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## NOTICES OF RULEMAKING DOCKET OPENING

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

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

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

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

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

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### NOTICE OF RULEMAKING DOCKET OPENING

#### BOARD OF BEHAVIORAL HEALTH EXAMINERS

[R16-166]

- 1. Title and its heading:** 4, Professions and Occupations

**Chapter and its heading:** 6, Board of Behavioral Health Examiners

**Article and its heading:** 1, Definitions  
2, General Provisions  
3, Licensure  
4, Social Work  
5, Counseling  
6, Marriage and Family Therapy  
7, Substance Abuse Counseling  
8, License Renewal and Continuing Education  
9, Appeal of Licensure or License Renewal Eligibility  
10, Disciplinary Process  
11, Standards of Practice

**Section numbers:** R4-6-101, R4-6-201 through R4-6-216, R4-6-301 through R4-6-307, R4-6-401 through R4-6-404, R4-6-501 through R4-6-505, R4-6-601 through R4-6-605, R4-6-701 through R4-6-707, R4-6-801 through R4-6-803, R4-6-901 through R4-6-902, R4-6-1001 through R4-6-1002, and R4-6-1101 through R4-6-1106
- 2. The subject matter of the proposed rule:**  
In 2013, the legislature substantially revised the Board’s statutes. In 2015, new rules became effective implementing the legislative changes. This rulemaking seeks to provide clarification to confusing language and technical corrections to the rules effective on November 1, 2015.
- 3. A citation to all published notices relating to the proceeding:**  
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Donna Dalton, Deputy Director  
Address: Board of Behavioral Health Examiners  
3443 N. Central Ave., Suite 1700  
Phoenix, AZ 85012  
Telephone: (602) 542-1811  
Fax: (602) 364-0890  
E-mail: donna.dalton@azbbhe.us  
Web site: www.azbbhe.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
The Board will accept comments during business hours at the address listed in item 4. The Board’s web site also has information regarding the rulemaking including additional methods for submitting written comments.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined



## NOTICE OF RULEMAKING DOCKET OPENING

### BOARD OF PHARMACY

[R16-167]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 23, Board of Pharmacy  
**Article and its heading:** 4, Professional Practices  
**Section numbers:** R4-23-411 (*Additional Sections may be made, amended, or repealed as necessary*)

**2. The subject matter of the proposed rule:**

During the last legislative session, the legislature amended A.R.S. § 32-1974, regarding administration of immunizations, vaccines, and emergency medications by a pharmacist (See Laws 2016, Chapter 267). The amended statute allows a licensed pharmacist or an intern working under the immediate personal supervision of a licensed pharmacist to administer, without a prescription order, an influenza immunization to an individual who is at least three years old, booster doses for the primary adolescent series recommended by the Centers for Disease Control (CDC), all immunizations recommended by the CDC for an individual who is at least 13 years old, and emergency medication to manage an acute allergic reaction to a medication or during a public health emergency response. The amended statute allows a licensed pharmacist or a intern working under the immediate personal supervision of a licensed pharmacist to administer, with a prescription order, the first dose for the primary adolescent series to an individual who is between the ages of six and 13 years.

A licensed pharmacist or a licensed intern working under the immediate personal supervision of a licensed pharmacist who wants to administer immunizations, vaccines, or emergency medication is required to obtain certification from the Board. The amended statute also requires a licensed pharmacist who administers an immunization, vaccine, or emergency medication to an individual to report the administration to the individual's primary-care physician or provider within 48 hours.

This rulemaking makes conforming changes to an existing rule. It also reduces the information required to be provided to an individual's primary-care physician or provider so the information can be provided through an automated physician notification process rather than manually.

An exemption from EO2016-03 was provided in e-mails from Christina Corieri, Policy Advisor for Health and Human Services in the Governor's office, dated April 15 and June 3, 2016.

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

None

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

Name: Kamlesh Gandhi  
 Address: Board of Pharmacy  
 1616 W. Adams, Suite 120  
 Phoenix, AZ 85007  
 Telephone: (602) 771-2740  
 Fax: (602) 771-2749  
 E-mail: kgandhi@azpharmacy.gov  
 Web site: www.azpharmacy.gov

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined



NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
MEDICAL MARIJUANA PROGRAM

[R16-162]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 17, Department of Health Services - Medical Marijuana Program
Articles and their headings: 2, Qualifying Patients and Designated Caregivers
3, Dispensaries and Dispensary Agents
Section numbers: R9-17-202, R9-17-204, and R9-17-310 (The Department may add, delete, or modify other Sections, as necessary.)

2. The subject matter of the proposed rules:
On April 5, 2016, Governor Doug Ducey signed HB 2061 into law, requiring the Arizona Department of Health Services (Department) to adopt rules warning of potential risks related to medical marijuana and pregnancy. Under the legislation, the rules must require each certifying physician to address the potential dangers to fetuses caused by smoking or ingesting marijuana while pregnant or to infants while breastfeeding as well as the risk of being reported to the Arizona Department of Child Safety during pregnancy or at the birth of the child by persons who are required to report. The rules must also require each nonprofit medical marijuana dispensary to conspicuously post signs addressing these same potential risks. After receiving an exception from the rulemaking moratorium, established by Executive Order 2016-03, the Department is amending the rules in Arizona Administrative Code Title 9, Chapter 17 to comply with HB 2061. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify other Sections, as necessary.

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

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

Name: Thomas Salow, Deputy Assistant Director
Address: Arizona Department of Health Services
Division of Licensing Services
150 N. 18th Ave., Suite 400
Phoenix, AZ 85007
Telephone: (602) 364-1935
Fax: (602) 364-4808
E-mail: Thomas.Salow@azdhs.gov
or

Name: Robert Lane, Manager
Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Robert.Lane@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking