective action plan due to noncompliance status, by filing a written notice of appeal with OLR no later than 20 days after receipt of the notice or letter advising the adoption agency of the adverse action.
- B.** OLR shall conduct an appeal from an adverse action as prescribed in A.A.C. Title 21, Chapter 1, Article 3.

**R21-9-240. International Adoptions**

- A.** An adoption agency shall not accept a foreign child for adoptive placement in the United States unless the government of the foreign child's country of origin authorized the placement.
- B.** The adoption agency shall provide OLR with evidence of its authority from or agreements with a foreign country or placing organization (such as Hague Accreditation). If the evidence of authority is not written in English, the adoption agency shall provide an English language translation of the documentation by an independent translation service.
- C.** The adoption agency shall advise the adoptive parents of the need to have the child naturalized in the United States.
- D.** The adoption agency shall provide adoptive parents with information about the child's culture of origin.



**NOTICES OF AGENCY OMBUDSMAN**

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to

assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

**NOTICE OF AGENCY OMBUDSMAN**

**DEPARTMENT OF WATER RESOURCES**

[M15-329]

- 1. **The agency name:** Department of Water Resources
- 2. **The ombudsman's:**
  - a. **Name:** Douglas W. Dunham
  - b. **Title:** Legislative Liaison, Ombudsman, and Special Assistant to the Director
  - c. **Specific agency division, if applicable:** Director's Office
- 3. **The ombudsman's office address to include the city, state and zip code:**

Department of Water Resources  
3550 N. Central Ave.  
Phoenix, AZ 85012
- 4. **The ombudsman's area code and telephone number, fax number and e-mail address, if available:**

Telephone: (602) 364-2650  
Fax: (602) 771-8689  
E-mail: [dwdunham@azwater.gov](mailto:dwdunham@azwater.gov)



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.

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

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

[M15-02]

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

WHEREAS, burdensome regulations inhibit job growth and economic development;

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

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

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

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

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

- 1. A State agency, subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency, subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
h. To address matters pertaining to the control, mitigation or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
3. Paragraphs 1 and 2 apply to all State agencies, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission, or (c) any State agency whose agency head is not appointed by the Governor. Those State agencies to which Paragraphs 1 and 2 do not apply are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
4. Pursuant to Article 5, Section 4 of the Arizona Constitution and Arizona Revised Statutes Section 41-101(A)(1), the State agencies identified in Paragraph 3 must provide the Office of the Governor with a written report for each proposed rule 30 days prior to engaging in any rulemaking proceeding and must also provide the Office of the Governor with a written report within 15 days of any rulemaking. The reports required by this Paragraph shall explain, in detail, how the rulemaking advances the priorities and principles set forth in this Order.



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

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

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

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

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

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**REGISTER INDEXES**

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

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Abbreviations for rulemaking activity in this Index include:

**PROPOSED RULEMAKING**

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

**SUPPLEMENTAL PROPOSED RULEMAKING**

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

**FINAL RULEMAKING**

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

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

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

**FINAL SUMMARY**

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

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

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

**SUPPLEMENTAL EXPEDITED**

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

**FINAL EXPEDITED**

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

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

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

**EXEMPT SUPPLEMENTAL PROPOSED**

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

**FINAL EXEMPT RULMAKING**

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

**EMERGENCY RULEMAKING**

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

**RECODIFICATION OF RULES**

RC = Recodified

**REJECTION OF RULES**

RJ = Rejected by the Attorney General

**TERMINATION OF RULES**

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

**RULE EXPIRATIONS**

EXP = Rules have expired

*See also “emergency expired” under emergency rulemaking*

**CORRECTIONS**

C = Corrections to Published Rules

**2015 Arizona Administrative Register  
Volume 21 Page Guide**

Issue 1, Jan. 2, 2015.....1-46	Issue 18, May1, 2015.....607-632	Issue 35, Aug. 28, 2015.....1671-1760
Issue 2, Jan. 9, 2015 ..... 47-112	Issue 19, May 8, 2015.....633-666	Issue 36, Sept. 4, 2015.....1761-1810
Issue 3, Jan. 16, 2015..... 113-152	Issue 20, May 15, 2015.....667-706	Issue 37, Sept. 11, 2015.....1811-1882
Issue 4, Jan. 23, 2015 ..... 153-172	Issue 21, May 22, 2015.....707-742	Issue 38, Sept. 18, 2015.....1883-2004
Issue 5, Jan. 30, 2015 ..... 173-196	Issue 22, May 29, 2015.....743-774	Issue 39, Sept. 25, 2015.....2005-2104
Issue 6, Feb. 6, 2015.....197-228	Issue 23, June 5, 2015.....775-818	Issue 40, Oct. 2, 2015.....2105-2276
Issue 7, Feb. 13, 2015.....229-262	Issue 24, June 12, 2015.....819-864	Issue 41, Oct. 9, 2015.....2277-2340
Issue 8, Feb. 20, 2015.....263-284	Issue 25, June 19, 2015.....865-916	Issue 42, Oct. 16, 2015.....2341-2440
Issue 9, Feb. 27, 2015.....285-320	Issue 26, June 26, 2015.....917-954	Issue 43, Oct. 23, 2015.....2441-2502
Issue 10, March 6, 2015.....321-374	Issue 27, July 3, 2015.....955-996	Issue 44, Oct. 30, 2015.....2503-2592
Issue 11, March 13, 2015.....375-406	Issue 28, July 10, 2015.....997-1072	Issue 45, Nov. 6, 2015.....2593-2706
Issue 12, March 20, 2015.....407-432	Issue 29, July 17, 2015.....1073-1146	Issue 46, Nov. 13, 2015.....2707-2808
Issue 13, March 27, 2015.....433-482	Issue 30, July 24, 2015.....1147-1220	Issue 47, Nov. 20, 2015.....2809-2966
Issue 14, April 3, 2015.....483-516	Issue 31, July 31, 2015.....1221-1457	Issue 48, Nov. 27, 2015.....2967-3012
Issue 15, April 10, 2015.....517-538	Issue 32, Aug. 7, 2015.....1458-1520	Issue 49, Dec. 4, 2015.....3013-3112
Issue 16, April 17, 2015.....539-566	Issue 33, Aug. 14, 2015.....1521-1622	Issue 50, Dec. 11, 2015.....3113-3206
Issue 17, April 24, 2015.....567-606	Issue 34, Aug. 21, 2015.....1623-1670	Issue 51, Dec. 18, 2015.....3207-3436

**RULEMAKING ACTIVITY INDEX**

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

**THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 51 OF VOLUME 21.**

<b>Agriculture, Department of - Agricultural Councils and Commissions</b>	R9-22-202.	FM-1225	R4-6-202.	FXR-2630	
	R9-22-712.05.	PM-1815	R4-6-203.	FXM-2630	
R3-9-601.	FXM-3082	R9-22-712.07.	PM-1768	R4-6-204.	FXR-2630
<b>Agriculture, Department of - Animal Services Division</b>	R9-22-730.	PXM-5;	R4-6-205.	FXM-2630	
	R3-2-203.	FXM-2404	R4-6-206.	FXM-2630	
	R3-2-701.	FXM-2404	R4-6-207.	FXM-2630	
	R3-2-801.	FXM-2407	R4-6-208.	FXM-2630	
	R3-2-810.	FXM-2404	R4-6-209.	FXM-2630	
	R3-2-811.	FXM-2407	R4-6-210.	FXR-2630;	
<b>Agriculture, Department of - Environmental Services Division</b>	R9-22-1001.	FM-1237	R4-6-211.	FXM-2630	
	R9-22-1002.	FM-1237	R4-6-212.	FXM-2630	
	R9-22-1003.	FM-1237	R4-6-212.01.	FXN-2630	
	R9-22-1202.	FM-1225	R4-6-213.	FX#-2630;	
	R9-22-1301.	PM-823;		FXN-2630	
		FM-2022	R4-6-214.	FX#-2630;	
	R9-22-1303.	PM-823;		FXN-2630	
		FM-2022	R4-6-215.	FX#-2630;	
	R9-22-1304.	PM-823;		FXM-2630	
		FM-2022	R4-6-216.	FX#-2630;	
	R9-22-1431.	FR-1241		FXM-2630	
	<b>Arizona Health Care Cost Containment System - Arizona Long-term Care System</b>	R4-6-216.		R4-6-301.	FXM-2630
		R9-28-202.	PM-487;	Table 1.	FXM-2630
	FM-1243	R4-6-302.	FXM-2630		
R9-28-206.	PM-487;	R4-6-303.	FXR-2630		
	FM-1243	R4-6-304.	FXM-2630		
<b>Behavioral Health Examiners, Board of</b>	R4-6-305.	FXM-2630	R4-6-305.	FXM-2630	
	R4-6-101.	FXM-2630	R4-6-306.	FXM-2630	
	R4-6-201.	FXM-2630			





R21-5-203.	FXN-3255	R21-4-107.	FXN-3252	R4-10-107.	PM-1765
R21-5-204.	FXN-3255	R21-4-108.	FXN-3252	R4-10-110.	PM-1765
R21-5-205.	FXN-3255	<b>Clean Elections Commission, Citizens</b>		<b>Dental Examiners, State Board of</b>	
R21-5-206.	FXN-3255	R2-20-107.	PXM-779;	R4-11-201.	PM-1887
R21-5-207.	FXN-3255		FXM-1627	R4-11-202.	PM-1887
R21-5-208.	FXN-3255	R2-20-109.	PXM-781;	R4-11-203.	PM-1887
R21-5-209.	FXN-3255		PXM-1977;	R4-11-204.	PM-1887
R21-5-301.	FXN-3255		PXM-2043	R4-11-205.	PM-1887
R21-5-302.	FXN-3255	R2-20-110.	PXM-785;	R4-11-301.	PM-1887
R21-5-303.	FXN-3255		FXM-1629	R4-11-302.	PR-1887
R21-5-304.	FXN-3255	R2-20-111.	PXM-787;	R4-11-303.	PM-1887
R21-5-305.	FXN-3255		FXM-1631	R4-11-304.	PM-1887
R21-5-306.	FXN-3255	R2-20-113.	PXM-789;	R4-11-305.	PM-1887
R21-5-307.	FXN-3255		FXM-1633	R4-11-1202.	FM-921
R21-5-308.	FXN-3255	R2-20-204.	PXM-790;	R4-11-1701.	PM-671;
R21-5-401.	FXN-3255		FXM-1634		FM-2971
R21-5-402.	FXN-3255	R2-20-205.	PXM-831;	<b>Economic Security, Department of -</b>	
R21-5-403.	FXN-3255		FXM-1636	<b>State Assistance Programs</b>	
R21-5-404.	FXN-3255	R2-20-206.	PXM-792;	R6-13-201.	EXP-157
R21-5-405.	FXN-3255		FXM-1638;	R6-13-202.	EXP-157
R21-5-406.	FXN-3255		PXM-1981	R6-13-203.	EXP-157
R21-5-407.	FXN-3255	R2-20-208.	PXM-1772;	R6-13-204.	EXP-157
R21-5-408.	FXN-3255		PXM-1822;	R6-13-205.	EXP-157
R21-5-409.	FXN-3255		PXM-1983	R6-13-206.	EXP-157
R21-5-410.	FXN-3255	R2-20-223.	FXM-2921	R6-13-207.	EXP-157
R21-5-411.	FXN-3255	R2-20-402.01.	PXM-833;	R6-13-208.	EXP-157
R21-5-412.	FXN-3255		FXM-1640	R6-13-209.	EXP-157
R21-5-413.	FXN-3255	R2-20-703.	PXM-834;	R6-13-210.	EXP-157
R21-5-414.	FXN-3255		FXM-1641	R6-13-211.	EXP-157
R21-5-415.	FXN-3255	R2-20-704.	PXM-836;	R6-13-212.	EXP-157
R21-5-416.	FXN-3255		FXM-1643	R6-13-213.	EXP-157
R21-5-417.	FXN-3255	<b>Collateral Pool, Statewide</b>		R6-13-214.	EXP-157
R21-5-418.	FXN-3255	R2-14-101.	FN-233	R6-13-215.	EXP-157
R21-5-419.	FXN-3255	R2-14-102.	FN-233	R6-13-216.	EXP-157
R21-5-420.	FXN-3255	R2-14-103.	FN-233	R6-13-302.	EXP-157
R21-5-421.	FXN-3255	R2-14-104.	FN-233	R6-13-303.	EXP-157
R21-5-422.	FXN-3255	R2-14-105.	FN-233	R6-13-304.	EXP-157
R21-5-423.	FXN-3255	R2-14-106.	FN-233	R6-13-305.	EXP-157
R21-5-501.	FXN-3255	R2-14-107.	FN-233	R6-13-306.	EXP-157
R21-5-502.	FXN-3255	R2-14-108.	FN-233	R6-13-308.	EXP-157
R21-5-503.	FXN-3255	R2-14-109.	FN-233	R6-13-309.	EXP-157
R21-5-504.	FXN-3255	<b>Contractors, Registrar of</b>		R6-13-310.	EXP-157
R21-5-505.	FXN-3255	R4-9-102.	PM-2507	R6-13-311.	EXP-157
R21-5-506.	FXN-3255	<b>Corporation Commission - Fixed Utili-</b>		R6-13-312.	EXP-157
R21-5-507.	FXN-3255	<b>ties</b>		R6-13-313.	EXP-157
R21-5-508.	FXN-3255	R14-2-1805.	FM-379	R6-13-314.	EXP-157
R21-5-509.	FXN-3255	R14-2-1812.	FM-379	R6-13-314.01.	EXP-157
R21-5-510.	FXN-3255	<b>Corporation Commission - Transporta-</b>		R6-13-317.	EXP-157
R21-5-511.	FXN-3255	<b>tion</b>		R6-13-318.	EXP-157
R21-5-512.	FXN-3255	R14-5-202.	PM-674;	R6-13-319.	EXP-157
R21-5-513.	FXN-3255		SPM-3158	R6-13-320.	EXP-157
R21-5-514.	FXN-3255	R14-5-203.	PM-674;	R6-13-321.	EXP-157
			SPM-3158	R6-13-1201.	EXP-157
<b>Child Safety, Department of - Response</b>		R14-5-204.	PM-674;	R6-13-1202.	EXP-157
<b>to Reports</b>			SPM-3158	R6-13-1203.	EXP-157
R21-4-101.	FXN-3252	R14-5-205.	PM-674;	R6-13-1204.	EXP-157
R21-4-102.	FXN-3252		SPM-3158	R6-13-1206.	EXP-157
R21-4-103.	FXN-3252	R14-5-207.	PM-674;	R6-13-1209.	EXP-157
R21-4-104.	FXN-3252		SPM-3158	R6-13-1210.	EXP-157
R21-4-105.	FXN-3252	<b>Cosmetology, Board of</b>		R6-13-1211.	EXP-157
R21-4-106.	FXN-3252	R4-10-102.	PM-1765		

R6-13-1212.	EXP-157	R7-2-1045.	FXM-1525	R7-2-1122.	FXM-1525
<b>Education, State Board of</b>		R7-2-1046.	FXM-1525	R7-2-1123.	FXM-1525
R7-2-205.	FXM-1775	R7-2-1047.	FXM-1525	R7-2-1125.	FXM-1525
R7-2-301.	FXM-1778	R7-2-1048.	FXM-1525	R7-2-1131.	FXM-1525
R7-2-302.	FXM-1778	R7-2-1049.	FXM-1525	R7-2-1141.	FXM-1525
R7-2-307.	FXM-1781	R7-2-1050.	FXM-1525	R7-2-1142.	FXM-1525
R7-2-308.	FXM-1781	R7-2-1053.	FXM-1525	R7-2-1143.	FXM-1525
R7-2-604.	FXM-2047	R7-2-1055.	FXM-1525	R7-2-1144.	FXM-1525
R7-2-604.01.	FXM-2047	R7-2-1056.	FXM-1525	R7-2-1145.	FXM-1525
R7-2-604.02.	FXM-2047	R7-2-1057.	FXM-1525	R7-2-1146.	FXM-1525
R7-2-604.03.	FXM-2047	R7-2-1058.	FXM-1525	R7-2-1147.	FXM-1525
R7-2-604.04.	FXM-2047	R7-2-1061.	FXM-1525	R7-2-1148.	FXM-1525
R7-2-607.	FXM-2054	R7-2-1062.	FXM-1525	R7-2-1149.	FXM-1525
R7-2-610.	FXM-2054	R7-2-1063.	FXM-1525	R7-2-1150.	FXM-1525
R7-2-611.	FXM-2056	R7-2-1066.	FXM-1525	R7-2-1151.	FXM-1525
R7-2-612.	FXM-2063	R7-2-1067.	FXR-1525; FXN-1525	R7-2-1152.	FXM-1525
R7-2-613.	FXM-2073			R7-2-1153.	FXM-1525
R7-2-614.	FXM-2073	R7-2-1068.	FXM-1525	R7-2-1155.	FXM-1525
R7-2-617.	FXM-2077	R7-2-1069.	FXN-1525	R7-2-1156.	FXM-1525
R7-2-701.	FXM-1775	R7-2-1070.	FXN-1525	R7-2-1157.	FXM-1525
R7-2-703.	FXM-1775	R7-2-1073.	FXM-1525	R7-2-1158.	FXM-1525
R7-2-809.	FXN-1784	R7-2-1074.	FXM-1525	R7-2-1159.	FXM-1525
R7-2-1001.	FXM-1525	R7-2-1075.	FXM-1525	R7-2-1161.	FXM-1525
R7-2-1002.	FXM-1491; FXM-1525	R7-2-1076.	FXM-1525	R7-2-1164.	FXM-1525
		R7-2-1078.	FXM-1525	R7-2-1165.	FXM-1525
R7-2-1003.	FXM-1525	R7-2-1079.	FXM-1525	R7-2-1167.	FXM-1525
R7-2-1004.	FXM-1525	R7-2-1080.	FXM-1525	R7-2-1168.	FXM-1525
R7-2-1005.	FXM-1525	R7-2-1081.	FXM-1525	R7-2-1169.	FXM-1525
R7-2-1006.	FXM-1525	R7-2-1083.	FXM-1525	R7-2-1170.	FXM-1525
R7-2-1007.	FXM-1525	R7-2-1084.	FXM-1525	R7-2-1181.	FXM-1525
R7-2-1008.	FXR-1525; FXN-1525	R7-2-1085.	FXM-1525	R7-2-1182.	FXM-1525
		R7-2-1086.	FXM-1525	R7-2-1183.	FXM-1525
R7-2-1009.	FXR-1525	R7-2-1087.	FXN-1525	R7-2-1184.	FXM-1525
R7-2-1010.	FXM-1525	R7-2-1091.	FXR-1525	R7-2-1185.	FXM-1525
R7-2-1011.	FXN-1525	R7-2-1092.	FXR-1525; FXN-1525	R7-2-1191.	FXM-1525
R7-2-1012.	FXN-1525			R7-2-1192.	FXM-1525
R7-2-1013.	FXN-1525	R7-2-1093.	FXM-1525	R7-2-1194.	FXM-1525
R7-2-1014.	FXN-1525	R7-2-1100.	FXN-1525	R7-2-1195.	FXM-1525
R7-2-1015.	FXN-1525	R7-2-1101.	FXM-1525	R7-2-1196.	FXN-1525
R7-2-1016.	FXN-1525	R7-2-1102.	FXM-1525		
R7-2-1018.	FXN-1525	R7-2-1103.	FXM-1525	<b>Emergency and Military Affairs, Department of - Division of Emergency Management</b>	
R7-2-1021.	FXM-1525	R7-2-1104.	FXM-1525	R8-2-101.	PM-1151; FM-3021
R7-2-1022.	FXM-1525	R7-2-1105.	FXM-1525		
R7-2-1023.	FXM-1525	R7-2-1106.	FXN-1525	R8-2-102.	PM-1151; FM-3021
R7-2-1024.	FXM-1525	R7-2-1107.	FXN-1525		
R7-2-1025.	FXM-1525	R7-2-1108.	FXN-1525	R8-2-103.	PM-1151; FM-3021
R7-2-1026.	FXM-1525	R7-2-1109.	FXM-1525		
R7-2-1027.	FXM-1525	R7-2-1110.	FXM-1525	R8-2-104.	PM-1151; FM-3021
R7-2-1028.	FXM-1525	R7-2-1111.	FXM-1525		
R7-2-1029.	FXM-1525	R7-2-1112.	FXM-1525	R8-2-105.	PM-1151; FM-3021
R7-2-1030.	FXM-1525	R7-2-1113.	FXM-1525		
R7-2-1031.	FXM-1525	R7-2-1114.	FXM-1525	<b>Environmental Quality, Department of - Air Pollution Control</b>	
R7-2-1032.	FXM-1525	R7-2-1115.	FXM-1525	R18-2-210.	FXM-1156
R7-2-1033.	FXM-1525	R7-2-1116.	FXR-1525		
R7-2-1035.	FXM-1525	R7-2-1117.	FXM-1525	R18-2-333.	FEM-2747
R7-2-1036.	FXM-1525	R7-2-1118.	FXM-1525	R18-2-610.	FXM-1156
R7-2-1037.	FXM-1525	R7-2-1119.	FXR-1525; FXN-1525	R18-2-610.01.	FXM-1156
R7-2-1041.	FXM-1525			R18-2-610.02.	FXN-1156
R7-2-1042.	FXM-1525	R7-2-1120.	FXM-1525	R18-2-610.03.	FXN-1156
R7-2-1044.	FXM-1525	R7-2-1121.	FXM-1525	R18-2-611.	FXM-1156

R18-2-611.01.	FXM-1156	R18-11-121.	PM-1895;	<b>Fire, Building and Life Safety, Department of</b>	
R18-2-611.02.	FXN-1156		TM-1986		R4-36-201.
R18-2-611.03.	FXN-1156	Appendix A.	PM-1895;		FM-2973
R18-2-612.	FXR-1156;		TM-1986	R4-36-301.	PM-1077;
	FXN-1156	Appendix B.	PM-1895;		FM-2973
R18-2-612.01	FXN-1156		TM-1986	R4-36-302.	PM-1077;
R18-2-613.	FXR-1156;	Appendix C.	PM-1895;		FM-2973
	FXN-1156		TM-1986	R4-36-303.	PM-1077;
R18-2-613.01.	FXN-1156	<i>Editor's Note: The terminated rulemaking action (TM) notated in the above sections is in reference to the Notice of Proposed Rulemaking published at 20 A.A.R. 3590, December 26, 2014.</i>			FM-2973
Appendix 2.	FXM-1156	<b>Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of</b>		R4-36-304.	PM-1077;
R18-2-701.	FM-711	R4-33-101.	FM-543		FM-2973
R18-2-733.	FR-711	R4-33-108.	FM-543	R4-36-305.	PM-1077;
R18-2-733.01.	FR-711	R4-33-203.	FM-543		FM-2973
R18-2-734.	FM-711	R4-33-208.	FM-543	R4-36-307.	PM-1077;
R18-2-901.	FEM-2747	R4-33-212.	FN-543		FM-2973
R18-2-1101.	FEM-2747	R4-33-302.	FM-543	R4-36-308.	PM-1077;
Appendix 2.	FEM-2747	R4-33-208.	FM-543		FM-2973
<b>Environmental Quality, Department of - Hazardous Waste Management</b>		R4-33-212.	FN-543	R4-36-309.	PM-1077;
R18-8-260.	FM-1246	R4-33-302.	FM-543		FM-2973
R18-8-261.	FM-1246	R4-33-401.	FM-543	R4-36-310.	PM-1077;
R18-8-262.	FM-1246	R4-33-402.	FM-543		FM-2973
R18-8-263.	FM-1246	R4-33-407.	FM-543	R4-36-311.	PR-1077;
R18-8-264.	FM-1246	R4-33-408.	FM-543		FR-2973
R18-8-265.	FM-1246	R4-33-411.	FN-543	R4-36-401.	FM-571
R18-8-266.	FM-1246	<b>Financial Institutions, Department of</b>		<b>Game and Fish Commission</b>	
R18-8-268.	FM-1246	R20-4-707.	EXP-411	R12-4-101.	PM-1001;
R18-8-270.	FM-1246	<b>Financial Institutions, Department of - Real Estate Appraisal Division</b>			FM-3025
R18-8-271.	FM-1246	R4-46-101.	FM-1675	R12-4-103.	PM-1001;
R18-8-273.	FM-1246	R4-46-102.	FM-1675		FM-3025
<b>Environmental Quality, Department of - Permit and Compliance Fees</b>		R4-46-103.	FM-1675	R12-4-104.	PM-1001;
R18-14-301.	FN-2597	R4-46-106.	FM-1675		FM-3025
R18-14-302.	FN-2597	R4-46-107.	FN-1675	R12-4-105.	PM-1001;
R18-14-303.	FN-2597	R4-46-401.	FR-1675;		FM-3025
<b>Environmental Quality, Department of - Safe Drinking Water</b>			FN-1675	R12-4-106.	PM-1001;
R18-4-102.	PM-2286	R4-46-402.	FN-1675		FM-3025
R18-4-103.	PM-2286	R4-46-403.	FN-1675	R12-4-107.	PM-1001;
R18-4-105.	PM-2286	R4-46-404.	FN-1675		FM-3025
R18-4-121.	PM-2286	R4-46-405.	FN-1675	R12-4-110.	PM-1001;
R18-4-126.	PN-2286	R4-46-406.	FN-1675		FM-3025
R18-4-210.	PM-2286	R4-46-407.	FN-1675	R12-4-111.	PM-1001;
<b>Environmental Quality, Department of - Water Pollution Control</b>		R4-46-408.	FN-1675		FM-3025
R18-9-704.	PM-3017	R4-46-501.	FM-1675	R12-4-112.	PM-1001;
R18-9-1002.	FM-751	R4-46-502.	FN-1675		FM-3025
R18-9-1015.	FM-751	R4-46-503.	FR-1675;	R12-4-113.	PM-1001;
<b>Environmental Quality, Department of - Water Quality Standards</b>			FN-1675		FM-3025
R18-11-106.	PM-1895;	R4-46-504.	FN-1675	R12-4-114.	PM-1001;
	TM-1986	R4-46-505.	FN-1675		FM-3025
R18-11-109.	PM-1895;	R4-46-506.	FN-1675	R12-4-115.	PM-1001;
	TM-1986	R4-46-507.	FN-1675		FM-3025
R18-11-110.	PM-1895;	R4-46-508.	FN-1675	R12-4-116.	PM-1001;
	TM-1986	R4-46-509.	FN-1675		FM-3025
R18-11-112.	PM-1895;	R4-46-510.	FN-1675	R12-4-117.	PM-1001;
	TM-1986	R4-46-511.	FN-1675		FM-3025
R18-11-115.	PM-1895;	R4-46-601.	FM-1675	R12-4-118.	PN-1001;
	TM-1986	R4-46-602.	FR-1675		FN-3025
		<b>Fingerprinting, Board of</b>		R12-4-119.	PM-1001;
		R13-11-101.	EXP-465		FM-3025

R12-4-120.	PM-1001; FM-3025	R9-14-102.	FXR-3237; FX#-3237; FXM-3237	R20-6-1605.	FX#-2448; FXN-2448
R12-4-121.	PM-1001; FM-3025	R9-14-103.	FX#-3237	R20-6-1606.	FX#-2448; FXN-2448
R12-4-124.	PN-1001; FN-3025	<b>Health Services, Department of - Health Care Institutions: Licensing</b>		R20-6-1607.	FX#-2448; FXM-2448
R12-4-125.	P#-1001; PM-1001; F#-3025; FM-3025	R9-10-119.	EN-1787	R20-6-1608.	FX#-2448; FXM-2448
R12-4-202.	PM-747; FM-2550	<b>Health Services, Department of - Health Programs Services</b>		R20-6-1609.	FX#-2448; FXM-2448
R12-4-302.	PM-1001; FM-3025	R9-13-201.	FXM-1083	R20-6-1610.	FX#-2448
R12-4-401.	FM-2813	R9-13-202.	FXM-1083	R20-6-1611.	FX#-2448; FXM-2448
R12-4-402.	FM-2813	R9-13-203.	FXM-1083	R20-6-1612.	FX#-2448; FXM-2448
R12-4-403.	FM-2813	R9-13-207.	FXM-1083	Exhibit A.	FXM-2448
R12-4-404.	FM-2813	<b>Industrial Commission of Arizona</b>		Exhibit B.	FXR-2448; FXN-2448
R12-4-405.	FM-2813	R20-5-601.	PM-2445; PM-2736	Exhibit C.	FXN-2448
R12-4-406.	FM-2813	R20-5-602.	PM-2445	Exhibit D.	FXN-2448
R12-4-407.	FM-2813	R20-5-629.	PM-2512	<b>Lottery Commission, Arizona State</b>	
R12-4-408.	FM-2813	R20-5-1301.	PN-2739	R19-3-201.	PM-3146
R12-4-409.	FM-2813	R20-5-1302.	PN-2739	R19-3-202.	PM-3146
R12-4-410.	FM-2813	R20-5-1303.	PN-2739	R19-3-202.01.	PM-3146
R12-4-411.	FM-2813	R20-5-1304.	PN-2739	R19-3-202.03.	PM-3146
R12-4-412.	FM-2813	R20-5-1305.	PN-2739	R19-3-202.04.	PM-3146
R12-4-413.	FM-2813	R20-5-1306.	PN-2739	R19-3-204.	PM-3146
R12-4-414.	FM-2813	R20-5-1307.	PN-2739	R19-3-204.02.	PM-3146
R12-4-415.	FR-2813	R20-5-1308.	PN-2739	R19-3-205.	PM-3146
R12-4-416.	FR-2813	R20-5-1309.	PN-2739	R19-3-210.	PM-3146
R12-4-417.	FM-2813	R20-5-1310.	PN-2739	R19-3-211.	PM-3146
R12-4-418.	FM-2813	R20-5-1311.	PN-2739	R19-3-214.	PM-3146
R12-4-419.	FR-2813	R20-5-1312.	PN-2739	R19-3-217.	PM-3146
R12-4-420.	FM-2813	<b>Insurance, Department of</b>		<b>Medical Board, Arizona</b>	
R12-4-421.	FM-2813	R20-6-1101.	PM-2401	R4-16-201.	FXM-2678
R12-4-422.	FM-2813	R20-6-1401.	FXM-54	R4-16-201.1.	FXN-2678
R12-4-423.	FM-2813	R20-6-1402.	FXM-54	R4-16-202.	FXM-2678
R12-4-424.	FM-2813	R20-6-1403.	FXM-54	R4-16-203.	FXM-2678
R12-4-425.	FM-2813	R20-6-1404.	FXM-54	R4-16-204.	FXR-2678
R12-4-426.	FM-2813	R20-6-1405.	FXM-54	R4-16-205.	FXM-2678
R12-4-427.	FM-2813	R20-6-1406.	FXM-54	R4-16-205.1.	FXN-2678
R12-4-428.	FM-2813	R20-6-1407.	FXM-54	R4-16-206.	FXM-2678
R12-4-430.	FM-2813	R20-6-1408.	FXR-54; FXN-54	R4-16-207.	FXR-2678
R12-4-504.	FXM-1046	R20-6-1409.	FXN-54	Table 1.	FXM-2678
R12-4-611.	PM-1001; FM-3025	R20-6-1410.	FXN-54	<b>Peace Officer Standards Training, Board, Arizona</b>	
R12-4-804.	P#-1001; F#-3025	Appendix A.	FXM-54	R13-4-101.	PM-2711
R12-4-901.	EXP-757	Appendix B.	FXM-54	R13-4-102.	PM-2711
R12-4-902.	EXP-757	Appendix C.	FXM-54	R13-4-103.	PM-2711
R12-4-903.	EXP-757	Appendix D.	FXM-54	R13-4-104.	PM-2711
R12-4-904.	EXP-757	Appendix E.	FX#-54; FXM-54; FXN-54	R13-4-105.	PM-2711
R12-4-905.	EXP-757	Appendix F.	FXN-54	R13-4-106.	PM-2711
R12-4-906.	EXP-757	Appendix G.	FX#-54; FXM-54; FXN-54	R13-4-107.	PM-2711
<b>Health Services, Department of Health - Emergency Medical Services</b>		R20-6-1601.	FXM-2448	R13-4-108.	PM-2711
Table 5.1.	FXM-3241	R20-6-1602.	FX#-2448; FXN-2448	R13-4-109.	PM-2711
Table 5.2.	FXM-3241	R20-6-1603.	FX#-2448; FXN-2448	R13-4-109.01.	PM-2711
<b>Health Services, Department of Health - Laboratories</b>		R20-6-1604.	FX#-2448; FXN-2448	R13-4-110.	PM-2711
R9-14-101.	FXM-3237			R13-4-111.	PM-2711
				R13-4-112.	PM-2711
				R13-4-114.	PM-2711
				R13-4-116.	PM-2711

R13-4-117.	PM-2711	R12-14-610.	FN-297	R13-9-305.	EXP-795
R13-4-118.	PM-2711	R12-14-611.	FN-297	R13-9-307.	EXP-795
R13-4-201.	PM-2711	R12-14-612.	FN-297	R13-9-308.	EXP-795
R13-4-202.	PM-2711	R12-14-613.	FN-297	R13-9-309.	EXP-795
R13-4-203.	PM-2711	R12-14-614.	FN-297	R13-9-310.	EXP-795
R13-4-204.	PM-2711	R12-14-615.	FN-297	<b>Public Safety, Department of - School Buses</b>	
R13-4-205.	PM-2711	R12-14-616.	FN-297	R13-13-105.	PM-1461; FM-3211
R13-4-206.	PM-2711	R12-14-617.	FN-297	R13-13-106.	PM-1461; FM-3211
R13-4-208.	PM-2711	R12-14-618.	FN-297	R13-13-107.	PM-1461; FM-3211
<b>Pest Management, Office of</b>		R12-14-619.	FN-297	R13-13-108.	PM-1461; FM-3211
R4-29-102.	FM-451	R12-14-620.	FN-297	<b>Racing Commission, Arizona</b>	
R4-29-103.	FM-451	R12-14-621.	FN-297	R19-2-205.	FXM-640
R4-29-202.	FM-451	R12-14-622.	FN-297	R19-2-401.	FXM-643
R4-29-203.	FM-451	R12-14-623.	FN-297	<b>Radiation Regulatory Agency</b>	
R4-29-204.	FM-451	R12-14-624.	FN-297	R12-1-102.	PM-2357
R4-29-207.	FM-451	R12-14-625.	FN-297	R12-1-303.	PM-2357
R4-29-208.	FM-451	R12-14-626.	FN-297	R12-1-306.	PM-2357
R4-29-304.	FM-451	R12-14-627.	FN-297	R12-1-308.	PM-2357
R4-29-307.	FM-451	R12-14-628.	FN-297	R12-1-311.	PM-2357
R4-29-308.	FM-451	R12-14-629.	FN-297	R12-1-313.	PM-2357
R4-29-501.	FM-451	R12-14-630.	FN-297	R12-1-320.	PM-2357
R4-29-503.	FM-451	R12-14-631.	FN-297	R12-1-323.	PM-2357
<b>Physical Therapy, Board of</b>		R12-14-632.	FN-297	R12-1-418.	PM-2357
R4-24-208.	FXM-924	<b>Private Postsecondary Education, Board for</b>		R12-1-452.	PM-2357
R4-24-313.	FXN-924	R4-39-101.	PM-3117	R12-1-503.	PM-2357
<b>Physicians Medical Board, Naturopathic</b>		R4-39-102.	PM-3117	R12-1-703.	PM-2357
R4-18-101.	PM-201; FM-2009	R4-39-103.	PM-3117	R12-1-1215.	FM-289
R4-18-107.	PM-201; FM-2009	R4-39-104.	PM-3117	Table A.	FM-289
R4-18-202.	PM-201; FM-2009	R4-39-105.	PM-3117	R12-1-1302.	FM-289; PM-2357
R4-18-203.	PM-201; FM-2009	R4-39-106.	PM-3117	R12-1-1306.	FM-289
R4-18-204.	PM-201; FM-2009	R4-39-107.	PM-3117	R12-1-1512.	PM-2357
R4-18-206.	PM-201; FM-2009	R4-39-108.	PM-3117	R12-1-1901.	PN-2357
R4-18-207.	PN-201; FN-2009	R4-39-109.	PM-3117	R12-1-1903.	PN-2357
R4-18-208.	PN-201; FN-2009	R4-39-201.	PM-3117	R12-1-1905.	PN-2357
R4-18-209.	PN-201; FN-2009	R4-39-301.	PM-3117	R12-1-1907.	PN-2357
R4-18-501.	PM-201; FM-2009	R4-39-302.	PM-3117	R12-1-1909.	PN-2357
R4-18-502.	PM-201; FM-2009	R4-39-303.	PM-3117	R12-1-1911.	PN-2357
R4-18-904.	EM-51; EM-928; FM-2009	R4-39-304.	PM-3117	R12-1-1921.	PN-2357
<b>Power Authority, Arizona</b>		R4-39-305.	PM-3117	R12-1-1923.	PN-2357
R12-14-602.	FR-297	R4-39-306.	PM-3117	R12-1-1925.	PN-2357
R12-14-603.	FN-297	R4-39-307.	PM-3117	R12-1-1927.	PN-2357
R12-14-604.	FN-297	R4-39-308.	PM-3117	R12-1-1929.	PN-2357
R12-14-605.	FN-297	R4-39-401.	PM-3117	R12-1-1931.	PN-2357
R12-14-606.	FN-297	R4-39-402.	PM-3117	R12-1-1933.	PN-2357
R12-14-607.	FN-297	R4-39-403.	PM-3117	R12-1-1941.	PN-2357
R12-14-608.	FN-297	R4-39-404.	PM-3117	R12-1-1943.	PN-2357
R12-14-609.	FN-297	R4-39-405.	PR-3117	R12-1-1945.	PN-2357
		R4-39-406.	PM-3117	R12-1-1947.	PN-2357
		R4-39-407.	PN-3117	R12-1-1949.	PN-2357
		R4-39-408.	PN-3117	R12-1-1951.	PN-2357
		R4-39-501.	PM-3117	R12-1-1953.	PN-2357
		R4-39-502.	PM-3117	R12-1-1955.	PN-2357
		R4-39-503.	PM-3117	R12-1-1957.	PN-2357
		R4-39-504.	PN-3117	R12-1-1971.	PN-2357
		R4-39-601.	PM-3117	R12-1-1973.	PN-2357
		R4-39-602.	PM-3117		
		R4-39-603.	PM-3117		
		<b>Public Safety, Department of - Concealed Weapons Permits</b>			
		R13-9-302.	EXP-795		

R12-1-1975.	PN-2357	R12-2-605.	FR-573	R1-1-1001.	FM-117
R12-1-1977.	PN-2357	<b>Retirement System Board, State</b>		<b>State Real Estate Department</b>	
R12-1-1979.	PN-2357	R2-8-104.	PM-959;	R4-28-405.	EXP-757
R12-1-1981.	PN-2357		FM-2515	<b>Transportation, Department of - Commercial Programs</b>	
R12-1-19101.	PN-2357	R2-8-115.	PM-959; PM-	R17-5-301.	FXM-1096
R12-1-19103.	PN-2357		2281;	R17-5-302.	FXM-1096
R12-1-19105.	PN-2357		FM-2515	R17-5-303.	FXN-1096
R12-1-19107.	PN-2357	R2-8-118.	PM-959; PM-	R17-5-304.	FXN-1096
R12-1-19109.	PN-2357		2281;	R17-5-305.	FXN-1096
Appendix A.	PN-2357		FM-2515	R17-5-306.	FXN-1096
<b>Radiation Regulatory Agency - Medical Radiologic Technology Board of Examiners</b>		R2-8-120.	PM-959;	R17-5-307.	FXN-1096
			FM-2515	R17-5-308.	FXN-1096
R12-2-101.	FM-573	R2-8-122.	PM-2281	R17-5-309.	FXN-1096
R12-2-102.	FM-573	R2-8-123.	PM-959;	R17-5-310.	FXN-1096
R12-2-104.	FR-573;		FM-2515	R17-5-311.	FXN-1096
	FN-573	R2-8-126.	PM-959; PM-	R17-5-312.	FXN-1096
R12-2-201.	FR-573;		2281;	R17-5-313.	FXN-1096
	FN-573		FM-2515	R17-5-314.	FXN-1096
R12-2-202.	FR-573;	R2-8-401.	PM-959;	R17-5-315.	FXN-1096
	FN-573		FM-2515	R17-5-316.	FXN-1096
R12-2-203.	FR-573;	R2-8-501.	PM-959;	R17-5-317.	FXN-1096
	FN-573		FM-2515	R17-5-318.	FXN-1096
R12-2-204.	FR-573;	R2-8-601.	PM-959;	R17-5-319.	FXN-1096
	FN-573		FM-2515	R17-5-320.	FXN-1096
R12-2-205.	FR-573;	R2-8-701.	PM-959;	R17-5-321.	FXN-1096
	FN-573		FM-2515	R17-5-901.	FXN-1825
R12-2-206.	FR-573;	<b>Revenue, Department of - General Administration</b>		R17-5-902.	FXN-1825
	FN-573	R15-10-108.	EXP-1197	R17-5-903.	FXN-1825
R12-2-207.	FR-573;	R15-10-109.	EXP-1197	R17-5-904.	FXN-1825
	FN-573	R15-10-118.	EXP-1197	R17-5-905.	FXN-1825
R12-2-208.	FN-573	R15-10-202.	EXP-1197	R17-5-906.	FXN-1825
R12-2-301.	FR-573;	R15-10-702.	EN-1830	<b>Transportation, Department of - Title, Registration, and Driver Licenses</b>	
	FN-573	R15-10-703.	EN-1830	R17-4-401.	FXM-1092
R12-2-302.	FN-573	R15-10-704.	EN-1830	R17-4-404.	FXM-1092
R12-2-303.	FN-573	R15-10-706.	EN-1830	<b>Weights and Measures, Department of</b>	
R12-2-304.	FN-573	<b>Revenue, Department of - Income and Withholding Tax Section</b>		R20-2-101.	PM-437;
R12-2-305.	FN-573	R15-2C-202.	EXP-465		FM-1693
R12-2-401.	FR-573;	R15-2C-204.	EXP-465	R20-2-901.	PM-437;
	FN-573	<b>Secretary of State, Office of</b>			FM-1693
R12-2-402.	FR-573;	R1-1-101.	FM-117	R20-2-902.	PM-437;
	FN-573	R1-1-103.	FM-117		FM-1693
R12-2-403.	FR-573;	R1-1-104.	FM-117	R20-2-903.	PM-437;
	FN-573	R1-1-105.	FM-117		FM-1693
R12-2-404.	FR-573;	R1-1-106.	FM-117	R20-2-904.	PM-437;
	FN-573	R1-1-107.	FM-117		FM-1693
R12-2-405.	FR-573;	R1-1-109.	FM-117	R20-2-906.	PM-437;
	FN-573	R1-1-110.	FM-117		FM-1693
R12-2-406.	FR-573;	R1-1-114.	FM-117	R20-2-907.	PM-437;
	FN-573	R1-1-202.	FM-117		FM-1693
R12-2-501.	FR-573	R1-1-205.	FM-117	R20-2-908.	PM-437
R12-2-502.	FR-573	R1-1-211.	FM-117	R20-2-909.	PM-437;
R12-2-503.	FR-573	R1-1-302.	FM-117		FM-1693
R12-2-504.	FR-573	R1-1-401.	FM-117	R20-2-910.	PM-437;
R12-2-505.	FR-573	R1-1-414.	FM-117		FM-1693
R12-2-506.	FR-573	R1-1-502.	FM-117	R20-2-913.	FN-437;
R12-2-601.	FR-573	R1-1-801.	FR-117;		FM-1693
R12-2-602.	FR-573		FN-117	R20-2-1001.	PN-437;
R12-2-603.	FR-573	R1-1-802.	FN-117		FN-1693
R12-2-604.	FR-573	R1-1-803.	FN-117		

R20-2-1002.	PN-437; FN-1693	R20-2-1008.	PN-437; FN-1693	Table 1.	PN-437; FN-1693
R20-2-1003.	PN-437; FN-1693	R20-2-1009.	PN-437; FN-1693		
R20-2-1004.	PN-437; FN-1693	R20-2-1010.	PN-437; FN-1693		
R20-2-1005.	PN-437; FN-1693	R20-2-1011.	PN-437; FN-1693		
R20-2-1006.	PN-437; FN-1693	R20-2-1012.	PN-437; FN-1693		
R20-2-1007.	PN-437; FN-1693	R20-2-1013.	PN-437; FN-1693		

**OTHER NOTICES AND PUBLIC RECORDS INDEX**

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

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

**THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 51 OF VOLUME 21.**

**Agency Guidance Documents, Notices of**

**Health Services, Department of;** pp. 22-23, 325-326, 647, 1495, 2417-2420, 2786

**Revenue, Department of;** pp. 890-893, 2111, 2688

**Agency Ombudsman, Notices of**

**Arizona Lottery;** pp. 526, 2987

**Child Safety, Department of;** pp. 466, 1054

**Early Childhood Development and Health Board;** p. 25

**Game and Fish Commission;** p. 142

**Health Services, Department of;** p. 498

**Psychologist Examiners, Board of;** p. 25

**Public Safety, Department of;** p. 1502

**Registrar of Contractors;** p. 729

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

**Maricopa County;** p. 984, 1273-1302, 1302-1445, 2124-2261, 3285-3419

**Pima County;** pp. 469-471, 852-853

**Pinal County;** pp. 422, 501-506, 802-808, 902-906, 1715-1745, 2083-2087, 2925, 2937

**Governor's Office**

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

552-553 (E.O. #2015-03); 760-761 (E.O. #2015-04); 975 (E.O. #2015-05); 2988 (E.O. #2015-07); 2989 (E.O. #2015-08); 2990 (E.O. #2015-10)

**Proclamations;** pp. 615-621; 652-654; 693-696; 798-801; 847-851; 899-901; 976-983; 1059-1060; 1130-1134; 1203-1207; 1505-1507; 1653-1657; 1709-1714; 1794-1796; 2113; 2115-2123, 2320-2326, 2479-2487, 2792, 2993-2994, 3092-3096, 3185-3190

**Governor's Regulatory Review Council**

**Notices of Action Taken;** pp. 193, 317, 479-480, 563-564, 771, 951, 1217, 1757-1758, 2100, 2588, 3009

**Oral Proceeding on Proposed Rulemaking, Notices of**

**Child Safety, Department of;** 1055, 1269, 1649, 1650, 1866

**Optometry, Board of;** p. 9, 1648

**Psychologist Examiners, Board of;** p. 1199

**Proposed Delegation Agreement, Notices of**

**Environmental Quality, Department of;** p. 267-269, 496, 894-895, 1124, 1496-1497, 1836, 2787, 2984

**Public Information, Notices of**

**Agriculture, Department of - Livestock & Crop Conservation Grant Program;** p. 896

**Arizona Health Care Cost Containment System;** p. 727, 840, 1051, 2789, 3087, 3281

**Child Safety, Arizona Department of;** p. 1051, 1267, 1646, 1838

**Emergency and Military Affairs, Department of - Division of Military Affairs;** p. 159, 1267

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

**Environmental Quality, Department of - Pesticides and Water Pollution Control;** p. 687-689

**Environmental Quality, Department of - Water Pollution Control;** pp. 1126, 3088

**Environmental Quality, Department of - Water Quality Control;** pp. 327-360, 840-842, 1838-1865, 2297-2317

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

**Health Services, Department of;** pp. 21, 177-179, 241, 361-362, 413, 2421

**Health Services, Department of - Emergency Medical Services;** p. 2422

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

**Health Services, Department of - Laboratories;** p. 2422

**Optometry, Board of;** p. 11

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

**The Deaf and the Hard of Hearing;** p. 1498

**Rulemaking Docket Opening, Notices of**

**Agriculture, Department of - Environmental Services Division;** p. 2415

**Arizona Health Care Cost Containment System - Administration;** p. 839, 1791, 1835

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

**Barbers, Board of;** p. 889

**Board of Dental Examiners, State;** p. 524, 1988-1989

**Contractors, Registrar of;** p. 2473

**Corporation Commission, Arizona - Transportation;** p. 685

**Cosmetology, Board of;** p. 1122, 1790

**Emergency and Military Affairs, Department of - Division of Emergency Management;** p. 1198

**Environmental Quality, Department of - Air Pollution Control;** p. 3173

**Environmental Quality, Department of - Safe Drinking Water;** p. 2296

**Environmental Quality, Department of - Water Pollution Control;** p. 3086

**Environmental Quality, Department of - Water Quality Standards;** p. 1989

**Fire, Building and Life Safety, Department of;** p. 1123

**Game and Fish Commission;** p. 759, 1049

**Health Services, Department of - Health Care Institutions: Licensing;** p. 2474

**Industrial Commission of Arizona;** p. 2475, 2573, 2785

**Insurance, Department of;** p. 1494

**Lottery Commission, Arizona State;** pp. 972, 973

**Peace Officer Standards and Training Board, Arizona;** p. 2784

**Physicians Medical Board, Naturopathic;** p. 215

**Private Postsecondary Education, Board for;** p. 2983

**Public Safety, Department of - School Buses;** p. 646

**Radiation Regulatory Agency;** p. 2295

**Respiratory Care Examiners, Board of;** p. 3085

**Retirement System Board, State;** p. 726, 931, 1834, 1987, 2109, 2572

**The Deaf and the Hard of Hearing, Commission for;** p. 1493

**Weights and Measures, Department of;** p. 412

**Substantive Policy Statement, Notices of**

**Agriculture, Department of;** p. 2424

**Behavioral Health Examiners, Board of;** p. 3175-3182

**Environmental Quality, Department of;** pp. 88-101, 137-139, 162, 307, 591, 612, 690

**Financial Institutions, Department of;** p. 1499

**Game and Fish Commission;** p. 141

**Greater Arizona Development Authority;** pp. 391-392

**Health Services, Department of;** pp. 140, 180-182, 242-249, 270-272, 416-419, 648, 843-844

**Insurance, Department of;** p. 591-593, 1500, 2986

**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.

Table with 12 columns: January (Date Filed, Effective Date), February (Date Filed, Effective Date), March (Date Filed, Effective Date), April (Date Filed, Effective Date), May (Date Filed, Effective Date), June (Date Filed, Effective Date). Rows list dates from 1/1 to 1/31 and corresponding effective dates in subsequent months.



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



### REGISTER PUBLISHING DEADLINES

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

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
September 4, 2015	September 25, 2015	October 26, 2015
September 11, 2015	October 2, 2015	November 2, 2015
September 18, 2015	October 9, 2015	November 9, 2015
September 25, 2015	October 16, 2015	November 16, 2015
October 2, 2015	October 23, 2015	November 23, 2015
October 9, 2015	October 30, 2015	November 30, 2015
October 16, 2015	November 6, 2015	December 7, 2015
October 23, 2015	November 13, 2015	December 14, 2015
October 30, 2015	November 20, 2015	December 21, 2015
November 6, 2015	November 27, 2015	December 28, 2015
November 13, 2015	December 4, 2015	January 4, 2016
November 20, 2015	December 11, 2015	January 11, 2016
November 27, 2015	December 18, 2015	January 18, 2016
December 4, 2015	December 25, 2015	January 25, 2016
December 11, 2015	January 1, 2016	February 1, 2016
December 18, 2015	January 8, 2016	February 8, 2016
December 25, 2015	January 15, 2016	February 15, 2016
January 1, 2016	January 22, 2016	February 22, 2016
January 8, 2016	January 29, 2016	February 29, 2016
January 15, 2016	February 5, 2016	March 7, 2016
January 22, 2016	February 12, 2016	March 14, 2016
January 29, 2016	February 19, 2016	March 21, 2016
February 5, 2016	February 26, 2016	March 28, 2016
February 12, 2016	March 4, 2016	April 4, 2016
February 19, 2016	March 11, 2016	April 11, 2016
February 26, 2016	March 18, 2016	April 18, 2016
March 4, 2016	March 25, 2016	April 25, 2016
March 11, 2016	April 1, 2016	May 2, 2016
March 18, 2016	April 8, 2016	May 9, 2016



### 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 noon 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.

### GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2016

[M15-328]

DEADLINE TO BE PLACED ON COUNCIL AGENDA	FINAL MATERIALS DUE FROM AGENCIES	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
November 17, 2015	December 18, 2015	December 29, 2015	January 5, 2016
December 21, 2015	January 15, 2016	January 26, 2016	February 2, 2016
January 19, 2016 (Tuesday)	February 12, 2016	February 23, 2016	March 1, 2016
February 16, 2016 (Tuesday)	March 18, 2016	March 29, 2016	April 5, 2016
March 21, 2016	April 15, 2016	April 26, 2016	May 3, 2016
April 18, 2016	May 20, 2016	June 1, 2016 (Wednesday)	June 7, 2016
May 23, 2016	June 17, 2016	June 28, 2016	July 6, 2016 (Wednesday)
June 20, 2016	July 15, 2016	July 26, 2016	August 2, 2016
July 18, 2016	August 19, 2016	August 30, 2016	September 7, 2016 (Wednesday)
August 22, 2016	September 16, 2016	September 27, 2016	October 4, 2016
September 19, 2016	October 14, 2016	October 25, 2016	November 1, 2016
October 17, 2016	November 18, 2016	November 29, 2016	December 6, 2016
November 21, 2016	December 16, 2016	December 28, 2016 (Wednesday)	January 4, 2017 (Wednesday)

\*Materials must be submitted by **noon** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.